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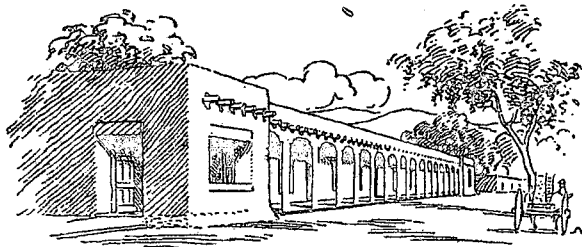
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# THE NEW MEXICO HISTORICAL REVIEW

VOL. IV

APRIL, 1929

No. 2



PALACE OF THE GOVERNORS  
1609  
SANTA FE, NEW MEXICO

PUBLISHED QUARTERLY  
BY  
The Historical Society of  
New Mexico  
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DEPARTMENT OF HISTORY  
SCHOOL OF AMERICAN RESEARCH

EDITORS

LANSING B. BLOOM

PAUL A. F. WALTER

ASSOCIATE EDITORS

E. DANA JOHNSON FATHER THEODOSIUS MEYER, O. F. M.

FRANCIS T. CHEETHAM

FRANCE V. SCHOLÉS

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EL PALACIO PRESS, SANTA FE

# THE HISTORICAL SOCIETY OF NEW MEXICO

(INCORPORATED)

ORGANIZED DECEMBER 26, 1859

## PAST PRESIDENTS

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1861 — Maj. James L. Donaldson, U. S. A.  
1863 — Hon. Kirby Benedict

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1881 — Hon. William G. Ritch  
1883 — Hon. L. Bradford Prince  
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# CONSTITUTION

OF THE

## HISTORICAL SOCIETY OF NEW MEXICO

(as amended Dec. 15, 1925)

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

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

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

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

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

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of twenty-five dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historical nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have by published work contributed to the historical literature of New Mexico or the Southwest may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election,

and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Each Member, upon election, shall pay a fee of two dollars, which shall include the dues for the current calendar year and annually thereafter a fee of \$1.00 payable in January of each calendar year. Members may be dropped from the rolls of the Society at the discretion of the Executive Council for non-payment of dues.

Article 7. *Publications.* All publication of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at Eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

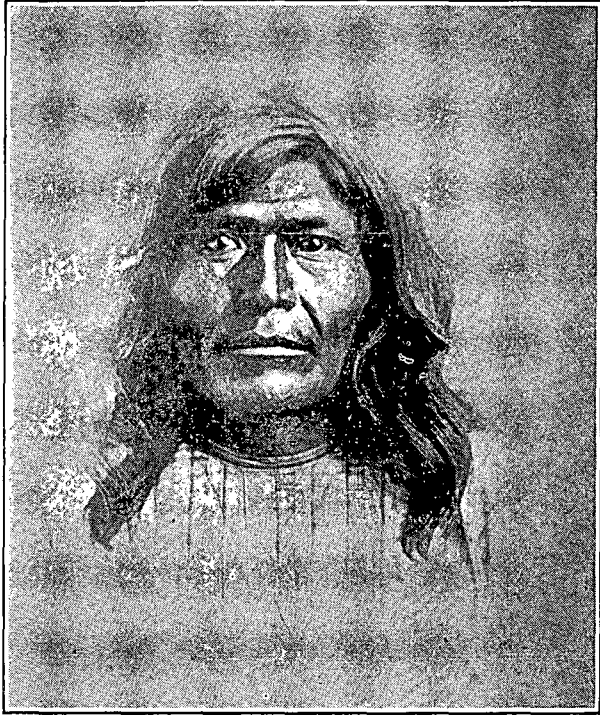
Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Bulletins, as published, are mailed to members; subscription to the *Review* is additional.

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Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Mr. Lansing B. Bloom, Santa Fe, N. Mex.



VICTORIO  
HEAD CHIEF OF THE WARM SPRING APACHES  
In 1877, at Ojo Caliente, New Mexico

# NEW MEXICO HISTORICAL REVIEW

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April, 1929.

No. 2.

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## T H E A P A C H E S

BY JOHN P. CLUM

(Copyrighted — 1929.)

During the past year it has been my great privilege to contribute to the pages of *The New Mexico Historical Review* some facts relative to the history of the Apache Indians. These recitals have dealt more particularly with the biographies of two conspicuous Apache characters — Geronimo and Es-kim-in-zin.

If I may be permitted to occupy additional space in these valuable pages I shall find inspiration for the task in the hope that I may be able to present convincing evidence in support of the opinion I have expressed from the time of my earliest associations with these Indians, viz; that *if from that time the Apaches had been given a fair chance under firm, just, intelligent and sympathetic direction, their orderly development and gradual progress would have been assured, and the miserable record of the campaigns against Geronimo never would have been written.*

And further, if, from this review, it shall appear that the mass of these Indians have been the unfortunate victims of the tragedy of misrule and of unhappy, variable and demoralizing conditions which they were not afforded the least opportunity either to prevent or correct; if the *neglected truth* shall thus be rehabilitated and established, that these facts may arouse such genuine interest in the matter as will inspire a sincere endeavor to measurably redeem our



past transgressions against these primitive people by encouraging and aiding the maturing generation of this race of FIRST AMERICANS in a sensible and practical way.

In concluding my somewhat extended narrative of Geronimo I stated that my official report of the capture of this renegade was confined to a single paragraph, and I deem it only fair to the reader as well as to myself, that the paragraph referred to should be reproduced in this review as an essential feature in the development of the record.

My final official report was dated at Florence, Arizona, September 18, 1877 — about three months after I had relinquished my official responsibilities at San Carlos, and about five months after the exciting capture at Ojo Caliente. This report was made a part of, and printed with the annual report of the Commissioner of Indian Affairs for 1877. The paragraph in question reads as follows:

“The capture of several noted renegades at Hot Springs (Ojo Caliente,) New Mexico, and the removal of the Indians of the Hot Springs agency, New Mexico, to San Carlos, Arizona, is one of the most important movements with which I have been connected while in the Indian service, and the result of this movement was a complete success. The co-operation of the troops under General Hatch and Major Wade was perfect. On April 21 my Indian police arrested ‘Heronemo,’ ‘Gordo’, ‘Ponce’, ‘Francisco’ and several other noted renegades, who were immediately lodged in the guard-house, *in irons*. The entire tribe of the Hot Springs Indians, numbering 453 souls, left the agency on May 1 by trail for San Carlos. I started the same day by road with the prisoners. On May 20 the Hot Springs Indians were located peacefully, and with satisfaction to themselves, on the San Carlos reservation — twenty miles east of the main agency buildings.”

In those days we gave Geronimo’s name the Spanish pronunciation, hence the spelling, “Heronemo.” I reported the co-operation of the troops as “perfect.” I had asked

that troops be stationed at strategic points for the protection of citizens in case of emergency. This was done, but no emergency developed. Major Wade was a day late in arriving at Ojo Caliente, but we did not allow his failure to keep his appointment to defeat the chief purpose of our campaign, and when the troops did arrive at the agency my police had already arrested the principal renegades and were holding these prisoners in the guard-house, in irons. In these circumstances there had been nothing for the troops to do except to "co-operate" by marching to their respective positions in the field and then return to their respective posts, and, inasmuch as I had attained my objective, I was quite willing to overlook the tardy arrival of Major Wade and to give the troops a "perfect" score. Moreover, in view of the *unwilling support* or open hostility which quite uniformly characterized my experiences with the military authorities in Arizona, I was eager to extol the *genuinely cordial spirit of co-operation* displayed by General Hatch and his staff in New Mexico.

The original campaign against Geronimo in 1877 was undertaken in the interest of the public welfare, and, notwithstanding the renegade chief and several of his fellow outlaws were apprehended and brought to San Carlos *in iron* — no banquets, or medals, or promotions, or pensions were ever tendered to any of the members of the successful expeditionary force. The public we served complacently regarded the campaign as a feature of our official job, and the capture of a few renegades was merely a part of the day's work. Thus it happened that with the exceedingly brief official record already quoted, the more or less thrilling and important episode enacted at Ojo Caliente on April 21, 1877, passed silently into history — and *near oblivion*.

Late in September, 1881, Geronimo resumed his role as a dangerous renegade, and in the sorry drama that followed he held the center of the stage for five years. Notwithstanding the military campaigns waged against him he was able to extend his world-record series of surrenders

from 1883 to 1886. Meanwhile graphic accounts of the savage prowess of the renegade chief and of the brilliant maneuvers of the pursuing troops filled countless front-page columns throughout the land. It is not remarkable, therefore, that the modest record and the faint recollections of the campaign and capture of 1877 were hopelessly submerged in this veritable sea of spectacular literature.

Conscious of the fact that my official report of the campaign into New Mexico was lamentably deficient in supporting details, I felt inclined to allow the story to continue to slumber as a part of the forgotten past. However, as time passed I felt that, in justice to the Apache Police — if for no other reason — the details of this campaign should be given its proper place in the story of the Apaches. Nevertheless, I hesitated until a couple of years ago, when, to my great joy, I discovered the convincing documentary evidence which I had so much desired, in the form of a letter I had written at Ojo Caliente *only three days after Geronimo had been placed in the guard-house in irons*. The reader will appreciate that the citizens of Arizona were very anxious to know what was happening in New Mexico, and that in the letter to my friend, John Wasson, editor of *The Citizen*, I was merely outlining in an off-hand manner, some of the most important facts relative to our activities at Ojo Caliente from April 20th, to April 24th, 1877. The letter follows:

(This letter was published in *The Arizona Citizen* at Tucson on May 5, 1877. See copy of said paper on file at the Library of Congress, Washington, D. C.)

“Southern Apache Agency, New Mexico,  
April 24, 1877.

Mr. John Wasson:

On the afternoon of the 20th I took an escort of twenty-two police and came into the agency, leaving Captain Beauford with the remainder of our grand army about ten miles

out. On my arrival, which was just before sundown, I learned that Eronemo, or Geronimo, had been here the same day for rations. The troops would not be here until the 22nd, but I determined to make a strike at once. I accordingly sent a messenger out to Captain Beauford to ask him to come in with his command before daylight of the morning of the 21st. At 4 o'clock on that morning Beauford was here, and his men all shut up in the main commissary building. I at once sent for the chiefs of this reservation to talk with them. About fifty of them came up to the agency, and as they supposed I had only my escort of twenty-two police they were prepared to be very mean. But when I got them all ready to hear what I had to say the commissary door was opened and eighty more police were thrown into a formidable skirmish line, which completely surprised and surrounded the Hot Springs gentry.

Some of the boys who were mounted made an attempt to ride away in disgust, but several needle-guns were leveled on them and they were persuaded to return and hear what I had to say. I told them my orders in a few words and took a needle-gun from Eronemo, a Winchester from another, and several other guns from various red brethren. Then Eronemo was ordered to march out and surrender to Captain Beauford — which he did with reluctance, and was evidently undecided whether to fight to the last with his knife or to give himself up. Just here Sergeant Rip of Captain Beauford's company stepped up and took the knife from Eronemo's belt, Captain Beauford came down with his needle-gun and Eronemo was our prisoner.

We then took Gordo's son, and after a few remarks explaining our new relations the men were permitted to go to camp, having been ordered to attend count in the afternoon. About one hour before sundown we counted 434. After the count I arrested one of the three Indians who stole the seven head of horses from San Pedro on the 8th instant, of which I wrote you from Camp Bowie. You will remember Captain F. Apodaca was following their trail.

These three Indians reached the reservation three days before I did.

During the night of the 21st the Indians got drunk and went to the hills, badly scared at their own shadow, so that at count on the 22nd I had only about 175. Major Wade and his command arrived here on the 22nd, and it was feared that the Indians would not appear again at the agency, but yesterday most of them came back, and to-day I have about 400 men, women and children.

I have fourteen prisoners; among them Eronemo, Gordo, a son Gordo, and two of the three Indians who stole the horses on the San Pedro on the 8th instant. Eronemo, Gordo's son and another Indian I have in chains.

Today I had a talk with the principal men and they have consented to move to San Carlos. There will be no fighting here and I will get nearly every one.

Pi-on-se-nay and four men left about four weeks ago and are now raiding in Sonora and Arizona. I am officially informed by the acting agent that at least forty Indians are now on raids in the southwest who draw rations here.

I will leave here as soon as arrangements can be made for transportation, etc. Captain Beauford left here yesterday morning with his company and thirty days' rations, and will pick up anything he can find between here and the Dos Cabazas mountains. He has a good company and is an excellent scout. I gave him three thousand rounds of ammunition just before he left.

Colonel Wade and his command are doing all in their power to assist and insure success.

Very truly yours,  
 (Signed) JOHN P. CLUM,  
 U. S. Indian Agent.

In the same issue of *The Citizen* containing the foregoing letter there was also published the following telegram:

"Fort Craig, N. M., April 26, 1877.

Governor A. P. K. Safford,  
Tucson, Arizona.

"I have Heronemo, Ponce, Gordo and fourteen other prisoners. The worst are chained. Expect to start on thirtieth with all Indians for San Carlos. Entire success thus far. Pi-on-se-nay, Nol-gee and about forty others now absent in Arizona and Sonora. Beauford started back on the 23rd."

Signed) John P. Clum,  
Agent."

The letter and telegram above quoted are of great historical value since they contain details of important events recorded at the time and place of their occurrence. They also furnish some evidence of the deplorable conditions then existing in connection with the affairs of the Southern Apache Agency at Ojo Caliente. It is noted that Geronimo was supplied with rations at the agency on April 20th; that Pi-on-se-nay with four men had left the agency a month previous on a raid into Arizona and Sonora; that at least forty Indians who drew rations at Ojo Caliente were then on raids in the southwest, and that Ponce with a small party had just returned from a raid bringing some stolen stock with him, but it is not indicated that any action had been taken by the local agency authorities with a view to apprehending and punishing any of these bold and defiant renegades.

As a matter of fact I was astounded when I learned the actual conditions existing on that reservation. There was an acting agent, but he did not pretend to exercise any control over the Indians who were supposed to be under his direction and management. He knew that the Ojo Caliente reservation was the rendezvous of some of the most active of the hostiles. He knew the desperate character of Geronimo, Pi-on-se-nay, Nol-gee and others, but when any of these appeared at his agency he did not even report their presence. His principal occupation was to issue rations,

and his chief concern was to preserve his own life. With this end in view he had obtained a detail of ten soldiers as a body-guard, whose sole duty it was to protect him from violence and assassination at the hands of the Indians he was feeding, and I was told that notwithstanding this special guard it sometimes happened that the Indians would brush the agent aside and help themselves to rations.

To me this condition of affairs seemed monstrous and incomprehensible. In my experience at San Carlos order and discipline and harmony had been maintained through the friendly and efficient co-operation of the Indians themselves, and every symptom of insubordination was speedily controlled and suppressed. Our rules and regulations were neither numerous nor unreasonable. We were feeding and protecting the Indians on the reservation, and in return for these valuable considerations we insisted upon the strict observance of at least two features of discipline as being vital to the success of my administration; viz, first, respect for the authority of the agent, and, second, orderly conduct on the part of all the Indians. In these circumstances the one offense I could not tolerate was that of insolent insubordination, and any display of this nature instantly aroused my Dutch fighting blood to vigorous action. And so it happened that the rebellious and defiant spirit which had prevailed among the Indians at Ojo Caliente speedily led to my first and only honest-to-goodness, hand-to-hand combat with an enraged Apache on murder bent.

But before reciting the details of this spirited and more or less thrilling episode I beg the indulgence of my friends — as a matter of personal privilege — while I undertake, briefly, to emphasize three points, viz: First, that I did not belong to the popular type of so-called "Indian fighters," for the reason that it was my habit to fight for the Indians and in their ranks: Second, that the success of my administration at San Carlos was not so much the result of *what I did with the Apaches*, but rather *what I was able to encourage the Apaches to do for themselves* under

judicious and sympathetic direction; and, third, that as a "publicity stunt" I effected the capture of Geronimo much too early in the game, because when that wily Apache was placed *in irons* at Ojo Caliente on April 21, 1877, our prisoner had had only about *nine months* in which to "get a reputation," whereas, in 1886, when this same Indian surrendered to General Crook, and then — about five months later — surrendered to General Miles, he had been doing his special brand of renegade stuff for about *nine years*, and during all of those years an innumerable throng of enthusiastic press agents vied with each other in spreading the name and fame of Geronimo, not only throughout the United States, but throughout the civilized world wherever newspapers were read.

And now for the "scrap" with the Apache. A trusted employee had been sent to Ojo Caliente in advance for the purpose of "spying out the land," and immediately upon my arrival there late in the afternoon of April 20th he informed me of the insubordinate and defiant attitude of the Indians belonging to that agency. Very promptly I determined to challenge that attitude at the earliest opportunity, and this opportunity developed the next morning as soon as Geronimo and several other principal leaders had been taken into custody by the Apache Police.

Victorio was the chief of this band — all of whom had accompanied Geronimo to the agency that morning, and had been thrilled by the swift and effective maneuvers of the San Carlos Police. The desired arrests having been made, I assembled the main body of the Indians in a more compact group and forthwith precipitated a "heart-to-heart talk", — substantially as follows: "I understand that you have been disorderly and have defied and threatened the local agent; that you say you are dangerous fighting men and will never submit to discipline or control, and that everyone is afraid of you because you are brave, desperate and deadly warriors. Now listen!" (and here I met their bluff with a stiff one of my own) "You have seen what the



San Carlos police have done here this morning. WE ARE BRAVE WARRIORS, TOO, and are always looking for those Indians who boast they are so dangerous that everyone is afraid of them. We have subdued all of that sort of bad men in Arizona — and were out of a job, so when we heard how brave and bad some of the Indians at Ojo Caliente claimed to be, we started at once for New Mexico. Now you see us here with our *fighting harness* on. It is our business to fight all bad Indians. We are always ready. We are not afraid. Therefore if any of you feel that you must fight we are here to oblige you — and none of you will ever find it necessary to wear out your moccasins trying to find us. We will always be ready with good rifles and plenty of ammunition, because we know we will not have good order and live well and have peace UNTIL ALL INDIANS WHO ARE TRYING TO BE BAD AND DANGEROUS are held as prisoners in chains — or have been killed.”

As I paused to roll a cigarette Victorio protested that his people had been grossly misrepresented; that they were good Indians, and their great desire was to live peaceful and orderly lives.

Promptly I replied: “You know that a number of your people are now absent on raids into Sonora, or along the trails leading from Ojo Caliente through New Mexico and Arizona into Mexico. My police have just followed the trail of a raiding party with stolen stock returning to the reservation. Ten soldiers have been stationed here to protect the agent because the Indians have been insolent and threatening. Indians who commit such offences have bad hearts and do not care to live peaceful lives.”

“At San Carlos the Apaches do not go out on raids. The Indian Police enforce discipline and maintain order. All troops were sent away from the reservation two years ago. We have peace and no one is afraid. You can learn from the policemen with me how well the Apaches are living on the Arizona reservation and how contented they are.”

"Your chief, Victorio, says you want to live at peace and improve your condition. Very good. I will give you a chance to live as the Apaches do at San Carlos. But there must be no more raids. No more insubordination. I will give you a fair chance — and I believe nearly all of you will be glad to settle down and be friendly with everyone.

"We will begin this new plan of living to-day. There has been no regular system of counting the Indians at this agency — and you have told the agent that you would not be 'counted like sheep.' You said that because you do not understand. I do not want to count you 'like sheep,' I want to count you LIKE MEN. For many months I counted all of the Indians at San Carlos every day. Now they are all counted every week. All our white soldiers report for roll call — are counted — every day. From time to time I will explain everything to you that you do not understand. If we are going to be friends we must understand each other. I will explain one point about the count now. Some stock might be stolen in Arizona to-day and someone might say that Victorio was the leader of that raiding party. Then I would tell them that the charge against Victorio was false — because he was present at the count made at Ojo Caliente, New Mexico, on April 21st. You see the count protects you. There are other reasons why the count is necessary. We will begin to-day. Now you may go to your camps — but this afternoon, about one hour before sunset, I want ALL OF YOU, men, women and children, to assemble here at the agency for a count."

The reaction of this common sense appeal was that practically the entire band were assembled at the agency as the sun was approaching the western horizon, and the record shows that we counted 434 individuals that afternoon, whereas, the complete round-up of these Indians on the morning of May 1st when they started over the trail to San Carlos showed a total of 453 men, women and children — only 19 in excess of my original count.

This result was, of course, very gratifying, and I was hopeful that no serious clash would occur in the future. However, the advent of some "bootleg booze" and the troops under Major Wade produced much excitement and some alarm in the Indian camp for a couple of days, during which time comparatively few reported at the agency for the count, but there were no acts of defiant insubordination. I assured the Indians that the troops would not molest them if they followed my advice and instructions, and within three or four days the excitement had subsided and nearly all reported for the daily count.

Again I was gratified and felt hopeful that none of my new charges would manifest a spirit of open rebellion, but this hope was doomed to be shattered in a most abrupt and unexpected manner. We had counted the Indians six times without opposition of any sort on their part, but the seventh count was destined to produce a genuine thrill for the benefit of a goodly throng of spectators that included officers, soldiers, citizens and Indians.

In my original talk with these Indians, after calling their attention to the fact that the San Carlos Police were there with their "fighting harness" on, I had boldly added that Captain Beauford and myself could be relied upon to take a hand in a scrap — *if necessary*. Whether there was a conspiracy to "try me out" along these lines cannot be known now, but it is certain that this episode put me to the test. It was about an hour before sunset, and the men were forming in line on the parade ground in front of the agency for the purpose of the daily count.

My costume and equipment for trail trips in those days consisted of a broad brimmed hat, double breasted blue flannel shirt, pants and boots — the pants tucked into the boot-tops, a belt with cartridges a hunting-knife and a Colt's "forty-five," and a rifle which was carried in a short sling looped over the pommel of the saddle. Such a costume offered little resistance to either a bullet or a knife.

Ordinarily at San Carlós I went about unarmed, but as we were "in the enemy's country" at Ojo Caliente I wore my belt with its knife and six-shooter most of the time. Inasmuch as the Indians were assembling on the parade ground in an orderly manner I left the details of the count to the chief clerk and stepped into the agency office. Having worn my belt all day it was beginning to feel a bit heavy, so I unbuckled it and laid it aside with its handy weapons attached. This I have always regarded as a *very fortunate circumstance*, as I will indicate later.

Glancing out of the window I saw that something was going wrong with the count. It was my habit to nip trouble while it was still in the bud, so, seizing my hat, I hastened to the scene of the disturbance without even thinking of my knife and six-shooter. When I asked what the trouble was about, the interpreter pointed out a young Indian who was seated on the ground near by and who, he said, refused to go into the line to be counted. I ordered the young man to take his place in the line, but he showed no inclination to obey. I then ordered two of my Indian police to take him to the guard-house. They each took an arm of the insubordinate Indian, raised him to his feet and started for the guard-house. At first the prisoner made no resistance, but after going a few steps he suddenly wrenched his bare arms from the loose grasp of policemen and deliberately went back and sat down. Thereupon I entered actively into the affair.

Taking a rifle from one of the policemen — and to this day I do not know whether it was loaded or not — I stepped beside the defiant Indian, grasp his left arm with my right hand, raised him to his feet and started to conduct him to the guard-house — even as the policemen had done. The way led down the entire front of the line of Indians who, while waiting for the count to proceed, were intensely interested in the impromptu entertainment provided by this rebellious member of their band.

Perhaps I should have paid more heed to the cunning of my prisoner which had enabled him to break away from the policemen so easily, and, obviously, it would have been a wise precaution to have disarmed the Indian before I started with him to the guard-house. But, as a matter of fact, I had not observed the knife he carried in his belt and which was almost hidden by his loose shirt.

However, he went unresistingly until we had reached about the middle of the line of waiting Indians, then, with a violent effort, he wrested his left arm from my grasp — at the same instant drawing his knife with his right hand and raising it high above his head as he poised for the deadly thrust. His effort to break from my grasp threw him about two paces from me.

*Fortunately I had neither knife nor pistol*, or the fight would have been deadly indeed. The rifle handed to me by the policeman I had grasped by the barrel so that it balanced in my left hand with the stock to the rear. The instant I saw the Indian draw his knife I swung the rifle up to a horizontal position at the height of my head, thus reversing it, and seized the small section of the stock with my right hand. As the infuriated Indian leaped forward to stab me I bumped him squarely on the forehead with the butt of my rifle. That was a lucky strike — for me. With both arms thus upraised, I shudder to think what probably would have happened had the butt of my gun failed to connect with that red-skin's *bean*. The defense I made was instinctive, instantaneous and effective.

The blow from my gun was of sufficient force to stun my antagonist, and he fell backward upon the ground. In an instant I was over him and had seized his right wrist with the intention of disarming him. But he was not seriously hurt. Fierce and quick as a panther at bay, he caught the knife with his left hand and made a vicious thrust at my bending form. Being alert and active myself I executed a graceful side-step and the keen blade *never touched me*. Instantly I swung the butt end of my rifle and dealt the

blood-thirty savage a glancing blow just over his right ear. The Indian was dazed, but not disabled. However, the fight was over.

While this encounter was exceedingly spirited, it was equally brief. Only two blows were struck, and the interval between those blows could not have been more than ten seconds. I wish I might give the same speed to the story — but that is impossible. Although my opponent was not knocked out, I WON ON POINTS, for — fortunately for me — mine were the only blows that landed.

Just as I struck the Indian the second time two of his friends in the line came forward and volunteered to disarm him. I stepped back a pace and, watching “the enemy” closely, I told his friends to take the knife and hand it to one of my policemen — several of whom were “standing by” awaiting a signal from me to take a hand in the fray. Having secured and delivered the knife, the “friends” were ordered back to their places in the line.

My opponent having been deprived of his weapon, it seemed only fair that I should place myself on the same footing, so I surrendered my good rifle to one of the idling policemen. The belligerent Indian was still my prisoner and I determined to take no chances on his wriggling away from me a second time. With my left hand I grasped his left arm, while my right hand took a firm and generous grip on the abundant hair of my frenzied foe — and in this particular grip I had a hundred per cent advantage over the Apache (see one of my high-brow photographs). Feeling quite sure of my prisoner, I raised him to his feet, marched him past the second half of the waiting line and on to the guard-house — where I literally “threw him into prison.” A little later he was placed in irons.

Returning to the line of waiting men I reiterated my “declaration of war” — *if they insisted on fighting*, but at the same time *I strongly advised peace*. The Indians were then counted and allowed to retire to their camps. Thereafter I had no trouble with the Ojo Caliente Indians.

Looking backward I recall that during this encounter I had no sense of fear — in fact, I did not have time to get scared, nor was I particularly excited at any moment. Neither did I have any purpose or desire to kill the Indian, although it was evident that he was endeavoring his utmost to use his knife with fatal effect. The first blow I struck the Apache with my rifle was in self-defense. Its delivery was instinctive and without reserve. If the time and distance had allowed me an inch or two longer stroke I probably would have crushed the Indian's skull, because the rifle was very heavy — one of the old-pattern, long-barreled, three-band needle-guns. If my first blow had resulted fatally it would have been without "intent" on my part, and while my second blow would also be classed as "self-defense," it was, nevertheless, deliberate. The Indian had been knocked down and was still on the ground. My personal danger was not so imminent, and although the knife still flashed its deadly menace, I deliberately planned to hit the Indian just hard enough to knock the fight out of him.

This "scrap" might be rated as a combat, or even as a fight, and yet it was merely an incident in the execution of my general administrative plan, and WAS IN NO SENSE A SPECTACULAR GESTURE of the "Indian fighter" type, and it is evident that I had no desire to have it appear as such from the fact that I have allowed more than fifty years to elapse before giving any publicity to the episode.

It was of vital importance that the Indians should respect my authority as agent, but, at best, I was seldom given an opportunity to pose as anything more than a "pinch" fighter, for the reason that my loyal and vigilant Apache Police were ever on the alert to intercept any danger that menaced me, and they were amazed when I abruptly thrust myself actively into the affair at Ojo Caliente. But, in the circumstances, that Indian's defiant attitude appealed to me as a personal challenge — and I promptly accepted that challenge. I took the chance — and won, and

the moral effect was greatly to my advantage, both with my police and with the other Indians. And, furthermore, the incident demonstrated the fact that my purpose was merely to enforce discipline and not to *kill* — or even to inflict unnecessary punishment.

There was one other brief, exciting and bloodless incident in connection with this campaign that occurred about twenty miles from Ojo Caliente about mid-afternoon on April 20th, and which may be worth while recording as an illustration of how completely people may be misled by circumstantial evidence; how one may be thoroughly frightened at nothing, and — of special importance — as affording another example of the loyal attitude and true soldierly deportment of the Apache Police in an apparent emergency. I have said that during the scrap at Ojo Caliente I did not have time to entertain a sense of fear, but in this bit of impromptu wild west comedy I had plenty of time — and was *plenty* “scared.”

The trek from Silver City to Ojo Caliente was not an unmixed hardship. About the middle of April the weather is very delightful in the mountainous country over which our trail led. On every hand were blooming flowers in endless variety and of rare beauty — the varieties constantly changing with the varying altitudes. Antelope and deer were quite plentiful, affording pardonable entertainment for our skilled hunters and daily replenishing our commissary with delicious steaks and chops — and always there was the exhilaration of enchanting mountain vistas and the tonic of the pure, clean, arid atmosphere. To these very agreeable conditions were added the charm of intimate association with vast forest areas, the flash and song of sparkling mountain brooks, the mysterious depths of rugged canyons — with here and there the soothing aspect of a velvety-green mountain meadow.

Thus each day yielded its generous tribute of good things in compensation for the fatigue involved in our strenuous march, and each evening discovered in our camp a



more or less weary, hopefully hungry, happily husky and uniformly good-natured bunch of swarthy masculine humanity lounging in small groups about the sparkling camp-fires, toasting choice bits of venison set on "spits" near the fire after the fashion of the "well greaved Greeks" — meanwhile puffing cigarettes and "telling old tales beneath a tree with starlit skies for canopy."

And ours was a democratic assembly: There was no saluting of superior officers. We were engaged in a serious undertaking. Just how much actual hazard might be involved in our mission none knew, — but each one was there for service at all times and for instant and effective action in any emergency. The best information obtainable had warned us to be constantly on our guard in order to avoid an ambush or a surprise attack by those desperate renegades whom we hoped ultimately to meet. Rumor had cautioned us that there were probably between 200 and 300 of these renegades — all seasoned, well armed and determined fighters. It was these persistent and ominous rumors of possible combat at any turn of the trail that lent zest as well as gravity to the enterprise.

Thus we went on our way ever eager and watchful. The morning of April 20th found us at the summit of a range about forty miles from Ojo Caliente. We were early on the trail and completed a march of twenty miles by ten o'clock. Our mid-day camp was ideal. We had reached a beautiful mountain meadow about a mile in diameter, near the center of which was a wooded hillock with a spring of clear, cold water at its base. Among the trees on this elevation we made our camp.

As I had agreed to meet Major Wade at Ojo Caliente the following morning I planned to start out about two o'clock and complete the march of twenty miles to the agency that afternoon. Two members of my police force had been over this trail before and they informed me that there was good water about half-way between our noon camp and the agency. There-upon I told Captain Beau-

ford that I would take with me a score or more of the police who had good mounts and ride on to the agency, but inasmuch as nearly all of the other police were on foot and had already marched twenty miles that day, he might bring them to the half-way spring that afternoon and come on to the agency the following morning.

When I rode out of camp with my escort of twenty-two mounted police there was nothing to indicate that I was riding into the *prize scare* of the campaign. Lunch was over and our "buddies" who remained in camp were lounging under the trees — some asleep. The ugly rumors that had been so gleefully repeated to us regarding the multitude of roving renegades liable to be abruptly met with on our march had failed to develop any alarming signs, and this fact had engendered a feeling of assurance that nothing serious would occur prior to our arrival at Ojo Caliente.

It was in this confident mood that we rode bravely away from the bunch of drowsy comrades lounging and napping about the camp, crossed the half-mile of meadow and disappeared as the trail curved into the canyon. We had followed the trail along the floor of the canyon for five minutes or less when we were startled by the quick reports of rifle shots from the vicinity of the camp we had just left. The first reports were in the nature of a volley followed by scattering shots — then another volley merging into desultory firing for a minute or two, and, to our ears, the echoes in the canyon announced a genuine battle.

The time occupied by the shooting was very brief — probably three minutes, but three minutes is ample time in which to develop a *high-grade scare* — provided conditions are favorable. And existing conditions were unusually favorable for myself and my escort during those few exciting moments. At the instant the firing began we all thought our noon camp had been attacked by a force of lurking renegades. This unanimous conclusion was spontaneously expressed by actions rather than by words. Orders

were unnecessary. While the keen reports of the first volley were still echoing from the canyon walls we wheeled our horses about and started on a run back to the camp.

It was in this moment of apparent sudden emergency that the Apache Police once more demonstrated their alert loyalty. Promptly my escort deployed in skirmish lines on both sides of the trail, covering as broad an area as the sloping walls of the canyons would permit, with a view to securing the strongest formation possible for meeting and repelling an attack, and at the same time offering the best protection for me. With instinctive good judgment fully three-fourths of the police took positions on the side of the trail toward the camp and all eyes were scanning that rim of the canyon watching for the expected foe.

To our excited minds the situation was clear. The renegades had learned of our approach and the trail we were following, and they had anticipated that we would halt at this ideal camping ground. With all their natural caution and cunning they had avoided any signs that might warn us of their presence in that vicinity, and had carefully concealed themselves in the forest adjacent to the camp. When they observed our small party preparing to leave they had allowed us to go — thus dividing our forces, and as soon as we were well out of sight in the canyon they had attacked our noon camp while many of the police were asleep — and thus had literally “caught us napping.”

Such a bold attack at that time of the day indicated that the renegades were out in sufficient numbers to give them confidence, and surely they would detail a formidable party to oppose us if we came to the relief of our comrades in the camp. Each second as we were charging back along the canyon we were expecting that the fusilade echoing from the camp would be supplemented by the cracking of rifle shots and the whiz of bullets in the canyon — and as I was the only pale-face in the canyon I figured that my chances of effecting an exit alive were reduced to the lowest terms.

It is frankly admitted that we were as thoroughly

alarmed and excited as though the situation, as we imagined it, had been absolutely real. Perhaps we were all the more alarmed because our position in the canyon was untenable. But whatever fleeting emotions may have seized upon us, we still rushed on toward the open grassy meadow where we might join in the fight on an equal footing with the enemy. We were "scared" all right — and were *on the run*, but we were *running in the right direction*, and we did not hesitate until we halted in the open field — and *then we all laughed*.

A small herd of antelope had strolled along the edge of the meadow on the windward side. They did not scent the Indians — but suddenly the Indians discovered the antelope. Those who were fully awake caught up their rifles and fired in the direction of the herd — thus producing that first "volley" which had startled our little company in the canyon — as well as the herd of unsuspecting antelope. By this time the sleeping scouts had been fully aroused and they, too, joined in the shooting — thus giving the effect of the "second volley." Very promptly the antelope scattered into the forest, but as long as any of the animals remained in sight the Indians maintained the "desultory firing."

Without stopping to inquire whether any of the antelope had been killed — or whether they had simply shared the "prize scare" with our little party, we again headed our horses for the canyon and continued our march to Ojo Caliente.

## THE EXPLOITATION OF TREASON

EDWARD D. TITTMANN

The retreating hoofbeats of the Confederate Cavalry had scarcely stopped echoing down the Valley of the Rio Grande when the pent up emotions of the people they had tried to rally to the Southern Cause burst like a bottle of home brew. The invasion had been so sudden, so poorly resisted and so apparently successful that these people of New Mexico who were accustomed to be led rather than to lead had hardly time to think about it before the tide swept out again. The Colorado troops, followed by the California Column, checked the rebel successes as swiftly as they had been won. To many of the leading men of the territory the flareup was too confusing to be meditated upon. Most of them had, during the invasion, maintained that equilibrium for which merchants and traders are famous the world over. Some, however, especially among the wealthier Mexicans who saw in the abolishment of slavery also a disappearance of the peon system and who had cast all their resources and their influence for the South received a severe and terrifying shock when they realized that the Confederate government would not be able to maintain a footing in New Mexico.

There were among the leading families of the country certain powerful individuals who had trusted the invaders with a large portion of their wealth. These as well as less fortunate residents found it desirable to follow the southern troops down the Rio Grande, into Texas and beyond. And they were the first objects of the vengeance of the so-called Loyalists.

As is often the case in time of public excitement suspicions, jealousies, hatreds and greed joined hands with pure patriotism and revelled in attempts to get even with the sponsors of the lost cause.

That there should be high passions and much resentment among the adherents of the North should not, probably, be surprising. The Southern sympathizers, resident in New Mexico, belonged largely to the ruling classes and their followers: rich merchants, ranchers, mining men, lawyers, doctors and a sprinkling of saloon men and gamblers. Those who came either with or as a part of the army of the South were largely adventurers spurred on by the promise of rich loot. These men were accustomed to the wild life of the frontier, life was cheap in their eyes and they committed many outrages. John Lemon, who was later County Clerk of Doña Ana County, testified in a libel proceeding against the lands of Ammon Barnes, that Barnes had done everything in his power to help overthrow the Union Government. On January 18th, 1862, he testified, Barnes and a party attacked Lemon and some of his friends "and hung Crittenden Marshall" because "we were friends to the United States."

The California Column had reached the Rio Grande on August 7th, 1862. Some ten days later the first indictment for treason was found by a Grand Jury of which Jose Manuel Gallegos was foreman in the United States District Court at Santa Fé. There were only four citizens of eastern stock on the Grand Jury, the rest being Mexicans. This Grand Jury returned 26 treason indictments of which only one was against a man with a Spanish name. Some of those indicted were quite prominent citizens. Spruce M. Baird, Attorney General in 1860 and member of the Territorial Council in 1857 was one of them. One of them was again selected as a member of the Grand Jury in the same court at the August term two years later in 1864. An attempt to indict the former delegate in Congress Miguel A. Otero failed and the Grand Jury made a special return "not a true bill." The District Attorney who signed the indictments was Joab Houghton, a zealously Northern man and who was afterwards severely criticized in connection with the confiscation cases. Probably on that account he secured indict-

ments in many cases where the evidence must have been flimsy. For none of these men were ever tried. There were but a few who were arraigned, Among these was one Patrick McIntire whose bondsmen were Richard M. Stephens and Valentine Shelby, the latter a gambler of note. At the March 1864 term, McIntire did not show up neither did his bondsmen and Judge Kirby Benedict ordered the bond forfeited. It is not, however, on record that the sum was ever collected and the McIntire indictment was dismissed August 6th, 1864. Shelby was later known as Col. Shelby and was a familiar figure among the gambling element at Santa Fé for many years after the war terminated. James McLing, one of the indicted citizens was held in \$3000.00 bond which was furnished by Albert Elsberg, José Ortiz and Francisco Ortiz y Salazar. These sureties did not have to worry long because at the next term of the court in March 1863, the indictment against McLing was dismissed. F. E. Kavanaugh, who was indicted, had been a member of the territorial legislature and was a sutler at Ft. Fauntleroy. His property was confiscated by the U. S. Army and was sold for \$1657.28. The last of these indictments were dismissed at the July term 1867. According to the few remaining papers the witnesses against every one of these men were Merrill Ashurst, one of the leading lawyers of the territory, James L. Johnson, Alexander Valle, Joseph Mercure, Jesus Maria Baca and Mendel Debus. It seems from the sparse records left behind that some of these men had taken part in a demonstration in the plaza of the capital. And, speaking of sparse records it is amusing to quote a special report by the Grand Jury of the May Term, 1866. The Grand Jurors had evidently some difficulty in getting what they needed and they complained to the court in the following manner:

“They have visited the office of the Clerk of the U. S. District Court for this District and find that there is neither desk, case, table, chair or other article of furniture pertaining to said office; that the papers and files are necessarily

kept in boxes and owing to frequent removals, both of offices and clerks, these papers are so mixed up and disarranged that it is the work of days to find any particular paper."

The grand jurors recommended that the court purchase such furniture as the clerk could not afford to furnish them at his own expense because of the small emoluments of the office. And the writer of these lines can affirm that this confusion has never been overcome because he has found Doña Ana Court Records in Bernalillo County and Bernalillo Court papers in Santa Fé.

In the territorial days the court officers from the District Attorney down received fees and not salaries. So the attorney general and the circuit attorneys received \$5.00 for each case in which they represented the government and an additional \$5.00 for every judgment against a defendant, except in felony and capital cases where the fee was \$10.00 and \$20.00 respectively for each conviction. As a result the records disclose that at each term of court, in Santa Fé and Albuquerque at least, a large number of indictments for misdemeanors were returned. At the March term 1863 in Santa Fé 76 indictments for "betting at faro," "keeping faro table," "permitting gaming," and similar charges were returned. One of these indictments was against Merrill Ashurst, United States Attorney and one of the most prominent lawyers of the territory. Mr. Ashurst plead guilty, was mulcted in a fine of \$5.00 and \$15.00 costs, of which the Attorney General Charles P. Clever\* got \$5.00, and Ashurst probably went right back and coppered the queen again.

The excitement over the treasonable activities of the Southern sympathizers therefore furnished the prosecuting officers what must have been a pleasant variation from the

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\*Clever not "Cleaver" is the correct spelling, though every New Mexico Blue Book calls him Cleaver. He was German by birth and in the Albuquerque court records a letter in that language from a complainant addressed to Clever is still preserved.



usual humdrum of court terms, for it is quite surprising that indictments for major offenses were few and far between, and generally resulted in acquittals, to the detriment of the prosecutor's income.

A large number of treason indictments may have been anticipated by the officers of the court because all the original indictments still in the files appear to be written in the hand-writing of the clerk according to one form with the name of Defendant inserted in a blank space by another hand. They uniformly charge the defendants with having conspired, compassed, imagined and designed to stir up and excite insurrection, rebellion and revolt and to levy war against the government, with Henry H. Sibley, and other false traitors:

At each succeeding term in both the second and third judicial districts additional indictments were returned. At the February term 1863 in Bernalillo County twenty treason indictments were returned. Eleven of them were either quashed or nolle at the same term. Four of the accused were tried. Antonio Maria Garcia was the first one to face a jury of his peers on the fifth day of the term, February 7th, 1863, and the jury promptly brought in a verdict of not guilty. On the next day, Thomas J. Hill was tried and he also was acquitted by the jury of twelve Spanish speaking citizens. The only trial of which any record is left is that of Manuel Barela, who had been indicted at the October, 1862 term, his indictment is typical and is herewith reprinted:

“United States of America, )  
Territory of New Mexico, ) S.  
Third Judicial District. )

In the United States District Court for the said District of October A. D. 1862.

The grand jurors for the United States of America duly impannelled and sworn for the body of the said third judicial district in said territory, upon their oaths do present that Manuel Barela, late of Bernalillo County

in said district, being a citizen of the United States aforesaid, and rightfully subject to the authority and laws thereof, not weighing his duty and allegiance to the government of the said United States, but wholly withdrawing the same, and as a false traitor and enemy of said government, conspiring to stir up and excite insurrection, rebellion, and civil war, against the said United States, and to overthrow, destroy, and wholly subvert the government and laws thereof, on the fourth day of March, in the year of our Lord one thousand, eight hundred and sixty-two, and on divers other days and times, as well before as after, at the County of Bernalillo, in said district, did, with one Henry H. Sibley and divers other false traitors, whose names are, to the said jurors, unknown, falsely, maliciously and traitorously, conspire; compass, imagine and intend, to stir up and excite insurrection, rebellion, and to levy war against the government of the said United States, and wholly destroy and subvert the same. And in order fully to perfect, fulfil and bring into effect the said traitorous compassings and imaginings of him, the said Manuel Barela, he, the said Manuel Barela, afterwards that is to say, on the day and year aforesaid, and on divers other days and times as well before as after, at the County and district aforesaid, with force and arms, together, with said Sibley and divers other false traitors, whose names are to said jurors unknown, did conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion and revolt, and to levy civil war against the government of the said United States and wholly to destroy and subvert the same.

And in order to fulfil and perfect, and bring into effect the said treasonable and traitorous compassings and imaginings of him, the said Barela, he, the said Barela, afterwards, that is to say, on the day and year aforesaid, and on divers other days and times, as well before as after, at the county and district aforesaid, with force and arms, and with said Sibley, and a great multitude of other persons whose names are, to said jurors unknown, and to a great number, to wit, to the number of five hundred and upwards, armed and arrayed in a warlike manner, with cannons, guns, howitzers, pistols, dirks, knives, and other weapons, being then and there, maliciously and traitorously gathered together against the government and authority of the said United States, did maliciously and traitorously declare, ordain and levy war against the government of the

said United States. And in order to fulfil, perfect, and complete the said traitorous imaginings, designs and compassings of him, the said Manuel Barela, he the said Manuel Barela on the day and year aforesaid, and on divers other days and times, as well before as after, at the county aforesaid, did traitorously and maliciously adhere to, comfort and abet the said Gleenry H. Sibley and others, they the said Sibley and others being so at war with and enemies to, the said United States as aforesaid, by then and there traitorously furnishing and providing them, the said Sibley and others with food, clothing, lodging, entertainment, advice, counsel, information, arms, ammunition, military and other stores and otherwise aiding and assisting the said Sibley and others, in perfecting and carrying on their said traitorous resistance and rebellion, and waging and levying war against the said United States as aforesaid, contrary to the duty of his allegiance, against the peace and dignity of the said United States, and contrary to the form of the Statute in such case made and provided.

(Signed) Theodore D. Wheaton,  
U. S. District Atty.,  
New Mexico.

The Jury was impanelled on February 13th. The presiding judge was J. G. Knapp, the United States attorney was Theodore D. Wheaton. Attorneys for the defense was the law firm of Ashurst and Clever. The jurors were Francisco Montolla, foreman, Juliano Griego, José Lucero Juan Apodaca, Juan Antonio Garcia, Jesus Candelaria, Juan Francisco Apodaca, Juan Guterrez, José Lucero, Santiago Gonzales, Marcos Lobato and Manuel Antonio Jaramillo. The witnesses were Louis Zeckendorf, a German merchant, Salvador Armijo, F. L. Russ, W. C. Crawford, Charles Hunning, Louis Behler and John Hill, a member from Bernalillo Co., of the lower legislative house. At the end of the first day the jury was kept together over night. The District Attorney's requested instructions numbered six of which the court gave four and refused two. Although the U. S. Constitution expressly prohibits a conviction of treason except upon the testimony of two witnesses to the same

overt act the United States Attorney asked the court to tell the jury:

"That there is no necessity of the evidence of two witnesses to the same act, but that the evidence of one witness to one act of levying war and other witness to other acts during the same insurrection or rebellion is sufficient."

This the court refused to give.

The other requested instruction refused by the court was as follows:

"That in treason by levying war against the government all persons who aid and abet the traitors are principals in the first degree and are equally guilty and actually levy war to the same extent as those engaged in actual hostilities."

The Court's instructions on the whole were quite favorable to the Defendant. They were as follows:

"If the jury believes from the evidence that the accused Manuel Barela did at the time and place mentioned in the indictment levy war against the United States of America and that the accused owed allegiance to the said United States then the jury will find the Defendant Barela guilty of treason.

To constitute a levying of war within the meaning of the Statute there must be an assemblage of persons for the purpose of effecting by force a treasonable purpose.

To justify a verdict of guilty under the count in the indictment which charges a levying of war the jury must believe from the evidence that "the same overt act of Treason" whereof the accused stands indicted is proven by the "Testimony of at least two witnesses."

"If the jury believe from the evidence that the accused Manuel Barela, did, at the time and place charged in the Indictment, adhere to the enemies of the United States giving them aid and comfort and that the accused owed allegiance to the United States and that the same overt act of adhering to and giving aid and comfort to the enemies of the United States is proven by the testimony of at least two witnesses, and that the enemies to which the aid and comfort were given was a foreign enemy" then the jury will find the Defendant Barela guilty of Treason.

“To constitute the crime of Treason against the United States by “adhering to their enemies giving them aid and comfort” it must be shown that the “enemy” is a “foreign enemy” for if the “enemy” be merely rebellious citizens and others “owing allegiance” to the United States, in insurrection against the United States, it is not such an enemy as is contemplated in the 3rd section of the 3rd Article of the Constitution of the United States, that being the source from which is derived the authority to punish persons guilty of the crime of treason against the United States.

“The jury will give the accused the benefit of any reasonable doubt.

To these instructions the court added the four requested by the United States District Attorney, which were as follows:

“If the jury believe from the evidence that the Defendant Manuel Barela, being a citizen of the United States, jointly with a party of persons armed with guns, pistols and other weapons assembled together with an intention to levy war against the Government of the United States they must find the Defendant guilty as charged in the indictment. That the acts and declarations of the Defendant are evidence of his intentions.

“That it is no excuse for party charged with treason that was acting under compulsion unless at the time of committing the alleged Treason or Treasons he was in the immediate danger of losing his life, and if he had time or reasonable opportunity to escape or was not under threats of immediate danger as aforesaid he will be guilty of treason.

“That in Treason for levying war against the United States it is no excuse that the party so acting was paid for his services.

“That if the jury find the Defendant guilty they are to bring in their verdict accordingly and the court will assess the punishment.

From the indictment and these instructions it is possible to reconstruct a fair idea of what the charges and the defences were. Evidently there was lacking the testimony of two witnesses that the defendant had assembled with others to levy war with arms. That lack was the reason

why the prosecution sought the instruction which the court refused. Evidently the defense of the accused had been in part that whatever aid he gave the rebels was by secured force, that he sold goods to the rebels and that he had no choice but was forced to sell and that he received pay for the goods sold. But the mere selling of goods or giving aid to the rebels was, under the second instruction of the court, insufficient to prove the second count, namely "giving aid and comfort to the enemy" because the enemy was not a "foreign" enemy. The court ruled correctly on the number of witnesses necessary and thus evidently eliminated the first count "levying war" and as to the construction of the word "enemy" in the second count there is good authority for such interpretation of the meaning of that word. No wonder then that the jury, after being out but a short time brought in their verdict:

"Los del Jurado unánimamente somos de opinion que el acusado no tiene culpa.

Albuquerque 14 de Febrero de 1863.  
Franco Montolla, presidente."

It is reasonable to suppose that the prosecution tried what it considered its strongest cases first and that the failure to secure even one conviction out of four cases tried had a dampening effect on the ardor of the prosecutor.

Nevertheless the indictments remaining were by no means dismissed at once. Some of them dragged on until the May Term 1867. Among these were the indictments against Rafael and Manuel Armijo.

These two were among the wealthiest native merchants and ranchers in the territory. Manuel Armijo had been Governor under the Mexican Republic. Rafael Armijo had stores in several villages and was heavily interested in the country around La Mesilla in Doña Ana County. Both men sustained heavy financial losses thru their confidence in the success of the southerners. They were not only indicted but as will appear hereafter, their property was con-

fiscated. They had left the territory with the departing troops of General Sibley and it was not until October 7th, 1866, that Manuel Armijo was arraigned at the bar of the court, and plead not guilty. On May 4th, 1867, Rafael Armijo appeared in Court and gave bond in the sum of \$10,000.00, a very high amount in those days and almost twice what had been required of Blas Lucero, the indictment against whom had been dismissed two years before. The bondsmen were Eugenio Moreno, Cesario Duran, Charles P. Clever and Merrill Ashurst. On May 9th the defendant was served with a copy of the indictment, a copy of the witness list and a list of the petit jurors, as required in capital cases. That was as far as the matter went. On May 11th the case against him was nolle. S. B. Elkins had become United States Attorney, and other things had happened not only to soften public sentiment but to change political aspects.

There were also dismissed at the same term of court indictments against Spruce M. Baird, Alexander M. Jackson the former Secretary of the Territory and later Adjutant General with H. H. Sibley, Samuel Magoffin, the well known rancher at Franklin, and Gen. Sibley himself.

The only indictment that apparently was lost sight of was the one against Hugh N. Beckwith who had been a saloonkeeper near Ft. Stanton, and his indictment recited as one of the overt acts of treason that he had sold liquor to the Apache Indians and incited them to rise against the government.

But criminal prosecutions did not satisfy the northern adherents in seeking vengeance on the rebel sympathizers. On July 17th, 1862, Congress had passed an Act for the confiscation of the property of rebels and their sympathizers, during their natural lives. As soon as copies of this act became available proceedings were started to libel the property of those most noted for their sympathies. The proceedings apparently commenced with a letter dated October 24th, 1862, signed by one R. H. Ewan, Informer,

and addressed to Theodore D. Wheaton, U. S. District Attorney for the Territory of New Mexico. The letter originally was signed by some one whose first name began with an "A", such as Abraham, but the signature was erased, all but the "A", and the other signature was substituted. It was probably instigated by the U. S. Marshall, Abraham Cutler. The letter reported the seizure of certain lands in various localities of the County of Doña Ana, Territory of Arizona (sic). On a lot in Las Cruces stood an eleven room house, on a lot in "Messella" stood a store and the property was described as belonging to "Rafael Armijo, a disloyal citizen of the United States." There was also a great quantity of goods "taken from Rafael Armijo by order of Gen. James H. Carleton and now in the quartermaster's possession in the town of Mesilla." According to an inventory of the confiscated goods signed by Jeremiah Phelan, Lieut. & R. Q. M. 1st Infantry, C. V. On the docket of the court appear in all twenty-two libel cases each with a separate number, but there were many others in the Doña Ana County Court. These were mainly against Texas men.

Among the prominent men whose property was thus libelled, were John R. Baylor, Lt. Col. in the Confederate Army, Samuel Magoffin who was a leader of the confederates in Franklin, Texas, Simeon Hart a wealthy miller and merchant of the same town, Josiah F. Crosby, lawyer and aid to General Sibley, John S. and Henry Gillett, James W. Magoffin, whose property was described in detail and then summarized as the property on which stands Magoffinville, Samuel Maverick, Jesse W. Arnold's "old ten-pin-alley" and seventeen others whose properties lay along the Rio Grande as far as Ft. Quitman. The issues of the Santa Fe Gazette of September 23rd to October 14th 1865 contained a special supplement of ten columns devoted entirely to notices by publication for the final hearing and judgment in these matters. In New Mexico the property of James A. Lucas, former prominent politician of that territory and years after the war a prominent resident of Grant



County, of Roy Bean and his brother Samuel G. the latter once a U. S. Deputy Marshall and Justice of the Peace under the Confederate regime at Mesilla, of Sylvester Mowry, owner of the famous Patagonia Silver Mines in the Santa Cruz mountains, of Hugh Stephenson who held the Brazito tract and some of the mines in the Organ Mountains and of many others, was confiscated.

In every case the court had to have some testimony showing that the owner of the property had been a traitor. Depositions were taken in some of the cases and in others witnesses were brought several hundred miles, at great expense. Yet in most cases the testimony was of the flimsiest kind. So in the case of the property of José Maria Chavez of Valencia County, a neighbor of Miguel A. Otero who had been Delegate in Congress, the chief witness was W. H. Henrie, one of the leading lawyers of the Territory and who afterward was counsel for Abraham Cutler. For a lawyer he gave mighty meagre evidence. "His conduct," says the deposition, "actions, deeds and speech up to the time of his leaving with the so-called Confederate troops, in April 1862, was adverse to the government of the United States and in favor of the Confederate States." Just that and nothing more. No specific allegations of what he said or did, or in what particular manner he conducted himself were vouchsafed.

A man named Fletcher who deposed against Rafael Armijo was a little more explicit. He swore as follows:

"When the Confederate troops retreated from this territory Rafael Armijo came down to Las Cruces in company with General Henry H. Sibley. He told me that he had trusted the Confederate government to upwards of \$400,000.00 and he left the Country with the said Confederate troops and took his family with him. I saw the Confederate troops under command of one General Henry H. Sibley. There were over 2000 armed men. Their avowed object was to fight the troops of the United States to take New Mexico and establish its government under the laws of the

so-called Confederate States of America. — I have not seen Rafael Armijo since he left with the rebel troops.”

The leading spirit in starting these proceedings was Abraham Cutler who had taken the office of U. S. Marshall on August 16th, 1862. It can hardly be doubted that this man saw big fees and substantial returns possible in these proceedings against the rebel sympathizers and that he believed that the shiboleth of patriotism and the old flag would be a sufficient rallying cry to make the enterprise successful, which it probably was from his point of view. His idea of proceeding against the property of departed southern sympathizers was, perhaps, suggested to him by the words of Brig. General James H. Carleton, who had confiscated a considerable number of stores and supplies and had endorsed on the inventory the following observations:

“Although it would be better if these articles could be sold under a Decree of the Court yet, as it may be a long time before such courts will be organized, and go through all the tedious process to arrive at such result — the goods meantime deteriorating in value — it is ordered hereby that the General Commanding the District of Arizona cause public notice to be given for the sale of all the said articles at a public auction for cash. The proceeds of the sale will be placed to the credit of the United States and a schedule of the price received, together with this inventory will be forwarded to the Department Headquarters. The cash received will be taken up on his account by the Chief Quartermaster of the District of Arizona.”

The proceedings were by no means regular. True, they were approved by the court in the person of Joab Houghton whose rulings brought him such severe criticism, but on May 12th, 1864, the court in the person of Judge Kirby Benedict caused an order to be entered that new papers should be allowed to be filed nunc pro tunc and default entered against Rafael Armijo and several others. The papers that were filed under this order attempted to provide the necessary jurisdictional allegations some of which

had been insufficiently set forth in the hurry of the first passion to confiscate the tempting properties.

To get an idea of the extent of the proceedings and of the sums involved which, for those days, were considerable, one may look at the report of C. B. Clark Receiver, of Confiscated Property which was filed September 30th, 1862, for the period beginning April 16th and ending September 30th. It must be understood that these seizures were not of real estate nor made under order of any court but by the military and constitute the proceeds of the inventory commented on by Gen. Carleton.

From Rafael Armijo	goods,	\$19,812.23,
	cash,	38,964.30
F. E. Kavanaugh,	goods,	630.29
	cash,	1,657.29
S. M. Baird,	cash,	260.04
Jose Maria Chaves,	cash,	34.00
Manuel Barela,	cash,	115.00
Julian Tenorio,	cash,	88.00
Blas Lucero,	cash,	96.25

Turned over to Lt. Colonel J. H. Donaldson,  
\$33,504.54.

Garnished by claimants,	\$1162.81
Service of assistant,	306.00
Repairs on Armijo house,	75.89
Merchandise transferred to Army.	
Receiver's fees, 10%	\$6165.73

When the court proceedings were started claimants began to appear in the persons of creditors of the various alleged traitors. So for instance, Doña Lucy Lopez filed a claim for capital she put into the Armijo business in 1850 amounting to \$12,000.00 principal and \$9,000.00 interest as well as some notes past due. The principal or capital put into the business, she alleged, consisted of six oxwagons and teams and merchandise, principally groceries.

The residents of Texas whose property the New Mexico Territorial court had attempted to confiscate for the period

of their natural lives retained counsel and appealed the case to the New Mexico Supreme Court on the ground that the jurisdiction of the United States territorial courts of New Mexico could not be extended into Texas. The lower court had sustained the jurisdiction on the ground that the matter came within the provisions of the statute extending jurisdiction of those courts to matters arising in the custom district of El Paso. The New Mexico Supreme Court rendered an opinion reversing the district court and dismissing the libel suits brought against Texas residents. This opinion is not reported in the New Mexico Supreme Court Reports. But it is referred to and approved and confirmed by the judgment of the United States Supreme Court, to which the government attorneys took an appeal, in the cases of *U. S. vs. Simeon Hart*, and two companion cases, to be found in 6 Wall 770-773. The U. S. Supreme Court decision was rendered March 30th, 1868, but long before that time the remaining New Mexico confiscation cases had been dismissed after proceedings that not only aroused public sentiment but which have the appearance of a pre-arranged plan.

Kirby Benedict was succeeded as Chief Justice by J. P. Slough in March, 1866, and on April 23rd of the same year John Pratt succeeded Abraham Cutler as U. S. Marshall. At the next term of court the Grand Jury indicted Cutler for embezzlement.

Almost simultaneously with the indictment a rule was entered "to Abraham Cutler, late Marshall, to make return under oath to this court of his proceedings as Marshall of the Territory of New Mexico upon the warrant of sale and final decree of this Court" in the various confiscation cases and this rule was returnable Saturday the sixth. Cutler had filed a report in January, 1864, and this had been "Approved by Joab Houghton, Ass. Just. Sup. Crt." But the report which Cutler filed October 5th did not receive the same kind consideration of the court. From this report it appeared that the Marshall collected from the estates of the Southern sympathizers the total sum of \$52,065.80.

His expenses in connection with the proceedings were enormous. Attendance of witnesses mainly from Las Cruces, cost \$479.80. Printing the advertisements resulted in a bill of \$841.00, most of which went to the Santa Fe Gazette (which fact may have had something to do with the opposition of the Santa Fe New Mexican.) Fees already allowed by the court amounted to the neat sum of \$30,994.22. In addition Abraham Cutler, Marshall, paid to Abraham Cutler "as Captor and Informant" the pretty sum of \$13,047.07. The Marshall's account disclosed that the sums collected lacked \$571.29 of paying the costs and fees!

On the same October fifth Cutler demurred to the indictments against him but his demurrers were overruled and at the same time the treason case against Rafael and Manuel Armijo was continued.

On the seventh the court ruled that "it appearing to the satisfaction of the court that the return of A. Cutler late Marshall is incomplete and insufficient the said Cutler is given further time" to comply with the rule. The same day Cutler was held under \$10,000 bond to answer the embezzlement charges. Simultaneously all libel and treason cases were continued. On the ninth Cutler was committed to the custody of the Marshall to be "detained in such manner as shall secure the presence of said Abraham Cutler until he shall make a satisfactory report and return of the matter and things of which he is required."

Whether or not Cutler was kept in durance vile does not appear. He had plenty of friends and good counsel and there was really no danger of his leaving the country. Nothing however was done either about the treason, the libel or the Cutler embezzlement cases until May 5th, 1867. Cutler then plead not guilty. On the eleventh he filed his report and was released from the rule. What the report was does not appear. It is not in the files. All the matters pending went over until the October term 1867. At that term Cutler was tried on the first of the indictments. S. B. Elkins prosecuted and Ashhurst and R. H. Tompkins

defended. The trial lasted only a day. It was on October 11th that the native jury brought in its verdict of not guilty. Immediately the other indictment was nolle, immediately all the libel suits were dismissed at the cost of the plaintiff, and leave was granted to Cutler to file his returns in all confiscation cases in which no return of his doings was on file.

And that was the end of the episode.

At the next terms of court the District Attorney reverted to the usual occupation of bringing indictments for gaming, for selling liquor without a license, for practising law without being admitted to the bar, and for other misdemeanors calculated to produce \$5.00 or \$15.00 in revenue without either too much effort on the part of the prosecutor or too much criticism on the part of the prosecuted.

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The old records in El Paso County, Texas, and in Doña Ana County, New Mexico, show numerous deeds by Abraham Cutler as U. S. Marshall granting life estates in the so-called Rebel estates. In at least one instance in Doña Ana Co., the record shows that the Marshall bought back, as a private citizen, some of the property sold. This was the property of Samuel G. Bean and Cutler gave \$100.00 for a half interest.

DOCUMENTS BEARING UPON THE NORTHERN  
FRONTIER OF NEW MEXICO, 1818-1819<sup>1</sup>

Edited by ALFRED B. THOMAS

## Introduction

The following documents concern the interest officials of New Spain took in the activities of Americans, who, in 1818-1819, were disturbing New Mexico. Others, closely associated, which reveal points of contact between Spaniards and American from the Sabine to the Yellowstone, the writer has translated elsewhere, with detailed introductions.<sup>2</sup> All together they not only show a growing rivalry for control of Indian tribes in the western Mississippi Valley, the defensive measures imposed by Spain, but add valuable information concerning the location of many places, the names of which have since disappeared.

Briefly the Declaration of Hernandez is the evidence of a Spaniard who escaped from the Pawnee to warn Governor Melgares in New Mexico of an impending attack by Indians and Americans. The Diary is that of Don Jose Maria de Arce whom Melgares sent north to investigate and impede the approach of these invaders.

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1. The following article presents an aspect of the writer's study of *Spanish Activities North and East of New Mexico 1593-1821*. The writer is indebted to the American Council of Learned Societies for assistance in gathering this material in the Archives of Mexico.

2. A. B. Thomas, "The Yellowstone River, James Long and Spanish Reaction to American Intrusions, 1818-1819" in *West Texas Historical Year Book* 1928, pp. 3-15; "An Anonymous Description of New Mexico, 1818" *The Southwestern Historical Quarterly* (in press.) In these articles identifications have been made of the various Indian tribes mentioned in the present paper and a map also provided to indicate the location of the various places mentioned.

DECLARATION OF HERNANDEZ<sup>3</sup>

Number 3.

Don Felipe Griego, Second Ensign of the  
 Naming of the Presidial Company of Santa Fe, New  
 Scrivener Mexico, was commissioned verbally by the  
 Senor Governor of this Province, Captain  
 Don Facundo Melgares, to take the declaration of a country-  
 man, a captive among the Nations of the North, whom the  
 Alcalde of Taos sent to this Villa. Having proceeded to  
 examine this individual, he appointed to serve as Scrivener  
 in the matter, a soldier of the same (Company) Joaquin  
 Alarid who, having taken notice of the obligation which he  
 is undertaking, accepts, swears, and promises to maintain  
 secrecy and fidelity in whatever judicial acts he performs.  
 In order that it may appear so, the said Senor Ensign duti-  
 fully required that both will sign for the required validity.  
 In Santa Fe, 2nd day of the month of September of 1818.  
 Felipe Griego. Joaquin Alarid.

Immediately on the said day, month, and  
 Declaration of year, I had appear before me the captive  
 Jose Cayetano spoken of, and before me, the Scrivener  
 Hernandez had him raise his right hand and make the  
 sign of the Cross. I interrogated him  
 in the following terms:

Asked: Will he swear to God and on this sign of the  
 Cross to tell the truth in whatever he knew or might be  
 asked? He said, yes, I swear.

Asked: (What is) his name, family name, religion,  
 and employment? He said that he called himself Jose Manuel  
 Cayetano Hernandez of R. C. A. R., that he obtained em-  
 ployment as a soldier in the Presidial Company of Carrizal,  
 now six years ago because he had left the service in 1812.

3. Declaracion de Jose Cayetano Hernandez Numero 3, Junio de 1819. Pro-  
 videncias tomadas sobre invasion de la Provincia del Nuevo Mexico proyectada por  
 los facciosos de los Estados Unidos. Historia, Notas Diplomaticas, Tomo 4, Archivo  
 General, Mexico.



Asked: Why did he solicit permission to leave the Company in which he served? He said that he became ill as was seen by the Surgeon of the Hospital of the Province.

Asked: Is he married or has children in Carrizal? He said that he is married in the same Presidio of Carrizal<sup>4</sup> to Maria Josefa Lucero, and that there he has two sons, that all three are there.

Asked: How long ago had he left his wife and sons, and what provisions or assistance he left them for their maintenance? He said that it was going on three years since he left his family and that he provided for the subsistence a flock of brooding hens and three pair of oxen.

Asked: What particular ends or what motives moved him, the declarant, to go from the side of his family, when by natural reasons, the speaker ought to have been in his home as much as to look after his interests as to secure forthwith the necessities of his family which will have suffered perhaps in the time of his absence? He said that the interest that caused him to undertake this absence from the side of his family was solely the object of looking for lands in this Province that would be sufficient to establish himself with it (his family), as Lieut. Don Miguel Ortiz could testify, from whom he had asked a passport to that effect. He proposed that his interests would never decline because of the good opinion which his wife holds of him and that his sons would care for them

Asked: Why did he not return to his land as soon as he finished the affair which brought him to this, since three years that he had to achieve his desires are sufficient (to accomplish) any other thing of greater import? He said that he had not returned to the side of his family at the very moment of having accomplished the affair which brought him to this Province, as he desired to carry back to his sons some little buffalo hides, and that in effect he undertook to go from this capital to Taos to join there some people

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4. Carrizal was the presidio and town about seventy-five miles south of El Paso.

to trade with the Nations; that having made his journey from that point with Don Pablo Lucero, the speaker, and the rest of his companions had the misfortune to be robbed of the horseherd by Cuampes and Cayguas (Kiowas). His owners could not retrieve more than a small part with which they returned to this Province. He, the speaker, not having been able to secure even a single horse of those he brought, saw himself in the position of remaining on the spot on the Huerfano hoping that an Indian whom he had paid would bring him some beasts; that this was made plain to Don Pablo Lucero with whom he had gone, and that the latter told him that he could do what he pleased because of their small forces, he was not able to recapture the horseherd from the enemies; and that having remained on the Huerfano, as he said, he joined there at that point Don Julio and Sotó,<sup>5</sup> Anglo-Americans, and the same nation Caygua who carried off the horses from them, to await the Indian who had offered to bring him his own. He returned with two mares which he gave him. He knew at once that one of these was his own and the other of the Nation. The same Indian having told him that since, after having gone about a great deal, he had not encountered his beasts, he should take that which he gave him. In view of all set forth, he remained to talk among those to see if he could recover his beasts or others, with the little skins to take to his sons. This he did not succeed in doing because of other affairs which he undertook. Don Julio having set out with two Frenchmen from the Huerfano for this Villa, he who is speaking, also did so with the Cayguas together with Sotó and other Americans to look for his horses and buffalo. After fourteen days time, more or less, had passed Lieutenant Don Francisco Salazar appeared on the same spot on the Huerfano with Don Julio and his two companions who were going from this Villa at the order of the Governor to

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5. Julius de Mun and A. P. Chouteau. See De Mun's account of his arrest in his letter to William Clark in *Annals of Congress*, 15th Congress 1st Session, Vol. 2, 1818 pp. 1953-66.

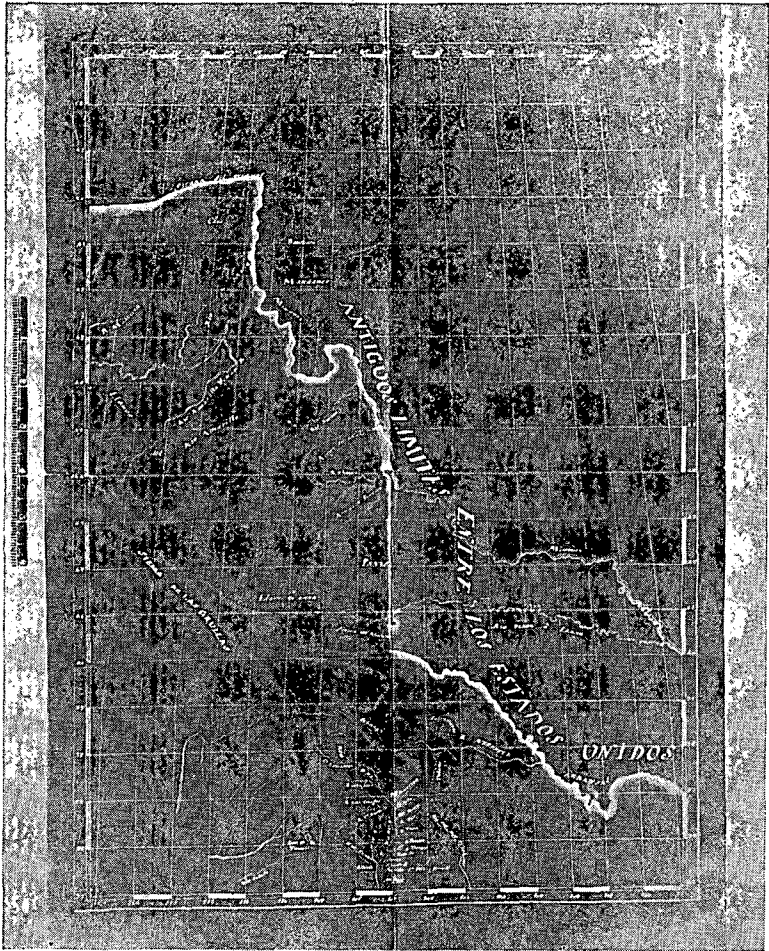
arrest them. The speaker presented himself to Lieutenant Salazar, setting forth the reasons that he had for being among that people, saying he supposed that not having encountered his beasts nor acquiring nothing to take to his sons, it was his desire to return with him at once to this Villa. To this the same Lieutenant answered that that was well and they would go at once. This he could not verify because on his going to flesh a bull which he killed on the other side of the same Huerfano toward the hill to replenish supplies, Pawnees captured him and carried him to their lands.

Asked: Why does he say that Don Julio with two other Frenchmen were brought to this Villa when it is publicly and widely known that the Governor commanded them brought from the same Huerfano by Sergeant Don Mariano Bernal? He said that it is certain that Sergeant Don Mariano Bernal brought Don Julio and all the rest of his companions from the Huerfano, but that would be after Lieutenant Salazar had come for them to march at the order of the Governor, which, accordingly, the speaker could not give an account because he was already a captive among the Pawnee, as he said.<sup>6</sup>

Asked: How could the declarant have been a captive among the Pawnee, when it is known in that Capital, because Don Julio has said it, that the declarant, at the moment of having described the detachment of Bernal, which was coming to bring them back, fled on a horse of Sotó, and in the night had told Don Julio to send him his luggage because he intended to go from there to St. Louis. Accordingly, as this is known, all that the captive has testified is false and that it better pleases him to go about among the gentiles and the Americans than to be at the side of his family. He said that all Don Julio said in this Capital is untrue as it is known that he had now presented himself when he had the opportunity to the Alcalde at Taos, and

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6. De Mun states Salazar arrested them, in his letter to William Clark.



that he would have done so, that he is a Christian, he loves his family, and loves his King, and would to God that Don Julio were here to say so before him and prove his truth.

Asked: How long was he a captive among the Pawnee? He answered from February of the past year until January of the present.

Asked: Where he had hidden the seven months of the year, and what reason he had for not presenting himself to the Alcaldes of the Jurisdictions of this Province? He said that after his flight, having passed through a thousand difficulties among the mountains, he came upon a little mountain opposite El Almagre. Therein was a nation called Orejones who trade with the people of this Province, and there he took refuge with them to see if he could not secure his transference to the side of his people, but that after being with the Orejones about twenty days, some two hundred Indians of the Panilori also came there who knew that the speaker was a captive of the Pawnee, and they shifted him again to the pueblo of the latter; that had been the reason why he had not presented himself to the Alcaldes of this Province in the seven months which were asked about.

Asked: How did he secure his liberty a second time from the Pawnee? He said that a few days after having arrived again in captivity, according, as he remembered, it would be at the beginning of April, an American general with two negroes arrived from down the Missouri, going up, in a pirogue to the Pueblo of the Pawnee. Without leaving the water, he said, by means of one of the negroes who understood the language of the Pawnee, to Aricara, General of this Nation, that Pajato, a general of the United States, was calling on him and to Chief Charara of the said Pueblo of the Pawnee, to let them know that the Spaniards were already taking possession of their lands; and that he was carrying this information up the river to the generals of the rest of the nations; that on the return, after having concluded his commission with the nations, he would carry all of them in his pirogue to the United States, and that

having finished saying this, he continued his travel. The American general Pajato having returned, according as he remembered in May, along the same Missouri River he went ashore opposite the Pawnee with twenty-two or twenty-three generals of the nations which he was to convoke. After having been there about half a day, he embarked again with the Indians, Aricara and Charara, for the United States, to stir up the other generals below. The American general having gone away with the rest of the generals of the Nations for the United States, the Chiefs who remained in the pueblo of the Pawnee told the declarant that they were going as soon as the Chiefs below came to unite to attack this Province; but that meanwhile, when the leaves were falling from the poplars, which was the time set for the expedition, a chief of the Pawnee would come with a party of their people to leave for the land of a chief of the Cayguas, whom they called La Estrella, who had just come from the United States with many presents to join him and the rest of the nation. They will call together all the Nations so that when the leaves fell from the poplars they would all be in La Agua Gerbidora,<sup>7</sup> to which (place also there would come many people from the United States to begin, united, the war which they were to make on this Province. The declarant on this occasion agreed with the chief who came with Caygua general La Estrella that he would take him in his company to attack the Spaniards, and that gentile having listened to him, he led it as far as three Sierras which have a river which runs north from where the sun sets.<sup>8</sup> This was the very spot where he succeeded in escaping a second time. Nine Cheyenne gentiles arrived there and all the people went forth to attack them. On this occasion he secured a gun and pouch of powder from the same nation and left the river, gaining the sierra, and although they captured it (the sierra) he succeeded in fleeing.

7. Manitou Spring, Colorado. The location of this spring is worked out in the reference in note one above, "Anonymous Description of New Mexico, 1818."

8. The present South Platte River runs in this general direction.

After having traveled through the mountains with a thousand difficulties, he reached the Huerfano and from this, as is verified, (reached) in two days the Plaza of the Colorado and presented himself to its Lieutenant who gave an account of his arrival to the Alcalde of Taos.

Asked: What does the Alcalde of the Plaza of Colorado, whom the declarant says he presented himself, call himself? He said that he is named Francisco Chavez, as he remembers.

Asked: How much did he explain to that Justice at the time of his presentation? He said that arrived at the Plaza, the report that he gave to the Justice, Chavez, was that it was more than twenty days since he had escaped from the gentiles to whom he had already made reference; that he was for a long time a captive among the Pawnee, and that he was a Spaniard; and that he had learned that the Nations were uniting in La Agua Gerbidora to attack this Province at the time when the leaves fell from the trees. He told no more to the Justice. He asserts this again and to prove it will go and point it out in case the government should so dispose.

Asked: Does he say that the French are those who are uniting with the Nations to make war on this Province as appears from the report which the declarant made to the Alcalde of Taos because of which exposition he had begun the punishment of the Navajoes who are attacking it (the Province) and that this government is already having an expedition for this purpose? He said no, he had not told the Alcalde that any French were among the Nations, but that if he has communicated thus to the government, he is quite mistaken, since he only said that the Americans were to unite in La Agua Gerbidora at the time when the leaves were falling from the trees; that surely to these explanations he gave another meaning.

Asked: If in all the time of his captivity and while he had wandered among the barbarous nations, he had noticed if there were among them Insurgents, foreigners,

or unknown persons who were trying to prejudice us? He said that he had noticed among the nations, no French, Insurgents, or persons unknown, other than the Americans who commonly are among them trading, and that he saw on the Missouri General Pajato, the only unknown person, who was commissioned by the United States to incite the nations against this Province.

Asked: What preparations for war do the Nations, called together by General Pajato in the name of the United States, count on to make war on this Province? He said that up to now, none, but that the nations of Chen, Human, and Panil were awaiting with their corresponding pueblos, many arms, and more which the Americans, who are to join them at La Agua Gerbidora, were to bring them and further than that they count on also many presents of guns and powder which the Americans have made them by means of General La Estrella.

Asked: Does he say with frankness under the honor of a good man and the oath that he has taken, if he has come into this Province with the object of injuring it, if he is serving as an emissary of the foreigners, and Nations, or if he is a spy to ascertain the dispositions of the government and strength on which it counts, as the truth is to be presumed in this case, because of the three years that he has been in union with those, apostating from the religion of Jesus Christ, Our Lord, forgetting entirely that he is an Apostolic Roman Catholic Christian, and that he has a wife and sons? He said that the same Lord who created us and whom he called on as a witness knows very well that he has come into this Province only to direct himself to the side of his sons, without proposing to do any other thing than the objects about which they have asked him; and although it has been three years that he was among the gentiles, he never has apostated from the Law of Jesus Christ rather he has always commended himself as a good Christian to the Most Holy Virgin, Our Lady.

Asked: If he says finally how much there may have



occurred to him in all the time that he had been among the nations and unknown people, that there was among them for the information of this government which could dictate in consequence active measures for the defense of this precious Province, part of the monarchy of the King, remembering that he is a Christian and that if does not do so, God Our Lord, will demand it of him? He said that he had no more to say to this question than what he has said already. It is affirmed, ratified, and read that this declaration was his. He said he was forty years of age and because he did not know how to write made the sign of a Cross. Said Senior Ensign having done so with me the Scrivener, to which I swear. Felipe Griego. Before me, Joaquin Alarid.

Declaration of  
Hernandez  
follows

The same day having passed, another interesting question was put to the same Hernandez. The aforesaid Ensign had him appear and in his presence he took the oath as a good Chris-

tian. Having been asked what particular conversation he had with the Senor Governor of this Province concerning three thousand men that the United States paid with salary who were being disciplined in the territories of the Pawnee, he said that it was true that a little more than three thousand men, under salary by the American government, are being instructed in the management of arms in their own pueblos which are those of Humà and Chen, and that it is true that they are enlisted by the Americans as the daily supplies of arms, munitions and presents of provisions testify. This is what he has said to the Señor Governor and that because it is the truth, the oath below affirms. Placing the sign of the Cross for the required validity, I, said Señor, signed it before me to which I swear. Felipe Griego. Sign of the Cross. Before me, Joaquin Alarid.

It is a copy. Durango, 23 of September, 1818. Francisco Velasco. (Rubric)

Diary which Second Lieutenant Don Jose Maria de Arce made and copy of other documents.<sup>9</sup> 1818.

Number 3. Number 356. Señor Commandante-General. Sergeant Invalid Juan Lucero, charged with observing the conduct of the gentiles, returned without having noticed any new development. In order to have more exact information, I directed among other measures that he go out again to the Comanche country and see if foreigners were among that nation. After twenty-three days he has returned, declaring that everything was found quiet and tranquil, and that there were no unknown people among this nation. He brought with him more than a thousand Comanche with the General Soguara to trade with the settlers of this Province, according to custom, telling me that the General of the Cuchunticas died on the road. I advise your Lordship of this for your superior knowledge in reply to your order of June 18 last, informing you that I had notified this group that they inquire in council who must succeed Tanquigui and as soon as they name him I shall confirm him accordingly, giving your Lordship an official account of who it may be for your information. Your Lordship will already know that this numerous company has left me little or nothing of that used as Indian presents; that if people of some other group come, I shall find myself perplexed to satisfy them. I supplicate that your Lordship may be pleased to arrange as soon as possible to send me whatever your goodness may have best intended for this purpose. May God guard you many years. Santa Fe, 8 of October, 1818. Facundo Melgares. Señor Field Marshal Don Alexo Garcia Conde. It is a copy. Durango, 16 of November 1818, Francisco Velasco.

Number. 565. Señor Commandante-General. The diary subjoined, which I duly send to the superior hands of your Lordship, is that of the expedition made to the north

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9. Diario que forma el 2º teniente don Jose Maria de Arce y copia de otros documentos. 1818. Estado, Mexico No. 13. Archivo General de Indias Seville.

by Lieutenant Don Jose Maria de Arze as I have informed your Lordship before. According to it your Lordship will be interested to see that countryman Hernandez deceived us and that Arze returned to this Villa without having noticed any new development. Facundo Melgares. Señor Field Marshal Don Alexo Garcia Conde. It is a copy. Durango, 16 of November 1818. Francisco Velasco.

Diary which Second Lieutenant of the Company of Santa Fe Don Jose Maria de Arze formed on the expedition which he made through the frontier to the north to protect the places and destroy or detain a force of foreign enemies approaching, according to the order of the Señor Governor interim, Don Facundo Melgares, on the 31 of August, last.

August 31. After having received the order of this date, and the verbal orders which the said chief gave better to advise me concerning the commission, I began the march at eight in the morning with the greatest possible speed to the Pueblo of Taos, accompanied with the carabineer Jose Vaca, of the same Company, giving an order to the Alcaldes and the rest of the Justices of the Pueblos through which I passed, so that having united the armed men who were to go, they should follow me without losing a moment. At half past six in the afternoon I arrived at the Pueblo of Taos without mishap. There I examined the settler, Jose Manuel Hernandez, fugitive from the tribes, who brought the said news. I saw through his conversation that the report was not of the validity that I considered before. I ordered him sent to the Señor Governor so that he could hear him verbally, ordering the Justices (whom on passing through their pueblos I had set in motion) to suspend their march until the new decision of the above mentioned Chief.

September 1. At four in the afternoon I was able to collect one hundred and twenty male settlers and Indians of the pueblo of Taos, twenty-nine of them mounted, and twenty-three on foot with thirty-three guns, thirty-nine lances, two hundred and twenty-four cartouches, and the rest bows and arrows. I followed the march at a regular

pace and at seven of the same afternoon made camp on a dry arroyo without accident. On this day I communicated my departure by official letter to the Señor Governor.

2. At five in the morning I continued the march, made camp on the Rio del Datil; the night passed there without mishap. At three in the afternoon of this day, I received a despatch from the Señor Governor in which he informed me that he had advised the Alcalde of La Cañada, Don Matias Ortiz, to continue his march to Taos with more than three hundred men whom he commanded. To this I replied in the same hour, and of the afore-mentioned Alcalde Ortiz I asked that fifty men with fire arms come to me at double time, because those who accompanied me were not going well armed nor mounted.

3. I continued the march at five in the morning, and at six in the afternoon halted on the Rio de la Culebra. I passed the night there tranquilly. On this day ten settlers reached me who were bringing the balance of my account, two boxes of cartuches.

4. I undertook the march at four-thirty in the morning, and made camp in the Vallecito del Puesto of Sangre de Cristo at six in the afternoon; the night passed there without accident. On this day at five in the afternoon, a trail of ten tracks was found which on that very day crossed the road with direction toward the Sierra de lo Yutas. I sent a detachment of forty horsemen under the command of a settler of Taos, Jose Antonio Martinez, who followed them until set right concerning who the people were. At eleven at night he returned giving me an account of how he had encountered a horse that they just killed and that they themselves were fleeing. Because of the route they took to the Sierra, dwelling place of the Yutas and Xicarillas, they could be no others than the Indians of those two nations. They certainly had stolen animals from the Nations of the North, and were fleeing post-haste so that the said nations were close to the Sierra and at that point they could not be described in it. At eight in the evening,

a soldier from Santa Fe, Jose Alari, presented himself before me with a despatch from the Señor Governor, in which he informed me that I should try to dispose by political means of the reunion of gentiles whom Hernandez said were in Agua hirviendo.<sup>10</sup> For this purpose he had sent to join me a detachment of four hundred and sixty men who were going on my account under the charge of the Alcalde Don Juan de Dios Peña. At twelve at night, I replied to the said Chief, offering to make the best terms which were possible for me.

5. I continued the march at six in the morning. I crossed the Sierra of Sangre de Cristo, and at eight at night halted on the Rio Huerfano. I rested there without trouble.

6. Remaining on the said river to await for the four hundred and sixty men who were to join me under the command of Don Juan de Dios Peña. No news.

7. Waiting; this day fifty men joined me, whom, in the despatch of the second, I asked as aid from the Alcalde of La Cañada, Don Matias Ortiz.

8. Waiting; without news.

9. Remaining; without news. At eleven o'clock in the day, I received a despatch from the Señor Governor to wait for the four hundred and sixty men whom were referred to before under the command of Peña.

10. Without news.

11. id. id.

12. Waiting without news. I ordered a detachment of twenty-five horsemen under the command of the settler, Don Jose Antonio Martinez of the Pueblo of Taos, to go off and reconnoitre the pass which they call the Gap of the Sierra Blanca<sup>11</sup> and the valley of San Luis, advising him that he should not give notice to any nation he should discover; and having (discovered) one should return to advise me. If he did not find anything, he should reconnoitre where the Rio Napete comes out from the sierra, all the

10. La Agua Gerbidora is also referred to as La Agua Hirviendo.

11. This Gap was either Sand Hill or Mosca Pass, probably the former.

Sierra de Almagre, and where the water boils,<sup>12</sup> and ought to unite with me at the junction of the Rio del Almagre with the Napete.

13. Waiting on the above mentioned Rio Huerfano without news.

14. Id. Id. The Alcalde Don Juan de Dios Peña joined me with three hundred and thirty-eight men mounted and ninety-four on foot, delivering to me a despatch, a box of cartuches, and a supply of clothes and other effects which the Señor Governor sent me as presents for the Indians for peace who might be found at the council which Hernandez said ( would be) at the Agua Herviendo.

15. The encampment composed of four hundred and seventy-nine horsemen and one hundred and seventeen infantry continued the march at seven in the morning and at two in the afternoon halted on the Rio de San Carlos,<sup>13</sup> where it passed the night without news.

16. At five in the morning I marched, and at twelve of the same day at the spot where the Rio de Almagre<sup>14</sup> joins with the Napete, and on which was found the detachment which had gone out on the twelfth, having reconnoitred the spots which was set forth in the remark of the said day. They did not encounter any nation, nor any other old trail or new except the track of Hernandez in Agua Herviendo afoot and alone. Fearing that the reunion of the gentiles might be in other spots of those immediate neigh-

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12. "Where the water boils" refers to La Agua Herviendo.

13. The present San Carlos stream which flows into the Arkansas River near Pueblo, Colorado. This reference is the earliest that the writer has seen to this stream under the name of San Carlos. In 1786 the Spaniards aided some Yúpe Comanche to settle on the Arkansas apparently near the San Carlos. On the map the San Carlos is called Dolores, a name applied to it by Governor Anza who campaigned in this territory in 1779. See A. B. Thomas, San Carlos, A Comanche Pueblo on the Arkansas River, 1786. in *The Colorado Magazine* (in press).

14. The Rio de Almagre is the present Fountain Creek. It will be noted that the map here has Almagre on the Arkansas River. This instance is the only known one in which the Arkansas has been so designated. The Rio Almagre derives its name from the fact that it has its source in the Sierra Almagre. The name on the map here for Rio de Almagre is Sacramento, a term also given to it by Governor Anza.

borhoods, I decided that a detachment of fifty horsemen should go out to reconnoitre under the command of the settler Antonio de Herrera of the Jurisdiction of La Cañada, equally cautiously as those who had just done so and returned.

17. Waiting on the cited spot without news.

18. Id. Id.

19. Id. Id.

20. Waiting on the cited spot. Advice was received from the detachment that was going out that having reconnoitred as far as the Rio Chato and noticing nothing new their return was being made little by little because they were bringing some tired horses.

21. I began the march down along the Rio Napete. At six in the morning, and at three in the afternoon halted on the banks of the same river; on it the night passed without news.

22. At half past five in the morning I continued the march and at two in the afternoon halted on the same Rio Napete, where I remained without news. As eight in the evening the detachment of fifty horsemen which Herrera commanded joined us, without any other news than that of bringing some tired horses, and the rest of the horseherd very footsore.

23. Waiting; I held a consultation with the settlers, most experienced in these lands, to agree among ourselves as to what we should do to make certain whether or not there were developments among the nations. In my council they decided that they should reconnoitre for two days more further down where the Rio de las Animas<sup>15</sup> joins the Napete, because there are various points in which the said nations were accustomed to have their council; that at least they could be there because some days ago some settlers of the Province had traded with them in the place of La Nutria (The Otter) and they said that they were going to penetrate

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15. The present Purgatoire River is not shown on the map here.

or return to the countries of their origin along the Napete above, according to their conversations. With this news on the same day, I despatched a detachment of fifty horsemen to reconnoitre those spots, as has been said, under the command of the settler, Francisco Sanchez of La Canada.

24. Waiting; without news.

25. Id. Id.

26. Id. Id.

27. Id. Id.

28. I marched at five in the morning for the spot in which I was to join the detachment which set out, and at four in the afternoon halted on the Arroyo de la Tempa, and rested without news.

29. Marched at five-thirty in the morning and halted at three-thirty in the afternoon in the arroyo del Chico, and spent the night there without news.

30. At five in the morning I continued the march, and at four-thirty in the afternoon halted on the Rio de las Animas, where I slept without news.

October 1. Waiting; in the said day at eleven in the morning the detachment under the command of Sanchez joined me, giving me an account of having reconnoitred as far as the banks of the Arroyo Tiquin,<sup>16</sup> and of not having encountered any rancheria, nor old tracks from which it could be suspicioned that any gentiles had been there. I sent a despatch to the Señor Governor of all that had occurred up to this date, and the news of Hernandez had turned out to be false.

2. At five in the morning I undertook the march to retire to the Pueblo of Taos. Halted on the Rio del Sicorica<sup>17</sup> at six in the afternoon. The night passed there without mishap.

3. I continued the march at four-thirty in the morning

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16. With such meagre information it is impossible to identify the arroyos de la Tempa, del Chico and Tiquin.

17. The Rio del Sicorica apparently refers to some stream coming down from the Mesa Sicorica, the term then applied to Raton Mesa of today.



and at four in the afternoon halted on the Rio de las Vrracas, where the night passed without accident.

4. At six in the morning I continued the march, and at four in the afternoon halted on the Rio Colorado;<sup>18</sup> the night passed there without news.

5. I marched at seven in the morning and at five-thirty in the afternoon halted in the spot of Agua Fria, on the Sierra of Taos. I slept there without news.

6. Marched at eight in the morning, and at five thirty in the afternoon arrived at the Pueblo of Taos. At ten in the morning I received a despatch from the Señor Governor in which he advised me to continue the return as far as the Villa of Santa Fe, taking leave of the detachments of people of Taos and La Cañada.

7. Waiting in Taos to deliver the division to Captain Don Andres Sanudo according to the disposition of the Señor Governor. At five-thirty in the afternoon, I received a despatch from the same chief in which he ordered me not to alter my return from the manner in which I had been advised.

8. At eight in the morning I set out from Taos, leaving in it the settlers of that Jurisdiction, and taking of them at the Vado at their houses, and at four in the afternoon halted in the settlement of Embudo. I passed the night there without news.

9. At seven in the morning I continued my return, taking leave of the settlers of the Jurisdiction of La Cañada at their houses and at five-thirty in the afternoon halted in the Cerro del Pujague. The night passed there without accident.

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18. It is hard to tell whether the reference here to Colorado is to the Rio Colorado del Natichitoches (Natichos on the map), or to the Rio Colorado which enters the Rio Grande above Taos. Inasmuch as Arce refers both to a Rio del Sicorica (a Raton Mesa stream doubtless) and in the next day's journey to the Sierra of Taos, it seems that the present Canadian or one of its headwaters is referred to here. If so, his route back from the Las Animas would be over Raton Mesa to the Taos Range, probably via the San Fernando Creek.

10. At four in the morning I continued the march, and at eleven of that morning, arrived at this Capital. I presented myself to the Señor Governor, giving him an account of what occurred, and at his order the settlers took leave for their houses. Santa Fe, 10 of October, 1818. Jose Maria de Arce. It is a copy. Durango, November 16, 1818. Francisco Velasco.

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THE YELLOWSTONE RIVER, JAMES LONG AND  
SPANISH REACTION TO AMERICAN INTRUSION  
INTO SPANISH DOMINIONS 1818-1819.<sup>1</sup>

ALFRED B. THOMAS

*Introduction*

A significant aspect of the American frontier conflict of 1818 and 1819 is presented herewith in a letter of Viceroy Venadito of New Spain. The document, a digest of various official reports from Philadelphia to Acapulco, Mexico, gives details of the threatened American invasion, Spanish preparations, and the Spanish point of view bearing on the approaching danger. Regarded as a whole the report of Venadito calls attention to the essential unity that characterizes American history in its widest sense. The problem, for example, of defending Spanish frontiers at such widely separated points as the mouth of the Sabine and the mouth of the Yellowstone was exactly the same. So too, the American danger in the early nineteenth century must be closely associated with French and English encroachments that constantly disturbed the Spaniards in the pre-

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ceding two centuries; indeed, the fear of foreign invasion from the north was first brought home to the Spaniards when they opened the rich mines of Mexico in the later sixteenth century. A brief survey of New Mexican and Texan frontier history will reveal the continuity of this theme in western American history and provide, as well, a background for the understanding of the Viceroy's report on this threat to Spanish dominions.

A principal cause for the founding of New Mexico between 1598 and 1608 was the fear that the English pirate, Drake, had found the mythical Strait of Anian, believed to be somewhere north of Mexico, and had thereby opened the way for English advance on the Spanish mines. Less than a century passed before the French came from Canada to settle in the Mississippi Valley, whence Indian tales, soon wafted into New Mexico, put the Spaniards there on the alert for the westward moving voyageurs. Shortly afterwards the establishment of the French in the Gulf Region brought another province, Texas, into the colonial history of the United States. Like New Mexico, its main purpose was to protect the mines of northern Mexico, this time from the French. Barriers were thus formed, but throughout the eighteenth century until 1763 actual intrusion into and the possibility of seizure by France of these two provinces constantly preyed on the Spanish mind.<sup>2</sup>

The expanding English settlements that filled in the French possessions, after 1763, east of the river only proved a more serious menace to the Spanish. When, shortly the revolt of the English colonies changed the name of the settlers from English to American, the Spaniards soon learned they had lost none of their virility. Thus the two-century old problem on the north and east continued to plague Spain as Venadito's letter here testifies.

One of the chief measures adopted by the Spaniards, particularly those of New Mexico, in protecting their pro-

2. Bolton, H. E. & Marshall, T. H., *The Colonization of North America 1492-1783*, passim.

vinces against invasion was to dispatch expeditions beyond the frontier to ward off the intruders. In the early eighteenth century, 1720 to be exact, such an expedition left Santa Fe, marched to the far away Platte in present western Nebraska, to investigate rumors of French in that quarter, reported by friendly Spanish Indians. From that time until 1819, so far as is known, this exploration remained the "farthest north" of Spanish expansion activities from New Mexico.<sup>3</sup> At the beginning of the nineteenth century it is known that Spanish trading expeditions went yearly into that general region to visit the Arapaho.<sup>4</sup> To this northward movement there now appears, reported by Melgares to Venadito, a new advance which carries the worried Spaniard far away to the mouth of the Yellowstone River, an achievement hitherto unknown in the annals of New Mexico. As such, Charvet's expedition adds a valuable detail not only to the subject considered here, but to the story of Spanish expansion in North America as well. The whereabouts of the diary of this exploration is unknown; its appearance will mean a contribution of value to many aspects of western history at this period.

One is tempted to speculate on the route taken by Charvet. The study of former expeditions in that direction from Santa Fe revealed that the Spaniards always crossed the Taos Mountains on their way to the plains of present eastern Colorado and then proceeded northward along the foothills of the Rockies.<sup>5</sup> This route seems the probable one followed by Charvet and his fifteen horsemen since a direct march would involve the crossing of the mountain masses of present Colorado and Wyoming, which, as Melgares noted, present a barrier on the north.

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3. Thomas, A. B., "The Massacre of the Villasur Expedition at the Forks of the Platte River," in *Nebraska History*, Nebraska State Historical Society, Vol. VII, No. 3, pp. 68-81.

4. Bolton, H. E., "New Light on Manuel Lisa and the Spanish Fur Trade," in *Southwestern Historical Quarterly*, Vol. XVII, pp. 61-66.

5. Thomas, A. B., "Spanish Expeditions into Colorado," in *The Colorado Magazine of the State Historical Society of Colorado*, Vol. 1 No. 7, pp. 1-12.

It is particularly unfortunate that Melgares did not give us the full tribal name of the twenty-eight Indians who came to Santa Fe from the neighborhood of the Yellowstone River, but only set down their initial A. The discovery of Charvet's diary, it is hoped, will clear up this obscurity. Possibly the reference is to the Arapaho Ages tribe who lived on the plains of eastern Colorado and among whom Manuel Lisa tells us in 1812 the Spaniards were accustomed to send yearly expeditions.<sup>6</sup> The exact range of the Arapaho is in doubt; no reference, however, indicates that they wandered as far north as the Yellowstone River.<sup>7</sup>

The details that Melgares gives concerning the Spanish parties that have been searching during 1818-1819 over a hundred leagues east of the fortifications at the Pass of Sangre de Cristo and the canyon of San Fernando contribute important information concerning Spanish activities beyond New Mexico.<sup>8</sup> For one thing proof that there was a fort at the Pass of Sangre de Cristo establishes the first known Spanish post north of New Mexico, as well as the first in the history of the region which later became the state of Colorado.<sup>9</sup> The term Sangre de Cristo in Spanish documents of the eighteenth century has reference to the "front" range of the Rockies, particularly the high mountain wall in the southern part of present Colorado. The Pass of Sangre de Cristo beyond doubt is one of the several well known passes through this range. The writer inclines to the belief that the pass fortified was La Veta Pass of today. The exact date on which this post was founded is unknown. It will be noted in Venadito's letter, however, that he himself ordered the construction. From

6. Bolton, "New Light on Manuel Lisa," *Southwestern Historical Quarterly*, Vol. XVII, pp. 62-63. Attention should be called to the fact, too, that the Assiniboines lived in the neighborhood of the Yellowstone.

7. *Ibid.*, pp. 63-63. There Professor Bolton notes the contemporary statements which give the range of the Arapaho in present Wyoming and Colorado.

8. For a summary of Spanish activities beyond New Mexico in this part of present Colorado, see Thomas, "Spanish Expedition into Colorado," *Colorado Magazine*, Vol. 1, No. 7, pp. 1-12.

9. Bancroft gives 1830 as the date for the earliest fort established in Colorado. See Bancroft, *History of Nevada, Colorado, and Wyoming*, p. 353, note 16.

this statement we may conclude that the posts were established between 1816, the year Venadito became Viceroy, and July 9, 1819, the date Melgares wrote Conde concerning these points and his defensive measures there.<sup>10</sup>

Canon de San Fernando is beyond doubt the well known canyon of San Fernando creek near Taos, New Mexico, customarily used by Spanish expeditions throughout the eighteenth century, journeying to the plains of present eastern Colorado.<sup>11</sup> Melgares' remarks are likewise too brief to indicate the extent of this exploration by these parties. In this connection, however, the writer has just received a number of interesting tracings made by Mr. William E. Baker of Spanish names, accompanied by dates, inscribed on rocks along the Cimarron River in the western panhandle of Oklahoma.<sup>12</sup> One of these, too weather-worn to be entirely deciphered, is as follows:

E my Terio Jueb ena

Maio 1818

It is fortunate in this case that the date Maio 1818, May 1818, is entirely clear. That the parties Melgares referred to were engaged in exploring east of the mountains as early as May 1818 is known from other reports by this official, so that it is not impossible that the Cimarron came within the compass of these explorations. Whether or not the Spaniard who left this inscription on the rocks of the Cimarron River was a member of one of these parties, the fact remains that we now definitely know for the first time that the Cimarron may be numbered among those streams east of New Mexico, the Platte, the Arkansas, and the Cana-

10. It is possible that the attempt of A. P. Chouteau and De Munn, who entered New Mexico from the north, to establish trade with that province in 1817, was responsible for the Viceroy's order to erect these posts. It is not without interest to speculate on the precise location of the fortifications, whether they were at the head or the foot of the pass. The discovery of ruins and evidence of Spanish occupation at any one of the passes would be significant in this connection.

11. Thomas, A. B., "*Spanish Expeditions into Colorado*," passim.

12. Mr. William E. Baker, of Boise City, Oklahoma, is doing commendable work in searching out and making known evidences of aboriginal, Spanish, Mexican, and early American historical remains in his county.

dian and others, which fell within the explorations of Spaniards from New Mexico.<sup>13</sup>

The part of Venadito's letter concerning news of Long's preparations is self-explanatory.<sup>14</sup> It gives, particularly, enlightening details concerning the Spanish reaction and preparations to this invasion of Americans in the neighborhood of the Sabine. It should be noted among other things that the efficiency of the Spanish secret service in gathering news from such widely separated points as Philadelphia, St. Louis, and Havana and the resulting preparations for the invasion suggests one of the major causes for the prompt destruction of Long's expedition. On the other hand it should be observed that the diversion of such large bodies of troops, as Venadito mentions, to the northern frontier, while Mexico itself was in rebellion, undoubtedly operates as a cause of Spain's ultimate defeat at the hands of the rebels in Mexico.

In this connection, the strictures of Venadito on the government of the United States during this time deserve serious thought. If we view the position in which Spain found itself in Mexico in 1819, facing revolution within and threatened by foreigners from without, it is not surprising that Venadito should express himself so strongly concerning the "perfidious policy of the Anglo-Americans" and that the United States were trying "to take possession of the Province of Texas by adventurers, making a false show that they have not been able to restrain them, and keeping them in it (Texas) under the pretext that the King, Our Sovereign, cannot or does not desire to defend it, as they did in Amelia Island and the Florida region." This point of view, regarding the process of United States expansion is, of course, totally at variance with the usual American interpretation of our westward movement. It

13. The Cimorran River in Oklahoma and Kansas was undoubtedly crossed before this by Spaniards making expeditions to the buffalo plains east of New Mexico. See Thomas, A. B., "Spanish Exploration of Oklahoma," in *Chronicles of Oklahoma, Quarterly*, Oklahoma Historical Society, Vol. VI, No. 2, pp. 188-213.

14. For an account of Long's expedition into Texas see Bancroft, *North Mexican States and Texas*, II, pp. 47-51; also Garrison, *Texas*, pp. 122-124.



suggests accordingly that this and other similar movements in our history heretofore regarded by ourselves as purely national problems, are, in effect, profound international problems as well, and have a different interpretation in that field. The significance of the international character of United States expansion can perhaps be better understood when we consider that the details and the differing point of view provided by Viceroy Venadito are among those which make up the historical background and dominate, in a measure, the thinking of the Spanish American peoples with whom we are now dealing.

Translation of Viceroy Venadito's letter:<sup>15</sup>

Venadito to the First Secretary of State

No. 30.

The Viceroy of New Spain, Count of Venadito, continues giving an account of the events that have occurred on the coasts and in the Internal Provinces of that Kingdom.	Most Excellent Lord: In the report of military occurrences of the present month, of which I am giving an account to His Majesty, through the Minister of War under this date, I say among other things the following:
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Documents from number one to five of copy number three which I am likewise forwarding to Your Excellency subjoined are those from the offices of the Vice-Consuls of San Luis de los Yllineses and Natchitoches Don Juan Gual-

15. Venadito al Primer Secretario de Estado. Mexico Septiembre 30 de 1819. No. 30. Estado de Mexico. Legajo 14, Archivo General de Indias, Sevilla.

16. Several paragraphs not dealing with the subject considered here are omitted. The first two of the omitted paragraphs concern the visit of John Dowens, commander of the frigate Macedonia, to the port of Acapulco. The port captain there reported to Venadito that Dowens came ashore with his men, conducted himself with the greatest tact, and attempted to trade. The people of Acapulco, however, looked on the Americans with aversion and closed their doors while the former were passing through the streets! The next two paragraphs were devoted to explaining defensive measures the Viceroy had taken against some Chilean privateers who came to Mexico at the beginning of 1819 in an attempt to assist the Mexicans in their revolution; the Chileans were expected to return. The next paragraph deals briefly with a report from Melgares, stating that the Navajos have been defeated in their revolt and have signed a treaty of peace with the Spaniards. The remainder of the document is concerned with the subject considered here.

verto and Don Felix Trudeau, directed to the Consul of New Orleans Don Felipe Fatio, who has remitted them to me with his letters of the 16th and 24th of last July.

The first sets forth that there have been passing through the above mentioned San Luis which is the capital of Upper Louisiana, twelve hundred Anglo-Americans who intend to join three hundred others at the point called La Bellefontaine,<sup>17</sup> all under the orders of Benjamin O'Fallen, with the purpose of invading the Province of New Mexico, working in concert with the major forces which are at the mouth of the Rio Roche Jaune or Piedra Amarilla (the Yellowstone River) near the confluence of this river with the Missouri.

In my reports numbers seventy-three of November 30, 1818, and ninety-one of June 31 of the current year, I told Your Excellency that from the same points of S. Luis there was setting out on the 30th of August of 1818 a battalion of three hundred men, Anglo-Americans, commanded by Lieutenant Colonel Talbot Chambers, with the object of ascending the Missouri and establishing themselves in the above mentioned spot of the Yellowstone, which is three hundred leagues to the north of Santa Fe, the capital of New Mexico, and two hundred and forty from the head of the river called Del Norte. Those are greater distances than there are from Santa Fe to S. Luis de lo Yllineses, according to the report which Lieutenant Colonel Melgares gave concerning these details which I forwarded to Your Excellency in report number ninety-one.

The said Melgares stated that because of the above mentioned distances, as well as because of the great obstacles which the deserts of that country and the mountain range, which serves as a barrier for New Mexico, present, he believed it very difficult for the Anglo-Americans to penetrate into the said Province but that nevertheless he was taking proper measures to impede them and was main-

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17. Bellefontaine, probably this one, was a settlement about thirty-five miles northwest of Kaskaski. The name was applied by the early French to a large spring south of present Waterloo. Thwaites *Early Travels*, Vol. 27, p. 194, note 67.

taining spies and confidential agents who would communicate news of the movements of the foreigners. He was inclined to believe that the object of the Anglo-Americans in that expedition was to take away from the English of Canada the commerce in pelts which they have with barbarous tribes; concerning this point, office of the Vice-Consul of San Luis also speaks.

The same Melgares in an official letter directed to the commander of the Internal Provinces of the West and inserted in copy number four, which I am likewise forwarding to Your Excellency subjoined, states under date of July 9th of this year that there were just in Santa Fe twenty-four Indians and four Indian women of the gentile tribe A having come from the neighborhood of the Missouri. These knew nothing of the Anglo-American battallion at the Yellowstone. He states likewise that in spite of the detachments that are continually reconnoitering the plains country at more than one hundred leagues distance from the Pass of Sangre de Cristo and Canon de San Fernando, points fortified at my order in the Sierra of New Mexico, and of having despatched as far as the neighborhood of the Yellowstone the Interpreter Charvet with fifteen men well mounted for the purpose of making a reconnaissance of the above mentioned points, he has not been able to acquire any news of the march of the Anglo-Americans.

Notwithstanding these antecedents, since the Vice-Consul of S. Luis stated there had passed through there the twelve hundred Anglo-Americans who left word that they would unite in the place of Bellefontaine with three hundred others, and (since) the Consul Fatio painted a picture so lively of the enterprising and obstinate character of the commander of the expedition, Benjamin O'Fallen, as document number two of copy number three sets forth, I have notified General Garcia Conde to send him copies of the above communications, to order reconnaissances made at the points mentioned as the case may require, and if in view of these, it should appear necessary, that he prepare with despatch the troops that may be required to make

illusory the projects of the foreigners, giving me advice in detail by executive mail, according to my order, whatever he may dispose, as document six sets forth. I remain very watchful of what may occur in order to take other measures which circumstances may require.

The same documents from number one to five of copy number three concern the expedition which was being brought together to invade the Province of Texas (one of the four interior ones of the east) on the Sabine River, on the Trinity, at Nacogdoches and at Natches under the orders of the Anglo-American General James Long of which I spoke to Your Excellency in my report number ninety-nine of August 31, last. Consul Fatio states in number two that this expedition is the most serious that has menaced this kingdom since the beginning of the revolution as its undertakers neither lack the pecuniary means for its purpose nor the best organizing leaders who have directed previous ones. He judges that if the troops of the United States who are at Natches shall act with negligence in restraining these unruly ones (such negligence) can only originate in some secret order of that government.

Fatio himself states that the first body composed of more than three thousand men has already crossed the Sabine River, that it is being augmented daily by recruits whom they receive from all parts of those states; that they are also relying on a party of Spanish rebel commanders, which is considerable, under the revolutionary leader Bernardo Gutierrez who was in Nacogdoches. Considering the people of Louisiana who have taken part in the enterprise and favor it, he states that he must believe that the Anglo-American government not only will countenance it but that it will supply the assistance which it has always given these rebels in defiance of law and good faith whenever it suits their selfishness and particular purposes.

He likewise reports that he knows that near Galveston and the Trinity River that the number of adventurers are being augmented daily at that point; that those of the Trinity can be considered as the vanguard of those who have

crossed the Sabine; and that while they have connection with the Pirates who are maintaining themselves at Galveston it will be very easy for them to receive supplies and munitions of war through that channel and transport them to convenient points for the progress of the expedition. Consul Fatio believes that the French ex-General L'Allemand will join it with his resources and the Vice-Consul of Natchitoches says that there will be five generals, among them Robertson, Ader and Humbert. The Gazettes and map that Fatio says he has remitted to me with the first copy of his letter I have not received. When they arrive I shall send to Your Excellency a copy of the map and of the Gazettes.

Document number nine of the third copy is a letter from the charge d'affaires of His Majesty in the United States, Don Mateo de la Serna, written in Philadelphia on the 19th of July last, setting forth, with reference to an article in the Gazette of Natchez published there, what the revolutionists have achieved: that a plan of operations is being formed by a part of those citizens who have the means and that several parties have already set out secretly, and many more were preparing to set out with the same secrecy; that their object apparently was to form an agricultural project in Texas, but that no one would be mistaken as to its purpose.<sup>18</sup> The writer of the Gazette believed that he would be able to give very soon circumstantial news of the outcome of the expedition which no doubt will be favorable to the adventurers. He (Serna) was just assured that the American authorities took strong measures to apprehend the leader of the rebels in Natchez, but that they were unable to do so. Serna judges that it is a pretext in order to have a safe position in reclaiming prisoners who may be taken by the Spanish troops.

Document number eleven is a letter which the Captain General of the Island of Cuba sent me, from General James Long written in Nacogdoches on the 24th of June last. In

18. That the Americans were in reality planning an agricultural colony is borne out by the later activities of Long. The principal feature Garrison, Texas, p. 122.

it the rebel says that he had at that point hoisted the independent colors of Texas. Of this country he promises to take possession, to destroy Arredondo; that they may put in revolution the provinces that the latter has in his rear. At the same time he sets forth that his resources are numerically very few; that they are without artillery, arms and munitions. He begs the Pirates to make common cause with him against the Spaniards that he aid him in these objects, that he unite with him to resist Arredondo and that he will give him a privateer's patent to make reprisals under the banner of Texas.<sup>19</sup> These notices supposing that this letter is authentic, in no way agree with those which Fatio has communicated to me concerning the strength and great resources on which those rebels rely.

Notwithstanding the divergence which is noted in the assertions of one and the other, since I know the perfidious policy of the Anglo-Americans, the attempts they have made since the beginning of the revolution, either underhanded or in the open to assist it, giving all kinds of aid to the rebels and permitting them to take out of that country, people, arms, and munitions to continue the unjust war they have made against its legitimate sovereign, Senor Don Fernando VII, and finally that they are suspicious that His Majesty may not approve even the treaty to arrange the boundaries and cessions made recently by Minister Onis, that they are trying to take possession of the Province of Texas by means of adventurers, making a false show that they have not been able to restrain them and keeping them in it under the pretext that the King, Our Sovereign, cannot or does not desire to defend it, as they did in Amelia Island and the Florida Region, I judged accordingly not only to carry forward the measures I communicated to our Excellency in my last dispatch, number ninety-nine, that Brigadier Don Joaquin de Arredondo collect a body of five hundred cavalry and send them to make a reconnaissance on the Sabine River with the precautions which I spoke of to

19. Undoubtedly this is Long's letter to the pirate La Fitte. See Goodwin, C., *The Trans-Mississippi West*, p. 158, for La Fitte's refusal to aid Long.

Your Excellency, but that, having sent you by executive mail with all diligence, copies of all the cited documents, as I have been receiving them, as I have informed you, and as numbers seven to fourteen and sixteen of copy number three sets forth, it cannot be doubted that the rebels are at Nacogdoches, a pueblo of the Spanish territory of Texas, I shall labor with offensive celerity against them, not resting until ejecting them from the points which they are occupying.

Besides the troops which Arredondo can distribute in the Provinces under his command, I have notified the Commander General of those of the West to send to Saltillo, without losing a moment, under the orders of that chief, four hundred dragoons as a precaution. I ordered him since the 25th of August last to enroll and prepare them with all that was necessary to march at the first notice as I told your Excellency in the said dispatch, that they should take some supply mounts besides those of their complement in order to function with usefulness and energy, so that with this they would not have to await re-enforcement from the frontier Presidios as previously as has been ordered and stated in the cited document number sixteen, charging the said Commander Generals with the greatest activity and zeal in fulfilling these dispositions, and to communicate to me by executive mail the news that occurs.

If the news communicated by Fatio be confirmed concerning the forces of the adventurers, I shall augment those of Arredondo with the expeditionary regiments of Zamora and the Infante Don Carlos, the first of whom is in the province of Potosi and the second in that of Guanajuato, as I told your Excellency in despatch number ninety-nine. That official will bring together another thousand men of all arms in the provinces under his charge with a regular train of artillery, composed in all of a body of more than three thousand men with which, he promises me, the assistance of God intervening, to restrain the rebels and prevent them from establishing themselves in the dominions of His Majesty placed under my care.

Accordingly, I call to the attention of Your Excellency

the content of my letter number one hundred of the 26th of the present month, directed by extraordinary mail with the commander of the frigate Sabina and whose duplicate I am forwarding annexed, so that it may incline the spirit of His Majesty to send me substitutes of infantry for the Expeditionary Corps, a body of cavalry or dragoons, and the ships destined to Vera Cruz and San Blas, which I have petitioned, in order to act with the greatest ease and to stop the aggressions of foreigners which I suspect go on a great deal and will have no end while these provinces of my command are so near the vicinity of the United States. Concerning this particular, I have spoken to this Supreme Ministry and to that of the State in the several despatches I have sent since my entrance into this kingdom, according to the ideas which the facts and my experience have caused me to form.

The above mentioned occurrences are the only ones which have taken place the present month in the Internal Provinces of the East and West and the coasts of the South Sea, those districts continuing to remain in entire quiet and tranquillity, as the dispatches of their commanders inserted in the Gazette numbers 124 to 130 set forth, which, with the rest of the same month, I am sending to Your Excellency subjoined.

There is being transferred to Your Excellency, accompanying the copies referred to, the continuation of the dispatches that I have directed to this Supreme Ministry concerning the particular details so that Your Excellency may be pleased to place them before the royal notice of the King, Our Lord.

May God guard you many years. Mexico September 30, 1819.

Most Excellent Lord.  
TE1 Conde del Venadito

Duplicate (Rubric)  
Most Excellent Lord, First Secretary of State and of the State Department of this Ministry.

—*West Texas Historical Year Book*, 1928.



## YNUSTRUCCION A PERALTA POR VI-REY

(Transcribed from the Archives of the Indias at Seville,  
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La Ynstruccion a don pedro de peralta que de presente  
ba proveydo por Governador y capp<sup>an</sup> general de las prouin-  
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Instruccion a Don P<sup>o</sup>. de Peralta, g.<sup>or</sup> y capp<sup>an</sup>. gneral de la nu<sup>a</sup> mex<sup>o</sup>, en lugar de don Joan de Oñate.

Primeramente entregados que le sean su titulo y demas despachos saldra de la ciudad de mex<sup>co</sup>. con la mayor breuedad que ser pueda con las doze soldados y Religiosos que lleba de socorro a las dhas prouincias procurando abreuiar su biaje todo lo mas que sea posible por lo mucho que esto ynporta. y que los soldados en el camino bayan rrecogidos y sin causar inquietudes ni daños a yndios ni a otras personas haziendo que paguen el sustento y auio que se les diere por su justo balor—

Procurrar que la Cauallada y Boyada que se lleba se conserue en el Camino de suerte que llegue entera por ser precisamente nescessaria para las labranzas yniançal que desde luego se an de començar a hazer en aquella tierra para que se lleban cantidad de herramientas y demast apero nescenario—

Llegado que sea a las dhas prounizias se enterara del estado que las poblaciones de ella tienen procurando que antes todas cossas se ponga en execucion la fundacion y poblacion de la Villa que se pretēde y ordena que alli se haga para que se pueda començar a thener y bibir con al-

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( Translation by Ireneo L. Chaves.)

Orders to Don Pedro de Peralta who presented his appointment as Governor and Captain General to the provinces and settlements of New Mexico, in place of Don Juan de Oñate on account of his relinquishment of said office, are as follows:

Orders to Don Pedro de Peralta, Governor and Captain General of New Mexico, in place of Don Juan de Oñate.

First his appointment (titulo) shall be delivered to him and other commissions. He shall start from the City of Mexico as quickly as possible with the twelve soldiers and religious which he takes along to said provinces as protection, he shall hasten his trip as much as possible on account of the importance of the same, and the soldiers

on the way shall keep together and cause no trouble or injury to Indians or to any other persons, they shall pay a just price for their sustenance and for whatever equipment which might be given them.

He shall see that the horses and oxen shall be well cared for so they shall arrive in good condition for the reason that they are actually necessary for the purposes of agriculture which shall be started immediately on that land and they shall carry a quantity of tools and other necessary implements.

When he shall have arrived at said province he shall inform himself of the condition of said settlements endeavoring before any thing else the foundation and settlement of the Villa they claim and shall order the same to be made there so people may begin to live there with some cleanliness and stability, in which he shall allow the citizens to elect four councilmen, and two ordinary alcaldes each year who shall try civil and criminal causes which may occur in

guna pulicia y fundamento en la qual permitira que los vecinos eligan quatro Regidores y estos dos alcaldes ordinarios en cada un año que conozcan de las caussas ciuiles y criminales que en la dha Villa y cinco leguas a la rredonda subcedieren señalandoselas por termino y jurisdizion sin perjuizio de tercero Guardando en el conocimiento de las Caussas criminales lo dispuesto y ordenado por derecho con que no puedan tener juridizion sobre yndios sino solo el dho gouernador o su lugartheniente y la elecion que hizieren de alcaldes y rregidores en cada un año la hagan los Regidores a los Regidores que vbieren de subceder el año siguiente y los asi electos eligan luego luego los dichos alcaldes aprouando la Eleccion el dho gouernador—

Que los dhos alcaldes ordinarios y Regidores de la tal Villa pueden por treinta años señalar a cada vecino dos solares para Casa y Jardin y dos suertes para guerta y otras dos para Viña y olibar y quatre cauallerias de tierra y para el rriego de ellas el agua nescessaria aviendola obligandoles a hazer vecindad diez años continuos sin hazer avsencia con pena que si la hicieren quatro mesas continuos sin licencia del Cauildo y Regimiento lo pierda todo y se rreparta su vecindad a otro—

Podra dar facultad al dho Cauildo para elegir vn alguacil executor de la justicia y un escriuano con su aprouacion—

Señalara para propios de la dha Villa seis Vecindades y vna quadra de las Calles para hazer Cassas Reales y otras obrass pp<sup>ca</sup>—

Podra el dho Cauildo y Regimiento hacer ordenanzas pp<sup>a</sup> el Gouierno de su Republica con confirmacion del dho guernador—

Concedera al vno de los alledes [alcaldes] ordinarios de primer boto que despues de cunplido el año sea Juez de mesta en la dha Villa y su Jurisdizion—

Aduiertesele que si aquella tierra se pusiere en estado que conuenga auer oficiales Reales avise de ello al Virrey de esta nueva españa y de las causas que le mueben para que se prouea lo que conuenga—

as these must be maintained and the other recommendations by him made shall stand until after consulting his majesty he shall provide otherwise, for that purpose he shall transmit a report of the recommendations made by him stating the services and kind of persons recommended.

Because I have been informed that the taxes imposed and collected from those natives are excessive causing them great vexation and trouble, the said governor is requested to attend to this in manner to suit himself proceeding in all justification and in discharge of the royal conscience.

Assuming that that land must have a certain number of residents so as to avoid some damages and inconveniences none of the people shall be restrained and that their assistance and way shall be free, said Governor is thus requested and ordered, there shall remain the necessary residents who are obliged to comply with their right acquired by residence. The others shall not be compelled to attend unless it is extremely urgent for a short time.

In the same manner, he is requested and ordered not to fail to defend the country and the settlers thereof. Pretending for good or evil to reduce the enemies or take them away for the peace of those converted or those who want to be converted and in order to retain and increase the reputation of the Spaniards with them and to attract them more to treat with us. And seeing that one of the things which has most emboldened the enemies and has intimidated our friends and destroyed our good relations is the fact that the damages have not been stopped and that the enemies increase the damages, it would be well to be careful about this in order to recover our reputation with our friends and with the enemy taking into consideration the importance of their relations and defense because I have been informed that the small population of that country is very scattered over it so that they are destitute of administration because very few reside in each place and are also too far to be helped and protected. And some people and nations are in proximity to the frontiers and country of the Apaches which

Y porque e sido ynformado que la poca Gente que en aquella tierra ay esta muy derramada por toda ella de suerte que no solamente estan desacomodados para la administracion por ser muy pocos los que asisten en cada lugar y lexos y estarlo tanuien para poder ser anparados y defendidos y algunos pueblos y naciones estan en fronteras y tierra de apaches que son de ordinario Receptaculo y ospedaje de los enemigos y ser en ellos las juntas consultas y conjuracion contra toda la tierra y de donde salen a dañarla y hazerle guerra y que asi para congregar a los vnos como para quitar a los otros de estos puestos ay sitios mucho mas acomodados y pacificos de cuya rreduccion no solamente se conseguira el vien que se pretende mas tanuien sera de Ylenos [Menor] trabajo la administracion y no nescessarios tantos Ministros y el daño que los enemigos hicieren se sabra con mas breuedad y con esa misma seran Remediados se ordena al dho gouernador que con consulta de los Religiosos y personas mas practicas se hagan estas Reduciones como mas conuenga atendiendo tanto a la cercania en que deven estar para ser mejor administrados quanto al sitio que conuiniere mas para su defenssa en que aya las tierras aguas y montes y lo demas nescessario para todo genero de crianza y labrança a al temple que sea ygual de las partes donde se sacaren para congregarse en el lo qual se haga con tan maduro consejo que no se pueda presumir que aya de rresultar alguna Ynquietud o descontento en los yndios que pueda dar cuidado—

Y porque asi mismo se a entendido que aquella tierra esta poblada de barias naciones y muy poca gente en cada una de ellas que ablan barias lenguas dificultossas y barbaras de donde nazen muchos ynconuenientes para la buena administracion y consuelo asi de los ministros como de los naturales se encarga al dho gouernador que con muy particular cuidado tratandolo con los rreligiosos disponga esto de manera que de prinzipal yntento se procure que los Yndios todos y en particular los niños y mocos aprendan la lengua española y en casso que no se acomoden a ello en

is had a refuge for their enemies and there they have their meetings, deliberations and conspiracies against all the world and from where they start to damage it and carry on the war. And in order to gather the residents and in order to put out of these places the others, there are more convenient and peaceable places that by their reduction the good intended will be obtained and it will also be of less trouble. The administration and the ministers will be necessary and the damage done by the enemy will be known sooner and thereby will be avoided. The said Governor is ordered that with the advice of the religious and practical persons the reductions shall be made as may be more convenient taking into consideration the proximity in which they ought to be in order to be better administered, in the most convenient place for its defense where there might be water and woods and other things necessary for all kinds of stock and for agriculture and the temperature must be the same as that where they were taken from in order to get them together, all of which shall be done with mature consideration so as not to cause any trouble from the Indians which may cause apprehension.

It is understood that that country is settled by various languages very difficult and barbarous which cause many inconveniences for the good administration and consolation of the ministers as well as of the natives. The said Governor is requested to act with great care consulting with the religious in such a manner so that the main thing shall be to teach all the Indians and especially the children and ignorant persons so they may learn the Spanish language and in the event that they can not learn the same generally an effort must at least be made that those who have no natural fitness to learn the Spanish language must be taught the language most generally spoken in that country so that they may be better administered.

Before restoring and repairing the land in every way as above stated, the Governor is requested not to allow or

general se procure que a lo menos los que no tubieren dispucion para la lengua española se les enseñe la mas corriente en aquella tierra para que mejor pueden ser administrados--

Antes de conponerse y rrepararse la tierra en todas las cossas suso dhas se encarga la dho gouernador no consienta ni de lugar se ordene salida alguna para otra parte por auer mostrado la exsperiencia que con cudicia de lo de adelante se a dexado siempre de rreparar y fauorezer lo forçosso y de obligacion sino que principalmente se atienda a asegurar lo descubierto asi en lo espiritual como en lo tenporal y que asta thener hecha y asentada y poblada la Villa de susso Referida de prinzipal yntento no se acuda a orta cossa — Y en casso que despues se ayan de hacer algunas entradas contra los Yndios que no estubieren de paz permitira que solo las hagan los Religiossos que quisieren salir en la forma apostolica a fundar y plantar nra santa fe y esto de manera que quede dotrina bastante para los que al pressente estubieren de paz—

Y por que se pueden ofrezcer algunos otros cassos cuya direchion y Resolucion desde aqui no se puede preuenir y si se ouiese de esperar a consultarmelos podria correrse rriesgo y seguirse de ello algunos Graues ynconuenientes se encarga al dho gouernador que como quien tiene la cossa presente quando se ofrezcan cassos de esta forma con parecer y acuerdo de los rreligiossos y personas mas platicas y de buena opinion que oviere en aquella tierra Resuelva y execute lo que se acordare dandome auiso en la primera ocasion de lo que se hiziere y motibos que para ello vbo aduritiendo que se a de proceder en lo que a esto toca mucha consideracion y maduro consejo fecho en mexico a treinta dias del mes de março de mil y seiscientos y nueue años don luis de velasco Por mandado del Vi-Rey Martin Lopez de Gauna—

Sacado de vn libro de los de la gou<sup>na</sup>. Correg<sup>do</sup>.

MARTIN LOPEZ de gauna

[rubricado]

permit any order to be given allowing any one to move to another place as experience has demonstrated that cupidity for the future has always prevented favoring and repairing that which is indispensable and obligatory, but usually things that are manifest are attended to in spiritual as well as temporal matters. Until the above mentioned Villa shall have been founded and inhabited nothing else shall be attended to and in the event that afterwards campaigns should be made against the Indians which may not be peaceable it shall be done only by the religious who may want to do so in an apostolic manner in order to establish and plant an holy faith leaving enough instructors for those who may at present be at peace.

Other things might occur whose administration and solution cannot be foreseen from here, and if you should delay in order to consult me there would be danger of great trouble ahead. Said Governor is requested as he is there that whenever cases of this kind come up, he should with the advice and accord of the religious and of practical persons of good judgment which might be in that country, he shall resolve and execute whatever might be agreed upon by common consent advising me at the first opportunity of whatever has been done and the reasons therefor.

With the admonition that you should proceed with great care and mature consideration.

Done in Mexico on the 30th day of the month of March Anno Domini One Thousand Six Hundred and Nine.

Don Luis de Velasco, by order of the Viceroy Martin Lopez de Gauna, copied from a book of the Department of the Interior.



## YNSTRUCCION A PERALTA POR VI-REY

(Transcribed from the Archives of the Indias at Seville, Spain, by Lansing B. Bloom)

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Procurrar que la Cauallada y Boyada que se lleba se conserue en el Camino de suerte que llegue entera por ser precisamente nescessaria para las labranzas yniançal que desde luego se an de començar a hazer en aquella tierra para que se lleban cantidad de herramientas y demast apero nescesario—

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When he shall have arrived at said province he shall inform himself of the condition of said settlements endeavoring before any thing else the foundation and settlement of the Villa they claim and shall order the same to be made there so people may begin to live there with some cleanliness and stability, in which he shall allow the citizens to elect four councilmen, and two ordinary alcaldes each year who shall try civil and criminal causes which may occur in

guna pulicia y fundamento en la qual permitira que los vecinos eligan quatro Regidores y estos dos alcaldes ordinarios en cada un año que conozcan de las caussas ciuiles y criminales que en la dha Villa y cinco leguas a la rredonda subcedieren señalandoselas por termino y juridizion sin perjuizio de tercero Guardando en el conocimiento de las Caussas criminales lo dispuesto y ordenado por derecho con que no puedan thener juridizion sobre yndios sino solo el dho gouernador o su lugartheniente y la elecion que hizieren de alcaldes y rregidores en cada un año la hagan los Regidores a los Regidores que vbieren de subceder el año siguiente y los asi electos eligan luego luego los dichos alcaldes aprouando la Eleccion el dho gouernador—

Que los dhos alcaldes ordinarios y Regidores de la tal Villa pueden por trienta años señalar a cada vecino dos solares para Casa y Jardín y dos suertes para guerta y otras dos para Viña y olibar y quatre cauallerias de tierra y para el rriego de ellas el agua nescessaria aviendola obligandoles a hazer vecindad diez años continuos sin hazer avsenia con pena que si la hicieren quatro mesas continuos sin licencia del Cauildo y Regimiento lo pierda todo y se rreparta su vecindad a otro—

Podra dar facultad al dho Cauildo para elegir vn alguacil exécutor de la justicia y un escriuano con su aprouacion—

Señalara para propios de la dha Villa seis Vecindades y vna quádra de las Calles para hazer Cassas Reales y otras obrass pp<sup>ca</sup>—

Podra el dho Cauildo y Regimiento hacer ordenanzas pp<sup>a</sup> el Gouierno de su Republica con confirmacion del dho guernador—

Concedera al vno de los alledes [alcaldes] ordinarios de primér boto que después de cunplido el año sea Juez de mesta en la dha Villa y su Jurisdizion—

Aduiertesele que si aquella tierra se pusiere en estado que conuenga auer oficiales Reales avise de ello al Virrey de esta nueva españa y de las causas que le mueben para que se prouea lo que conuenga—

said Villa and within five leagues around it, which he shall mark to them by boundaries and jurisdiction without injury to third parties, keeping a record of criminal causes, decisions and what may be ordered according to law but they shall have no jurisdiction over Indians, only the Governor or his lieutenant shall have jurisdiction.

The result of the election held every year for alcaldes and councilmen shall be certified by the outgoing councilmen to the councilmen elected for the following year, and those elected shall elect the said alcaldes, the Governor shall approve the election.

The said ordinary alcaldes and councilmen of said Villa may mark out for each resident two lots for house and garden and two suertes for vegetable garden and two more for vineyard and for an olive grove and four cavallerias of land, and for the irrigation thereof the necessary water, obliging them to live thereon ten years continuously without absenting themselves, if they should absent themselves for three months continuously without leave from the council or regiment they shall loose all and it shall be given to others. They will give the council power to elect a constable of justice and a clerk with his approval. They shall mark out as belonging to said Villa six Vecindades and one square of the streets for the purpose of erecting Royal Buildings and other public buildings.

Said council and regiment may make ordinances for the government of its republic with the approval of said governor. It shall allow one of the ordinary alcaldes of first Boto after serving the first year to be Judge of the board of said Villa and its jurisdiction, cautioning it that if that land shall at some time be in condition to have royal officers it shall so advise the Viceroy of this New Spain and the reasons therefor so that what may be necessary shall be provided.

It shall be given power to recommend Indians as many as he may deem proper who served and who may be in those provinces, without renewing those made by said Juan Oñate

Que se le da facultad para que pueda encomendar Yndios en personas que ovieren seruido y bibieren en aquellas provincias en la cantidad que vien le pareciere no ynobando en las que estuuieren hechas por el dho don Joan de oñate por que estas se an de conseruar y las dhas encomiendas que asi hiciere se a de entender asta que su mag<sup>d</sup>. consultado otra cossa prouea y para ello ynuiara Relacion de las que hiziece con los servicios y calidads de las personas a quien se encomendaren—

Y porque e sido ynformado que el modo y cobranza del tributo ynpuesto a aquellos naturales es con exscesso y mucha vexacion y molestia suya se encarga al dho gouernador de en esto el asiento que mas conuenga Procediendo en ello con toda justificacion y descargo de la rreal conciencia--

Supuesto que aquella tierra a de thener numero determinado de vecinos a parecido para que se ouien algunos daños e ynconuenientes que no aya gente alguna constrenida y que su asistencia y camino sea libre y asi se encarga y ordena al dho gouernador que quedando los vecinos nescesarios que tubieren obligacion a cunplir con su becindad no se apremie a los demas a asistencia forzossa sino fuere en casso que alguna precisa nescesidad obligue a ello por algun breue tpo—

Asi mismo se le encarga y ordena que en ninguna manera no desista de la defension de la tierra y gente poblada pretendiendo por vien o mal Reducir los enemigos o quitarlos por lo que ynporta a la quietud de los conuertidos y que se quisieren conuertir y para conseruar y aumentar la reputacion de los españoles con ellos y aficionarlos mas a nuestra comunicacion, — Y aduirtiéndolo que proque vna de las cossas que mas auilantes a dado a los enemigos y mas A/Acouardado A los amigos y desaficionado a nuestra buena correspondencia a sido ber que no se an rremediado los daños que los enemigos les hazen antes an crecido conbendra que en esto se ponga mucho cuidado para cobrar Reputacion con amigos y enemigos entendiendolo que ynporta su patrocinio y defenssa—

as these must be maintained and the other recommendations by him made shall stand until after consulting his majesty he shall provide otherwise, for that purpose he shall transmit a report of the recommendations made by him stating the services and kind of persons recommended.

Because I have been informed that the taxes imposed and collected from those natives are excessive causing them great vexation and trouble, the said governor is requested to attend to this in manner to suit himself proceeding in all justification and in discharge of the royal conscience.

Assuming that that land must have a certain number of residents so as to avoid some damages and inconveniences none of the people shall be restrained and that their assistance and way shall be free, said Governor is thus requested and ordered, there shall remain the necessary residents who are obliged to comply with their right acquired by residence. The others shall not be compelled to attend unless it is extremely urgent for a short time.

In the same manner, he is requested and ordered not to fail to defend the country and the settlers thereof. Pretending for good or evil to reduce the enemies or take them away for the peace of those converted or those who want to be converted and in order to retain and increase the reputation of the Spaniards with them and to attract them more to treat with us. And seeing that one of the things which has most emboldened the enemies and has intimidated our friends and destroyed our good relations is the fact that the damages have not been stopped and that the enemies increase the damages, it would be well to be careful about this in order to recover our reputation with our friends and with the enemy taking into consideration the importance of their relations and defense because I have been informed that the small population of that country is very scattered over it so that they are destitute of administration because very few reside in each place and are also too far to be helped and protected. And some people and nations are in proximity to the frontiers and country of the Apaches which

Y porque e sido ynformado que la poca Gente que en aquella tierra ay esta muy derramada por toda ella de suerte que no solamente estan desacomodados para la administracion por ser muy pocos los que asisten en cada lugar y lexos y estarlo tanuien para poder ser anparados y defendidos y algunos pueblos y naciones estan en fronteras y tierra de apaches que son de ordinario Receptaculo y ospedaje de los enemigos y ser en ellos las juntas consultas y conjuracion contra toda la tierra y de donde salen a dañarla y hazerle guerra y que asi para congregar a los vnos como para quitar a los otros de estos puestos ay sitios mucho mas acomodados y pacificos de cuya rreduccion no solamente se conseguira el vien que se pretende mas tanuien sera de Ylenos [Menor] trabajo la administracion y no nescessarios tantos Ministros y el daño que los enemigos hicieren se sabra con mas breuedad y con esa misma seran Remediados se ordena al dho gouernador que con consulta de los Religiossos y personas mas practicas se hagan estas Reduciones como mas conuenga atendiendo tanto a la cercania en que deven estar para ser mejor administrados quanto al sitio que conuiniere mas para su defenssa en que aya las tierras aguas y montes y lo demas nescessario para todo genero de crianza y labrança a al tenple que sea ygual de las partes donde se sacaren para congregarse en el lo qual se haga con tan maduro consejo que no se pueda presumir que aya de rresultar alguna Ynquietud o descontento en los yndios que pueda dar cuidado—

Y porque asi mismo se a entendido que aquella tierra esta poblada de barias naciones y muy poca gente en cada una de ellas que ablan barias lenguas difficultossas y barbaras de donde nazen muchos ynconuenientes para la buena administracion y consuelo asi de los ministros como de los naturales se encarga al dho gouernador que con muy particular cuidado tratandolo con los rreligiossos disponga esto de manera que de prinzipal yntento se procure que los Yndios todos y en particular los niños y mocós aprendan la lengua española y en casso que no se acomoden a ello en

is had a refuge for their enemies and there they have their meetings, deliberations and conspiracies against all the world and from where they start to damage it and carry on the war. And in order to gather the residents and in order to put out of these places the others, there are more convenient and peaceable places that by their reduction the good intended will be obtained and it will also be of less trouble. The administration and the ministers will be necessary and the damage done by the enemy will be known sooner and thereby will be avoided. The said Governor is ordered that with the advice of the religious and practical persons the reductions shall be made as may be more convenient taking into consideration the proximity in which they ought to be in order to be better administered, in the most convenient place for its defense where there might be water and woods and other things necessary for all kinds of stock and for agriculture and the temperature must be the same as that where they were taken from in order to get them together, all of which shall be done with mature consideration so as not to cause any trouble from the Indians which may cause apprehension.

It is understood that that country is settled by various languages very difficult and barbarous which cause many inconveniences for the good administration and consolation of the ministers as well as of the natives. The said Governor is requested to act with great care consulting with the religious in such a manner so that the main thing shall be to teach all the Indians and especially the children and ignorant persons so they may learn the Spanish language and in the event that they can not learn the same generally an effort must at least be made that those who have no natural fitness to learn the Spanish language must be taught the language most generally spoken in that country so that they may be better administered.

Before restoring and repairing the land in every way as above stated, the Governonr is requested not to allow or



general se procure que a lo menos los que no tubieren dispucion para la lengua española se les enseñe la mas corriente en aquella tierra para que mejor pueden ser administrados--

Antes de conponerse y rrepararse la tierra en todas las cossas suso dhas se encarga la dho gouernador no consienta ni de lugar se ordene salida alguna para otra parte por auer mostrado la exsperiencia que con cudicia de lo de adelante se a dexado siempre de rreparar y fauorezer lo forçosso y de obligacion sino que principalmente se atienda a asegurar lo descubierto asi en lo espiritual como en lo tenporal y que asta thener hecha y asentada y poblada la Villa de susso Referida de prinzipal yntento no se acuda a orta cossa — Y en casso que despues se ayan de hacer algunas entradas contra los Yndios que no estubieren de paz permitira que solo las hagan los Religiossos que quisieren salir en la forma apostolica a fundar y plantar nra santa fe y esto de manera que quede dotrina bastante para los que al pressente estubieren de paz—

Y por que se pueden ofrezzer algunos otros cassos cuya direccion y Resolucion desde aqui no se puede preuenir y si se ouiese de esperar a consultarmelos podria correrse rriesgo y seguirse de ello algunos Graues ynconuenientes se encarga al dho gouernador que como quien tiene la cossa presente quando se ofrezcan cassos de esta forma con parecer y acuerdo de los rreligiossos y personas mas platicas y de buena opinion que oviere en aquella tierra Resuelva y execute lo que se acordare dandome auiso en la primera ocasion de lo que se hiziere y motibos que para ello vbo adurtiendo que se a de proceder en lo que a esto toca mucha consideracion y maduro consejo fecho en mexico a treinta dias del mes de março de mil y seiscientos y nueue años don luis de velasco Por mandado del Vi-Rey Martin Lopez de Gauna—

Sacado de vn libro de los de la gou<sup>on</sup>. Correg<sup>do</sup>.

MARTIN LOPEZ de gauna  
[rubricado]

permit any order to be given allowing any one to move to another place as experience has demonstrated that cupidity for the future has always prevented favoring and repairing that which is indispensable and obligatory, but usually things that are manifest are attended to in spiritual as well as temporal matters. Until the above mentioned Villa shall have been founded and inhabited nothing else shall be attended to and in the event that afterwards campaigns should be made against the Indians which may not be peaceable it shall be done only by the religious who may want to do so in an apostolic manner in order to establish and plant an holy faith leaving enough instructors for those who may at present be at peace.

Other things might occur whose administration and solution cannot be foreseen from here, and if you should delay in order to consult me there would be danger of great trouble ahead. Said Governor is requested as he is there that whenever cases of this kind come up, he should with the advice and accord of the religious and of practical persons of good judgment which might be in that country, he shall resolve and execute whatever might be agreed upon by common consent advising me at the first opportunity of whatever has been done and the reasons therefor.

With the admonition that you should proceed with great care and mature consideration.

Done in Mexico on the 30th day of the month of March Anno Domini One Thousand Six Hundred and Nine.

Don Luis de Velasco, by order of the Viceroy Martin Lopez de Gauna, copied from a book of the Department of the Interior.

said Villa and within five leagues around it, which he shall mark to them by boundaries and jurisdiction without injury to third parties, keeping a record of criminal causes, decisions and what may be ordered according to law but they shall have no jurisdiction over Indians, only the Governor or his lieutenant shall have jurisdiction.

The result of the election held every year for alcaldes and councilmen shall be certified by the outgoing councilmen to the councilmen elected for the following year, and those elected shall elect the said alcaldes, the Governor shall approve the election.

The said ordinary alcaldes and councilmen of said Villa may mark out for each resident two lots for house and garden and two suertes for vegetable garden and two more for vineyard and for an olive grove and four cavallerias of land, and for the irrigation thereof the necessary water, obliging them to live thereon ten years continuously without absenting themselves, if they should absent themselves for three months continuously without leave from the council or regiment they shall lose all and it shall be given to others. They will give the council power to elect a constable of justice and a clerk with his approval. They shall mark out as belonging to said Villa six Vecindades and one square of the streets for the purpose of erecting Royal Buildings and other public buildings.

Said council and regiment may make ordinances for the government of its republic with the approval of said governor. It shall allow one of the ordinary alcaldes of first Boto after serving the first year to be Judge of the board of said Villa and its jurisdiction, cautioning it that if that land shall at some time be in condition to have royal officers it shall so advise the Viceroy of this New Spain and the reasons therefor so that what may be necessary shall be provided.

It shall be given power to recommend Indians as many as he may deem proper who served and who may be in those provinces, without renewing those made by said Juan Oñate

Que se le da facultad para que pueda encomendar Yndios en personas que ovieren seruido y bibieren en aquellas provincias en la cantidad que vien le pareciere no ynobando en las que estuuieren hechas por el dho don Joan de oñate por que estas se an de conseruar y las dhas encomiendas que asi hiciere se a de entender asta que su mag<sup>d</sup>. consultado otra cossa prouea y para ello ynuiara Relacion de las que hiziece con los seruicios y calidades de las personas a quien se encomendaren—

Y porque e sido ynformado que el modo y cobranza del tributo ynpuesto a aquellos naturales es con exscesso y mucha vexacion y molestia suya se encarga al dho gouernador de en esto el asiento que mas conuenga Procediendo en ello con toda justificacion y descargo de la rreal conciencia--

Supuesto que aquella tierra a de thener numero determinado de vecinos a parecido para que se ouien algunos daños e ynconuenientes que no aya gente alguna constrenida y que su asistencia y camino sea libre y asi se encarga y ordena al dho gouernador que quedando los vecinos nescesarios que tubieren obligacion a cunplir con su becindad no se apremie a los demas a asistencia forzossa sino fuere en casso que alguna precisa nescesidad obligue a ello por algun breue tpo—

Asi mismo se le encarga y ordena que en ninguna manera no desista de la defension de la tierra y gente poblada pretendiendo por vien o mal Reducir los enemigos o quitarlos por lo que ynporta a la quietud de los conuertidos y que se quisieren conuertir y para conseruar y aumentar la reputacion de los españoles con ellos y aficionarlos mas a nuestra comunicacion, — Y aduirtiendole que proque vna de las cossas que mas auilantes a dado a los enemigos y mas A/ Acuardado A los amigos y desaficionado a nuestra buena correspondencia a sido ber que no se an rremediado los daños que los enemigos les hazen antes an crecido conbendra que en esto se ponga mucho cuidado para cobrar Reputacion con amigos y enemigos entendiendole lo que ynporta su patrocinio y defenssa—

## WHEN WAS SANTA FE FOUNDED?

LANSING B. BLOOM

The answer to our question still must be that we do not know exactly, but we can now add the definite statement that the founding occurred during the term of the third governor of New Mexico, Don Pedro de Peralta, who succeeded the two Oñates, and that the event took place in the spring of 1610 or shortly thereafter. On May 12, 1614, it had been for some time already established.<sup>1</sup> In other words, the dates *ante quam non* and *post quam non* between which the Villa of Santa Fe was founded have been brought nearer together by some three and a half years.<sup>2</sup>

There was no building activity on the present site of the city of Santa Fe before the spring of 1610. It is true that the proposal to move the colony from San Gabriel to a new site had been made long before Don Juan de Oñate,

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1. The data upon which these two statements are based are from the *Archivo General de Indias, Seccion de Contaduria*. In December, 1924, fire broke out in one of the *estantes* of this section and many of the *legajos* were badly damaged by fire and water. Considerable parts of some *legajos* have disappeared entirely; in others the writing of many pages is almost washed out; in most of them one or all sides are deeply charred. Fortunately wide margins were the custom, but beyond question New Mexico data in some important years were destroyed,—for in the corresponding parts of the accounts for other years a large number of data have been found.

2. In the year 1889, Bancroft, *History of Ariz. and N. Mex.*, 158-9, gave January 3, 1617, as the earliest dated reference to Santa Fe which he had found, and until now no closer limit, *post quam non*, has been discovered. Fourteen years ago, the present writer (in *Old Santa Fe*, I, 9, 226-7) showed that the founding could not have been prior to 1609, and that the year 1610 or even 1611 was more probable. The latest and best presentation of the whole subject is to be found in Hammond, *Oñate and the Founding of New Mexico* (Santa Fe, 1927), with references to the writings of Bolton, Vaughan, Twitchell, *et al.* In his monograph Dr. Hammond used some of the archive material from Sevilla on which the present short study is based, but the *Contaduria* material is wholly new.

in August of 1607, tendered his resignation as governor, but the instructions to Peralta show that nothing had been done, or even decided, up to that time.<sup>3</sup> But what occurred after Don Juan wrote out that resignation?

Naturally he continued to serve until relieved in office. It was probably June of 1608 when Fray Lázaro Ximenez returned from Mexico with a few soldiers who brought dispatches which accepted Oñate's resignation and named Captain Juan Martinez de Montoya for acting governor. But the *cabildo* of San Gabriel refused to accept Martinez and, after Don Juan had declined their election of him to his former office, they elected his son, Don Cristóbal. The point of interest in this is that Cristóbal de Oñate was *de facto* governor for the next year and a half.<sup>4</sup>

In the summer of 1608 the general state of affairs was much more encouraging than it had been a year before, and Fray Lázaro again journeyed south to arrange for the mission supplies which were due for the next three years and to secure more missionaries. More than a month later (January 29, 1609) Fray Ysidro Ordoñez had just reached Mexico City from San Gabriel with Captain Gerónimo Marques and the *procurador general* Joan Guiterrez de Bocanegra and bringing letters and information which led the viceroy immediately to hold a *junta* with three *oidores* of the *audiencia*. Among the dispatches which were prepared for Fray Lázaro and Fray Ysidro<sup>5</sup> to carry back to New Mexico

3. The earliest recorded effort for such a change was in the fall of 1601. *v. Hammond, op. cit.*, pp. 142-143. For the instructions to Peralta, March 30, 1609, see *El Palacio* of June 16, 1928.

4. That he was so recognized both in New Mexico City is shown by three of the archives recently found. In this incident there are indications of a factional division in the little colony: the *cabildo* gave the viceroy what they considered sufficient reasons for rejecting Martinez, but other reports seem to have been sent the viceroy that Don Cristóbal could scarcely read and write, was young and inexperienced, etc. *Hammond, op. cit.*, 178. It does not appear whether Don Juan actively sought the election of his son, but we note in passing that, after a fashion, it recognized his right to the governorship "for two generations."

5. Fray Lázaro carried the dispatches. Fray Ysidro went later, with the eight new missionaries.

was one (dated Jan. 29, 1609) which gave Oñate permission to come, with his son Cristóbal, to Mexico City to represent his own cause—leaving Martinez as governor of New Mexico! Within five weeks after this date, the viceroy had given Don Pedro de Peralta the regular appointment as governor.

Evidently the viceroy did not really expect Oñate to use his "permission," for on April 7th he decreed that if Oñate did not wish to leave New Mexico *within three months* after the arrival of the new governor, the latter was to compel him to do so. This point is significant, because two soldiers of New Mexico, each on *April 30, 1610*, were given permission by Governor Peralta to go out with Don Juan and Don Cristóbal de Oñate "who had been governors of the said New Mexico." If the above requirement was complied with, the deduction is clear that Peralta could not have reached San Gabriel before the end of January, 1610.<sup>7</sup>

And the deduction seems corroborated by other facts which have appeared. Preparations for Peralta's *entrada* dragged along from March, 1609, until well into the fall. On March 4th he received one year's salary in advance, and also 500 *pesos* to help in the purchase of powder, lead and weapons; on March 5th the amount of 6,750 *pesos* was paid to fifteen soldiers who were to accompany him.<sup>8</sup> In May, the nine Franciscan frailes were supplied with mules, clothing, breviaries, etc; and a long list of purchases was made for Peralta, including building tools, implements for cultivation, cloth, wine, oil, rope, mortars, carpeting, boxes and

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6. This "permission" probably reached San Gabriel by June, 1609. So far as appears, it was ignored by the Oñates.

7. A. G. I., Contaduría, 713 (25 abril 1611) and 715 (27 junio 1612), payments to Juan de Lara and Melchior de Torras, soldiers of New Mexico.

8. The governor's salary began to run from April 16, 1609, the day on which he left Mexico City for Zacatecas. In view of the long delay in Peralta's arrival in New Mexico, it is somewhat amusing to note that later governors had their salary go into effect on the day when the governor received the baston of office from his predecessor in Santa Fe. In other words, the authorities placed a premium upon prompt arrival!

barrels, copper kettles, nails by the thousand, lead, powder, cannon, arquebuses. In June, clothing and other supplies to the value of over 10,000 *pesos* had been delivered to Fray Ysidro Ordoñez, who was to be accompanied by the eight new missionaries.

The above expenditures were all at Mexico City. Other expenditures during the summer and fall were paid by the royal officials at Zacatecas, including charges on four freight shipments from Mexico City to that place, and the purchase of thirteen carts and 210 oxen. In June 500 head of cattle were purchased, also 30 mares for the use of four soldiers who were enlisted in Zacatecas to herd and guard the cattle to New Mexico.<sup>9</sup> A house in Zacatecas was rented where the shipments from Mexico City for Governor Peralta and the Religious were received and stored until the final start north was made. Meanwhile many additional supplies were purchased which would be needed during the three or four months of the long journey north from Zacatecas to the little colony in New Mexico. Six Indian slaves were taken from the jail in Zacatecas, and others were hired, both men and women, for all the work on the road and in camp.

On September 28, the viceroy had received advices from Governor Juan de Oñate and the Religious in New Mexico, and also from Governor Peralta; and he wrote to the latter directing him to proceed and to reach New Mexico before the end of the year and not to allow any persons to leave New Mexico except such escort as might be necessary for the Oñates.<sup>10</sup> On October 19, the viceroy ordered expense

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9. This stock seems to have been started on ahead. The four soldiers were paid for eight months in advance, time sufficient for them to get the stock to San Gabriel and to return themselves to Zacatecas. After reaching New Mexico they were to be under the orders of Governor Juan de Oñate! A. G. I., Cont., 850.

10. The urgency for Peralta to reach San Gabriel before the end of the year is explained in part by the fact that Governor Juan de Oñate and the colonists had been prohibited, under dire penalties, to abandon the colony before that date, so that there might be time to refer certain decisions to the king and council in Spain for approval. The viceroy had promised to have matters settled by that time, and he wanted Peralta to help him make his word good. *v. Hammond, op. cit.*, 174.



money from Mexico City to Zacatecas to be given to Fray Joseph Tavera who was carrying dispatches in the king's service for the Religious and for Governor Peralta, with instructions to overtake them wherever he might be able to. On the same day in Zacatecas payment had been made for 130 steers and 100 head of sheep, about half of them for Governor Peralta and the rest for the comisario and the other Religious; a week later still other purchases were made for the Religious (on authority from the viceroy dated October 4); and on November 2nd, 450 *pesos* were paid for flour and other supplies for them and for the governor.

Was Santa Fe founded in 1609? We should like to continue to think so, but we must remember that Peralta was not interested in justifying any historical date, and the factors in the situation are against us—as they were against him.

And what was the situation as revealed by the above date? Part at least of the expedition was still in Zacatecas at the end of October, when the days were getting shorter and the nights colder. Peralta and at least nineteen soldiers were horseback; the nine Franciscans were on mules; and there were probably at least a hundred Indian attendants, men and women, all on foot. There were at least 15 ox-carts,<sup>11</sup> and the slow-footed oxen would set the pace for the whole long journey northwards; and there must have been close to a thousand head of stock, horses, mules and oxen,

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11. A total of 25 carts would be conservative estimate, based on the amount of supplies and equipment which had been assembled. Probably Peralta found at Zacatecas some carts "de la quinta de su magestad" which he might use, and others which had been brought back from New Mexico by Capt. Juan Velarde were turned in by him at Zacatecas on September 16, 1609. (the document in A. G. I., Cont., 713, is badly burned; and auditing note in the margin reads "por la certificación consta que el dho. cap'n Juan Velarde entregó a los dhos, oficiales R[e]ales Do—[dos or doce?] carros y diez y ocho m[ulas?] que volbi\* del dho. [Via]je de quinta de su m'd.") On August 3, Peralta made three purchases of *carros*, 6, 6, and 1,—a total of 13. Also there were two *carros* loaded with effects for Gov. Juan de Oñate—ordered evidently before he knew of Peralta's appointment. On the same date 25 horses were bought for the Indians who were driving the carts for the governor and the Religious.

cattle and sheep, which would have to graze and water as well as travel. It was not the age of bridges and good roads and if the expedition arrived at San Gabriel by the end of February it did well; tho it is possible that Peralta with the frailes and a few of the soldiers may have pushed on ahead and arrived by the end of January. An earlier estimate would seem impossible, and more definite information has not yet been found.

The date *post quam non* which has been found can be told much more briefly. On July 7, 1616, one-third of the balance of salary which was still due Don Pedro de Peralta for his services as governor of New Mexico was paid to him by the officials of the royal treasury in Mexico City upon order of the viceroy, Marques de Guadalcázar. Previously he had been paid up to and including December 13, 1612, and it was stated that the time on which this payment was made "ran from the 14th of December, 1612 . . . and ended at the 12th of May, 1614, which was the day on which Bernardino de Zavallos who was named in his place entered the Villa of Santa Fee of the said provinces at three of the afternoon, as appears by the testimony of Francisco Perez Granillo, scribe of the said Government . . ."<sup>12</sup>

The facts which have been presented show definitely that Peralta was the founder of Santa Fe and that the move was an accomplished fact before May 12, 1614, when his successor arrived. They show further that there are no reasonable grounds for holding longer to the tentative date 1609 as the year of the founding; if Peralta did manage to arrive in person before the end of that year,<sup>13</sup> his expedition of supplies and equipment could not possibly have arrived

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12. A. G. I., Contaduria, 719; 6-11 julio 1616. The other two-thirds of the balance due Peralta were withheld until his *residencia* should be completed; final settlement was made with him on July 21st.

13. And as we have seen, the 3 months' restriction on the departure of the Oñates would seem to make this impossible.

before the early spring of 1610, and certainly no such move would have been begun in the month of December, had it arrived then. Lastly, as Peralta was under definite instructions to endeavor "before all else to put into execution the founding and settlement of the Villa,"<sup>14</sup> it is probable that the change in location was accomplished in the spring of 1610, and that, before Governor Juan de Oñate and Governor Cristóbal de Oñate left for Mexico, the last of April, or early in May, the Villa had been laid out, building operations were well advanced, and surrounding milpas were under cultivation.

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14. *El Palacio*, vol. xxiv, p. 467.

DOCUMENTS FOR THE HISTORY OF THE NEW  
 MEXICAN MISSIONS IN THE SEVEN-  
 TEENTH CENTURY

FRANCE SCHOLES

(Continued)

III.

The third document is a description of the dedication of the church of the mission of Nuestra Señor de Guadalupe at El Paso.

Successful mission work among the Mansos began in the 1650's, with Fray García de San Francisco y Zuñiga taking the leading part. The mission of Nuestra Señora de Guadalupe was founded in 1659, the cornerstone of the mission church was laid in 1662, and the church was dedicated on January 15, 1668.<sup>1</sup>

The document, printed here in translation, is the official notification of the dedication drawn up by order of the custodio, Fray Juan de Talaban and sent to the superiors of the Franciscan order in Mexico City. The original and a copy are in the National Library in Mexico City in *Manuscritos para la Historia del Nuevo México, legajo 1, nos. 30, 31*. Its title is: *Testimonio del estado que tiene la conversion de los Manos y dedicacion de su iglesia*.

A translation follows:

Testimony concerning the status of the conversion of the Mansos and the dedication of their church.

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1. Cf. Hughes, *The Beginnings of Spanish Settlement in the El Paso District*, pp. 305-308.

I, Fray Salvador de Guerra, unworthy son of our Seraphic Father St. Francis, preacher, *difinidor actual*,<sup>2</sup> commissary of the *Santa Concordia*, secretary of the Holy Custodia of the Conversion of San Pablo of New Mexico, and minister-guardian of the congregation of San Diego de los Jemez, do certify to our Reverend Father Commissario general Fray Hernando de la Rua and to all our very reverend fathers and the holy province of Santo Evangelio (as follows):

How on Sunday, the fifteenth (day) of January of 1668, there was celebrated in the pueblo of El Paso del Rio del Norte, the dedication of the most beautiful temple to be found in these provinces and Custodia, in spite of the fact that some of those it has now could be displayed to advantage in any court. It was dedicated to the Blessed Virgin of Guadalupe in whose honor Padre Predicador Fray Juan de Talaban, the present custodio, sang the mass, Padre Predicador Fray Gabriel de Torija serving as deacon, and Padre Predicador Fray Juan Álvarez as sub-deacon. Padre Predicador Fray Nicolas de Freitas preached on the said day, in which the Most Blessed Sacrament was placed (in the tabernacle).

In addition to the divine services which were celebrated with great solemnity indoors, there was a great display of fireworks during the Mass, as on the previous night. In addition to shooting more than twelve dozen firecrackers, a beautiful *castillo*, *dos hombres armados*, rockets, bombs, and bombards were fired.

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2. The custodia had a sort of governing committee which managed affairs of the custodia between sessions of the custodial chapter. This committee was called the *difinitorio*, and it consisted of friars with the title of *difinitores*. The *difinitores* were elected annually by the custodial chapter. There were usually four. A friar who had held the office usually continued to enjoy the use of the title as a sort of honor. The term *difinitor actual* indicates that a friar was holding office as *difinitor* for the current year. On these matters of custodial organization see: *Libro de regla y constituciones generales de la orden de Nuestro San Francisco de la Observancia*. Seville, 1607; and *Constituciones y leyes municipales de esta provincia del S. Evangelio* . . . . Mexico, 1667., the section entitled "Nuevo Mexico." Both of these works are in National Library, Mexico City.

There were more than four hundred souls, from oldest to youngest, present in the said church,—natives of the nation of Mansos who are henceforth Christians and informed concerning our Holy Catholic Faith; also many who are about to receive Christian Baptism, and other neighboring tribes who are being succored and who, it is hoped, will be reduced and will, like the rest, come to see themselves subjected to the voice of the two bells which this conversion now has.

This is a most wonderful Christian work, because the suffering which he has undergone since he raised the first cross and light of the Holy Gospel in this place, could have been endured only by the spirit (of a man like) Padre Predicador Fray García de San Francisco, minister and commissary of this conversion and Padre of this Custodia.<sup>3</sup> No less has been endured by his comrade, Padre Predicador Fray Benito de la Natividad, *definidor actual*, who from the beginning has aided him with courage and apostolic zeal. There is also Padre Predicador Fray Juan Álvarez who has been here for three years and who, with considerable approval, helps them to make men out of brutes who died, as they were born, without crops and without clothing. In less than six years in which they have been continually assisted, many souls have been given to our Redeemer which were formerly kept blind and enslaved by the devil.

They have opened for them a beautiful *acequia*, and tillable lands; they (the Indians) have been fed, and even to day there are distributed among them three meals a day by means of pot and spoon; and they have become so courteous and well-behaved that we, who knew their brutality and depravity and now see their present condition and with what joy they come (to church?), how well they pray, what

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3. "Padre de la Custodia" was a sort of title or distinction that seems to have been given to friars after they had served a term as custodio. I have not found evidence that Fray García de San Francisco was ever custodio, but he was vice-custodio in 1659. See numerous statements in the *proceso* of Governor Mendizábal, Archivo General de la Nación, Mexico, *Inquisición*, Tomos 587, 593, 594.

good husbands and wives they make, and the avidity with which they learn whatever is taught them, give thanks to our patron saint by whose aid this conversion has attained the said church of Nuestra Señora de Guadalupe del Paso del Río del Norte.

The woodwork in the church, in addition to being very strong and unusual, is excellently finished. The church has a beautiful arch. The nave is ninety-nine feet long and thirty-three feet wide; the transept measures twenty-eight feet by forty-five feet; and the chancel is twenty feet long and twenty-one feet wide on the side of the transept. The altar steps are very beautiful.

There is placed, at the main altar, a beautiful canvas of Nuestra Señora de Guadalupe. There is also a statue of Our Lady, of wonderful workmanship and dressed in flowered silk<sup>4</sup> and a silver crown; a beautiful Child Jesus half a yard high;<sup>5</sup> a very handsome statue of our Seraphic Father St. Francis; and other little paintings, landscapes, and reliquaries. The altar was decorated with bouquets in such a way that it filled the eye.

In one collateral there is statue of the Immaculate Conception made out of wood, a rich piece; a canvas of St. Anthony; and landscapes. In another collateral there is a large and beautiful canvas of our Father St. Anthony finished neatly and decently.

The temple has a handsome choir-loft, so spacious that the services of fifty clerics and of the Mansito choir-boys could easily be celebrated there. It is enjoyable to hear them (the boy) sing in unison and to see them read.

The baptistry has its door under the choir-loft, and is fifteen feet long and of the same width. The sacristy has its door at the transept, and is twenty-four feet long and eighteen feet wide; (it has) a very suitable closet for sacristy utensils. This closet has a handsome chest of drawers

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4. "Tela de primavera."

5. "De media vara."

of fourteen divisions, as elaborate as if it had been made in Mexico City, in which are kept the censer, manita, silver spoon, plate and wine vessels of the same material, three chalices, a beautiful white woolen ornament, another of white damask, two ornaments of chamelot, one red one white, and other very good ones, some beautiful albs, tablecloths, amices, and other necessary clothing. There are also a pair of candlesticks, and carpets.

The convent which has been built in this conversion has a good porter's lodge, a spacious cloister, and seven cells—one with a rear cell and little office, two with rear cells, and three, like the rest, spacious, well lighted, and nicely finished off in wood. In addition to these there is a little hall *de profundis*, a refectory with an office for the *intento*, a kitchen, and closets, all so spacious and orderly that it would be a pleasure to come to see them. Everything is finished with doors, windows, and keys.

In front of the church there is a garden, and the fruits of the orchard are already being enjoyed grapes, apples, quinces, plums, peaches, and figs.

All the work has been done as a service to our Saint of our Sacred Religion and to His Majesty, by Padres Fray García de San Francisco and Fray Benito de la Natividad. Everything has been done in such a short time and at the expense of (such great effort, hardships, and emulations, that it does not seem possible that two men, so loaded down with years as with ills, could have done it, but rather that it was done by angels assisted with heavenly courage.

For these reasons it can be assured that within a short time there will not be a gentile soul among the Mansos who will not, like the rest have done, come in quest of the milk of the Gospel and of the aid of these friars, truly their fathers; especially as they are such savages that their only care is their stomachs, and in their comings and goings they can see that the Indians who have been Christianized have little houses, half of them of adobe and half of them



huts,<sup>6</sup> and some like cabins, and that they reap and sow, and are dressed; they also see that when they, the unfaithful, come to this post they are fed by the padres and are given cows and other fattened animals. They will come like fish to the fish hook, curious to see. They see these people who yesterday were as wild as themselves and will come desirous of the remedy.

Moreover, I find myself obliged to certify that a little more than three years ago in these parts, the padres Fray García de San Francisco and Fray Benito de la Natividad started the work of converting the Sumas who live twelve leagues beyond this post. They are a nation of a large number of people as poor and as naked as were the Mansos, who have never known, nor do they know now, how to sow, and that they might learn the foundations from the beginning it was first necessary to take them cows, sheep, corn and flour, and to give them food. By this means they kept them and helped them to dig a beautiful *acequia* which bathes much fertile land, a part of which they plowed and sowed. They also built huts in which the Padre Predicador Fray Juan Álvares who sustains and endoctrinates them had, and still has, his *asistencia*. And I know that in a few short years, God willing, the conversion of San Francisco de los Sumas will have the benefit of what is now a desire, that the doctrine of the Gospel be scattered beyond the Rio del Norte, whose meadows, it is reported, are populated by savage people on to the sea.

I also certify having seen the fourth day of the dedication of this church inaugurated with rich and handsome display of green silk (bunting), and that the Christian Manso Indians have celebrated the dedication of their church with a dance and signs of great joy.

In addition to the priests already mentioned as having officiated, there were also Fray Tomás Gallardo, a lay-

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6. "Jacales."

brother, Captain Cristóbal Ruiz de Hinojos, Alférez Andrés de Peralta, Francisco López de García, Roque Gutiérrez and Juan de Escobar.

In order that this may be recorded as said, and a notification made to our most Reverend Father Comissario-General and to others to whom His *Paternidad Reverendísima* might give information, it has been ordered by the said Padre Custodio, and signed by me, in this Convent of Nuestra Señora de Guadalupe del Paso del Rio del Norte this twenty-third day of January, sixteen hundred and sixty eight.

—Fray Salvador de Guerra  
Secretary.

(I.) Fray Juan Talaban, predicador and custodio of these provinces of New Mexico do certify that the preceding instrument by the padre Secretary of the Custodia, is true and legal and I approve it as such that it may be presented to our Reverend Father Comissario-General, to other Reverend Ministers, and to His Excellency the Viceroy of New Spain; after having duly thanked the padres Fray García de San Francisco, Fray Benito de la Natividad, and Fray Juan Álvares, who have worked in the name of our Sacred Religion.

I have signed (the instrument) and have had all the priests who are in this convent sign it.

Done this twenty-third day of the month of January of one thousand six hundred and sixty-eight.

Fray Juan de Talaban.  
Fray Gabriel de Torija  
Fray Nicolas de Freilas  
Fray Tomás Gallardo

## NOTES AND COMMENT

## CHRONICLES OF OKLAHOMA

The March number of *Chronicles of Oklahoma* has as its leading feature a contribution by Grant Foreman on "Early Postoffices in Oklahoma." There follows an account of the Black Mesa, in the northwestern corner of the State and on the New Mexico boundary east of Folsom. It is the highest point in Oklahoma, its altitude being 4,978 feet. On its summit a sandstone monument was dedicated last year. The town of Kenton lies at the foot of the mesa. President E. H. Wells, of the New Mexico School of Mines was among those who made an address at Kenton, where the dedicatory exercises were held. The diary of Captain Nathan Boone, the youngest son of Daniel Boone, covering his march with his Dragoons over the Santa Fe Trail, is another important and interesting contribution to the issue. A biographical sketch of Alexander McGillivray, Emperor of the Creeks, reads like a story from *Thousand and One Nights*. The text of a bill appropriating \$500,000 for a building for the Oklahoma Historical Society, is printed. It has been reported favorably to the legislature by the legislative committee to which it had been referred.

## THE STORY OF ALVAR NUNEZ CABEZA DE VACA

The *National Republic* for April gives place of honor to an illustrated account of the march of Nunez Cabeza de Vaca. The text is by Louis H. Warner, chairman of the Pueblo Lands Board with headquarters in Santa Fe. Since coming to New Mexico, Mr. Warner has taken much interest in the history of the Spanish Southwest.