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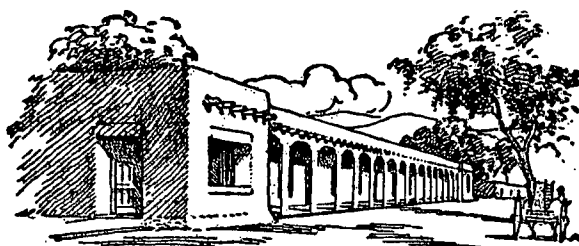
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# *New Mexico Historical Review*



PALACE OF THE GOVERNORS, SANTA FÉ

*April, 1944*

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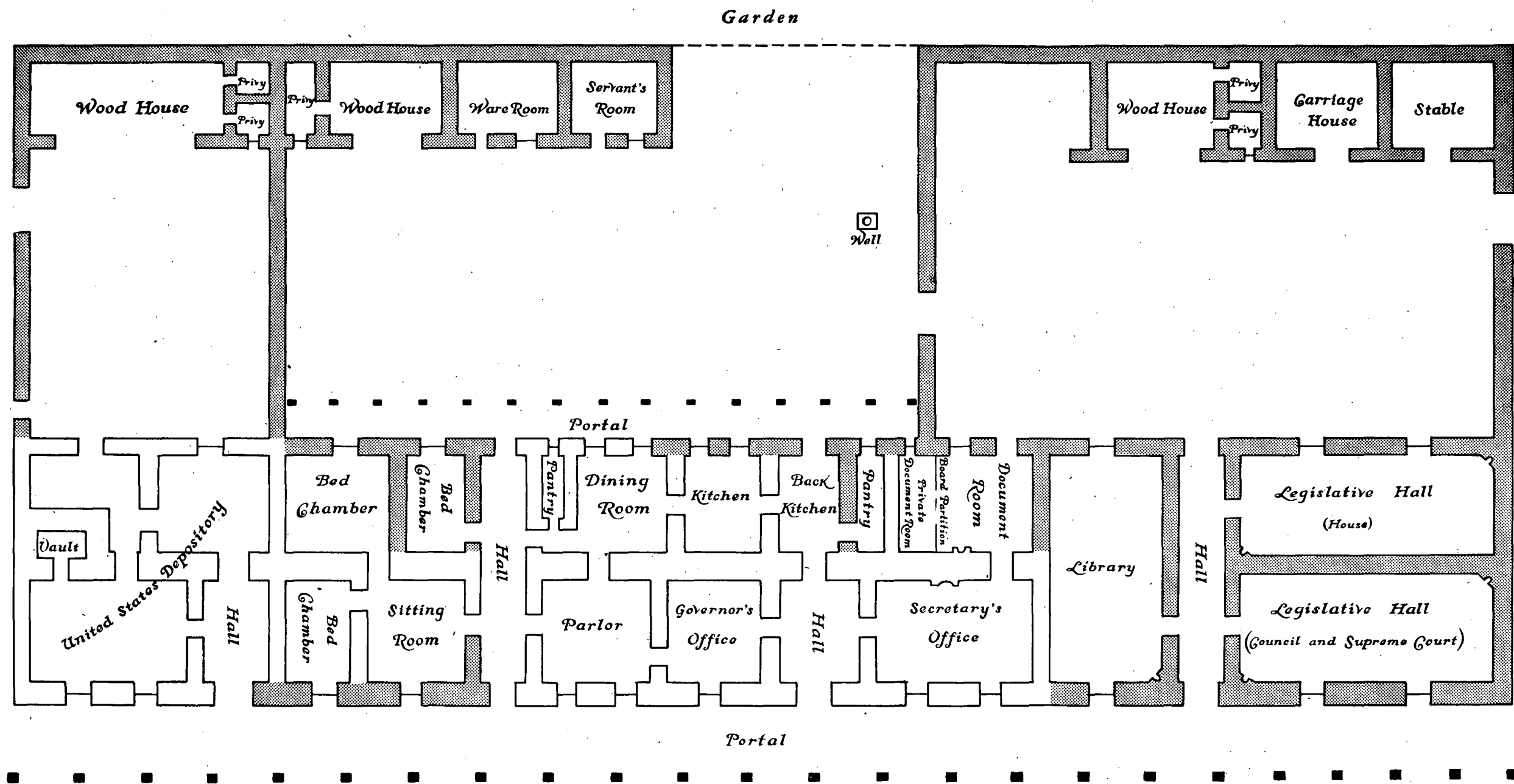
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"Ground Plan of the Palace at Santa Fé," from letter of Henry S. Martin to the Secretary of the Treasury, Jan. 16, 1869  
(new or restored walls are distinguished by shading)

# NEW MEXICO HISTORICAL REVIEW

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## THE ADOBE PALACE

*By* CLINTON P. ANDERSON

THE DECADE of the 1880's blossomed into importance in New Mexico by the construction of the Santa Fé railroad into the territory near Raton and on to the city of Albuquerque. There the long strands of steel that started at the terminals of Atchison and Kansas City along the Missouri river were destined to join with those of the Atlantic & Pacific railway and stretch across desert and mountain into Los Angeles to form a trans-continental system.

Albuquerque marked the junction, but Santa Fé gave to the system its commonly-accepted name. For this, there was sound reason. From the days of William Becknell, the Santa Fé Trail had been a route to adventure and fortune. It had brought the traveler on a "tour of the prairies" and the merchant with his schooners of silks and supplies to the capital of Northern Mexico. Over that trail had passed the Bents and the St. Vrain, a Kit Carson and a Lucien B. Maxwell, a delicate artistic Josiah Gregg and a swash-buckling, speeding Francis X. Aubry. Finally, along it came General Kearny and his American soldiers, sliding their heavy cannon over Raton mountain on the wooden paths which "Uncle Dick" Wootton had laid down for the wagons of the Santa Fé trade,—and a new epoch was at hand.

Once in Santa Fé, travelers over the Trail, from Becknell in 1821 to Kearny in 1846 and for another generation after the American occupation, all made their official way into the sprawling pile of native timbers and adobe mud known to modern Santa Fé as the "Palace of the Governors." No other governmental building in the United

States approaches it in age; few compare with it in historical significance. Yet there were periods when it fell into a bad state of repair and almost into disuse. Albert Pike could write in 1831: <sup>1</sup> "Neither is the Governor's palace in Santa Fé anything more than a mud building, fifteen feet high with a mud covered portico, supported by rough pine pillars."

In the first flush of enthusiasm that followed the coming of the railroad, the people of New Mexico saw visions of prosperity and sudden commercial activity. The territorial Bureau of Immigration came into being. William G. Ritch, former secretary and acting governor of the territory, became its president on February 27, 1882. He had just prepared and seen come from the presses the first *Blue Book of New Mexico*, into which he had put lists of early governors, secretaries, members of supreme and district courts and odd bits of history. From his pen came *Illustrated New Mexico*, which went through five editions of more than 20,000 copies in all and finally went into a sixth edition under the name of *Aztlan* which Ritch financed and issued privately. There came a stream of county publications, such as the Prichard report on San Miguel County. Ritch was to report that during his first two years in the office more than two million pages of printed matter had been distributed. <sup>2</sup>

Behind this zeal for publications and more publications was the intense interest of Ritch in the historical aspects of New Mexico and his conviction that in its history lay New Mexico's greatest tourist attraction. He was, when he assumed the presidency of the Bureau of Immigration, also president of the Historical Society of New Mexico, and the driving force behind that group's ambitions to acquire a notable library and a collection of antiques. If the new territory was to become great, reasoned Ritch, it needed to preserve the evidence of its distinguished ancestry.

1. Albert Pike, *Narrative of a Journey in the Prairie* (Vol. 4, Publications of the Arkansas Historical Association), p. 98.

2. Report of Ritch to the Annual Meeting of the Bureau of Immigration on Feb. 16, 1884, p. 6.

Thus we have in 1882 a legislative memorial to Congress petitioning that the Adobe Palace be assigned and dedicated to the "Use, Benefit and Behoof of a Historical Society." The resolution was sent to the proper authorities in Washington and was reprinted on the back of the title page of the second publication of the Historical Society, the address of Adolph F. Bandelier on "Kin and Clan," delivered in the Palace on April 28, 1882.

That resolution supplies the title to this article. The building was designated as the "Adobe Palace" for nearly half a century. Prior to the coming of Kearny and his men in 1846, the term "Royal Palace" seems to have been used. After the building passed into the hands of the territory, at least after statehood was achieved, the term "Palace of the Governors" became established. But as we seek to follow the changes in shape, occupancy and ownership of this most venerable of the public buildings within the limits of the United States, we will remember that during the time the building belonged to the United States, it was most frequently referred to in correspondence, in reports, in files, and particularly in the headings of the government's files as the "Adobe Palace," and it is to utilize that device of subject limitation that our title has been selected.

What was the shape, the occupancy, and the general condition of the Palace when the Americans marched into Santa Fé? Strangely, the military men who first came to New Mexico had very little interest in its public buildings. We know that they found the Palace in use and that they themselves adapted it to their purposes, but in the archives in the War Department there is little to give detailed information as to the building. Even the careful examination of New Mexico made by Lieutenant Abert resulted in only this line in his description of the plaza: "On the north side is the palace, occupying the whole side of the square."<sup>3</sup>

The best description is to be found in George Rutledge

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3. Abert examination of New Mexico, House Ex. Doc. No. 31, 30th Congress 1st session, p. 441.

Gibson's *Journal of a Soldier under Kearny and Doniphan*. Gibson went to the palace and gave us his impressions of it. They were distorted by his interest in the domestic rather than historical aspects. He saw the ballroom, the kitchens, the bake ovens, but he found no offices and it may be that the structure was then used only as a residence of the governor except for the portion used as a jail.<sup>4</sup>

Information as to its occupancy also comes from the laws of the Territory itself. In 1856 the Deavenport code was issued under the direction of Governor Meriwether. That code recites<sup>5</sup> an Act of January 6, 1853 as to the use of public buildings and lists as occupants of the Palace entitled to the use of its rooms the legislative assembly, the secretary of the Territory and the governor. We know that in addition James S. Calhoun, who was Indian agent and governor at Santa Fé, made use of a room in the western end of the Palace for Indian affairs.

The best of the early accounts comes to us from W. W. H. Davis who was appointed United States attorney in 1853 and who printed in 1857 a book based upon the diaries of his New Mexico experiences called *El Gringo: or New Mexico and Her People*.

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4. "The general was in fine spirits, took us through the Palace, and introduced us to the ballroom, as well as [to] the private chamber of the governor's lady. The ballroom is a large, long room, with a dirt floor, and the panels of the interior doors [are] made of bull or buffalo hide, tanned and painted to resemble wood. There are various other rooms besides the ante-chamber, which has the lady's private apartment at one end and the ballroom immediately back of it and parallel to it. The office of [the] Secretary of State is on the east side, and the guard room and prison on the west end of the block.

"The rear contains kitchens, bake ovens, and ground for a garden, the whole being roomy, convenient, and suitable to the dignity of a governor in New Mexico. Some parts of the building appear to be made bomb proof or so to be intended, but it would hardly be a defense against American arms. Many parts of the building are in a state of decay and have been neglected for some time, especially the apartments near the calabozo. The walls are all thick, and it contains as few doors and windows as possible."—Gibson, *Journal of a Soldier under Kearny and Doniphan*, edited by Ralph P. Bieber, Southwest Historical Series, Vol. III, p. 218.

5. Deavenport code, page 452, chapter 50, sections 3 and 4:

"3. That the rooms now used by the Legislative Assembly together with the committee rooms adjoining them shall hereafter be appropriated to the use of the said Assembly in the same manner in which they are at present occupied by said Assembly.

"4. That the rooms now occupied by the Secretary of the Territory shall be appropriated to the use of the Secretary of the Territory, and that all other property remain at the disposition of the Governor."



The account of General Davis would attract my interest, for I believe him to have been a careful worker. In the Bucks County Historical Society Museum, at Doylestown, Pa., there is a copy of his fine work, *The Spanish Conquest of New Mexico*, and on it, this inscription: "The historian, Bancroft, read every page of the manuscript of this volume before it was put to press. W. W. H. Davis." Such a man takes his historical writing seriously.

Davis begins his description of public buildings in Santa Fé by a comment on the court-house, located "on the street that leads out at the northeast corner of the square,"<sup>6</sup> which he finds to be a building nearly a hundred feet in length and some twenty five feet wide formerly used as a store of the quarter-master's department. The court room, he tells us, is some sixty feet long. Confirmation of the accuracy of his description of that building can be found in a letter written December 21, 1851, by Judge Grafton Baker, then chief justice of the New Mexico supreme court, to Daniel Webster, then secretary of state.<sup>7</sup>

With Davis as a guide, let us start through the palace. "We enter the Plaza at the northeast corner, and immediately the eye ranges along the portal of the palace in front of which we are now standing. It is not far from three hundred and fifty feet in length, and varies from twenty to seventy-five feet in width."<sup>8</sup>

Before entering, we should have a map. In the files of

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6. Davis, *El Gringo*, p. 166.

7. Baker to Webster:

"... I would beg leave to call attention to the necessity of providing temporarily, rooms suitable for the accommodation of the Supreme Court of the Territory. The terms of the Supreme Court are fixed at Santa Fé, and the same rooms might serve for the accommodation of the District Court of the First Judicial District, and the Circuit Court of Santa Fé County. There is at the North East corner of the Plaza, a building containing one large room, (70 by 26 feet) and several smaller ones well suited for the use of juries, Marshal, and Clerk, which may, with the expenditure of a few hundred dollars to make the necessary adaptations, be made to answer very well for the purposes of the several courts located in Santa Fé.

"This building, as I have been informed, had always, prior to the conquest of the country by our armies, been used and occupied by the civil authorities of the Province of New Mexico for civil purposes;—it has been held and, until recently, occupied by the military authorities of the Territory. . . ." (National Archives. Misc. Letters. Dept. of State. Dec. 1851.)

8. Davis, *El Gringo*, p. 168.

the various governmental departments dealing with the territory of New Mexico during the days immediately following the American occupation, there are many maps. The departments of Interior, Treasury, Justice and Army,—all had need for drawings and maps of New Mexico. In the Archives at Washington are many drawings of the Palace, but for our purposes there are two diagrams which must be used together if we are to see the Palace as it was when the American troops entered Santa Fé and as it became when the American government repaired, remodeled and to some extent rebuilt the Palace during the years from 1860 to 1868. The first of these was submitted to the government by H. H. Heath who assumed the office of secretary of the Territory on July 18, 1867.<sup>9</sup> The other, far more accurate, shows the original as well as the rebuilt walls of the Palace and was submitted to the Treasury Department in 1869 by Henry S. Martin, one of its special agents.

There is a background to the preparation of these two diagrams. The Civil War left its marks all over the nation, including the Territory of New Mexico. When Heath was named secretary of the territory, he went to New Mexico to claim the office as a bit of political patronage thrown in his direction by his late comrades in arms. Heath was a former Union soldier, the captain of Company L of the old First Iowa Cavalry<sup>10</sup> and the organizer of the Grand Army of the Republic in New Mexico.<sup>11</sup>

Heath was, by any standard of measurement, a bitter partisan. During the effort to remove President Johnson, he was to write: "We wait for impeachment."<sup>12</sup> It is my privilege to possess the letter-press copies of his correspondence while secretary and acting governor of the ter-

9. See Heath's letter to R. W. Taylor, First Comptroller of the U. S. Treasury, July 27, 1867.

10. See his letter of January 25, 1868, to John A. Miller, Esq. Central City, New Mexico.

11. See letter from Heath, March 9, 1868, to Comrade Wm. T. Collins, A.A.G., Washington, D. C., reading in part:

I have the honor to receive General Order No. 4, G.A.R., establishing New Mexico as a Department and announcing me as Prov. Commander thereof. . . . I shall take immediate steps to organize this Department.

12. Letter dated March 26, 1868, from Heath to Col. J. Francisco Chaves, then delegate from the Territory of New Mexico to Congress.

ritory. In them, he cries out against the "copperheads," he stands by his old comrades-in-arms, he still wars with those who opposed the Union.

The public depositor for the territory was Col. James L. Collins, whose politics displeased Heath and toward whom the secretary steadily displayed his spleen. On November 19, 1867, Heath wrote Collins a strong letter, pointing out that he, Heath, was "Custodian of the Public Buildings at Santa Fé," that the repairs to the Palace, then under way, were his concern; that Col. Collins was permitting the contractor to over-spend the federal appropriation for that purpose, and that as custodian he demanded that the work cease until further funds were available.

Now the facts were that, legally, he was undoubtedly right. The Act of the federal congress of June 25, 1860, had permitted repairs to the old Adobe Palace, and in furtherance of that act, \$7,851.20 was expended during the years 1861, 1862 and 1863.<sup>13</sup> An advice to J. Francisco Chaves, delegate in Congress from New Mexico<sup>14</sup> shows that the amount spent on the old Palace in 1867 and 1868 was \$5,869.19 which came from the appropriation for repairs and preservation of public buildings. Heath in the above mentioned letter advised Collins "you were authorized to expend the sum of \$5000 for those improvements, and that sum has been by you so expended, and no further sum has, as yet, been authorized or allowed."

In subsequent correspondence, Heath asserted that Collins had made political use of the contract for the repair of the Palace. He was determined not to have that happen in subsequent elections. He sought to make sure of his ground by sending to Washington a full report on the condition of the Palace. This report supplemented the earlier communication of W. F. M. Army.<sup>15</sup> Heath's report was dated August 20, 1867 and was accompanied by a drawing

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13. Letter to J. C. Rankin, acting supervising architect, dated January 26, 1871, to J. Francisco Chaves, delegate.

14. *Ibid.*

15. Report of W. F. M. Army as superintendent of public buildings for the Territory, dated June 13, 1867.

of the Palace which was for a time at least hung in the room of the House committee on appropriations.<sup>16</sup>

Collins, who had been publisher of the *Santa Fé Gazette*, was not without his friends. The dispute was referred to Washington and was temporarily resolved by action of the interested departments in sending Mr. Martin to New Mexico to sift through the rival claims and specifically to see what the government got for its money. He inspected the Palace in September, 1868, wrote his report January 16, 1869, cleared his fellow Treasury employee by pointing out that the repairs were "substantial and necessary," and that while there had been "\$869.19 more money expended than was authorized, the Government can well afford to allow this . . . The enclosed plan shows the new work—more than was expected—hence the increased cost beyond estimate."<sup>17</sup>

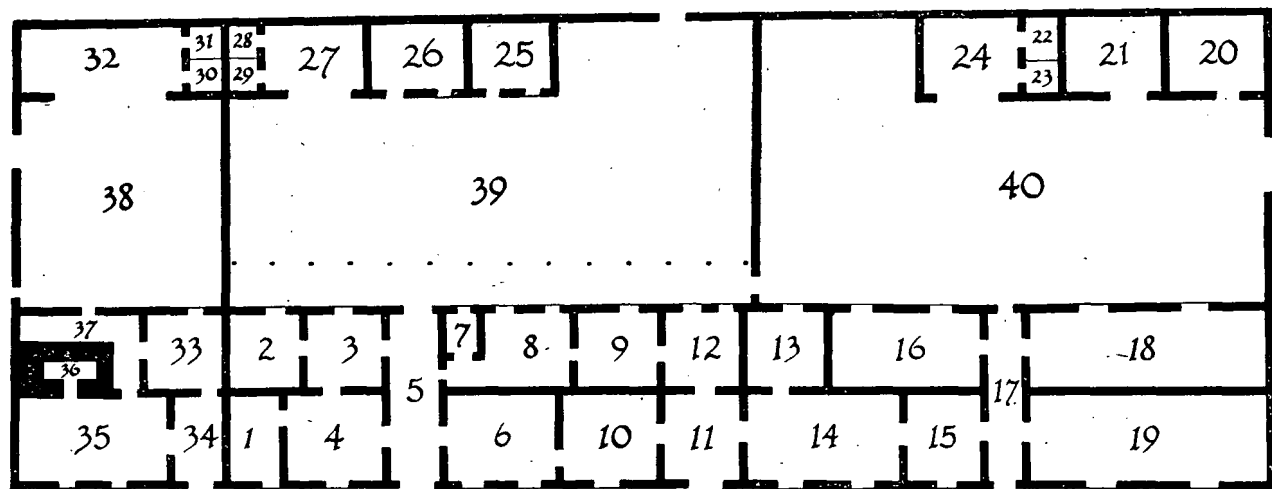
To have a clear understanding of the descriptions carried by General Davis in *El Gringo*, it is necessary to use the Heath diagram reproduced herewith, but to understand the transition that took place in the period from 1860 to 1868, it is necessary to have also the Martin diagram of 1869 reproduced at page 97. With these available, we are now equipped with the necessary guides to help us through the Palace, following the descriptions of General Davis as carried in *El Gringo* to which we now return.

The first apartments we come to in going the rounds of the palace are the office of the secretary of the Territory, which we enter through a quaint

16. For the full text of his report of August 20, 1867 see appendix, from House Executive Document 33, 40th Congress, 2nd session.

17. Letter of Martin to Hon. H. McCulloch, secretary of the treasury, Washington, January 16, 1869, reading:

My attention having been called to expenditure for repairs of Pub. Building at Santa Fé, N. M. I have the honor to report that I personally inspected the property known as the "Palace" in September 1868.—So far as completed, these repairs were substantial and necessary, and the property greatly enhanced in value. There had been \$869.19 more money expended than was authorized, but the Government can well afford to allow this, and probably \$4000, in addition to put in complete order, all of this, the *best property in Santa Fé*. It is of little consequence who superintends the work. Let it be well done, and the property is worth enough more to fully justify the expenditure. The enclosed plan shows the new work—more than was expected—hence the increased cost beyond estimates. Respectfully, Henry S. Martin, Special Agt., Treas. Dept.



The Heath diagram, from the original now in The National Archives (Washington), Records of Dept. of the Interior, Office of the Secretary, Patents and Misc. Div., File Box No. 274

For identification of rooms, see the Heath letter in Appendix

little old-fashioned door. The office is divided into two rooms: an inner one, in which the books and records are kept, and where the secretary transacts his official business, and an outer one, used as an ante-room and a store-room. The latter is divided by a cotton curtain, hanging down from the beams above, into two compartments, one of which is stored with the old manuscript records of the Territory which have been accumulating for nearly three hundred years. The stranger will be struck with the primitive appearance of these ruins: the roof supported by a layer of great pine beams, blackened and stained by age; the floors are earthen, and the woodwork is heavy and rough, and in the style of two centuries ago.

It will be readily seen that the Davis description does not fit the Heath diagram; but by reference to the Martin diagram we see that the entire east end of the building to be used for legislative halls of the House and Council had been completely rebuilt and that a part of the wall of what was to be the Territorial Library had been reconstructed. Therefore, when General Davis started on his tour of the Palace he did not start with the ruins at the corner, but he regarded himself as entering at the point that then marked the eastern end of the Palace as it was then standing and in reasonably good repair.

Davis, therefore, enters room numbered 15 on the Heath diagram and it is that room which he describes as being the office of the secretary of the Territory. Actually the dividing wall which was later to make room No. 16 on the Heath diagram was not then constructed and the room of the secretary extended into a portion of what is shown as No. 16 on the Heath diagram.<sup>18</sup>

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18. In his letter to R. W. Taylor, first comptroller, U. S. treasury, dated July 27, 1867, complaining of his lack of facilities, Heath says:

A room 13 x 15, you will readily agree with me, is unsuited to the performance of all the business of this office and its voluminous records extending back for nearly 300 years. In another room about the size of this one named, are piled the desks and chairs of the Legislature and about 20 bushels more or less of books, papers and old manuscripts in every stage of decay and delapidation. Very many, probably 1000 volumes, being the laws and journals of the past legislatures of this Territory. [The storage room to which he refers is numbered 13 on the Heath diagram.]

To continue now with Davis as our guide:

We next visit the chamber of the Legislative Council. Passing along under the portal, we again enter the palace about midway of the front, and turning from a small vestibule to the right, we find ourselves in the room where a portion of the wisdom of New Mexico annually assembles to make laws. The room is a comfortable one, with a good hard floor, and just large enough to accommodate the thirteen councilmen and the eight officers. The pine desks are ranged round the wall facing inward, and the president occupies a raised platform at one end, which is ornamented with a little red muslin drapery. Figured calico is tacked to the walls to prevent the members carrying away the whitewash on their coats—a thing they have no right to do in their capacity of law-makers. The executive chamber is on the opposite side of the passageway.

This, by the Heath diagram, makes very good sense. We have entered the Palace in the little vestibule which he has numbered 11 (today the main entrance of the State Museum). We have turned to the right into room 14, home of the legislative council, and after inspecting that room we have gone back into the vestibule and on the opposite side of the passageway we have stepped into room numbered 10, the executive chamber of the governor.

To return to Davis:

Next in order is the House of Representatives—la Camara de Representantes, the door of which opens upon the portal. This room differs in no essential particular from the council-chamber except being about one half larger, and having a small gallery separated from the body of the room by an adobe wall breast high, where the “unwashed” and “unterrified” sit and behold the operation of making laws with wonder and astonishment.

This is not so easy to identify. Somewhere among the rooms numbered 1, 2, 3, 4, 6, and 8, plus the corridor 5 and the pantry 7, is this room. If I were to make a guess, I should first refer to the Martin diagram and note that back

of the governor's office there was a kitchen, dining room and pantry, together with what Martin calls a back kitchen and pantry. These rooms were quite obviously in a bad state of repair and quite possibly were regarded as sufficiently private to the uses of the governor so that General Davis did not examine them.

Also, it will be noted on the Martin diagram that the two bed chambers as reconstructed in 1869 involved new walls and it might be that these were either semi-private or in the state of general dilapidation that the kitchen and dining room had been in. I should like to imagine that all of rooms 4 and 6 (and that part of the corridor labeled 5 which extended to the general partition line) constituted the House of Representatives. Roughly, that area is about half again as large as room 14. In addition, the room numbered 1 could have comprised the gallery which was "separated from the body of the room by an adobe wall breast high."

Originally, the entrance from the portal was directly into the big room through the door which, by 1867, opened into the hallway marked 5.

All this must be based on the assumption that the walls on the east side of room 4 and the west side of room 6 were of relatively recent origin. Confirmation of that surmise might be indicated by the Heath diagram which shows the west wall of room 6 to be narrower than any other wall in the entire Palace.<sup>18a</sup> Of course this could as well be careless sketching, but the descriptions of Davis would prompt us to believe that the old House of Representatives consisted of rooms 4 and 6 plus the contiguous portions of the hallway numbered 5 in the Heath diagram.

Says Davis:

Leaving the hall of the House we enter the territorial library, which opens into a small vestibule leading from the portal. We find ourselves in a room not more than fifteen feet square, filled with books from the floor to the beams over-

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18a. The author refers to the wall which is broken by a door from hall no. 5 into room no. 6. Unfortunately the thinness of this wall was lost by the copyist in reproducing the Heath diagram for our illustration.—Editor.

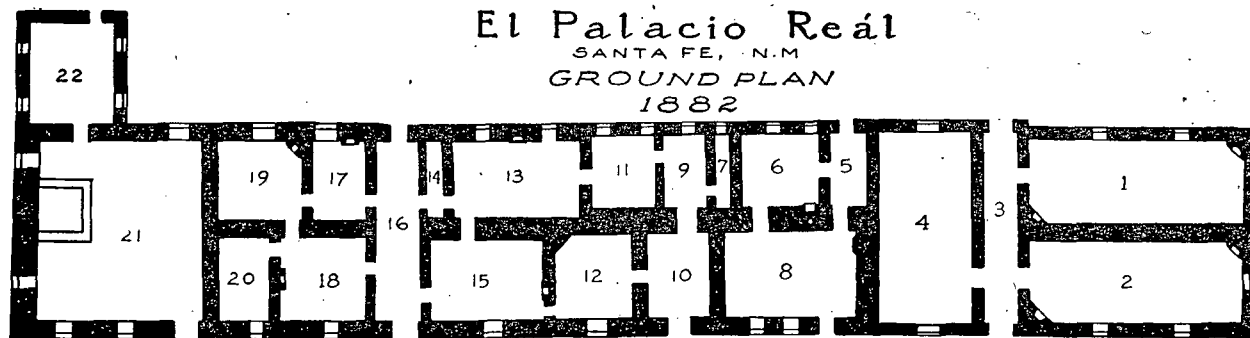


head, ranged around the wall on shelves, and numbering some two thousand volumes. They embrace the standard textbooks on the various branches of common and civil law and equity, the reports of the United States and the state courts, and codes of the various states and territories, besides a number of congressional documents. The judge, other United States officers, and members of the bar have access to the library, and can take out books to keep a limited time, after they shall have been registered by the librarian, and being responsible for their safe return. Opening into the same vestibule is the office of superintendent of Indian Affairs, which, with a storeroom adjoining, occupies the west end of the Palace building. Near by is a large vacant room, appropriated to the use of Indians when they come in to see the superintendent on business, at which times they are fed by the government.

Here again the Heath diagram is completely satisfactory. The vestibule leading from the portal is numbered 34. The territorial library, if it is fifteen feet square, could well be numbered 33 which scales exactly to that measurement. Opening into the same vestibule is number 35 which, by the time Heath was writing about it, had become the public depository with a vault labeled number 36, and part of the storeroom, number 37. Earlier, when Davis wrote *El Gringo*, this room number 35 could quite well have been "the large vacant room appropriated to the use of the Indians."

In the publication No. 29 by the Historical Society of New Mexico, "The Palace of the Governors, The City of Santa Fe, its Museums and Monuments" by Ralph Emerson Twitchell, there is a ground plan of "El Palacio Real" as it was in 1882, which is here reproduced.

What changes had there been in the ground plan from the days of Davis to that period when William G. Ritch and L. Bradford Prince were the president and first vice-president, respectively, of the Historical Society of New Mexico, and were involved in the campaign to wrest the title of the Adobe Palace from the government of the United



1. House of Representatives
2. Council and District Court
3. Entrance Hall

4. Territorial Library
- 5-6-8. Attorney General

7-20. Apartments and Offices occupied by the Governor

21-22. U. S. Attorney and U. S. Marshal

(from *Historical Society of New Mexico Papers*, No. 29)

States? What additional changes took place from that day until that later time when the full use of the Palace was vested in the Historical Society?

In the beginning we have seen that the southeast corner, which was lying in ruins at the time of the Davis visit, has been repaired by 1868 so that the two legislative bodies could be moved to the extreme east end of the Palace. There, in their new homes, each of which was fifty feet long and in the case of the council twenty feet wide but in the case of the House eighteen feet wide, they were enabled to hold sessions pending the completion of the territorial capitol.

The ground plan of 1882 shows these two rooms as in use by the house of representatives and the council and district court; but a diagram of the Palace in the handwriting of L. Bradford Prince and submitted by him in 1888, shows these rooms as historical rooms and the territorial law library on the opposite side of the hall as vacant. In 1889 all three were listed as New Mexico Historical rooms.

The center of the building has had a more interesting history because it became involved in litigation and at various times seemed likely to pass into private ownership.

The Martin map shows the old room occupied by the territorial council with a room back of it once piled high with furniture and books, becoming the office of the secretary of the Territory with his document room in the rear. This had ceased to be the function of the room by January 10, 1877 when William G. Ritch as custodian of the Adobe Palace submitted to the assistant secretary of the treasury, a plan of the Palace. In that plan Ritch shows a passageway along the west side of the territorial library and shows the occupant of the rooms on the west of the passageway to be William Breeden, attorney general of the Territory. The ground plan of 1882 carried in the Twitchell pamphlet shows the elimination of the passageway and the use of rooms 5, 6, and 8 on his ground plan, by the attorney general.

The 1888 ground plan of Governor Prince shows these

rooms as the offices of William Breeden, M. A. Breeden and W. B. Sloan. There is this comment on the bottom of the rough plan of Governor Prince: "It will be observed that the only portion of this building now used for any necessary public purpose is the historical rooms. Both the Governor and Secretary have offices in the territorial capitol."

The secretary of the Territory on October 1, 1889, in submitting a plan of the building shows these rooms as "law office of the former attorney general of New Mexico and now occupied by him without authority."<sup>19</sup> We shall have more to learn about this controversy in a moment.

When the legislative assemblies were moved to the eastern end of the Palace, the entry numbered 11 on the Heath diagram, marked as a hall on the Martin diagram, numbered 10 on the Twitchell ground plan of 1882 and all the rooms up to 19 and 20 on the Twitchell plan (1 and 2 on the Heath plan) became the residence of the governor and apparently remained that way through many years. The Ritch diagram of 1877, the Prince ground plan of 1888, and the secretary's sketch of October 1, 1889 all so designate them.

The southwest corner has had an interesting history. In the beginning of the American occupation it was first used by the office of Indian Affairs and was so used up to 1856 when *El Gringo* was printed. In 1867 it had become the public depository and is so shown on both the Heath and Martin diagrams. The Ritch plan of 1877 shows the space as "late U. S. depository and still occupied by the receiver of the U. S. Land Office of Santa Fé, New Mexico." The Twitchell ground plan of 1882 shows it as the office of the U. S. attorney and U. S. marshal; the Prince rough plan shows it as the residence of the secretary of the Territory and the 1889 diagram as the U. S. post office. In between, it had been the office of the Second National Bank of Santa Fé,—a further example of the encroachment in the building of private interests.

The story of the effort to put a large portion of the

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19. Records of the Department of Interior, Office of the Secretary, Patents and Miscellaneous Division 2252-1889.

Palace and most of its adjoining gardens into private possession is almost a separate narrative in itself. The controversy came to a head in 1881 and ended about ten years later when possession of the building was vested in the Territory of New Mexico.

On July 7, 1881, W. G. Ritch, then secretary of the Territory and custodian of public buildings, sent to the Honorable S. J. Kirkwood, secretary of interior, a petition from the Historical Society of New Mexico that is be permitted to use certain rooms in the Palace not needed by the government. The next day the then Attorney General William Breeden, the U. S. Surveyor General Henry M. Atkinson, John Watts, William Griffin and Brigadier General Edward Hatch signed a separate and confidential petition to the Secretary in which they pointed out that they did not want to be understood as recommending that any portion of the building occupied by public officers be assigned to the Society, but so far as they were concerned, only the rooms in the rear of the offices of the chief justice and the U. S. attorney.

Back of this double dealing was a long series of differences between Ritch and Breeden. Ritch had written to the secretary of interior on May 27, 1881 informing him that Breeden had entered upon and taken possession of a piece of land "known and heretofore occupied, as the garden lot and being as near as may be the north half of the Adobe Palace property." His letter pointed out that the garden had been cultivated under permission of Governor Lew Wallace since Wallace came to the territory as governor. Ritch claimed that Breeden had taken possession of the lot with the intention "to erect a building thereon for the use of the post office."

The device used by Breeden and his friends was interesting. They had attempted to enter on the land by the use of half-Indian script. The General Land Office later held that to be an improper use of the script.<sup>20</sup>

As to the building itself, the U. S. Depository had oc-

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20. See letter of C. W. Holcomb, acting commissioner to S. J. Kirkwood, secretary of interior, June 23, 1881.

cupied the southwest corner of the Palace and had had special vaults constructed for its use. It had, however, discontinued to occupy the space in the autumn of 1876.<sup>21</sup> On May 3, 1877 the then secretary of treasury leased the space formerly used by the Depository to John Sherman, Jr. for a term of two years. Sherman was then U. S. marshal of the Territory and it was expected that he would occupy the rooms. His lease was renewed for three additional years, during which time a financial institution, the Second National Bank, moved into the premises. When the extended lease expired May 2, 1882 the bank gave notice that it had not vacated and did not intend to vacate until ejected by due process of law.

The U. S. attorney was given instruction to commence legal proceedings, but on May 10, 1882 the bank addressed a letter to the postmaster general saying that it only wanted to remain in the building for eight or ten months while it was constructing a new bank building and that it would pay a monthly rental of \$75 for the privilege. L. Spiegelberg, an officer of the bank, on July 5, wrote Tranquillino Luna, then delegate in congress, saying that the new bank building would be completed by the first of January and that all the bank wanted was an extension until that date.

But that did not prove to be the case. The postmaster general, T. D. Hour, on January 6, 1883 asked the secretary of interior to set aside the old depository space for a postoffice and the following day Henry M. Teller, secretary of interior, sent instructions to the secretary of the Territory to make the space available to the postmaster. A month later, an inspector from the post office department informed his chief that he had been in Santa Fé waiting for the Second National Bank to move and that "the bank moved late Saturday night" but failed to keep its agreement to deliver peaceable possession to the department when the bank building was ready to be acquired. D. K. Osborne, a clerk of the Texas, Santa Fé and Northern

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21. See letter of Charles Folger to H. M. Teller, secretary of interior, May 19, 1882.

Railway, headed by T. B. Catron, had jumped the property as a squatter.<sup>22</sup>

As usual, Ritch painted a true picture to the secretary of interior. In his letter of February 23, 1883 to Secretary Teller, Ritch told how Osborne had jumped the property, that he had moved in a bed and chairs and that with fire-arms in hand he declined to vacate the premises. William Breeden was retained to defend him and Ritch caught the significance in the fact that Breeden was also the regularly retained attorney for the bank, as well as an occupant of rooms in the Palace. While he had been attorney general for the Territory for several years, Breeden had claimed that the rooms he occupied were his personal property.

Ritch then gave the real background for the "occupation." Osborne had indicated that he would not interfere if the Internal Revenue Office wanted the rooms but that he would not vacate them for the Post Office. Says Ritch, "It has been suggested to me that a solution would be found in the following facts. Osborne is a clerk of a certain railroad company of which T. B. Catron is president. Catron owns the building now occupied by the Santa Fé Post Office and rents said building to the Post Office for a liberal rental. It is important as maintaining a material value of the property thus occupied and that adjoining, also belonging to Mr. Catron, that the post office remain where it is and not be removed as was proposed to the property jumped by the clerk of Mr. Catron's railroad company."

It could hardly be important to tell in detail the rest of the story. George W. Prichard, who had been made

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22. The letter dated February 6, 1883, from L. F. Lee, inspector, to Col. David B. Parker, chief post office inspector at Washington, reads, in part:

Sec. Ritch, when I showed him your dispatch, agreed to give me possession of the premises for the Department yesterday morning. When visiting the building, was surprised to find the clerk of the Texas, Santa Fé and Northern Railway in possession, having moved his furniture in the building during the night. Spiegelberg, President of the Second National Bank, is one of the principal stockholders or the Treasurer of the Railway. Mr. Breeden, council for the jumpers is Vice President of the bank. It looks to me as though the government had no right here that the old Santa Fé ring was bound to respect. They assert that the building is not Government property and that any squatter or jumper who takes possession can maintain his claim against the Government.

United States attorney for New Mexico, brought suit against Fiske and Warren for the southwest corner room and got judgment against them. Thus began the steady legal process by which Breeden, Dr. Sloan, Fiske, Warren and agents of T. B. Catron were forced from the building.

Into the picture comes L. Bradford Prince, not only as the president of the Historical Society, but as a member of the Republican central committee of the Territory of New Mexico of which William Breeden was chairman. On December 10, 1884 Mr. Prince wrote to the Honorable John A. Logan, United States senator, and urged that he help get two rooms at the east end of the Palace, formerly used by legislators, for the Historical Society. On December 12 he sent a letter to the secretary of interior making the same request.

But he could not keep the political aspects entirely out of it. In a later note to Secretary Teller, he mentioned that the Democrats might give the permission to the Historical Society and he wanted the Republicans to have the credit.<sup>23</sup> Again on February 14 he wrote from New York on the letterhead of the Republican central committee pleading that the Republicans should have the credit as a party for doing what everyone in the Territory approved.<sup>24</sup> The appeal was successful. On March 2 the secretary of the interior turned over to the Historical Society of New Mexico "two rooms in the Adobe Palace Building formerly used by the Territorial Legislature."

That was not the end. A later secretary of the Territory tried to turn over these same rooms to A. Seligman, postmaster, in 1888 but he did not succeed. In 1889 the

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23. Letter to Teller dated February 2, 1885, says:

The Democrats are sure to give the permission as they have promised it and I am anxious to have it come from our side so that we can have credit instead of dealing that to them.

24. Prince to Teller, February 14, 1885:

As the time grows short before the 4th of March I grow more anxious about obtaining that order for the Historical Society of New Mexico to occupy the East rooms of the palace at Santa Fé while it still can come from Republicans. Do let us have the credit as a party of doing what everyone in the Territory approves and will appreciate.



post office was moved instead into the southwest corner. In January of 1889 the war department sought to take over most of the Palace and it looked for months of if the army would succeed. Finally General Nelson A. Miles, after receiving a voluminous file to which many names connected with New Mexico history were finally appended, ruled that the Adobe Palace should be transferred to the interior department "at the earliest convenient date."<sup>25</sup>

With all the adverse occupants out of the building, the stage was set for title to pass to the Territory of New Mexico under a rather definite understanding that the Historical Society might realize its hope or goal of a permanent home. On June 21, 1898 congress enacted a law granting lands to the Territory of New Mexico and the last clause of section 6 read: "The building known as the Palace in the City of Santa Fé, and all lands and appurtenances connected therewith and set apart and used therewith, are hereby granted to the Territory of New Mexico."

That should have ended the matter and it might have, except that Miguel A. Otero had become governor. In his report for the year ending June 30, 1899, he suggested that section 6 should be repealed as the Territory was not "financially able to take proper care of and preserve this building."

There were other complications. Though it yielded the building to the Territory, the government wanted the post office to retain its space rent free. A. A. Keen, who still lives at Albuquerque to the delight of all who know him, was commissioner of public lands for the Territory and demanded from the government annual rental of \$600 for the post office space. Governor Otero was not pleased by the whole situation. Again on October 31, 1900 he wrote to the secretary of interior and said: "I am still of the opinion that the old palace building ought to go back to the government who could properly care for it. I am very much afraid that if it is not turned back it will go to rack and ruin. . . . I have always thought that this historical

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25. Letter of Major General Nelson A. Miles, Commanding, Headquarters Division of the Pacific, San Francisco, California, August 8, 1890, to the Attorney General, United States Army, Washington, D. C.

old building should have been made a branch of the Smithsonian Institution."

But the determination of the governor did not prevail. The Historical Society had fought too long and too hard for a home. It had ambitions for other displays, both scientific and historical. It visioned then the possibility that it could spread through many of the rooms and enjoy the spaciousness which they would give to its functions.

The agitation to return the building to the federal government died down. The private owners were satisfied with court decrees requiring them to find other locations. The Adobe Palace passed permanently into the possession of the citizens of New Mexico to become as it now stands, a shrine for the long and varied history of those cultures, races and flags that have known it in the centuries it has stood. The oldest government building in the United States had obtained a permanent custodian.

APPENDIX<sup>1</sup>

Office Secretary of the Territory,  
Santa Fe, New Mexico, August 20, 1867.

Sir: The undersigned, appointed by you on the 13th of June last a commission to "make a full and thorough examination" of "the public buildings" in this Territory, etc., have the honor to submit the following report:

That about the time of receiving your communication of the 13th June, Hon. W. F. M. Army, superintendent of public buildings for this Territory, under instructions contained in a memorial of the last legislature, made a report upon the subject of public buildings belonging to the government in New Mexico, which report was concurred in by various officials of the government then here, and which, it was then thought, covered all the points of information desired. Subsequently, however, and upon another perusal of your communication, we discovered that the report of Governor Army was incomplete, the "palace" having remained unreported upon by him. We have, therefore, deemed it necessary to a full understanding by the Secretary of the Interior of the whole subject of public buildings in New Mexico, to submit this statement, as a report upon the only public building in the Territory occupied for civil purposes.

The "palace," as it is familiarly known, is an ancient adobe building, one story in height, 240 feet long by 36 in depth. It is of great age, having been erected, according to the traditional history which exists, early after the occupation of the country by the Spaniards. During the existence of Spanish rule in Mexico the "palace" was the chief residence of the rulers of the province. It was subsequently occupied by the Mexican governors; and since the acquisition by the United States, it has been the residence of the governors, and parts of it have been occupied for various public purposes. Its walls are from 2 to 3½ feet in thickness, which, considering their great age, remain in a remarkably good and sound condition, with some exceptions.

From time to time, evidently, judging from appearances, since the erection of the main building, additions have been made, and probably some new walls inserted. At present, however, with the exception of the west end, which was improved last year under authority from the Secretary of the Treasury, and which was then, as it is now, used for a public depository, the whole building may be said to be in great general dilapidation; few repairs having ever been made upon it since becoming the property of the government.

This building is at present occupied—1st, by the public depository of government moneys; 2d, as a private apartment for the same;

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1. From House of Representatives Ex. Doc. No. 33, 40th. Congress, 2d session.

3d, by the governor of the Territory as a residence; 4th, by that functionary as an executive office; 5th, by the secretary of the Territory for offices; and, 6th, by the territorial library.

Under authority of the treasury, recently obtained, the considerable sum of five thousand dollars is now being expended in general repairs upon the building and for making such special alterations therein as will inure to its preservation, and at the same time greatly enhance its value to the government by reason of the increased facilities it will afford when completed to the public officials whose duties will be performed therein.

These improvements, however, contemplate no material internal or external architectural changes in the palace. They propose among other things the removal of the territorial library to a large and somewhat more suitable room, the substitution of a stable which adjoins the building for a legislative council chamber, and the room in which the library now is, in the east end of the building, to be taken for the house of representatives. Either of the two rooms proposed for legislative purposes, may, when the legislature is not in session, be used for the federal courts of the Territory.

It is to be remarked, however, that while the rooms named are thus to be used for legislature and judicial purposes, they will be very small; about 50 feet in length, by 20 and 18 feet, respectively, in width. Still it is believed that public economy will be subserved temporarily by this arrangement, and until the federal government shall complete the State-house or capitol, now so far advanced in erection. And it is also to be noted that the library room, now so entirely inadequate for the purpose to which it is dedicated, is to be but slightly benefited by the change proposed, though the new room will enhance the facilities of that interesting and important branch of territorial interest. The main reason for changing the library at all is that the two rooms to be used by the legislature may be brought together.

The outbuildings pertaining to the palace are at this time little better than ruins, but the contemplated improvements will extend to them and increase their usefulness.

The accompanying diagram is the ground plan of the palace, as it will be when the work now going on is completed, and will be occupied as follows: (See plan, and numbers, etc., in red ink.<sup>2</sup>)

Numbers 1, 2, 3, 4, 6, 7, 8, 9, and 12, by the governor as a residence.

Number 10, by the governor as an executive office.

Numbers 25, 26, 27, 28, and 29, for servants' rooms, store rooms and water closets attached to the governor's residence.

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2. The original drawing of this diagram is in the room of the Committee on Appropriations.

Numbers 20 and 21, for stable and carriage house for the governor.

Numbers 13, 14, and 15, for offices of the secretary of the Territory.

Number 11, passage between the executive and secretary's offices.

Number 5, passage leading through the governor's residence.

Number 16, territorial library.

Numbers 18 and 19, rooms for the legislative assembly.

Number 17, a passage common for the legislative rooms, secretary's office, and library.

Numbers 22, 23, and 24, wood-house and water closets for secretary's office, library and legislature.

Number 33, private apartments of the public depository.

Number 34, passage leading into the public depository.

Number 35, office of public depository.

Number 36, vault of public depository.

Numbers 30, 31 and 32, are wood-house and water closets attached to the office of the public depository.

Number 38, a placita in rear of the last named office.

Number 39, a placita in rear of the governor's residence.

Number 40, a placita in rear of secretary's office, library, and legislative rooms.

In front of the palace, and extending along its entire length and facing a public plaza, is a plain portal or porch, shed roof, supported by hewn posts seventeen feet high and standing ten feet apart. This portal is unpaved and unfloored.

The roof of the entire palace is composed of earth, after the manner of building roofs in this country. The roofing of the portal is alone constructed of lumber, it being a comparatively recent improvement. Much labor is required to insure a water-tight roof over the main building, the present one being entirely unsafe during any period of rain.

In the rear of the palace, and extending some 250 or 300 feet back, is a fertile plat of ground which has been and is still used as a garden by the territorial executive.

The small round red ink lines on either side of the diagram mark the windows;<sup>3</sup> these, by the improvements now going on on, are increased in number to the extent of four in front and six in the rear of the building. Hitherto the rooms in the palace have been, particularly in cloudy weather, exceedingly dark. The increase of windows will obviate a very serious difficulty.

We have thus briefly, though not very satisfactorily to ourselves, exhibited to you a view of the palace; regretting, however,

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3. In copying the Heath diagram for reproduction, these little markers were not shown.

that it has not been possible for us to make it more acceptable. We venture to trust, at the same time, that our report will, as presented, subserve your purpose.

In conclusion, we trust that we do not exceed the bounds of duty in expressing the hope that, although a small sum of money is being now expended upon repairs of the old palace, the great public interest that attaches to an early completion of the public buildings in this Territory, a capitol and penitentiary, both of which are considerably advanced in their erection, may not be lost sight of.

Temporarily and for a few years, while the capitol is being completed, it is possible, by making a virtue of necessity, for the public business to be transacted in the building upon which we have reported; but for any purpose beyond such temporary use, it is just to add that the building in question is now, and will continue to remain, greatly inadequate.

When the legislature is in session, halls for the federal courts are now and must be rented. All the offices for the functionaries of the federal courts have now to be rented, and this must continue until the capitol is completed.

For the legislature there will be no lobby or committee rooms for either branch. The latter must be rented; and for no officer of either house, presiding or clerical, is there a room. Two small naked rooms 50 by 18 and 20 feet are all that the legislature of this Territory can have at its disposal for any purpose whatever, until the completion of the capitol, unless they are rented outside of the public buildings.

It is therefore readily seen what necessity exists for an early completion of the capitol in this Territory, not only when considered in the light of public economy, but perhaps in what is more important, a due regard to the public convenience, in connection with the discharge of important public functions by those to whom the government intrusts their performance.

We have the honor to be, very respectfully, your obedient servants,

ROBERT B. MITCHELL,  
Governor of Territory,  
H. H. HEATH,  
Secretary of Territory,  
J. L. JOHNSON,  
Commissioners

HON. W. T. OTTO,  
Assistant Secretary of Interior, Washington, D. C.

## THE LAND OF SHALAM: UTOPIA IN NEW MEXICO

By JULIA KELEHER

ONE OF the most fantastic coöperative commonwealths in the long history of Utopian concepts of society materialized near Las Cruces, New Mexico, just before the turn of the twentieth century. The originator of the settlement, called the land of Shalam, was a John B. Newbrough, of Boston, the corporate name of the society was The First Church of Tae, and the articles of incorporation were filed with the secretary of the territory on December 30, 1885.

The settlement was conceived in fanaticism and built on an idealistic and humanitarian foundation. In its development, however, appeared the personal greed and individual selfishness which such societies usually encounter but fail to banish from their organization. Newbrough and his co-founder, Andrew M. Howland, came from a long line of socially conscious reformers. Most of their predecessors fabricated ideal commonwealths for the betterment of mankind out of dreams and wishful thinking, building word cities on mythical islands, on inaccessible mountains. Newbrough and Howland transmuted their dream city into New Mexico adobes on the banks of the Rio Grande.

Not very much is known about the originator of the project, Newbrough, prior to his New Mexico interlude, except that he had established a reputation in Boston as a hypnotist, and had also been identified with spiritualistic circles for some time. The picture left us by George Baker Anderson is no dry-point, however, for from him we learn that:

The doctor stood six feet four inches in height, weighing two hundred and seventy-five pounds, perfectly proportioned, extremely handsome, highly educated, dignified, cultured, refined and distingue.<sup>1</sup>

That the charming doctor was nobody's fool is quite obvious from the fact that on his exploratory trip through

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1. George Baker Anderson, "The Land of Shalam," *Out West*, November, 1906, p. 414.

the West in search for a Utopian site, he realized the possibilities for developing an agrarian commonwealth on one of the few potential garden spots in New Mexico, the rich Mesilla Valley land. He took an option on nine hundred acres, and then returned to Boston to hook the financial backer of his project, a wealthy coffee importer named Andrew Howland.

Howland fits into the Utopian framework perfectly, a gentle, guileless visionary who might have read about Coleridge's fantastic plan for establishing an ideal commonwealth in America on the banks of the Susquehanna River. At any rate, he had some pronounced theories in regard to social reform, and what was most important, he had a fortune. He, too, was very much interested in spiritualism. This Boston background of the two men is very interesting because it ties up with another Boston social reformer, Edward Bellamy, whose study of a co-operative society, *Looking Backward*, was published in Boston in 1887. Bellamy's social theories had been attracting a great deal of attention, not only in the New England states but throughout the country, and it is not improbable that the two men were influenced by some of his ideas. Bellamy's Utopian state is laid in Boston in the year 2000, and the visualization of his ideal picture of society at that period is projected through the technical advice of a hypnotic trance. Some authorities on *The Land of Shalom* contend that Newbrough got Howland to convert his entire fortune, estimated at half a million dollars, into available cash for the New Mexico commonwealth by hypnotizing him.

Whether this contention is accepted or not, it is true that Howland fell with a thud which pains the modern reader. Newbrough sold him his plan for purchasing a tract of land somewhere in the West, free from the complexities of modern civilization, and the establishment of a city which should be the center of a commonwealth in which all should be equal. He apparently swallowed, too, Newbrough's fanatical illusions to the effect that although he had been divinely appointed by Jehovah to buy a tract of land for the ideal commonwealth, the Lord had told him that



Howland would supply the money necessary for the fulfillment from on High. One of the most revealing clues in regard to Howland's character and the humanitarian ideals which motivated him in the venture is the fact that the feature which interested him most in the projected set-up was the establishment of a home for foundling children.

So the coffee fortune was turned into ready cash, and the two men started on the long journey in Newbrough's preconceived search for a site for the ideal settlement. At this point, in one of the most curious chapters in New Mexico's colorful history, Newbrough put on a pre-arranged burlesque show in an effort to further impress Howland. He convinced him apparently that:

Angels from on high had commanded him to travel towards the setting sun, and that when the divinely appointed place would appear they would both immediately and intuitively know it. The journey was uneventful until Socorro, New Mexico, was reached, at which point Newbrough told Howland that he was getting warm, and that he felt that they were nearing the place. At Las Cruces he was very warm, and a few miles beyond this settlement, he climaxed the show by allowing himself to be driven blindfolded through the vicinity; then at the psychological moment, at the very spot he had previously chosen, which is the present site of Doña Ana, he stopped, lifted his hands dramatically to heaven, and rendered thanks to Jehovah and all the angel ambassadors for their guidance.<sup>2</sup>

The commonwealth got off to a good start when it was agreed that the title to all the land should be invested in Howland. The structure of Shalam's government consisted of an Inner Council and an Outer Council known as The Tae. Each Council was to have a Chief elected by a ballot for a term of one year. The settlement drew up no constitu-

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2. *Ibid.*, p. 419. Anderson's local geography was here at fault, for Doña Ana lies, north, not south, from Las Cruces; also the colony tract of about 900 acres was not "the present site of Doña Ana" but bottom land which lay to the west, between Doña Ana and the river. A more extended account, and in some ways more accurate, is "The Land of Shalam," an anonymous article which was incorporated in *History of New Mexico* (Pacific States Publishing Company, 1907), pp. 511-518.

tion or by-laws, but all of the applicants were required to enter into what was known as a Holy Covenant which reads thus:

I covenant unto thee Jehovah, that since all things are thine, I will not own or possess exclusively unto myself, anything, under the sun, which may be intrusted to me, which any person, or persons may covet, desire, or stand in need of.<sup>3</sup>

The members of the colony were guided by a long tract called *Oahspe* which Newbrough claimed that he wrote at the inspiration of Jehovah. The so-called "New Bible" was a hodgepodge of classical myths, plus the legends of India and China, larded with nonsense and weighted with rhetorical ravings. The following description concerning the creation of The Land of Shalam is an example of its style, and the approach of the author to subject matter:

Next south lay the kingdom of Himalawawoganapapa, rich in legends of the people who lived here before the flood; a kingdom of seventy cities and six great canals, coursing east and west, and north and south, from the Ghiee mountains in the east to the west mountain, . . . the place of the king of bears . . . In the high north lay the kingdom of Olegalla, the land of giants, the place of yellow rocks and high spouting waters . . . [After describing the main irrigation ditch, he continues:] There were seven other great canals, named after the kings who built them, and they extended across the plains in many directions, but chiefly east and west, [forming a great network through the valley of the Rio Grande.] Betwixt the great kings and their great capitals, were a thousand canals, crossing the country in every way, so that the seas of the north were connected with the seas of the south. In kanoos the people traveled and carried the productions of the land in every way.<sup>4</sup>

3. Ellis vs. Newbrough and Howland, 6 N. M. Supreme Court Reports (1896), p. 191.

4. Anderson, *op cit.*, 416-417. Anderson's alleged "quotation" is found to consist of four disconnected excerpts from the "First Book of God," chapter xxy, sections 18, 16, and 9. (See *Oahspe: A New Bible*, pp. 364-365). The clause placed in brackets, identifying the region with "the valley of the Rio Grande," is not in the original but apparently is a gloss added by Anderson.—Editor.

One of the most curious publications of the sect, in addition to *Oahspe*, was a pamphlet called *The Faithists Calendar*. In addition to information concerning Utopian plans, ideals and ambitions, *Faithists Calendar* Kosmon 38 contains an involved Almanac calculated for the latitude of southern New Mexico. Calculations regarding the moon's phases are mathematically worked out, and parallel memoranda and selections from *Oahspe* are listed. Of particular interest to New Mexicans is the meteorological report giving the general average of temperature in Shalam, N. M., during eleven signs, or up to the 335 day inclusive of Kosmon 37. One must admit, after reading the following "remarks" that the Shalam weather man was on the job:

Owing to the high altitude and dry atmosphere of Shalam, the heat is not as oppressive at 110 degrees here as it is in New York or Boston at ninety degrees. The rainfall during the year was about ten inches.

The coldest weather we had last winter, the temperature fell to 11 degrees Fahrenheit. On this occasion we had ice half an inch thick on standing water, but it melted away early in the afternoon. Although the above shows a comparatively mild temperature, the high winds made a few of the days in winter very disagreeable, especially as the people of Shalam lived in huts of poor construction. Although the high temperature exceeds but little that of New York and Philadelphia, yet we had many days in which temperature in the sun rose perhaps fifteen degrees higher than in either of the other places mentioned. The peculiarity accompanying this high temperature is that there are no sun strokes, or prostrations from heat as there are in northern latitudes. The dryness of the atmosphere prevents putrefaction in vegetables and animal refuse.<sup>5</sup>

Between 1885 and 1900 Shalam's welcome on the doormat was broadcast through their tracts and *Calendar*. A cordial invitation was extended to Faithists all over the world to come and share their "blessed home" and make it

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5. *The Faithists Calendar*, Kosmon 38, p. 17.

one of the "garden-spots of the world." Threading their very cordial invitations, however, were these admonitions:

Idle or indolent people would not be happy here. Neither is it an old-folks or a home for taking in invalids. Yet it is open for the strong, or the weak, young or old, rich or poor who can live the life of the commandments. We came not for ourselves alone, but to prepare a way for the raising of foundlings and orphans from infancy. How can Shalam, far away in New Mexico hope to work any good for the whole world? And this is what we say back: "Is the problem of life solved? Who knows how to live? What of the countless thousands in the great cities out of employment, out of food, sick and dying?" Oh, for a home on Jehovah's plan that the wise, the good, and learned may find a fact mightier than all the books in the world!<sup>6</sup>

Five years after its inception The Land of Shalam was apparently prospering as an agrarian one. Two hundred acres of the nine hundred original ones were under cultivation, and five hundred additional acres had been acquired through donations and contributions by applicants. Newbrough was an amazing combination of the fanatic and the realist. That he was "no idle dreamer of an idle lay" is attested to by the fact that in order to provide irrigation independently of ditches, he acquired two steam engines, one six horse-power, and one fifty horse-power, which raised from the Rio Grande about one million gallons of water an hour. The subsequent construction of the Elephant Butte Dam in Sierra County at a cost of seven million dollars, is ample proof that the Bostonian was a man of judgment, visualizing the possibilities of irrigation in a desert country.

Andrew Howland's dreams for orphans materialized. By 1891, a large and beautiful home for the orphans that they had been collecting at the rate of five a-year, regardless of race or color, had been completed. It is interesting to note that "in front of a tree-lined lawn of the home is a

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6. *Ibid.*, p. 23.

gushing fountain, flinging its silvery spray from massive stone columns."<sup>7</sup>

One cannot say whether the children liked the uniforms required, a sack-like garment containing holes for the free use of the arms, but they certainly must have enjoyed the bath-tubs which were provided "one for each child." Porcelain bath-tubs during this era in New Mexico history were not on the pioneer's priority list. In fact, it was the wash-tub doubling for the bath-tub in most sections of America.

The ones in charge of the orphans must be given credit for the announced intention of teaching them "politeness and gracefulness of behaviour." The Shalamites had a practical slant on education, and a modern approach to vocational guidance which may be seen from the following lament over the *status quo* of the prevailing educational methods:

To train boys and girls how to use their hands, is this not education? To learn to work at everything skillfully, this is the method of education in Shalam. How lamentably stupid is the method of education in this so-called civilized world! The young men and women graduates are as shiftless as babies!<sup>8</sup>

By this time several other large buildings had been erected for the care and comfort of the colonists. Among these, in addition to the Orphans' Home, was a large building for life members called a Fraternum, provided with a living-room, a library, and three adeptries or spiritrooms. (One of the red-letter days on their calendar was called "Holy Veil Day," formerly called "Rochester Knockings," or the beginning of Modern Spiritualism.)

One of the most significant accomplishments of these two commonwealth builders, from the viewpoint of those interested in the historical structure of Utopias, was the erection of a co-operative store with its various compartments separated by glass partitions. A department store in Mesilla Valley in this period must have been enough to

7. *Albuquerque Evening Citizen*, July 18, 1890, p. 2.

8. *Calendar*, p. 21.

make even the most lukewarm crackpots join up with the Faithists just for the opportunity of buying a package of Arbuckle's in such elegance. The ultra-modern approach to community life is one feature of 'The Land of Shalam' which definitely ties up with Bellamy's model store in *Looking Backward*. The following description of the settlement gives one some idea of the plant:

The residence of Andrew Howland contains a fine library. Adjacent to his home are extensive barns, stables and corrals where fine Jersey and Guernsey stock is kept. The irrigation plant is probably the most extensive operated by a single owner in the territory. At Levitica, where the country store is located, are a row of comfortable cottages designed as homes for laborers and colonists. Nearby a well has been dug. A 60 horse-power boiler runs a pump, having a capacity of 1,000 gallons a minute by means of which the water is led directly into ditches or into a reservoir covering an acre of space. This season four full crops of alfalfa were cut. In large and thrifty vineyards hang luscious muscats.<sup>9</sup>

If the reader wishes a close-up of a few of the upper-bracket colonists, let him take a look through the telescope of time at Dr. Bowman, a man who made a considerable fortune later in California, but who at the historical present, clad only in a pair of white pajamas is busily engaged in irrigating the young peach trees. Or notice Dr. Tanner, the man sitting in the sun with his back against the adobe wall of the co-operative store. He is the one who proved his superiority over the flesh and the devil by fasting forty days and forty nights. Chatting with him is Mrs. Sweet, a newcomer from California. The lady may be trying to explain just why she left her husband, head of an esoteric cult. Probably the fact that he claimed that his body lived in the reincarnated soul of an ancient being who had wielded a sceptre long before the establishment of Christianity, bored her. Notice now the finely proportioned six-footer coming out of the store—it is none other than the emissary

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9. *Evening Citizen*, July 18, 1890, p. 2.

of Jehovah on his daily tour of inspection of the commonwealth. Mrs. Sweet has also spied him, and immediately hurries over to join him, leaving the fasting prophet to give his undivided attention to the cockle-burrs clinging to his cotton pajamas.

The colonists were obviously led to believe that all of them were to enjoy equally a permanent place in the settlement, with no authority on the part of any member or members toward the exclusion of another, by such a statement as: "We are perhaps the only community in the world living peacefully and voluntarily together without a mortal leader."<sup>10</sup> By 1900, however, Newbrough began to show signs of hurdling such bulwarks against authoritarian power, and his ambitious plans for installing himself as the eventual owner and ruler of a 1400-acre kingdom on the Rio Grande became apparent to such colonists as Bowman and Tanner who had put money into the common fund.

The one who precipitated crystalization of dissent, which had been growing for some time, however, was none other than Mrs. Sweet, whom Newbrough had married shortly after she had become a member of the colony: The lady had ambitious plans too, other than being the wife of an emissary from on High, and when it began to be noised around the settlement that she too had her eye on the fortune that Howland had invested in the project, the colonists most concerned demanded either their money back, or clear titles to a fair share of the rich Mesilla Valley land.

When neither money nor a share in the property seemed to be forthcoming, one of the colonists by the name of Jesse M. Ellis filed suit in the District Court of Doña Ana County against John B. Newbrough and Andrew M. Howland for \$10,000. The verdict of the jury in this trial awarded Ellis \$1500, whereupon Newbrough appealed the case and took the dream-city to the Supreme Court of the Territory of New Mexico. On August 19, 1891, an opinion was handed

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10. *Calendar*, p. 20.

down by this court which reversed the decision of the District Court.

The Supreme Court review of the case is a lengthy one, and as curious a document from the viewpoint of rhetoric, as the literature of the Faithists. The judges who reviewed the case were: J. D. O'Brien, William D. Lee, Edward P. Seeds and A. A. Freeman. Judge Freeman wrote the opinion in which the court frankly admitted that the case was a most extraordinary one and as far as they had been able to extend their researches, without precedent.<sup>11</sup> The following recitation of the Supreme Court is an example of the Court's frilled literary approach to law:

The most that can be gathered from the declaration is that the defendants had conceived some Utopian scheme for the amelioration of all ills, both temporal and spiritual, to which the human flesh and soul are heir; had located their new Arcadia near the shores of the Rio Grande in the County of Doña Ana, in the valley of the Mesilla; had christened this new-found Vale of Tempe "The Land of Shalam"; had sent forth their siren notes, which sweeter and more seductive than the music that led the intrepid Odysseus to the Isle of Calypso, reached the ears of the plaintiff at his far-off home in Georgia and induced him to "consecrate his life and labors and all his worldly effects," etc., to this new gospel of Oahspe. This much is gathered from the pleadings. The evidence in support of the plaintiff's demand is as startling as the declaration is unique.<sup>12</sup>

The reasons advanced by Ellis for joining the colony, his association with it for two years, and his complaints against the founders were carefully weighed by the Court. The facts were established that Ellis had made no sacrifice of property in order to become a member of Shalam, and that he could read, and had read the tracts and manifestos of the Faithists. What was more important, and the crux around which the decision of the judges was rendered, was the fact established by the court that Ellis had entered into

11. 6 N. M. Supreme Court Reports (1896), p. 182.

12. *Ibid.*, p. 184.



what was called "The Holy Covenant," (the pronouncement required by the Faithists of applicants) and therefore: "Under the terms of this covenant, he cannot maintain his suit, for the defendants insist, and the proof is clear, that they 'covet or desire or stand in need of' the \$10,000 for which the plaintiff sues."<sup>13</sup>

The opinion of the court was to the effect that Ellis was a man of ordinary intelligence, and because he had entered into the venture with his eyes open, he was therefore not entitled to any share in the property. The decision thus handed down by this court disillusioned those sincerely caught up in a fog of religious fanaticism, or those who were interested in tracing a new pattern of social and economic life, so they stripped off their sack-like garments, put on their old clothes, and took themselves off to greener fields.

Newbrough made an effort to carry on in spite of crumbling foundations in his Utopian venture, and in spite of serious cracks in his apparent good neighbor policy, but after a few years of trying to attract new colonists he got discouraged, and made his exit from the melodrama by dying in El Paso.

The former Mrs. Sweet was no defeatist, however, and not to be outwitted by the turn of events had centered her attentions on Andrew Howland, and married him. No attempt was made by her to re-colonize, and Howland, always a follower, never a leader, saw the buildings which his money had made possible fall into ruin, and the people whom he had sincerely wanted to help, shadows of his dreams. The closing scene of Utopia in New Mexico is painted by a contemporary of the period thus:

Andrew M. Howland, the chief sufferer through the duplicity of Newbrough, and his wife still reside upon the property which was the scene of this unparalleled enterprise. All that remains of the fortune which he was persuaded to invest, is the land itself, and a few adobe buildings. He became widely known throughout the Mesilla

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13. *Ibid.*, p. 191.

valley as a man of many eccentricities. At home he is usually to be found attired, summer or winter, in a thin suit of white pajamas enjoying a sun bath in the corrals of the institution. In spite of peculiarities of his personality, he and his wife are famed for their kindness of heart, and in referring to them, those familiar with the true history of the wretched fiasco of The Land of Shalam, should think twice before they give expression to aught but sentiments of pity.<sup>14</sup>

The reader may mentally dispose of Newbrough as he sees fit, but on the basis of his humanitarian concept of society, Andrew M. Howland does seem to deserve a place in the list of Utopian dreamers. He belongs, perhaps, in an humble way, with that famous company of men, numbering Plato, Thomas More, Francis Bacon, Jean Jacques Rousseau, and Edward Bellamy, who in a Heavenly Utopia may be continuing to debate the merit of their commonwealths, their successes and their failures.

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14. Anderson, *op. cit.*, p. 424.

## TWO COLONIAL NEW MEXICO LIBRARIES

1704, 1776

By ELEANOR B. ADAMS

IN AN EARLIER article, written in collaboration with France V. Scholes,<sup>1</sup> we discussed the information available concerning books current in New Mexico prior to the Pueblo Revolt of 1680. Data about this phase of the intellectual life of the frontier of New Spain are scanty, and the sources for the eighteenth century contain very few references to books. No evidence has been found with regard to books owned by colonists. In general, of course, there would have been little occasion to record the books belonging to private individuals, but it is doubtful that the majority of the Spanish settlers had many. The lack of education among the colonists appears to have been still greater than in the preceding century, and, as before, the friars and the provincial governors were almost the only persons who had received the benefit of any formal academic training. Despite the gradual growth of permanent settlement, life in New Mexico in the eighteenth century continued to be that of an isolated frontier outpost, and the chief contact with the intellectual progress of the outside world necessarily came through the Franciscan missionaries and the governors of the province.

Two lists dated more than seventy years apart must serve as examples of the kind of books imported by these secular and ecclesiastical leaders. The first is taken from an inventory of the property of Don Diego de Vargas, the reconqueror of New Mexico, made at Santa Fe, April 20, 1704, shortly after his sudden and mysterious death.<sup>2</sup> The second is a catalogue of the library of the Custody of New Mexico remitted in 1777 to the Provincial of the Franciscan

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1. E. B. Adams and F. V. Scholes, "Books in New Mexico, 1598-1680," *NEW MEXICO HISTORICAL REVIEW*, XVII (1942), 226-270.

2. *Ymbentario de los vienes que se hallaron del señor Marques de la naba de Brazinas ya difunto governador y capitan general que fue deste Reino de la nueva mexico*....., Santa Fe Archives, Historical Society of New Mexico, Santa Fe, Sec. 100.

province of the Holy Gospel, Fray Isidro Murillo, by Fray Francisco Atanasio Domínguez as part of his report on his tour of inspection of the New Mexico missions.<sup>3</sup> These are given in the Appendix exactly as they appear in the documents, with the addition of explanatory identifications of author and title when this is necessary and possible.

Don Diego José de Vargas Zapata y Luján Ponce de León y Contreras, Marqués de la Nava de Brazinas, was born in Spain in 1643. He belonged to an illustrious and ancient family whose members included many great soldiers, churchmen, and administrators prominent in Spanish affairs over a period of several centuries. It is natural that men of such an energetic and enterprising heritage should have turned to the New World in search of even greater opportunities to exercise their talents and fulfill their ambitions. Don Diego was not the first of the Vargas line to come to America, and on his mother's side he was descended from some of the early conquerors. His career in New Spain began in 1673 when he arrived in Mexico City as a royal courier carrying dispatches to the viceroy. For several years thereafter he served in various administrative posts in New Spain. In 1688 the Crown appointed him governor and captain general of New Mexico with instructions to undertake the reconquest. He reached El Paso in February, 1691, and began the difficult task of restoring the rebellious province to the Spanish Crown. After a successful military expedition in 1692, a second expedition entered the province in the autumn of 1693 to resettle it and establish a presidio at Santa Fe. The following three years were spent in subduing the natives by force of arms, refounding the missions, and establishing the colonists in their new homes. Vargas' appointment as governor expired in 1696, and his successor, Don Pedro Rodríguez Cubero, arrived in Santa Fe in July, 1697. The new governor turned the colonists against the reconqueror, who spent the next three years in prison. Meanwhile the Crown acknowledged Vargas' achievements by granting him the title of Marqués de la

3. Biblioteca Nacional, Mexico (cited hereafter as B. N. M.). leg. 10, doc. 43.

Nava de Brazinas and an *encomienda* in New Mexico. Vargas was released from prison in the summer of 1700 and went to Mexico City to defend himself against the charges preferred by Cubero and the citizens of Santa Fe. The authorities in Spain remained unaware of the whole unhappy situation until 1700, and, after reviewing the case, they ordered the viceroy and *audiencia* to settle it as soon as possible. As a matter of fact, steps had already been taken in this direction, and in 1703 Vargas was completely exonerated. In 1697 he had been reappointed to the governorship of New Mexico to succeed Cubero, and he was now authorized to resume the office. He reached Santa Fe late in 1703 and lost no time in re-establishing his authority. The problem of hostile Indians was as acute as ever, and late in March of the following year Vargas led an expedition against the Faraon Apaches in the Sandia mountains. He was not destined to carry it through to a successful conclusion, for he fell ill while pursuing the enemy and died at Bernalillo on April 8, 1704.<sup>4</sup>

The day before he died Vargas made a will at Bernalillo,<sup>5</sup> leaving in force an earlier will drawn up in Mexico City in 1703. The latter has not been found. Although he made a number of specific bequests of his clothing and personal effects, his books are not mentioned.

There are thirty-three books listed in the inventory of Vargas' property made after his death. In view of conditions on the frontier at that time, however, and the length and dangers of the journey to Santa Fe, it seems a comparatively large number. On the whole it is a curious collection for a frontier library.

The largest group of works concerns the history of the rulers and noble families of Spain and includes López de Haro's *Nobiliario* (1, 4),<sup>6</sup> *Ilustraciones Genealógicas de los*

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4. See J. M. Espinosa, *First Expedition of Vargas into New Mexico, 1692* (Albuquerque, 1940); ———, *Crusaders of the Rio Grande* (Chicago, 1942); L. B. Bloom, "The Vargas Encomienda," *New Mex. Hist. Rev.*, XIV (1939), 366-417.

5. There is a translation of this will in R. E. Twitchell, *The Spanish Archives of New Mexico* (1914), Vol. 1, 301-310.

6. The numbers in parentheses refer to the books listed by the same numbers in the Appendix.

*Cathólicos Reyes* by Garibay y Zamalloa (6), Salazar de Mendoza's *Origen de las dignidades seglares de Castilla y León* (13), and Moreno de Vargas' *Discursos de la nobleza de España* (15). Pizarro y Orellana's *Varones ilustres del Nuevo Mundo* (10) carries the story to the New World. Other historical writings deal with the lives of Charles V (5) and Philip IV (18). The large proportion of such works clearly reflects Vargas' aristocratic origin and his pride in it. Still other titles (*Grandezas de Madrid*, *Menosprecio de Corte*, *Tesoro militar de caballería*, a chronicle of the province of Soria, *Solo Madrid es corte*, etc.) increase the impression that this active soldier and frontiersman was not immune from nostalgia for the things he had left behind in order to win new glory for himself and his king at one of the outposts of the Spanish empire. Even his cook book (23) may have had its origin at court. It is a temptation to believe that these books were important to him chiefly as a symbol of a way of life.

Like those of his pre-Revolt predecessors,<sup>7</sup> Vargas' library contained a few items of politico-moralistic character (7, 8, 14, 29) and a number of standard works on law (3, 17, 19, 21, 22, 25). There are also a half a dozen of the devotional writings found in almost any collection of this kind. Perhaps the inclusion of the *Regla de las cinco órdenes de Arquitectura* (31) arose from practical motives.

Six items deal specifically with America. Solórzano Pereira's *Política Indiana* (19, 25) needs no comment, and we should be surprised if it had been omitted. González Dávila's *Teatro eclesiástico* (12) and Peña Montenegro's *Itinerario* (9) relate to the history and practice of the Church in the Indies and would have been of utilitarian value in a mission province. Vargas Machuca's *Milicia y descripción de las Indias* (27) is a learned and comprehensive work in three distinct parts, which include a treatise on military science as well as a detailed description of the Indies. *Varones ilustres del Nuevo Mundo* (10) and the

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7. See Adams and Scholes, "Books in New Mexico, 1598-1680."

life of Gregorio López (28) describe the achievements of outstanding personalities in the New World. It is also interesting to note that Vargas owned a copy of the *Mística Ciudad de Dios* (26). Its author, the Spanish mystic, Sor María Jesús de Agreda, was identified as the famous "Lady in Blue" of Southwestern legend who was miraculously transported to that region in the early seventeenth century and prepared the way for the conversion of certain tribes.

Apparently Vargas had no great interest in the lighter forms of literature such as novels or the drama, for there is not one book of this nature listed. He undoubtedly had little time or inclination to read purely for pleasure, and his library is that of a man of action interested in books mainly for their usefulness to him in carrying forward an old tradition in new fields of endeavor.

Fray Francisco Atanasio Domínguez,<sup>8</sup> who arrived in New Mexico in March, 1776, where he had been sent as *comisario visitador* of the Custody of the Conversion of St. Paul by order of his Provincial, Fray Isidro Murillo, divides the "kingdom of New Mexico" and its Custody into two branches. He refers to them as the El Paso branch, consisting of a Spanish villa and four Indian pueblos, and the more important New Mexico branch in the interior, which included three Spanish villas (Santa Fe, Albuquerque, and La Cañada) and twenty-two Indian pueblos. Between the time of his arrival and June 10, 1776, Fray Francisco inspected all but three of the missions belonging to the latter group. A letter which he wrote to the Provincial after he returned to El Paso in May, 1777, and other documents indicate that he was also acting as custodian.

In June, 1776, he made plans for an expedition to Monterey with Fray Francisco Vélez de Escalante, then missionary at Zuñi. After various delays they set out on July 29 with eight citizens who had volunteered to accompany them. After traveling a considerable distance into

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8. Unless otherwise indicated in the notes, the following account is based on B. N. M., leg. 10, docs. 42-49, which include letters from Domínguez to the Provincial, the report of the *visita* of the New Mexico missions in 1776, and other letters and papers concerning the New Mexico and El Paso missions.

Utah, they abandoned the idea of reaching Monterey and turned back early in October, despite the protests of some of the soldiers. They reached Zuñi on November 24, and, after resting there until December 13, proceeded to Santa Fe, making several stops on the way. Apparently it was during the return journey to Santa Fe that Domínguez made an informal inspection of three missions he had failed to visit in the spring, Laguna, Acoma, and Zuñi. He reached Santa Fe on January 2, 1777.

Although the Vélez de Escalante-Domínguez expedition into Utah did not accomplish the results they had hoped for, it was the first important exploration of that region. The two friars recorded their experiences in a detailed diary full of significant descriptive material about the country and its inhabitants.<sup>9</sup>

In May Domínguez returned to El Paso, leaving Vélez de Escalante as vice-custodian. On May 27 he forwarded his report on the interior missions, together with various documents relating to mission affairs, to the Provincial in Mexico City. He had not yet begun his visitation of the missions belonging to the El Paso branch of the Custody but intended to do so immediately, and on June 26 he wrote that the inspection had been finished and that he was drawing up his report.

Domínguez' activities and reports clearly indicate that he was a man of zeal and intelligence. Nevertheless, the letters and report sent from El Paso reveal great weariness and discouragement. He begged the Provincial to allow him to renounce the office of custodian because he felt unable to cope with the problems he had found in the Custody. This unhappy frame of mind may have been partly due to the after effects of the hardships he had undergone during the journey into Utah, but there is no doubt that he had found conditions in both the New Mexico and the El Paso districts far from satisfactory and that it had been impossible for

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9. *Diario in Documentos para la historia de México, Segunda série* (Mexico, 1854), Tomo I, 275-558; P. Otto Maas, *Viajes de misioneros franciscanos a la conquista del Nuevo México* (Seville, 1915), 89-133; H. H. Bancroft, *Works*, Vol. XXVI, *History of Utah* (San Francisco, 1889), 7-17.



him to fulfill certain of the instructions given him by the Provincial. The parish records were incomplete and in bad shape, and, because of their ignorance and lack of interest, he was unable to make use of the testimony of the citizens with regard to births, marriages, etc. He was even informed by the Indians that certain *alcaldes mayores* and lieutenants of the New Mexico pueblos had removed the "*libros de administración*" from the missions "*cuyas hojas se han chupado.*"<sup>10</sup> Moreover, after an outbreak in 1764, Governor Tomás Vélez Cachupín, with the consent of some of the friars, had shut up a number of culprits "*en la celda destinada entonces para librería y archivo de esta Custodia, y por su desesperación, o qué sé yo, se chuparon muchos libros y quemaron cuantos había de la administración.*" Some of the missionaries, especially the friar stationed at La Cañada, were suffering extreme poverty, while others were getting comparatively rich by engaging in commercial activities forbidden to them as members of the Order. The necessity of avoiding public scandal prevented Domínguez from dealing with irregularities in an uncompromising fashion, and this caused him some uneasiness about the milder course of action he was forced to take. To add to his difficulties, he had to defend himself against the complaints made by some of the discontented friars, who attempted to stir up trouble for him in various quarters.

He was also deeply shocked to find how little progress had been made in civilizing the Indians after so many years of Christian teaching. To use his own words:

"Even at the end of so many years since their reconquest, the specious title or name of neophytes is still applied to them. This is the reason why their condition now is almost the same as it was in the beginning, for generally speaking they have preserved some very indecent, and perhaps superstitious, customs. . . .

"Most of them do not know their saints' names and those who know them do not use them, and when we call them by their saints' names they usually have their joke

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10. This may mean that they used the paper to make cigarettes.

among themselves, repeating the saint's name to each other as if in ridicule. . . .

"Their repugnance and resistance to most Christian acts is evident, for they perform the duties pertaining to the Church under compulsion, and there are usually many omissions. They are not in the habit of praying or crossing themselves when they rise or go to bed, and consequently they have no devotion for certain saints as is customary among us. And if they sometimes invoke God and His saints or pray or pay for masses, it is in a confused manner. . . .

"They do not confess annually. If the fathers find some who know how to make a proper confession, and these are few, there is rarely anyone capable of receiving communion. When in danger of death they do indeed confess, most of them through an interpreter, since out of all the pueblos only those of Isleta, Nambe, San Juan, and Abiquiu (except at Abiquiu the interpreters are Spanish) do not make use of one, with very rare exceptions, for the fathers find it necessary for clearer explanation.

"They are exceedingly fond of pretty reliquaries, medals, crosses, and rosaries, but this does not arise from Christian devoutness (except in a few cases) but from love of ornament. And these objects are always kept for special occasions, and only when the friars admonish them for not wearing them all the time do they wear them until that little scolding has been forgotten. Then they put them away again until another reproof, and so it goes. . . ."

After a description of the personal habits of the Indians, Domínguez goes on to discuss the use of the estufas and then the various dances. He divides the latter into two groups: those resembling the contredanse or minuets as danced in Spain, and the "bailes de cabellera." He considered the first a fairly harmless social dance, but was strongly opposed to the second.

"The fathers have been very zealous in their opposition to this "baile de cabellera," but they have only received rebuffs, and so the fathers are unable to abolish this custom and many others, because excuses are immediately made on the ground that [the Indians] are neophytes, minors, etc.

"Under such pretexts they will always be neophytes and minors with the result that our Holy Faith will not take root and their malice will increase. May God our Lord destroy these pretexts so completely that these wretches may become old Catholics and the greatest saints of the Church. . . ."

In spite of his feeling at this time, Domínguez apparently spent most of the next twenty years laboring in the frontier missions. On May 1, 1795, he wrote from Janos to the Provincial, Fray Francisco de Cruzealegui,<sup>11</sup> asking him to use his influence at the Chapter meeting of 1796 to obtain for him the title of *definidor*. He stated that he had been serving for twenty years as a missionary in New Mexico and as chaplain in presidios of Nueva Vizcaya and that he had documents to prove his merits and services.

Although the report made by Domínguez in 1777 is rather clumsily organized, it is very detailed and conscientious. After a short general statement about New Mexico, each mission is described separately, beginning with that of Santa Fe. In each case there is a careful description of the church, convent, and any other religious edifice, with inventories of their furnishings, equipment, and supplies, statements of income and expenses, services rendered by the Indians, calendar of feasts, and notes concerning the history and organization of the *cofradías*, etc. He also includes data about the location of the pueblos, the physical characteristics and products of the land, the language and customs of the inhabitants, and the number of families living in the mission pueblo and the surrounding area. He gives the name, age, birthplace, and years in the Order of the friars in residence at the time of his visita (most of them were natives of New Spain), and a short summary of their careers as missionaries.

This information is followed by an account of the administration of the mission, which varied little throughout the province. Mass was said on Sundays and feast days, after which the congregation often recited the Chris-

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11. Museo Nacional, México, Asuntos 238.

tian doctrine. In addition, the young unmarried people were summoned to recite the doctrine every morning, and sometimes in the afternoon as well. On these occasions the father devoted more or less time to expounding various points. This seems to have been the extent of the instruction given to the Indians. The obstacles in the way of further teaching were great, for in many pueblos the Indians either did not speak Spanish at all, or spoke little and understood less. Moreover, as Domínguez' general statement about the Indians, quoted above, shows, they had little real interest in matters pertaining to the Faith. The results obtained depended largely on the ability and energy of the friar in charge. It is interesting to note that Father Domínguez was very favorably impressed by the régime at Jémez under Fray Joaquín Ruiz. Here certain of the choirboys were taught to speak Spanish well and also to read, in order that they might serve as teachers and interpreters for the other Indians.

"The system here is different, for one of the little choirboys . . . takes the catechism and with it in his hand recites the doctrine with the others. In addition, he (Ruiz) persuades many married people, who do not know it and are very backward in it, to come to recite the doctrine, although this requires repeated efforts."

In his *auto de visita* Domínguez warmly expressed his thanks to Father Ruiz for the good order he had found at the mission.

"His Reverence was most gratified and pleased to see the little teachers of the doctrine so learned and well instructed in Christian doctrine, reading, singing, and the manner of assisting at mass, as well as [to observe] their decorum and modesty, for they resemble novices. For all this he gave many thanks to God and charged Father Ruiz to persevere and to continue the fine régime which he has observed up to now."

In fact he was so impressed by the good friar's methods, which he considered those best suited to the spiritual direction and instruction of the Indians, that he gave strict orders that Ruiz' successors should follow them. In order

that there might be no excuse, he ordered Father Ruiz to write a detailed account and post it in the convent. This case is unique, for in general Domínguez had a low opinion of the instruction given to the Indians.

Only one other school is mentioned in the report. This was a "muy corta escuela de niños," presumably for Spanish children, conducted by the father at the villa of La Cañada. In return the parents of the children made a small annual payment in kind for the maintenance of the priest. Unfortunately this school was already disintegrating because of the mortal illness of the minister.

At the end of the Appendix to this article there is a list of the books found at each mission as shown in the inventories of the sacristies and convents included in Domínguez' report. The number is very small indeed, and, except at Santo Domingo, represents only the essential items for the celebration of the divine offices. Since Domínguez exercised extreme care in recording everything belonging to the missions, we must assume that if there were any other books at the missions, they must have been the property of the friar in charge or borrowed from the library of the Custody. Probably they had their own breviaries. Acoma is the only place where a bookcase is listed among the convent furnishings. The scarcity of books at the missions seem significant in relation to the small amount of formal instruction given to the Indians.

The library and archive of the Custody were kept at the convent of Santo Domingo. The books belonging to the convent itself, including some left behind or donated by various friars, are mentioned in the section of the report which concerns that mission. The catalogues of the library and archive of the Custody are appended at the end of the report. It is not clear whether the prisoners in 1764, already referred to, destroyed any of the library or whether they confined their mischief to the mission records. It will be noted that many of the books were in bad shape when Domínguez saw them.

The catalogue of the library as it existed in 1776 shows two hundred and fifty-six items, including a number of

duplicates. The actual number of volumes, including sets and duplicate copies listed under a single heading, is somewhat larger. Up to the time of Domínguez' visitation it had apparently been the custom for the friars to borrow books from the collections at the Santo Domingo convent without formality. Certain titles were missing from the convent library, and Domínguez therefore issued an order to the resident missionary and his successors not to allow any friar to take books from the mission without leaving a signed memorandum.

We have no information as to how the books were accumulated. Some may have been donated by friars and laymen of the province. Probably a larger number was supplied by the Order. The Crown evidently provided liturgical books and other things in special cases, for in a few items it is specifically stated that the articles are "del Rey."

There are very few works of non-religious character. Virgil (267) and Ovid (276) are the only Latin classics mentioned by name. Two Greek grammars (208) are listed, as well as Nebrija's dictionary (41) and a few other items of this nature (256, 278, 279). The laws and history of the Indies are represented by Solórzano Pereira (50) and Solís (105). Jiménez' translation of Hernández' important work, *Naturaleza y virtudes de las plantas* (197) is the only medical publication. Finally, there was a copy of Philip Cluver's geography (264).

The largest group of writings are of devotional character and include a large and varied assortment of sermons, prayers, etc., a few lives of saints and religious, and some of the works of the Spanish mystics. Then come the theological treatises of various kinds, among which the scholastics are well represented. The collection is rather weak as far as canon law is concerned. The Decretals (157), the Council of Trent (131, 281), and the Mexican Councils (70) are listed, but Fray Manuel Rodríguez (84, 129, 130, 141), whose works had long enjoyed great popularity in New Spain, is one of the few outstanding canonists mentioned. On the other hand, the history and regulations

of the Franciscan Order seem to be fairly well covered. The Custody also possessed a number of Bibles and exegetical writings. In addition to the liturgical books in use at the missions, the library of the Custody had quite a few.

Because of the insufficient data given in the catalogue, it is impossible to determine the exact number of American imprints. In some cases where it is possible to identify author and title, we have no way of knowing whether an American or European edition is referred to. Although most of the books must have been imported from Spain, between twenty and thirty at least are almost certainly of American origin. These fall into several categories and include some of the most famous products of the Mexican press.

Among the first books published in Mexico were grammars and vocabularies of the Indian languages, especially Nahuatl. These, together with a number of doctrinas, catechisms, and devotional works in Indian languages, were written to aid the clergy in their great task of converting and teaching the natives. The Custodial library at Santo Domingo lists a vocabulary (64) and three grammars (110). Other items of this nature are the Dominican Fray Martín de León's *Camino del cielo en lengua mexicana* (111), which had wide circulation, and two volumes of sermons in Mexican (179). The Franciscan Fray Juan Bautista's *Advertencias para los confesores de indios* (232) was composed for the same general purpose.

At least four of the liturgical books in the library of the Custody were published in Mexico. These are the manuals of Palafox (161), Contreras (243), and Serra (140), and the *Ceremonial* (271) of the Franciscan province of the Holy Gospel. The manuals in use at the mission pueblos (Vetancurt and Osorio) were also of Mexican origin.

The author who appears most frequently is Fray Clemente de Ledesma (96, 112, 123, 146, 227, 228, 238, 239). Ledesma was a prominent Mexican Franciscan of the late seventeenth century who wrote many religious books of

various kinds. He served as Provincial of the province of the Holy Gospel during 1694-1696.<sup>12</sup>

Devotional works published in Mexico include Barcia's *Epístola exhortatoria* (147), Muñoz de Castro's *Exaltación de la Betlemítica Rosa* (162), Diego López de Andrade's "tomo quaresmal" (289), and the fine sermons of the Jesuit Juan Martínez de la Parra (200), who was a native of Puebla. There are many editions of the *Luz de Verdades*, which was printed in Spain after the first edition appeared in Mexico in 1691-1692.

Other Mexican imprints listed are Hernández' *Natural-eza y virtudes de las plantas* (197), works by Fray Antonio Escoto (265), Borda (274), Velasco (226), and Larraga (221), the "Crónica de Dieguinos" (40), and the *Concilio Mexicano* (70). The life of Father Margil (320), listed as missing from the convent library at Santo Domingo, was also probably a Mexican publication. The dates of the first editions of these American books range from the early days of the Mexican press to the 1760's.

Although the library of the Custody seems a rather haphazard collection in some ways, very weak in certain fields, it covers a wide range of religious thought. Presumably it was reasonably adequate for the needs of the friars it served.

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12. Fray Francisco Antonio de la Rosa Figueroa, *Becerro General*, MS. in Newberry Library, Chicago.



## APPENDIX

## I

Año de 1704. Ymbentario de los vienes que se hallaron del señor Marques de la Naba de Brazinas ya difunto gouernador y capitan General que fue deste Reino de la nueva mexico: los quales reziuió el thenyente General Juan Paez hurtado como su albazea y testamentario y thenedor de vienes que por clausula de testamento deyo dicho señor marques.

- (1) Mas un libro biejo yntitulado nobiliario genealoxico de los Reyes y titulos de España. [Alonso López de Haro, *Nobiliario genealógico de los reyes y titulos de España*, Madrid, 1622, 2 vols.]
- (2) Mas otro libro biejo flor sanctorum de Villegas. [Alonso de Villegas, *Flos Sanctorum*. The *Primera Parte del Flos Sanctorum* of Villegas was first published in Toledo, 1578. Four to six parts were published and appeared in a number of editions.]
- (3) Mas otro libro biejo segunda parte de las leyes del Reino. [Cf. no. 22, *infra*.]
- (4) Mas otro libro biejo segunda parte del nobiliario genealoxico de los Reyes y titulos de España. [See no. 1, *supra*.]
- (5) Mas otro libro biejo sin principio Ystoria de Carlos Quinto. [Possibly Prudencio de Sandoval, *Historia de la vida y hechos del emperador Carlos V*, Valladolid, 1604-1606, 2 vols., and later editions; or Pedro de Salazar, *Historia y primera parte de la guerra que don Carlos Quinto, emperador de los romanos, rey de España y Alemania, movió contra los príncipes y ciudades rebeldes del reino de Alemania, y sucesos que tuvo*, Naples, 1548, Seville, 1552.]
- (6) Mas otro libro biejo ylustraciones genealoxicas de los catolicos Reyes de las españas. [Esteban de Garibay y Zamalloa, *Ilustraciones Genealógicas de los Cathólicos Reyes de las Españas y de los Christianissimos de Francia y de los Emperadores de Constantinopla*, Madrid, 1596.]
- (7) Mas otro libro ibea (*sic*) prinsipe politico xptiano representadas en cien empresas. [Diego Saavedra Fajardo, *Idea de un príncipe político cristiano representada en 100 empresas*, Münster, 1640, Munich, 1640.]
- (8) Mas otro libro biejo y quemadas como veinte ojas en medio de marco aurelio. [This may refer to Fray Antonio de Guevara's famous work, *Libro Aureo del Emperador Marco Aurelio con el Relox de Príncipes*, Valladolid, 1529, and many later editions.]
- (9) Mas otro libro intitulado itinerario para parocos de Yndios.

- [Alonso de la Peña Rivas y Montenegro, *Itinerario para párrocos de indios*, Madrid, 1668, and later editions.]
- (10) Mas otro libro biejo intitulado varones Ylustres del nuebo mundo. [Fernando Pizarro y Orellana, *Varones ilustres del Nuevo Mundo, descubridores, conquistadores y pacificadores del opulento, dilatado y poderoso Imperio de las Indias Occidentales: sus vidas, virtud, valor, hazañas y Claros Blasones, Ilustrados en los Sucesos de estas Vidas*, Madrid, 1639.]
  - (11) Mas otro libro yntitulado grandezas de Madrid. [Gil González Dávila, *Teatro de las grandezas de la villa de Madrid*, Madrid, 1623.]
  - (12) Mas otro libro apollado biejo intitulado teatro ecclesiastico de la primitiva Yglesia. [Gil González Dávila, *Teatro eclesiástico de la primitiva iglesia de las Indias Occidentales*, Madrid, 1649-1655, 2 vols.]
  - (13) Mas otro libro intitulado origen de las dignidades seglares de Castilla y leon. [Pedro Salazar de Mendoza, *Origen de las dignidades seglares de Castilla y León, con relación sumaria de los Reyes de estos Reynos, de sus acciones, casamientos, hijos, muertes, sepulturas de los que las han creado y de muchos Ricos Homes confirmadores de privilegios, etc.*, Toledo, 1618, and later editions.]
  - (14) Mas otro libro intitulado menospresio de corte y alabansa de aldea. [Antonio de Guevara, *Menosprecio de Corte y Alabanza de la Aldea*, Valladolid, 1539, and later editions.]
  - (15) Mas otro libro intitulado discursos de la nobleza de españa. [Bernabé Moreno de Vargas, *Discursos de la nobleza de España*, Madrid, 1622.]
  - (16) Mas otro libro intitulado tesoro militar de caualleria. [José Micheli y Márquez, *Tesoro militar de cavallería antiguo y moderno, modo de armar cavalleros y profesar, según las ceremonias de qualquier Orden militar . . .*, Madrid, 1642.]
  - (17) Mas quatro tomos de la nueba Recopilasion. [*Nueva recopilación*, Alcalá, 1567.]
  - (18) Mas otro libro biejo intitulado istoria de Don Phelipe quarto Rey de las Españas. [Gonzalo de Céspedes y Meneses, *Historia de D. Felipe IV, Rey de las Españas*, Lisbon, 1631, Barcelona, 1634.]
  - (19) Mas otro libro intitulado politica Yndiana. [Juan de Solórzano Pereira, *Política indiana*, Madrid, 1648.]
  - (20) Mas otro libro intitulado coronica de la Prouinsia de Soria. [Not identified.]
  - (21) Mas otro libro intitulado primera y segunda parte de la Curia Phelipica. [Juan Hevia Bolaños, *Curia philipica*, Lima, 1603, Valladolid, 1605, and later editions.]
  - (22) Mas otro libro biejo intitulado Recopilazion de las Leyes

destos Reynos por D. Phelipe segundo nuestro señor. [*Recopilación de las leyes destos reynos hecho por mandado . . . del Rey don Philippe segundo*, Alcalá de Henares, 1569, and later editions.]

- (23) Mas un libro intitulado arte de cosina. [Possibly Francisco Martins Coutinho (Martínez Montíño), *Arte de cocina, pastelería, bizcochería y conservería*, Madrid, 1611, and later editions. The book appears on the lists of various colonial booksellers of Mexico. Martins Coutinho, a Portuguese, was Philip II's cook. He also wrote poetry.]
- (24) Mas otro libro intitulado el deuoto peregrino y viage de tierra santa. [Fray Antonio del Castillo, *El Devoto peregrino y viage de tierra santa*, Madrid, 1654, and later editions.]
- (25) Mas otro libro intitulado politica yndiana. [See no. 19, *supra*.]
- (26) Mas tres tomos de la Madre Maria de Jesus de agreda. [Sor María Jesús de Agreda (María Fernández Coronel y Arana), *Mística Ciudad de Dios . . .*, Madrid, 1670, 3 vols., and later editions.]
- (27) Mas otro libro intitulado milisia y descripsion de las Yndias. [Bernardo de Vargas Machuca, *Milicia y descripción de las Indias*, Madrid, 1599.]
- (28) Mas otro libro intitulado vida de Gregorio Lopez. [Francisco de Loza, *La Vida que hizo el Siervo de Dios Gregorio López en algunos lugares de esta Nueva España*, Mexico, 1613, and later editions.]
- (29) Mas otro libro intitulado solo Madrid es corte. [Alonso Núñez de Castro, *Solo Madrid es corte*, Madrid, 1658, and later editions.]
- (30) Mas tres libros pequeños yntitulados flor ystorico. [Not identified.]
- (31) Mas otro libro intitulado Regla de las zinco ordenes de arquitectura. [Probably *Regla de las cinco órdenes de Arquitectura de Vignola*, Rome, 1583, Madrid, 1593.]
- (32) Mas un librito intitulado Lus del alma. [Fray Ambrosio Roca de la Serna, *Luz del Alma*, Valencia, 1634.]
- (33) Mas otro librito intitulado combate espiritual. [Not identified.]

## II

*The Library of the Custody of St. Paul, 1776*

## Insercion

En la relacion de la Mission de N. P. S. Domingo, al pie del auto de visita, bajo del rotulo: *addicion* dije, hallarse en ella una caja con cosas del Soberano para las Misiones de Nabajo, libreria, y archivo de esta Custodia. De lo que contiene la caja me parece ocioso el detenerme en referirlo, pues en prueba de que se cuida, estan las firmas de los Prelados confesando lo que ai y assi paso a lo demas, que esta sin curiosidad, en orden de juegos.

## Libreria

## En folio

- (34) Quatro tomos de Teologia moral por Villalobos. [Fray Enrique de Villalobos, *Summa de la Theologia Moral y canónica*, Salamanca, 1622, and later editions.]
- (35) Ortus Pastores: no se ve autor. [Not identified.]
- (36) Questiones de Escoto contra Lombardo. [John Duns Scotus.]
- (37) Dos Panegiricos de Maria Santisima por Fr. Martin Castillo. [Fray Martín del Castillo,<sup>1</sup> *Commentaria in Debboram et Jafelem: sive Panegiricus de S. S. Maria, Domina nostra, in illis Veteris Testamenti heroicis et celebratissimis Faeminis adumbrata*, Seville, 1678, and later editions.]
- (38) Discursos morales por Almonaci. [José de Almonacid, *Discursos para los domingos y ferias principales de la Quaresma*, Madrid, 1676.]
- (39) Practica de curas y confesores por el P. Noidens: en dos tomos. [Benito Remigio Noydens, *Práctica de curas y confesores y doctrina para penitentes*, Madrid, 1658, and later editions.]
- (40) Chronica de Dieguinos. [Possibly Fray Baltaser de Medina, *Chronica de la Santa Provincia de San Diego de México de Religiosos Descalços de N. S. P. S. Francisco*, Mexico, 1682.]
- (41) Bocabulario de Nebrija. [Antonio de Nebrija, *Dictionarium latino-hispanicum*, Salamanca, 1492.]
- (42) Un expositivo: sin principio ni fin.
- (43) Logica de Rodrigues. [Not identified.]
- (44) Propugnacion de verdades catolicas por Torrecilla. [Probably a work of Fray Martín Torrecilla of the Carmelite Order. Cf. nos. 51, 114, and 120, *infra*.]

1. Fray Martín del Castillo, who was born in Burgos early in the seventeenth century, had a brilliant career in the Franciscan Order in Mexico, serving as Provincial of the province of the Holy Gospel, rector of the college of San Buena-ventura, consultor of the Holy Office, and *procurador general* in Madrid of all the provinces of the Indies. He was a learned and prolific author. See also nos. 208 and 251.

- (45) Casos de conciencia por Filguera. [Manuel Ambrosio Filguera, *Summa de casos de conciencia que se disputan en la Teología Moral*, Madrid, 1667.]
- (46) Meditaciones de la vida oculta de Christo por Salmeron. [Fray Marcos Salmerón, *El príncipe escondido, Meditaciones de la Vida oculta de Christo*, Madrid, 1648.]
- (47) Obras del P. Ministro Juan de Avila. [Juan de Avila, *Obras*, Madrid, 1588, and later editions.]
- (48) Otro expositivo: sin principio, ni fin.
- (49) Dos tomos de Chronologia de N. P. San Francisco.
- (50) Solórzano, gobierno de Yndias: estar desquadrado. [Juan de Solórzano Pereira, *Disputationes de indiarum iure, sive de iusta Indiarum Occidentalium inquisitione, acquisitione et retentione*, Madrid, 1629. Cf. no. 19, *supra*.]
- (51) Consultas Apologicas de Torrecilla. [Fray Martín Torrecilla.]
- (52) Cuarta, quinta & partes asta la onena morales de Diana. [Antonio Diana, *Resolutionum moralium pars prima et secunda*, Palermo, 1629. Ten more parts were published 1636-1656. There are many editions of the twelve parts.]
- (53) Monumentos antiguos seraficos acerca de la Virgen: en dos tomos por Astorga. [Fray Pedro de Alva y Astorga, O. F. M., who wrote many works concerning the Virgin.]
- (54) Secunda parte de la suma de S. Tomas. [St. Thomas Aquinas, *Summa Theologica*.]
- (55) Un tomo de Teologia escolastica: sin principio, ni fin.
- (56) Una Biblia: sin principio, ni fin.
- (57) Logica de Soto. [Fray Domingo de Soto.]
- (58) Un tomo de Teologia por Macedo. [Probably a work of the seventeenth century Portuguese theologian, Fray Francisco de San Agustín Macedo.]
- (59) Segundo tomo moral de Bonacina. [Probably the Italian theologian, Martín Bonacina, d. 1631.]
- (60) Segunda y tercera parte del moral de Corella. [Fray Jaime de Corella, *Suma de la Theologia moral*, Barcelona, 1690, and later editions.]
- (61) Dos tomos de teologia: sin principio.
- (62) Constituciones de nuestro orden por Fr. Gabriel Adongo.
- (63) Tercera parte de la suma de San Tomas. [See no. 54, *supra*.]
- (64) Bocabulario Mexicano.
- (65) Segunda parte de los comentarios por Baesa en los Evangelios. [Diego de Baeza, *Commentariorum moralium in Evangelicam Historiam*, 1624-1627, 4 vols.]
- (66) Quatro comentarios de Poncio en la Teologia de Escoto. [Juan Poncio, *Comentarii Theologici, in quibus Subtilis Doctoris Quaestiones in libros Sententiarum elucidantur*, Paris, 1661.]
- (67) Fisica de Soto. [Fray Domingo de Soto, *Super octo libros*

- Physicorum Aristotelis commentaria*, Salamanca, 1555, and later editions.]
- (68) Física de Escoto. [John Duns Scotus.]
- (69) Varios sermones por el Dr. Delgado. [Possibly Antonio Delgado Buenrostro, bishop of Puebla de las Angeles, *Sermones varios*, Seville, 1696.]
- (70) Concilio Mexicano. [Probably Francisco Antonio Lorenzana, *Concilios provinciales primero y segundo celebrados en la muy noble y muy leal ciudad de México en 1555 y 1565*, Mexico, 1769; *Concilium mexicanum provinciale III celebratum Mexici anno 1585, ibid.*, 1770.]
- (71) Grammatica especulativa de Escoto. [John Duns Scotus.]
- (72) Otro expositivo: sin principio.
- (73) Conquistas de Filipinas. [Fray Gaspar de San Agustín, *Conquistas de las Islas Philipinas: la temporal, por las armas del Señor Don Phelipe Segundo el Prudente: y la espiritual, por los religiosos del Orden de Nuestro Padre San Agustín: Fundación, y progressos de su Provincia del Santissimo Nombre de Jesús, Parte Primera*, Madrid, 1698.]
- (74) Exercicios quaresmales por Balderrama. [Fray Pedro de Valderrama, *Exercicios espirituales para todos los días de la Quaresma*, Seville, 1602, and later editions.]
- (75) Sesenta y cinco anales de Ubadingo. [Luke Wadding, O. F. M., *Annales minorum*, 1625-1654, 8 vols.]
- (76) Tercer tomo del Dispertador cristiano. [José de Barcia y Zambrana, *Despertador Christiano de Sermones Doctrinales, sobre particulares assumptos*, 1678-1684, 5 vols., and many later editions.]
- (77) Los Salmaticenses. [*Collegii Salmaticensis FF. Discalceatorum B. Mariae de Monte Carmeli primitivae observantiae Cursus theologicus . . .*, Salamanca, 1631. There are many editions of this work, which comprises a complete course in theology as given in the University of Salamanca during the seventeenth and eighteenth centuries.]
- (78) Una Biblia.
- (79) Segundo tomo de las sentencias de Escoto. [John Duns Scotus.]
- (80) Resoluciones morales de Diana. [See no. 52, *supra*.]
- (81) Un moralista: sin principio, ni fin.
- (82) Biblia: sin principio, ni fin.
- (83) Historia sagrada de Susana.
- (84) Un tomo de questiones regulares, y canonicas. [Fray Manuel Rodríguez, *Quaestiones regulares et canonicae*, Salamanca, 1598-1602, 3 vols., and later editions.]
- (85) Cuarta parte de la Monarquía Ecclesiastica sin principio ni fin. [Fray Juan de Pineda, *Los treinta libros de la Monarquía Ecclesiastica*, Salamanca, 1588, 4 vols., and later editions.]

- (86) Otro expositivo: sin principio, ni fin.
- (87) Tres mas: como el dicho.
- (88) Fr. Tomas Ubaldense de sacramentos. [Thomae Ubaldenis Anglici, *De sacramentis et sacramentalibus*, Salamanca, 1557.]
- (89) Dos tomos de la suma de Teologia de S. Tomas. [See nos. 54 and 63 *supra*.]
- (90) Bocabulario Ecclesiastico: sin fin. [Rodrigo Fernández de Santaella (Maese Rodrigo), *Vocabularium ecclesiasticum*, Seville, 1499, and later editions.]
- (91) Concordancias de la Biblia.
- (92) Controversias Teologicas: sin principio ni fin.
- (93) Marial de Quirós. [Fray Juan de Quirós, *Rosario Inmaculado de la Virgen*, Seville, 1650; *Marial, o segundo tomo de los misterios y glorias de María, ibid.*, 1651.]
- (94) Dos tomos moralistas por el P. Tomas Sanches, Jesuita. [Tomás Sánchez, *Opus morale in praecepta Decalogi*, Madrid, 1613, 2 vols.; or *Concilia seu Opuscula moralia*, Lyons, 1625, 2 vols.]
- (95) Silva racional, y espiritual de los divinos officios.
- (96) Ledesma: moral. [Probably refers to one of the numerous works of the seventeenth century Mexican Franciscan, Fray Clemente de Ledesma. Cf. nos. 112, 123, 146, 227, 228, 238, 239.]
- (97) Primera parte del moral de Fr. Manuel Rodrigues. [Fray Manuel Rodríguez, *Obras Morales en Romance*, Madrid, 1602, and later editions.]
- (98) Un místico: sin principio, ni fin.
- (99) Conferencias morales por Sintrseenigo (*sic*). [Not identified.]
- (100) Controversias Teologicas por el P. Rada. [Fray Juan de Rada, *Controversiae Theologicae inter S. Thomam et Scotum*, Paris, 1589, and later editions.]
- (101) Historia de Ester por el P. Bolaños. [Juan de Bolaños, *In sacram Esther historiam Commentarius . . .*, Seville, 1701.]
- (102) Tiara simbolica de S. Pio quinto.
- (103) Otro despertador cristiano. [See no. 76, *supra*.]
- (104) Un tomo de Sanctoral serafico.
- (105) Solis de Yndias. [Probably Antonio de Solís y Rivadeneyra, *Historia de la conquista de México, población y progresos de la América septentrional, conocida por el nombre de Nueva España*, Madrid, 1684, and later editions.]
- (106) Seis expositivos de Salmeron. [Possibly P. Alfonso Salmerón, S. J. (1515-1585), one of the first Spanish exegetes, author of sixteen volumes of Scriptural commentaries.]

## En cuarto

- (107) Vida de Fr. Sebastian de Aparicio: en latin. [Nicolaus Plumbensis, *Opusculum vitae Ven. servi Dei Fr. Sebastiani ab Apparitio*, Rome 1696.]
- (108) Discursos predicables por el P. Rota.
- (109) Tesoro de la doctrina por Furlot.
- (110) Tres artes de lengua Mexicana.
- (111) Camino del cielo: en Mexicano. [Martín de León, *Camino del cielo en lengua mexicana*, Mexico, 1611.]
- (112) Quatros tomos morales de Ledesma. [See no. 96, *supra*.]
- (113) Un moral de Fr. Anselmo Gomes. [Anselmo Gómez, *Tesoro de la sciencia moral, y suplemento de las sumas más selectas y modernas*, Valladolid, 1668 (?).]
- (114) Siete libros que tratan de los propociciones condenadas por los Papas. [Cf. no. 120, *infra*.]
- (115) Un libro de Christo, y Maria por Fr. Fernando Peralta. [Fray Fernando de Peralta Montañes, *Libro de Cristo y María*, San Lúcar de Barrameda, 1626.]
- (116) Echarri: moral. [Fray Francisco Echarri, *Directorio Moral*, Valencia, 1770, and later editions.]
- (117) Acosta: sermones quaresmales.
- (118) Discursos predicables por Pauleti.
- (119) Teologia escolastica de Uberto.
- (120) Dos tomos de propociones condenadas por N. P. Innocencio 11. [Fray Martín Torrecilla, *Consultas morales y exposición de las proposiciones condenadas por los Santos Padres Innocencio XI y Alexandro VII*, Madrid, 1693.]
- (121) Exercicios quaresmales.
- (122) Sumulas de Moral.
- (123) Seis Dispertadores de noticias morales. [Fray Clemente de Ledesma, *Dispertador de Noticias de los santos sacramentos*, Primer tomo, Mexico, 1695; *Compendio del Despertador de noticias de los Santos Sacramentos*, Mexico, 1695; *Despertador de Noticias Theológicas morales que apuntan y despiertan las letras del A, B, C, al Cura y al Confesor*, Segundo tomo, Mexico, 1698; *Despertador Republicano que por las Letras del A, B, C, Compendia el Segundo Tomo del Despertador de Noticias Theológicas*, Mexico, 1699; *Despertador Republicano que por las letras del A, B, C, Compendia los compendios del Primero y Segundo Tomo del Despertador de Noticias Theológicas*, Mexico, 1700.]
- (124) Sermones quaresmales.
- (125) Meditaciones del amor de Dios. [Possibly Fray Diego de Estella (Fray Diego de San Cristóbal), *Meditaciones devotísimas del amor de Dios*, Salamanca, 1576, 1578.]
- (126) Ceremonial de los Papas.
- (127) Un tomo de la scema de Coretla.



- (128) Un tomo de la quaresma de Barcia. [José de Barcia y Zambrana, *Quaresma de sermones doctrinales*, 1686, 3 vol.]
- (129) Explicacion de la Crusada. [Fray Manuel Rodríguez, *Explicación de la bulla de la Sancta Cruzada*, Alcalá, 1589, and later editions.]
- (130) Addiciones a essa explicacion. [Fray Manuel Rodríguez, *Addiciones a la explicación de la Bula de la Cruzada*, Salamanca, 1598, 1601.]
- (131) Concilio Tridentino. [Decrees of the Council of Trent. Many editions.]
- (132) Dos tomos de sermones latinos.
- (133) Certamen Mariano de Arbiol. [Fray Antonio Arbiol y Díez, *Certamen Marianum ubi veritas examinatur in splendoribus Sanctorum et opus mirabile Civitatis Dei*, Zaragoza, 1698.]
- (134) Doce tomos de varios sermones.
- (135) Un tomo de selectos de la escriptura por Pereiro. [Not identified.]
- (136) Dos tomos de discursos morales.
- (137) Laurea evangelica. [Fray Angel Manrique, *Laurea Evangélica*, Salamanca, 1605, and later editions.]
- (138) Fisica de Merinero: dos tomos. [Possibly Fray Juan Merinero, O. F. M. (1583-1663).]
- (139) Cinco tomos predicables por Dias. [Not identified.]
- (140) Dos Manuales de Cerra. [Fray Angel, Serra, *Manual de administrar los santos sacramentos a los españoles y naturales de esta provincia de los gloriosos Apostoles S. Pedro y S. Pablo de Mechuacan conforme a la reforma de Paulo V y Urbano VIII*, Mexico, 1681.]
- (141) Questiones regulares: dos tomos. [See no. 84, *supra*.]
- (142) Tesoro de la ciencia moral. [Cf. no. 113, *supra*.]
- (143) Dos tomos de sermones por Niceno. [Fray Diego Niseno, Hieronymite, (d. 1656), one of the most eloquent preachers of his time.]
- (144) Teologia simbolica.
- (145) Recopilacion de los privilegios de los Menores.
- (146) Dispertador republicano. [See no. 123, *supra*.]
- (147) Epistola exortatoria de Barcia. [José de Barcia, *Epistola exhortatoria*, Puebla de los Angeles, 1693.]
- (148) Varios oficios de nuestros santos.
- (149) Varios mismos de Augustinos.
- (150) Diceptacion mistica.
- (151) Varios sermones de Guerra. [Possibly Fray Manuel Guerra y Ribera, *Sermones varios de Santos*, Madrid, 1677-1680.]
- (152) Celo Pastoral.
- (153) Flores de questiones Teologicas. [Fray José Anglés, *Flores Theologicarum quaestionum in libros Sententiarum*, Caller, 1575-1576, 2 vols., and later editions.]

- (154) Dos tomos de sermones por Garcés. [Possibly Fray Francisco Garcés, O. F. M.]
- (155) Varios oficios de Mercedarios.
- (156) Casos morales.
- (157) Dos tomos Decretales sin principio, ni fin.
- (158) Dos Montenegros de Yndios. [Cf. no. 9, *supra*.]
- (159) Tres Bocabularios Ecclesiasticos viejos. [See no. 90, *supra*.]
- (160) Dialogo entre confesor, y penitente.
- (161) Manual de D. Juan Palafox. [Juan de Palafox y Mendoza, *Manual de los Santos Sacramentos, conforme al ritual de Paulo Quinto*, Mexico, 1642, and later editions.]
- (162) Exaltacion de la Betlemitica Rosa. [Br. Pedro Muñoz de Castro, *Exaltación magnífica de la betlemitica rosa de la mejor americana Jericó y acción gratulatoria por su plantación dichosa*, Mexico, 1697.]
- (163) Disputas Teologicas: sin autor.
- (164) Dos tomos de platicas por Miranda. [Possibly Fray Luis de Miranda, *Pláticas y colaciones espirituales*, Salamanca, 1617, 1618. Cf. no. 171, *infra*.]
- (165) Erudicion cristiana. [Fray José Luquián, *Erudición christiana, en veinte y cinco discursos devotos muy provechosos para el alma*, Tarragona, 1594.]
- (166) Discursos predicables.
- (167) Instruccion de Predicadores.
- (168) Varios sermones de Cespedes. [Possibly Antonio Céspedes, *Sermones varios*, Madrid, 1677.]
- (169) Dispertador Cristiano. [See no. 76, *supra*.]
- (170) Abecedario espiritual y ley de amor. [Fray Francisco de Osuna, *Abecedario espiritual*. The first part was published in Seville, 1528, and the entire work consists of six parts of which there are many editions. The *Cuarta parte o Ley de Amor* appeared in 1530.]
- (171) Platicas, y colaciones espirituales. [See no. 164, *supra*.]
- (172) Año Apostolico.
- (173) Un libro de oficios sueltos.
- (174) Triunfos de la gracia, y gloria de los Santos.
- (175) Un tomo de oraciones Evangelicas.
- (176) Apologia de confesores regulares. [The Biblioteca Nacional de México has the following: Gabriel Novoa, *Apología de confesores y predicadores regulares. Respuesta a una consulta en derecho regular, en la que se tratan y deciden todas las dificultades que suelen ocurrir entre los regulares con los obispos y más ordinarios en materia de aprobación y licencias de confesar y predicar*, 2a Imp., Salamanca, 1705.]
- (177) Un libro de Teologia sin principio, ni fin.
- (178) Lexicon Ecclesiasticum. [Fray Diego Jiménez Arias, *Lexicon*

- ecclesiasticum latino-hispanicum ex sacris Bibliis, Conciliis, Pontificorum, etc.*, Salamanca, 1565, and many later editions.]
- (179) Dos libros de sermones en Mexicano.
  - (180) Discursos predicables en latin.
  - (181) Dos tomos de tentativas Complutensis. [Fray Francisco Félix, *Tentativae Complutensis . . . Duns Scoti mens . . . elucidatur . . . Angelici Doctoris doctrina sponitur . . .*, Alcalá, 1642-1646, 2 vols.]
  - (182) Un tratado de voto.
  - (183) Un tomo de ortu, et interitu. [Probably a commentary on Aristotle.]
  - (184) Los dos estados de la espiritual Jerusalem. [Fray Juan Márquez, *Los dos estados de la espiritual Hierusalem sobre los psalmos CXXV y CXXXVI*, Medina del Campo, 1603, and later editions.]
  - (185) Declaracion de los siete psalmos penitenciales.
  - (186) Orden Judiciario por Miranda. [Fray Luis de Miranda, *Liber ordinis iudiciarii*, Salamanca, 1601.]
  - (187) Sermones de Segura. [Not identified.]
  - (188) Conceptos predicables: sin principio, &a.
  - (189) Panegiricos de Oviedo. [Juan Antonio de Oviedo, *Panegyricos sagrados en honra y alabanza de Dios, de María Santísima, etc.*, Madrid, 1718.]
  - (190) Dos Fueros de la conciencia.
  - (191) Tesoro de confesores. [Dr. Juan Daza y Berrio, *Tesoro de confesores y Perla de la conciencia para todos estados*, Madrid, 1648.]
  - (192) Apologia en defensa de nuestro orden. [Possibly Gabriel de Guillixtegui, *Apología en defensa de la Orden de Penitencia de San Francisco*, Bilbao, 1643.]
  - (193) Resumen moral de Machado. [Juan Machado de Chávez y Mendoza, *Suma moral y resumen brevísimo de todas las obras del doctor Machado*, Madrid, 1661.]
  - (194) Vida de Cristo por Villalobos. [Not identified.]
  - (195) Una Biblia: sin principio ni fin.
  - (196) Tratado de anima. [Probably a commentary on Aristotle.]
  - (197) Naturalesa, y virtudes de las plantas. [Francisco Hernández, *Cuatro libros de la naturaleza y virtudes de las plantas y animales que están recibidos en le uso de Medicina en la Nueva España*, Mexico, 1615. Trans. from Latin by Francisco Jiménez.]
  - (198) El superior predicando: sin principio.
  - (199) Dos tomos de discursos Evangelicos: sin principio.
  - (200) Un tomo de las platicas del P. Parra. [Probably Juan Martínez de la Parra, *Luz de verdades católicas y explicación de la doctrina cristiana, que según la costumbre de la casa profesa*

- de la Compañía de Jesús, todos los jueves del año se platica en su iglesia, Mexico, 1691, 1692, and many later editions.]*
- (201) *Tratados del modo de corregir.* [Possibly Gaudentius van den Kerckhove, *Methodus corrigendi regulares, seu praxis criminalis fratribus minoribus propria, omni regulari judicii accomodata.*]
  - (202) *Directorii decisiones regulariis.* [Fray Antonio de Hinojosa, *Directorium decisionum Regularium*, Madrid, 1627.]
  - (203) Un moralista: sin principio, ni fin.
  - (204) Soliloquios de las cosas divinas.
  - (205) Una Logica.
  - (206) Dos tomos predicables por Niceno. [See no. 143, *supra.*]
  - (207) *Tratos, y contratos de mercaderes por un Dominico.* [Fray Tomás de Mercado, *Tratos y contratos de mercaderes y tratables*, Salamanca, 1569, and later editions.]
  - (208) Dos grammaticas de lengua griega. [Possibly Fray Martín del Castillo, *Gramática de la lengua griega en Idioma Español*, Lyons, 1678.]
  - (209) Phisica de un Jesuita.
  - (210) *Moral de Delgadillo.* [Fray Cristóbal Delgadillo, O. F. M.]
  - (211) *Apologia de las obras de Tertuliano.* [Possibly Fray Pedro Manero, *Apología de Quinto Séptimo Florente Tertuliano, presbítero de Cartago, contra los gentiles, en defensa de los cristianos*, Zaragoza, 1644, and later editions.]
  - (212) *Delgadillo de Incarnatione.* [Fray Cristóbal Delgadillo, *De Incarnatione*, Alcalá, 1653.]
  - (213) Sermones varios: en latin.
  - (214) Concilio Tridentino. [See no. 131, *supra.*]
  - (215) Una Biblia.
  - (216) Oraciones Ecclesiasticas.
  - (217) Questiones morales.
  - (218) Regla de nuestra religion.
  - (219) Varios oficios sueltos.
  - (220) Sermones varios: sin principio.
  - (221) *Veinte, y dos morales de Larraga.* [Fray Francisco Larraga, *Promptuario de la Theologia Moral*, Puebla de los Angeles, 1766, and later editions.]
  - (222) *Arte Mexicano.*
  - (223) *Triunfos Evangelicos.*
  - (224) El tercer tomo de el hijo de David perseguido. [Dr. Cristóbal Lozano, *El Hijo de David más perseguido*, Madrid, 1740, and later editions.]
  - (225) Unos discursos morales: sin principio ni fin.
  - (226) *Arte de sermones por Velasco.* [Alonso Alberto de Velasco, *Arte de sermones para saber hazerlos y predicarlos*, Mexico, 1728.]
  - (227) *Moral de Ledesma.* [See no. 96, *supra.*]

- (228) Dispertador moral por el mismo. [See no. 123, *supra*.]
- (229) Segunda parte de la Monarquía mística. [Lórenzo de Zamora, *Monarquía mística de la Yglesia, hecha de hieroglyphicos, sacados de humanas y divina letras*. Segunda parte, Alcalá, 1601, Madrid, 1611.]

## En octavo

- (230) Dos tomos de sermones por el Granatense. [Fray Luis de Granada?]
- (231) Casos de conciencia por Burgraber.
- (232) Quatro tomos de advertencias para confesores de Yndios. [Fray Juan Bautista, *Advertencias para los confesores de los indios*, Mexico, 1599.]
- (233) Manual de confesores por Ascargota. [Fray Juan de Ascargota, *Manual de Confesores*, Madrid, 1713, and later editions.]
- (234) Concideraciones espirituales: en latin. [Fray Juan de los Angeles, *Considerationum Spiritualium super librum Cantici Canticorum Salomonis in utraque lingua, Latina et Hispana*, Madrid, 1607.]
- (235) Questiones Teologicas.
- (236) Dubia regularia por Portel. [The Biblioteca Nacional de México has the following: Laurentius de Portel, *Dubia regularia tam ad subditos quam ad praelatos, in utroque foro attinentia, fere per compendium resoluta*, Rome, 1712.]
- (237) 5 Morales de Escoto. [John Duns Scotus.]
- (238) Manual de confesores por Ledesma. [See no. 96, *supra*.]
- (239) Dos dispartadores morales por el mismo. [See no. 123, *supra*.]
- (240) Siete exposissiones de nuestra regla por Fr. Martín de S. Jose. [Fray Martín de San José, *Breve exposición de los preceptos que la Regla de los Frayles Menores obligan a pecado mortal, según la mente de los Sumos pontífices, y de San Buenaventura*, Zaragoza, 1638, and later editions.]
- (241) Dos mismos por Navarro. [Fray Pedro Navarro, *Exposición de la regla de Nuestro Padre San Francisco*, Madrid, 1636.]
- (242) Dos morales de Ascargota. [Fray Juan de Ascargota?]
- (243) Manual de Contreras. [Fray Pedro de Contreras Gallardo, *Manual de administrar los Santos Sacramentos a los españoles y naturales desta Nueva España conforme a la reforma de Paulo V*, Mexico, 1638.]
- (244) Declamaciones de la Virgen. [Possibly Fray Luis de Carvajal, *Declamatio expostulatoria pro immaculata Conceptione Genitricis Dei Marie*, Paris, 1541.]
- (245) Dos manuales de sacerdotes por Arbiol. [Fray Antonio Arbiol y Díez, *Manuale sacerdotum Sacris Scriptoris et Sanctorum Patrum sententiis Illustratum*, Barcelona, 1711.]
- (246) Examen de confesores por Blanco.
- (247) Oraciones latinas: sin principio.

- (248) Dos morales de Salazar. [Possibly Fray Simón de Salazar, *Promptuario de materias morales*, Alcalá, 1674.]
- (249) Otro mismo de Allosa. [Juan de Allosa, *Flores summarum sive alphabetum morale*, Lyons, 1665, and later editions.]
- (250) Catecismo de S. Pio quinto.
- (251) Sermones de S. Pedro Crisologo: sin principio, ni fin. [Probably Fray Martín del Castillo, *Divi Petri Chrysologi Sermones*, Lyons, 1676.]
- (252) Moral de Remigio. [Benito Remigio Noydens.]
- (253) Declaracion de las Epistolas de S. Pablo.
- (254) Tres manuales de confesores por Villalobos. [Fray Enrique de Villalobos, *Manual de Confesores*, Salamanca, 1628, Valladolid, 1628, and later editions.]
- (255) Tratado de las siete palabras de Christo en la Crus.
- (256) Dos explicaciones de la syntaxis.
- (257) Tratado del bien estado religioso. [Francisco Rodríguez, *El libro del bien del estado religioso, compuesto en latín por el P. Hieronymo Plati de la Compañía de Jesús*, Medina, 1595.]
- (258) Dos moralistas latinos: sin principio ni fin.
- (259) Compendio de los Concilios.
- (260) Dos libritos de las Epistolas de S. Geronimo.
- (261) Practica de confesores por Escobar. [Antonio de Escobar y Mendoza, *Examen y práctica de confesores . . . sacados de varios doctóres*, Zaragoza, 1632, and many later editions.]
- (262) Itinerario Catolico por Gusman. [Probably Fray Juan Focher, *Itinerarium Catholicum Proficiscentium, ad infideles convertendos, . . . Nuper summa cura et diligentia auctum, expurgatum, limatum ac praelo mandatum per fratrem Didacum Valadesium. . . . Ad Reverendissimum Patrem F. Franciscum Guzmanum, omnium Indiarum maris Oceani Commissarium generalem*, Seville, 1574.]
- (263) Sermones latinos del Granatense. [Cf. no. 230, *supra*.]
- (264) Geografia de Cluberi. [Philip Cluver, *Introductio in universam geographiam tam veterem quam novam*, Leyden, 1624, and many later editions.]
- (265) Tratado del confesor solicitante por Fr. Antonio Escoto. [Fray Antonio Escoto, *Scutum Confessionis contra nefarios Sacordotes in Sacramento Poenitentiae ad turpia provocantes*, Mexico, 1703.]
- (266) Suma de las virtudes.
- (267) Virgilio.
- (268) Versos latinos: sin principio, ni fin.
- (269) Epistolas en verso latino: sin principio.
- (270) Compendio moral: sin principio.
- (271) Ceremonial de la Provincia. [Probably Fray Isidro Alfonso]

- Castaneira, *Manual Summa de las ceremonias de la Provincia de el Santo Evangelio de México*, Mexico, 1702, 1703.]
- (272) Sermones de Segura. [Cf. no. 187, *supra*.]
- (273) Sermones feriales de quaresma.
- (274) Practica de confesores de Monjas por Borda. [Fray Andrés de Borda, *Práctica de confesores de monjas*, Mexico, 1708.]
- (275) Practica de Exorcistas. [Benito Remigio Noydens, *Práctica de exorcistas y ministros de la iglesia*, Madrid, 1660.]
- (276) Ovidio.
- (277) Humildad del corason.
- (278) Explicacion del arte de Nebrija. [There are many seventeenth and eighteenth century "explicaciones" of Nebrija.]
- (279) Advertencias de la grammatica. [Possibly Bernardino de Llanos, S. J. (1557-1639), *Advertencias de Gramática*, Mexico, 1645.]
- (280) Ceremonial Romano. [Possibly Pedro Ruiz Alcolado, *Ceremonial romano*, Alcalá, 1589; or Fray Juan de Zamora, *El Ceremonial Romano*, Burgos, 1603.]
- (281) Concilio Tridentino. [See no. 131, *supra*.]
- (282) Manifiesto chronologico, y satisfatorio.
- (283) Instruccion de Presbiteros.
- (284) Un tomo suelto de Teologia.
- (285) Manual de confesores por Navarro. [Martín Azpilcueta (Dr. Navarro), *Manual de confesores y penitentes*, 1552, and many later editions.]
- (286) Sermones de adviento por Castro. [Fray Pedro Núñez de Castro?]
- (287) Tercer tomo de la historia de la alma.
- (288) Doce Breviarios viejos.
- (289) Un tomo quaresmal por Fr. Diego Lopez Andrade. [Fray Diego López de Andrade, *Tractados sobre los Evangelios de Quaresma*, Madrid, 1615; *Segunda parte*, Madrid, 1617; and later editions.]

## III

*Books Found at the Missions in 1776*

## Villa de Santa Fe

[In the church]:

- (290) Tres Missales viejos con Santos nuestros.  
 (291) Un Manual de Osorio servible. [Fray Diego Osorio, *Manual para administrar los Santos Sacramentos arreglado al Ritual Romano*, Mexico, 1748.]  
 [Capilla de Nuestra Señora de la Luz]:  
 (292) Un Missal nuevo con nuestros Santos.

## Tesuque

- (293) Un Missal viejissimo.

## Nambe

- (294) Un Missal mui viejo.  
 (295) Un Manual de Ossorio. [See no. 291, *supra*.]

## Pujuaque

- (296) El Missal es viejissimo y tiene Santos nuestros.

## San Ildefonso

- (297) Un Missal servible.  
 (298) Otro mui antiguo.  
 (299) Dos Breviarios viejos, que con dho Missal y unos papeles con Introitos, etc. en puntos de solfa sirven a los cantores.

## Cañada

[In the church]:

- (300) Un Missal.  
 [Capilla del Carmen]:  
 (301) Antonio Martín . . . dió a esta capilla del Carmen . . . un missal viejo.

## San Juan

- (302) Un Missal servible.  
 (303) Otro viejo.  
 (304) Manual de Ossorio. [See no. 291, *supra*.]  
 [Río Arriba]:  
 (305) Missal viejo.

## Picuries

- (306) Missal viejo con registros de correas, y adherado por el P. García.  
 (307) Manual de Vetancurt, que dio este mismo P. [Fray Agustín de Vetancurt, *Manual de administrar los santos sacramentos, conforme a la reforma de Paulo V y Urbano VIII. Sacado de los Manuales de los Padres Fr. Miguel de Zarate, Fray Pedro de Contreras, etc.*, Mexico, 1674, and later editions.]



## Taos

- (308) Missal viejísimo.  
 (309) Manual de Ossorio. [See no. 291, *supra*.]

## Santa Clara

- (310) Un Missal viejo con registros de correas, que el P. Sambrano dio siendo Vice-Custodio.  
 (311) Otro tal mas viejo.  
 (312) Manual de Ossorio. [See no. 291, *supra*.]

## Abiquiu

- (313) Missal servible.

## Santo Domingo

[In the church]:

- (314) Un Missal nuevo de nuestro orden, que puso el P. Samora.  
 (315) Dos Manuales de Betancurt mui viejos. [See no. 307, *supra*.]  
 [In the convent]:  
 (316) Dies y seis libros de varios tamaños y tiempos que tratan diversas materias por diversos autores, y los han dejado algunos PP. Estan inventariados, y fuera de ellos faltan los que dize en el auto de visita.

[Auto de visita]:

Mission de N. P. S. Domingo, y primero de junio de mil setecientos setenta y seis años. En prosecucion de la visita juridica, que de esta Custodia esta haciendo N. R. P. Fr. Francisco Atanasio Dominguez Predicador del numero en el convento grande de N. P. S. Francisco de Mexico y Commisario Visitador de esta Custodia por N. M. R. P. Ministro Provincial Fr. Isidro Murillo: paso a ver, y vio S. P. R. este Inventario el que aunque concuerda con lo existente, y que pertenece a Iglesia y sacristia; por lo que toca al convento se echan menos los libros:

- (317) Quaresma de Niceno. [Fray Diego Niseno.]  
 (318) Oraciones Evangelicas de Fr. Diego Malo. [Fray Diego Malo de Andueza, *Oraciones Evangélicas y Ferias principales de Quaresma*, Madrid, 1661-1664.]  
 (319) Manojito de Flores.  
 (320) Vida del P. Margil. [Fray Isidro Felix de Espinosa, *El Peregrino Septentrional Atlante: delineado en la exemplarissima vida del Ven. P. F. Antonio Margil de Jesús*, Mexico, 1747; or Fray Hermenegildo Vilaplana, *Vida portentosa del americano septentrional apostol, el V. P. Fray Antonio Margil de Jesús*, Mexico, 1763.]

Por lo que se ordena y manda al P. Misionero actual Fr. Mariano Rodríguez de la Torre, o al que en lo de adelante fuere, que jamas permita, que religioso alguno saque libros de la Mission o de la libreria de la Custodia que aqui se

mantiene, sin que primero le deje por escrito, y firmado los libros, que llevare, para assi saber de ellos, y cobrarlos. . . .

#### Sandia

- (321) Un Missal con Santos nuestros, que dio el Rey.
- (322) Otro viejissimo.
- (323) Manual de Ossorio. [See no. 291, *supra.*]

#### Albuquerque

- (324) Un Missal bueno.
- (325) Otros dos viejos.
- (326) Manual de Vetancurt. [See no. 307, *supra.*]  
[Capilla de N. S. de la Concepción, Alameda]:
- (327) Missal usado.
- (328) Manual.  
[Tomé]:
- (329) Missal viejo.

#### Cochiti

- (330) Un Missal tratado, y sus registros de correas.
- (331) Manual de Ossorio servible. [See no. 291, *supra.*]

#### San Felipe

- (332) Un Missal viejo.

#### Santa Ana

- (333) Un Missal bien tratado.
- (334) Manual de Ossorio tratado. [See no. 291, *supra.*]
- (335) El mismo de Vetancurt. [See no. 307, *supra.*]

#### Sia

- (336) Dos Missales viejos.
- (337) Manual de Ossorio tratado. [See no. 291, *supra.*]
- (338) Dos viejos de Vetancurt. [See no. 307, *supra.*]

#### Gemes

- (339) Un Missal viejissimo y no tiene Santos nuestros.
- (340) Dos mismos, medios, y desquaternados, de los Nabajoes.<sup>2</sup>
- (341) Manual de Ossorio. [See no. 291, *supra.*]

#### Laguna

- (342) Un Missal razonable.
- (343) Otro viejo.
- (344) Manual de Ossorio. [See no. 291, *supra.*]

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2. Father Menchero had brought various articles donated by the Crown for use in the Navajo missions. Some of these were in use at Sandia, others were stored at Santo Domingo, and these two missals may have come from the same source.

## Acoma

- (345) Un Missal servible, de clérigos.
- (346) Otro mui viejo.
- (347) Manual de Ossorio. [See no. 291, *supra*.]

## Zuñi

- (348) Missal viejo.
- (349) Manual de Ossorio tratado. [See no. 291, *supra*.]

## Isleta

- (350) Dos Missales viejos.
- (351) Manual de Ossorio. [See no. 291, *supra*.]

## Pecos

- (352) Missal servible.
- (353) Tres Manuales viejos de Vetancurt. [See no. 307, *supra*.]
- (354) Otro de Ossorio, al que las ratones tienen bien conjurado con sus dientes. [See no. 291, *supra*.]

## Galisteo

- (355) Missal servible.
- (356) Manual de Vetancurt, viejo. [See no. 307, *supra*.]

## NEW MEXICO'S CONSTITUTION IN THE MAKING— REMINISCENCES OF 1910<sup>1</sup>

*By* THOMAS J. MABRY

THE FIRST effort on the part of the people of New Mexico to secure admission into the Union through the formal method of writing and submitting a constitution was made in 1850. A meeting of representative citizens was held in Santa Fé on April 20th of that year, resolutions seeking admission of the state were adopted, and Col. Monroe, then military governor, was requested to issue a proclamation calling delegates to a constitutional convention. In pursuance of such call, a regular constitutional convention was held, the opening session being on May 15th. James H. Quinn was elected president. The convention sat for 10 days. The most controversial matter was that involving slavery for the new state, against which the document contained a clear and ringing declaration. This document was submitted to congress, but statehood was declined largely because of this anti-slavery declaration, we are told. A bitter debate was then raging in congress on the slavery question. The Southern representation at that time was anxious that any new state then to come in should be one to balance against California's anti-slavery attitude.

Historians tell us that, had New Mexico declared for slavery at that time, it might have been admitted to the Union. As indicative of the temper of the people in favor of statehood, the overwhelming vote of 8,371 in approval of the constitution as compared with only 39 negative votes, should be noticed. Somebody suggested that this reflected smooth election machinery rather than unanimity of opinion—but we will skip that.

The next effort came with the convention which met in Santa Fé in 1889, this time authorized by the territorial legislature. This effort also brought no results, excepting to again impress upon congress our ardent desire for state-

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1. Address by Supreme Court Justice Thomas J. Mabry at the annual meeting of the State Bar of New Mexico in Santa Fe, October 22-23, 1943.

hood. There were 74 delegates elected to this convention, among whom were five who subsequently served in the authorized convention of 1910 through which statehood was finally obtained. These delegates serving in both conventions were: E. S. Stover and Alejandro Sandoval of Albuquerque; G. W. Prichard of Santa Fé; John G. Clancy of Puerto de Luna, and Silvestre Mirabal of Valencia county.

The people of New Mexico likewise adopted this constitution, submitted, together with a stirring address prepared by what was called a "committee of the constitutional convention" of which Hon. J. Francisco Chávez was the chairman. The theory upon which the people of New Mexico was approaching the question at this time was, as we gather from the words of this committee, that "God helps only them who help themselves and the time has come for New Mexicans to stand up, insist on, demand your rights!" In this address it is pointed out that New Mexico, as a territory, has furnished a place of forage for politicians who couldn't be either supported or elected to any office in their home states; that "a delegate to congress is only a paid beggar licensed to enter its halls. To him little more respect is paid than to the ordinary mendicant who walks your streets." The address further pointed out that of 31 states admitted into the Union since 1789, only three of them at the time of their admission "possessed more property or wealth than New Mexico has at present." Needless to say that nothing was accomplished by this effort, and New Mexico remained a territory.

Then a convention was called in 1910 to write the constitution for the proposed new state. This was to be first submitted to the people, then to congress and the president for approval. This time New Mexico acted under authority of an act of congress known as The Enabling Act. Under this act the chief justice of the supreme court, the governor of the Territory and the secretary of the Territory were selected to apportion the 100 delegates which the act provided should meet at Santa Fé and formulate the constitution. This apportionment was soon made. The Territorial governor, Judge Wm. J. Mills, issued his proclamation calling an

election for September 6, 1910, for the selection of delegates for a constitutional convention to open in Santa Fé on October 3, 1910, and which was authorized to sit for not more than 60 days. Of the 100 delegates to this convention, 71 were republicans and 28 were democrats, and there was one socialist. Bernalillo, with the largest population, elected eight delegates while McKinley had only one. The state was then composed of 26 counties, including the newly created county of Curry, with which Quay and Roosevelt had to share their representation. The democrats, usually claiming the distinction of speaking for the common man, were challenged by this lone socialist, Green B. Patterson of Chávez county, who said no one was closer to the poor man and the grass roots than he. "I am the only man in this convention," he boasted, "that came to Santa Fé directly from a dug-out."

The convention met on October 3, 1910, and adjourned on November 21, without consuming the entire 60 days allowed, and having left from the \$100,000.00 appropriated by congress for holding the convention something over \$7,000.00. This was later returned by Mr. Nathan Jaffa, then secretary of the Territory, to the U. S. Treasury. This perhaps set a precedent in practice of giving back government money not theretofore observed in the territory; nor thereafter in the state, so far as most of us can recall. The convention met in the house chamber of the capitol, the old brass rail being removed and desks were placed almost to the back wall. The excellent record made by Mr. Jaffa as the last secretary of the Territory and the courteous and impartial treatment shown all delegates of the convention will long be remembered by those who knew him then. Mr. Jaffa is still living, I am happy to report, and is in reasonably good health although now at the age of 79. (Mr. Jaffa was in the hall and was asked to take a bow.)

The election to approve the constitution was held on January 21, 1911, after a vigorous and bitter campaign, the vote being 31,742 in favor of adopting the constitution; with a negative vote of 13,309. Women did not vote at this time,

of course. The constitution carried in all counties but those of Roosevelt, Lincoln, Sierra and San Juan.

The democratic party, as an organization, was opposed to the constitution as submitted, and fought its adoption, particularly on the ground of its conservative character and of the alleged general conservative form of the referendum provision and the entire absence of any form of initiative or recall. But, at a central committee meeting of that party which was held at Santa Fé soon after the close of the convention in 1910, it was resolved that party loyalty would not be tested by any man's vote upon the constitution, that all democrats would be free to vote as "their conscience should dictate."

The preparation for, and opening of, the constitutional convention at Santa Fé was accompanied by much social and political activity. That the republican party, overwhelmingly in the majority, would have its own way was apparent from the first; but the democrats, constituting slightly more than one-fourth of the convention, made up for its lack of numbers in oratory and disunity; and thus stoutly maintained the party tradition.

Former Governor and Mrs. L. Bradford Prince, the popular Judge and Mrs. N. B. Laughlin, and the popular ex-Governor Miguel A. Otero, and others, took a leading part in extending social courtesies and doing many of the nice things which made a few of the early days of the convention particularly enjoyable, socially; after the first few days, however, partisan feeling arose to such a high pitch that most delegates were occupied with other thoughts than those associated with receptions, dinners and buggy rides about scenic Santa Fé. There were many social activities thereafter, I remember, but these were confined largely to smoke-filled hotel rooms of the old Palace Hotel where card tables, brass spittoons and Old Taylor took the place of lovely, well-dressed ladies serving tea and cookies. Cocktail parties, openly conceived and advertised, had not yet come into wide favor. Mrs. Laughlin, an intense partisan, was a most gracious hostess, and like Mrs. Prince, belonged to the old school.

Not to have known Mrs. Mary Prince was to have missed a lot of life. My acquaintance with her, it is true, was in the sunset days of her life, but it was a sunset of bright glow, and color, and hope; somewhat disturbed, perhaps, by the thought that the new generation then taking over was declining to show proper political deference to her gallant husband, then also advanced in years. She strove earnestly, cared deeply, for the acclaim of achievement, success, blue ribbons, culture, distinction and for political preferment for her husband.

The document, as finally written, was largely the handiwork of such able delegates of the majority party as T. B. Catron, thereafter U. S. senator; Charles A. Spiess, president of the convention and an outstanding attorney; Charles Springer of Raton, also an able lawyer and representing as well as possessing, large property interest; H. O. Bursum, an able man though not a lawyer, a ceaseless worker and the party's first candidate for governor; A. B. Fall of Three Rivers, an able lawyer, then in the prime of life and in his best fighting condition; Clarence J. Roberts; Frank W. Parker, and Solomon Luna, of Valencia. Luna never made a speech in the convention, but it is said, that he needed only to lift a finger or his eyebrows, to stop any proposal which he deemed against the best interest of his people, his party, or the proposed new state. I omit mention of the many able democrats, since these, after all, were in a hopeless minority, and, as I have often said, were there to get into the document what they could, of our program, but whose principal function seemed to be to vote "no."

The convention became a rough and tumble political fight from the day it opened until the day it closed. Some of the most controversial subjects with which the convention dealt were: direct legislation (the initiative and referendum), term of office for county and state officials; succession to office; power to be given to the state corporation commission; specific manner and method of our selection and retention of public lands granted by congress; authorizing payment of the bonded indebtedness of Santa Fé and Grant counties, legalized by congress; the price or term at



which public lands might be sold or leased; the protection of established water rights; methods of amending the constitution; the matter of the creation of legislative and judicial districts; and the method of selecting the judiciary.

Both parties were united in its purpose to end the pernicious and extravagant fee system for county officers. No party lines were drawn when it came to the much debated subject of how to select district judges and justices of the supreme court, whether by election or appointment; and, likewise, as to their terms of office. A considerable number of both parties favored and fought for some appointive system, but the overwhelming majority in both parties favored electing all judges, disagreeing only as to the length of term and the salaries to be paid.

It will be remembered that the constitution left to the first state legislature the matter of fixing county salaries for all county officers, and this task brought on what was perhaps the most prolonged and bitter contest between the legislative and executive branches of our state government that has ever been known in New Mexico. The disagreement between the legislature and the governor over the classification of counties and the fixing of salaries for the various officials was wholly irreconcilable. Governor McDonald vetoed the salary bill passed by the first legislature of 1912, and his veto was sustained by the narrow margin of one vote in the senate.

It was Delegate H. O. Bursum who introduced the provision limiting succession to certain state and county offices and providing for the abolition of the unsatisfactory and unpopular fee system employed in the compensation of certain county officers.

H. B. Fergusson, M. D. Taylor, C. M. Compton, Sr. (father of our able District Judge J. C. Compton), E. D. Tittmann, R. W. Heflin and J. W. Childers, to mention those names that now occur to me, represented the so-called irreconcilables among the minority in the convention, who would be satisfied with nothing less than a thoroughly progressive constitution; while C. R. Brice, G. A. Richardson, A. H. Hudspeth, J. L. Lawson and H. W. Daugherty would

probably be classified with the ablest of that portion of the minority which was endeavoring, through compromise and agreement, to get into the organic law as much of the party's philosophy and program as was possible without unduly antagonizing the majority; and these leaders, working with the majority undoubtedly did accomplish a good deal. We secured a pretty fair and workable constitution, although unmistakably, of a most conservative flavor. As for my own position, it is pretty well stated in a quotation I find credited to me by the *New Mexican* of the day after the close of the convention (Nov. 22nd) when short interviews from several delegates were obtained. I was quoted as follows: "Curry county will support the constitution. I will work for its adoption \*\*\*. While we wanted direct legislation, we are confident of getting it after statehood." That last phrase shows I was unjustifiably optimistic, as well as somewhat politically naive.

One of the bitterest controversies raged over the provision relating to districting the state for judicial and legislative purposes. We heard much about this charge of "Gerrymandering" for at least twenty years after the state's first election. The "Gerrymandering" went merrily on notwithstanding all protests and wailing from the minority. The superiority in numbers possessed by the majority party, then well united, was to it proof enough of the justice of its course. And, while refined amenities of statecraft were pretty nearly upset over this districting incident, it did not make much difference in the long run, for, as one of the majority delegates once declared in heated debate, the democrats are against us anyway and are here to "raise hell whatever the majority does; and we are here to write a constitution for this glorious new state to be—and, to protect the interests of the republican party." In passing, it might be noticed, that the complaint in respect to the Gerrymander has largely subsided since the democrats, many years ago, obtained control of both the senate and the house, and, likewise, came to elect most of the district judges. I suppose it might be said that when the pain of defeat was thus al-

leviated there was no occasion to kick about the tight shoe that had theretofore pinched the political foot.

In support of the charge that there had been a highly successful "Gerrymander" as to legislative districts, it will be noticed that, although the democrats elected their governor, approximately half the state officers, and their candidate to congress, at the first state election, the republicans controlled the legislature by a two-thirds majority in both the senate and the house.

Notwithstanding the bitter controversy which waged throughout practically the whole of the deliberations, many of these differences, political and personal, were forgotten at the close; and the last day and night session witnessed a great get-together with much forgetting, and forgiving, on all sides. Obviously, most delegates were glad that the job was over and that statehood was on the way.

I recall the splendid eulogy paid to Mr. Spiess, the very impartial presiding officer of the convention, by Delegate G. A. Richardson of Roswell, when, on the closing night, he presented to the president a beautiful silver service set, the gift of all the convention. The speaker might have overstated the case a bit in his eulogy and, likewise, President Spiess was not too restrained in speaking kindly of the democrats in his response. This lack of restraint on both sides was later emphasized by its bold contrast to the hot campaign speeches which followed. I have often thought that it would have been a nice thing, and would have greatly neutralized a lot of political oratory, if the speakers of the closing night of this historic event had preserved and restated some of the high points of these fine eulogies in the subsequent campaigns; but, I soon learned that this is a practice not theretofore, then, nor thereafter, observed in New Mexico politics.

Of course, I realized that perhaps the three barrels of bottled beer and the large supply of sandwiches (a contribution from whom, we never knew—at least I never knew) which were rolled into the foyer of the house chamber on that closing night might have had something to do with calming the spirits of the belligerents. Certainly a good

time was had by all until the adjournment of the convention *sine die* at about 4 a. m. the next morning.

I recall one incident when there ensued a bitter personal encounter between a prominent democrat and a leading republican of the convention, when, after an exhibition of violent language and bared fists, both men were led from the floor by their respective friends, while the sergeant-at-arms, alarmed at the fast movement of events, remained over in one corner of the room. Major Whiting was the sergeant-at-arms. He had gone through the Civil War, but he was then a little old to referee bouts of such promise as this one. The republican member returned to the hall within a day or two, but the democratic delegate refused to return until he could have a public apology from the offending brother. This was never forthcoming and the delegate with the tender feelings never came back, while the other went to the U. S. senate.

Delegate E. D. Tittmann of Sierra county would provide authority for a civil service system for all state employees. The *New Mexican* of November 4th shows, significantly, that this motion was lost for want of a second. Both parties ignored the suggestion, evidently hoping to profit by the spoils system, as they have—or have they?

Delegate Parker, then a territorial supreme court justice also, was responsible for the specific authority found in the constitution (Art. 6, Sec. 13) for the establishment of juvenile courts. According to newspaper files of the time, Delegate Brice arose to object to the Parker proposal for the specific mention of juvenile courts on the theory, to quote from the press report: "that Sec. 1 already gives the legislature that power; it is just adding unnecessary language."

The proposed amendment then adopted, was placed at the end of Sec. 1 of Art. 6, providing for the establishment of courts inferior to district courts, and it read: "including juvenile courts." From this little history it can be seen that Brother Brice has always been consistent in his advocacy of less words and more ideas, in all writing upon the law.

I recall an instance in recent months when, in a moment of slight impatience with one of his associates on the bench

because of what Brother Brice thought was too much language with too little said, he remarked, "Judge, I believe you can compress more words into a small idea than any lawyer I ever knew." Brother Brice scolds his associates at times for what he terms obstinacy of opinion. However, he guides us away from many errors, even if, occasionally, he would unintentionally lead us into a few.

It might be said that this three-word phrase, "including juvenile courts," which Judge Parker insisted upon writing into the constitution even at the risk of slight verbosity, may have saved to us the juvenile courts as thereafter, and nearly a quarter of a century ago, established by the legislature. In a recent case (*In re: Santillanes*, 138 P. 2d 503) such courts as now established were challenged as depriving the district court of the powers given to them exclusively by Art. 6, Sec. 13. Whether or not exactly decisive of the issue there presented, this three-word phrase so written into the constitution, was the subject of vigorous attack, and support, with varying interpretation, by counsel as well as by members of the court in their very lengthy consideration of that case.

One of the bitterest political controversies of all the convention debates revolved about the question of direct legislation—the initiative and referendum—with the recall enjoying a considerable share of the spot-light. There was never any doubt that there would be no provision for either the initiative or recall, but the minority party, since all delegates were pledged to both a liberal initiative and liberal referendum, and many favored the recall, made an issue of this question which greatly stirred the convention; and this issue was echoed in many political speeches of later campaigns. Mr. Fergusson, the minority leader in the convention, and who at the time, shared with A. A. Jones of Las Vegas, and Felix Martinez, the honor of speaking authoritatively upon party matters, made what was to my mind, one of the greatest speeches of the convention. This was upon the question of direct legislation. The speech was at night, and it was a field day for discussion of that intriguing issue, with all standing space and the galleries completely filled with the

delegates' wives, Santa Fé society and other visitors. I cannot recall now much of what was said by him. But the press of that date gave liberal space to all the talks of the occasion, the high-light of all convention oratory. In reading of these now from newspaper files, I am less thrilled by the art and histrionics of this effort of Fergusson, as well as that of Fall, Catron, Bursum, Brice, Holloman, Nestor Montoya, Richardson and Jim Hall, all of whom spoke that afternoon and night. "Few speeches which have produced an electrical effect upon listeners can bear the colorless photograph of a printed record," some sage has very appropriately reminded us.

H. B. Fergusson, an average size, rather stooped, man with deep-set brown eyes and with what I would call a Cordell Hull expression of a thinker with a soul, was then perhaps about 60 years of age. I have often speculated upon how deeply he might have stirred the convention had he been of the majority faith, and how different the results might have been. I recall how, upon that occasion, he played upon the harp strings of our emotions—although he changed no votes—in showing how the poor and neglected of the great masses (we had not yet coined the term "forgotten man") was being trampled underfoot by the greedy rich and corporate interests which proposed to "control this convention, and write this constitution for one of the last two states to be born upon the American continent!"

One phrase he used, and which I think I can quote, substantially verbatim, was:

"From the cankerous womb of governmental neglect are born, to contest for supremacy in this government founded for all free men, two great classes: The very poor and the very rich—the economic tramps and the millionaires. I dedicate my life, I cast my lot, with the common man."

As I sat there in wide-mouth, youthful wonder and listened to the delegates expounding these two clearly separated political philosophies—the one implying that business prosperity was paramount, and from it would flow prosper-

ity for all; and the other that moral and economic considerations common to the average man should persuade us,—I pondered, as in after years I decided, that both sides, perhaps, had overstated their case.

The Santa Fé *New Mexican*, the acknowledged spokesman for the majority at the time and then edited by that inimitable and able Paul A. F. Walter, now a banker and still living, expressed the sentiment of the majority pretty well on the second day of the convention when it said: "There is a world of difference between the initiative and referendum. While the Constitutional Convention will not for a moment consider seriously any effort to adopt the Initiative or the Recall, it will be disposed to adopt a modified referendum, and such exists to a certain extent in New Mexico today." Then the editorial goes on to show that we already had a modified form of referendum in matters involving extension of municipal boundaries, fixing municipal bonded indebtedness, permitting a local vote in fixing "herd law" districts, etc. But, continued the editorial, "there is a big distinction between this and the referendum which the socialists advocate."

For a youngster in New Mexico politics, Delegate (later Judge) Reed Holloman, who hailed from Quay county, (and who I always contended held the democratic viewpoint, if he did have republican leanings) had much to do with forming the party's policy on direct legislation, and my information is that he appraises as I do the hesitant, careful and limited steps which the convention took when it consented to embody in the constitution any provision for the referendum. As Mr. Justice Sadler, who authorized the recent opinion in the so-called Tobacco Tax case (*State v. Cleveland*, 47 N. M. 140, 141 P2d 192) said: "After all, we have a representative form of government. The delegates to our Constitutional Convention were schooled by tradition in representative government. At the time it convened the initiative and referendum were largely new and untried. The convention moved cautiously in the matter, rejecting the initiative altogether and giving us the referendum carrying a broader exemption in the safety clause than is to be found in any

other state constitution. There was nothing covert or concealed in the matter. On the contrary, the question was widely publicized in the press and from the platform all over the State and the Constitution was adopted with a full knowledge by all of just what it did and did not have on the subject." And, continuing, the opinion reads: "If it seems desirable that a larger reservation of power be lodged in the people under which the popular veto of legislation may be exercised, the remedy is not through the courts \*\*\* but rather through an amendment to the constitution using language of similar import to that urged upon, but rejected by, the constitution makers in 1910." The opinion then points out that in no other constitution of the some twenty states employing the referendum is like language employed in defining the exceptions from referendum operation; that "In most, if not all, of the other constitutions providing for the referendum the language of exemption is 'laws *necessary* for the *immediate* preservation of the public peace, health or safety,' or that in substance." The convention advisedly rejected the minority report which would have employed the term "Laws for the *immediate* preservation of the public peace, health and safety." The official proceedings of the convention (Pages 66 & 67) disclose that Delegates A. H. Hudspeth and H. B. Fergusson brought in and urged the adoption of the minority report; which, had it been employed, would, of course, have greatly widened the operation of this instrument of legislation veto.

Father Julius Hartmann, now of Santa Fé, then in his late twenties, was the chaplain of the convention, and was very popular with all delegates. His prayers were sufficiently general in application and abstract and impersonal in character to create no feeling of partiality. This was in strong contrast to the Presbyterian minister<sup>2</sup> who, as chaplain of the first state senate, of which I was also a member, had, by certain prayers, when he thought the majority was running a little too rough-shod over the weak minority, invoked divine guidance that the blows might be softened. I

2. The Rev. B. Z. McCullough, then pastor of the Santa Fé Presbyterian Church.—Editor.



remember, too well, that the blows were *not softened*; and also (it was generally understood) that a caucus of the majority was called to ascertain whether the chaplain should not be "talked to," or even discharged, because of what was thought to be an unnecessary effort to invoke God in our local politics. I recall that neither was the chaplain discharged nor was the tone of his ministerial rebuke thereafter materially (though it may have been a little) modified.

We remember that the president did, in the summer of 1911, veto the first act of congress approving, jointly, the New Mexico and Arizona constitutions; and it was on account of Arizona's liberal acceptance of direct legislation. I was in Washington at the time of this veto with a committee of New Mexico democrats, there trying to help secure democratic house reservations and conditions, upon which to base approval, and heard him announce to this committee, the day after the passage of the act in congress, that he proposed to veto it. He explained that he was sorry he had to do this since he approved heartily of New Mexico's excellent constitution; but that he did not propose to violate his oath of office which had bound him to preserve the traditional American form of government for all states.

Incidentally, I am the only surviving member of this small, unofficial, group in Washington at the time. It was composed of: A. A. Jones, Summers Burkhart, H. B. Fergusson, P. F. McCanna, Felix Martinez, J. D. Hand, W. R. McGill, and myself.

We know of the compromise which was then worked out in congress by which it was proposed that Arizona should first vote upon the question of removing this feature so obnoxious to the president; and within a few weeks the new act of congress was passed and signed by the president, and statehood for both territories was thus achieved. Arizona did remove the source of annoyance, but at the next election after statehood, voted by a tremendous majority to replace it.

It might be noted in this connection that the most unfavorable feature of the original of our constitution, that relating to the method of amendment, was modified by popu-

lar vote at the first state election through provision, insisted upon by the democrats and exacted by congress, for a vote upon this issue, as a condition precedent to our admission. The original provision would have made any amendment most difficult, we can all now see, in the light of experience which shows it to be difficult enough to secure desirable amendments even upon questions upon which both major parties agree.

Of the 100 delegates to the convention only seventeen survive as of this writing. Strange to say, the democrats, with a little more than one-fourth of the original membership, now have one majority of those surviving. This is not counting, either, the few republicans of that convention who later became democrats. Incidentally, it might be added, that all of these men who changed to democratic affiliation are still living. Whether it is purely co-incidental that long life and party irregularity go hand in hand, I hazard no guess. The record does not disclose that any democrat of that convention ever changed his party affiliation, which may, after all, offer some support to the familiar saying that only the smart man changes his mind.

I have heard of no particular explanation as to why the democrats outlived the republicans, as a group, excepting it will be noticed that most of the younger delegates were of the democratic faith. This may be the explanation. Brother Pat Hamilton is my authority for the assertion that democrats do not, as a fact, live any longer than republicans; it just seems longer.

In Oklahoma, of the 112 delegates to that state's constitutional convention of 1907, thirty-one were living at the time of a reunion held at Guthrie on September 18th, last, the report of this meeting tells us. So, when we remember that all but thirteen of these delegates were democrats, there might be, after all, something to the fact that democrats live longer than republicans.

While no member of the convention ever became governor of the state, we know that the first two United States senators, Catron and Fall, were members of the body, and

likewise, H. B. Fergusson, who, with George Curry, first represented us in congress.

It might be noted, incidentally, that at no time since statehood has our supreme court been without one or more members who served in this convention: Justices Roberts, Parker, Raynolds, Davis, Brice, Hudspeth, and your humble servant. But for his defeat by the republican candidate, Mr. Justice Bickley, of our court, would have had the same distinction. He had not learned yet, or probably he didn't care too much, that Colfax hadn't begun to elect any democrats to office by 1910. Certainly not when the powerful and able Charles Springer was the alternative. Numerous other members later served in district, county and state office, all with honor and credit, as far as the record shows.

It may be of interest to the bar to know that the original of the constitution, with the signatures of the signers, which has been left lying about in the vault of the secretary of state through the years, is now to be preserved in a neatly constructed glass-covered box and under lock and key, provided by our present secretary of state, Mrs. Cleveland. It is sad to relate that but few of the original papers and records of the convention proceedings have been preserved. I do find in that office the original files on the preamble, and the boundaries of the state, and two or three others.

As I reflect upon those days and the men of this convention, I believe it can be said that, notwithstanding the wide difference in political philosophy which separated the two parties at that time—many of which differences have now ceased to exist as experience has taught us all to distinguish between that which is desirable and that which is not—that no more patriotic or earnest body of men ever assembled in any territory in preparation for statehood. That somewhat selfish purposes motivated some of the delegates goes without saying; but the fact that most of such purposes were pretty well circumscribed or thwarted, justifies this tribute to the patience, skill and patriotism of that body as a whole.

New Mexico's interests were varied and, in many cases, rather conflicting; and the idea of writing a constitution which would fairly serve the people for decades and not

years merely, and which would, at the same time, pass muster in a congress then divided, politically, with a democratic house and republican senate, and which would meet the approval of a most conservative president, was no little problem. And, it might be noticed that, although we have had, at all times, authority for the legislature to initiate the calling of a constitutional convention to rewrite, or revise, our constitution, yet there has never been, from any quarter, so far as I have learned, any demand for such a convention. All of the few essential amendments adopted have been made through the more simple and direct method.

It is quite possible that no one of the seventeen framers of our constitution now surviving, will live to see called a convention to revise; and this, in itself, would represent a record of general approval not achieved in many such conventions.

We can't say there was anything unusual, or outstanding, that came from this convention. We were dealing simply with the ideologies and problems which were common to political parties, the several state legislatures and congress itself, in that period of growing political pains and restlessness. It was the unusual era which lay, say, between the early 90's and the time of the first World War.

It was simply Democracy feeling its way along: marching, battling, hating, loving. Political corruption, confined exclusively to neither political party, and economic injustices inflicted upon the great masses, and selfishness, had bred unnecessarily deep class-hatreds; bigotry and tolerance were struggling, each for supremacy as in no other like period of our history, perhaps; certainly never on such a wide scale. And, the wonder is, not that our country as a whole eventually achieved so little in unity, security and justice, but rather that we in fact escaped that yawning pit of political darkness which came later to devour the other world democracies—those which, in desperation, accepted the rule and dictates of *men*, as they turned away from government by *law*. And, for this *we must owe something to Divine Guidance*.