New Mexico Historical Review

Volume 7 | Number 4 Article 1

10-1-1932

Full Issue

New Mexico Historical Review

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NEW MEXICO
HISTORICAL REVIEW

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VOLUME VII
1932

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

CONTENTS

NUMBER 1—JANUARY

PAGE

F. X. Aubry: Santa Fé Freighter, Pathfinder, and Explorer . . . . Walker D. Wyman 1

Problems in the Early Ecclesiastical History of New Mexico . . . . France V. Scholes 32

Wills and Hijuelas . . . Louis H. Warner 75

Reviews:

Estabrook, *Givers of Life;* by Paul Walter, Jr. 90

Marion, *American Neutrality in 1793;* by A. S. White 92

NUMBER 2—APRIL

Octaviano Ambrosio Larrazolo, Paul A. F. Walter 97

Indian Labor in the Spanish Colonies (I), Ruth Kerns Barber 105

Commercial Conditions in Mexico at the End of the Colonial Period . . . Lillian E. Fisher 143

Some Supplementary New Mexican Imprints, 1850-1860 . . . . Douglas C. McMurtrie 165

Reviews:

Robinson, *A Journal of the Santa Fé Expedition under Colonel Doniphan;* by P. A. F. Walter 176

Osborn, *Cope: Master Naturalist;* by Wm. Harper Davis 180

Biennial Report of the President, 1930-1931 P. A. F. Walter 183

Biennial Report of the Secretary-Treasurer Lansing B. Bloom 187

NUMBER 3—JULY

Navaho Origins . . . . . Charles Amsden 193

The English Language in the Southwest Thomas Matthews Pearce 210

PAGE
Indian Labor in the Spanish Colonies (II) Ruth Kerns Barber 233
Uses of Wood by the Spanish Colonists in New Mexico. Hester Jones 273
Necrology: John P. Clum . . Paul A. F. Walter 292

NUMBER 4—OCTOBER

Bullwhacking: a Prosaic Profession Peculiar to the Great Plains . . . Walter D. Wyman 297
Indian Labor in the Spanish Colonies (concluded) Ruth Kerns Barber 311
The Battle of Val Verde (Rodenbough), contributed by M. L. Crimmins 348
Biographical Sketch and Bibliography of Adolphe F. A. Bandelier . . . . F. W. Hodge 353
Ten Years After: an Appraisal of L. Bradford Prince P. A. F. Walter 371
Necrology: Frank W. Parker . John C. Watson 377
Book Reviews:
- Chase, *Les Négotiations de la République du Texas en Europe, 1837-1845;* L. B. B. 386
- *Catálogo de los Fondos Americanos del Archivo de Protocolos de Sevilla;* L. B. B. 387
- Thomas, *Forgotten Frontiers;* P. A. F. W. . . 388
- Alessio Robles, *Acapulco en la historia y en la leyenda;* L. B. B. 393
- Coolidge, *Fighting Men of the West;* Marion F. Dargan 395

Index and Addenda

ILLUSTRATIONS

Map of the United States, 1854 . . . *facing* 8
Old Mission Church at San Felipe Pueblo . . . 193
An Entrance-Door of El Santuario, Chimayó . . 272
Interior Wood-Work, El Santuario, Chimayó . . 273
The Morley House at Santa Fé 280
Choir Loft of the Church at Santa Cruz . . . 281
Altar of the Church at Laguna Pueblo 288
Handcarved chest, from Ranchos de Taos . . . 289
The Late John P. Clum in the '70's 292
Le Baron Bradford Prince 297
Fray Bartolomé de las Casas, "Apostle to the Indians" 328
A. F. A. Bandelier 353
Bandelier at the Church (since destroyed) in Santo Domingo Pueblo 358
Frank W. Parker 377

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NEW MEXICO HISTORICAL REVIEW

Vol. VII OCTOBER, 1932 No. 4

BULLWHACKING: A PROSAIC PROFESSION PECULIAR TO THE GREAT PLAINS

By WALKER D. WYMAN

TRANSPORTATION and communication have been basic problems of every society. Each geographic province evolves a distinct type of travel to overcome its isolation. This is particulary true of frontier societies which are so dependent upon the old civilization from which they have emerged. As this new dependent society becomes more complex and "civilized," the organs of transportation are consequently affected; communicative tools are better fitted to the environment; and, in some cases, the type of animal used for motive power responds to the demands of climate, soil, and needs of the isolated society.

Thus the French fur trader borrowed the idea of the canoe from the Indian, improved upon it, and as the task of moving furs to the seaport became a business, he developed, or himself became a *voyageur*. The necessity of communication between the Trans-Allegheny region and the older society brought into existence a national road system; the Conestoga wagon encouraged the breeding of heavy horses and made famous the professional wagoner with his long whip and "stogy" cigar. These same environments produced other implements of transportation to meet the demands of the changing society—the stage coach, the river steamer, the canal barge, and the railroad.

The Great Plains, that arid and treeless region lying between the Missouri River and the Rocky Mountains, long served as a natural limit to the orderly advancement of population. But beginning in the 1840's, and continuing for three decades, spurts of immigration began to jump the gap, and to deposit itself far from the social groupings from which it had emerged. These pools of Anglo-American culture, settled amid an Indian or Spanish civilization, were reliant upon the old society for much of its food and all of its comforts of life. The wagon train served as the artery making the connection. The trail, formerly the path of least resistance between two points used by Indians and buffalo, became the thoroughfare over which ran the new or improved implements of transportation.

The connection between the Spanish Southwest and Anglo-America was established early in the century for the benefit of casual traders. It was in the 1850's and 1860's that the necessities of supplying that area with the products of Anglo-America in exchange for products indigenous to the region, that the great business of freighting, affected the type of travel. The old Pittsburgh or Conestoga wagon came out in the newer and bigger edition. The wagoner of the Old National Road became a member of a trained personnel used to take a wagon train across the plains—but the latter was a descendant of the former just the same, a professionalized man in a democratic west, the product of his environment.

The Santa Fé Trail, that line of travel which bridged the gap between the Missouri River towns and the Southwest, was the longest and greatest freighting route west of the Missouri. Hence on its broad bed, freighting life and influence were typical of those of the great plains.[1] On it the transforming effects of that peculiar environment may best be seen.

The prairie schooner, or "ox telegraph," of the Santa Fé Trail grew in size since its humble beginnings back in

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[1] Louis Pelzer has briefly discussed ox-team freighting of the Great Plains in his paper "Trails of the Trans-Mississippi Cattle Frontier," published in *The Trans-Mississippi West* (edited by James F. Willard and Colin B. Goodykoontz, Boulder, Colorado, 1930), pp. 139-142.

Pennsylvania several decades before.[2] It now weighed 4,000 pounds and had a tongue thirteen feet long. The hind wheel alone tipped the scales at 300 pounds, being sixty-four inches in diameter. The tire was four inches through and the hub was eighteen inches deep and twelve inches through. The spokes were once compared, back before the age of fold-away sleeping quarters, to a middle-sized bed post. A great number of the wagons had wooden axles (with an extra along to use in case of an emergency in the timberless area, and the wheels were held in place by a linch pin. Rosin and tallow served to lessen the friction on the axles, but the creaking of a heavily-loaded caravan, sounding to high heaven, gave ample testimony of the need of Standard Oil products.

The wagon box of the schooner was three feet wide, twelve feet long at the bottom and sixteen feet at the top. This made the bed resemble a boat, long since made famous to symbolize the westward movement of the immigrant, but in reality limited to the freighter. The colors often seen on the Cumberland Road carried over, and were used on this Plains wagon: blue bed, and covered by white Osnaburg canvas. An ordinary man could stand on the bed without bending. When loaded to capacity, and they usually were, for freighting was done by the pound, three tons of merchandise could be tucked away under the canvas.

The government wagons differed slightly from the regular freighter's wagon. The blue body was paneled, and often iron axles made them safer in crossing streams. The ends of the bed were straight instead of flaring. However, neither of the two types of wagon had brake or lock. The animals nearest the wheels functioned as a slow moving and patient hindrance as the wagons rolled down hill or grade.

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[2] For descriptions of the Conestoga wagon see Seymour Dunbar, *History of American Travel* (Indianapolis, Indiana, 1915), Vol. I, pp. 201-203, and Vol. II, p. 227; Bryan Hamilton, "The Conestoga Wagon," *Proceedings of the New Jersey Historical Society*, Vol. XIV, pp. 405-411; and John Omwake, *The Conestoga Six-Horse Bell Teams of Eastern Pennsylvania* (Cincinnati, Ohio, 1930), *passim*. References to this wagon are quite numerous.

A chain was kept on the side of the box to use in locking the wheels completely.

The business of manufacturing heavy freighting wagons was slow in coming to the frontier. Long before individual blacksmiths of the Missouri River towns had produced a wagon other than for the immigrants, the Studebaker firm of South Bend, Indiana, companies in far-away Pittsburgh, and Murphy and Espenshied, as well as others, in St. Louis, supplied the demands for the great wagon at about $200 a piece.[3]

The ox yoke, bows and rings, chains, and water kegs (but not always for water) were ordinarily supplied at an additional cost of some $25. These demands soon brought a bevy of blacksmiths and wagon doctors to the terminals or along the way, resembling service stations and garages of a more mobile machine age. Six, eight, or ten oxen—more in difficult places—furnished the horsepower for the private freighter. The government, however, usually used the animal that had made one of our states famous. Horses were seldom, if ever, used. The oxen were believed to have greater stamina than mules, being able to recover more quickly after the long trip across the Plains, and they could feed with relish on all kinds of weeds or grass. Wet weather and sand did great injury to their hooves; but shoes without calks, and pads for the broken spots, often made of hat brim, enabled them to keep going.[4] Extra animals usually followed the train, serving as a supply of fresh oxen but also as a bait for thieving Indians.

The driver of an ox team was the bullwhacker. He was in charge of one wagon, walking on the left side of the animals—a one-wagon conductor who seldom if ever rode. These men were recruited from the areas at both ends of the trail. They were offered a life of adventure and freedom from the restraints of an old society. Young men considered their education incomplete unless they had spent a season on the Plains. One old freighter believed that habits learned while bullwhacking produced the frontier bully and border ruffian.[5] This character usually wore a "ragged flannel shirt, pair of buckskin 'jeans', or store pants, with pockets made or breaking out almost anywhere, pair of brogans, and old hat and whip."[6] This outfit was almost as standardized as the uniform of the soldier.

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[3] *State Record* (Topeka, Kansas), October 13, 1860, quoting the *Missouri Republican.*

[4] E. Blair, *History of Johnson County, Kansas* (Lawrence, 1915), p. 67, quoting William Johnson, a bullwhacker.

The bullwhacker's whip was an institution in itself. It weighed five and one-half pounds. The stock of tough ash or pecan sapling had a lash of undressed rawhide nearly two inches in diameter and about ten feet long, ending in a thong of buckskin. "To wield this required all of the strength of a man's groins." But it was seldom used to flay an ox, but was cracked with "a flourish and a smart jerk. You could hear a sound like a pistol shot, and see a mist of blood and hair start where the cruel thong had cut like a bullet" into the hide of some recalcitrant ox.[7] The driver was proud of his whip and of his ability to use it. It was a sign of membership in the bullwhacker's fraternity, and it gave the democratic prairie man an opportunity to be aristocratic and excel those of lesser training and ability in his own group.

Mexican traders, and also some Americans, employed native Mexicans as teamsters. These drivers covered their swarthy skins with the distinctive dirty buckskin and flannel, and perhaps, to people of the Missouri ports, resembled the deck hands on the many steamers which landed goods at the levee.

During the Mexican War the government used volunteers, who arrived too late to be mustered into the Army of the West, as teamsters. Regular soldiers were employed in that capacity in cases of emergency (of which there were many). In 1850 the secretary of war complained that such a system of employing teamsters gave rise to intolerable conditions, for besides "not being subject to the restraints of military discipline [he said] they are sometimes very turbulent and ungovernable."[8] One year later the secretary said that the teamsters were employed at "enormous wages." It would be better, he said, if the government would increase the number of privates in a company to one hundred, increase the salaries, and detail them as teamsters when needed.[9] The quartermaster kindly advised that soldiers employed as teamsters be allowed thirty cents extra per day instead of the fifteen cents and "commutation for whiskey ration" as before.[10] As late as 1860, the secretary of war made the charge against the teamsters of exacting exorbitant wages when possible. But the powers of government seem never to have heard his call.[11]

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[5] *Transactions of the Kansas State Historical Society,* Vol. XI, pp. 456-463, "The Santa Fé Trail in Johnson County, Kansas." This is a speech given at the Santa Fé Trail marker at Lone Elm, November 9, 1906.

[6] *Freeman's Champion* (Prairie City, Kansas), June 24, 1858.

[7] J. Evants Green, *The Santa Fe Trade, Its Route and Character* (Worcester, Massachusetts, 1893), pp. 15, 16.

In 1860 bullwhackers on American freighters were paid from $25 to $30 per month. This included board. Their Mexican colleagues valued their services at $15 for the same period of time. Wagon masters, the conductors of the train over the trail, had the salary of a capitalist in comparison to that of the lowly bullwhacker, for they often drew as much as $100 per month.[12]

Food was a matter of prime importance on a wagon train long before the miracle of refrigeration was dreamed of. Each train carried a supply to last during the trip across the Plains. This was supplemented by occasional hunting forays. Each man was allowed 50 pounds of bacon, 10 pounds of coffee, 50 pounds of flour, 20 pounds of sugar, and some salt for the 800 mile drive of one month or more. Long strings of jerked buffalo meat usually graced the sides of the wagons while carcasses of buffalo along the Old Trail gave evidence that some bullwhacker had had fresh tongue for supper. In the later days of freighting cows were sometimes driven along for the fresh meat and the milk.[13] Trading posts which sprang up along the way kept a goodly supply of liquor to replenish the keg.

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[8] *Senate Documents*, 31st Congress, 2nd Session, Vol. I, Part 2, No. 1, p. 8, Serial no. 587.

[9] *Ibid.*, 32nd Congress, 1st Session, Vol. I, No. 1, p. 112, Serial no. 611.

[10] *Ibid.*, Vol. II, No. 1, p. 73, Serial no. 659.

[11] *Ibid.*, 36th Congress, 1st Session, Vol. II, Part 2, No. 2, p. 6, Serial no. 1024.

[12] *State Record*, October 13, 1860.

The Mexicans subsisted on unbolted flour and dried buffalo meat. When a herd of buffaloes crossed their path often camp was made and the larder filled. The meat was cut in strips and suspended on ropes from the corral of wagons. The sun did the magic. However, one freighter upon reflecting some years later, believed the meat to be sour and disagreeable to anyone not used to it.[14] But the Mexicans stewed it, flavored it with generous helpings of red pepper, and ate it "without fear and trembling." Their trains always had hunters who perhaps would have been welcome in an American train, for according to some old bullwhackers "sow belly" three times a day for a month became questionable as an article of food.

All Mexican and many American freighters pastured their oxen in New Mexico during the winter. Early in the spring the owners who had wintered there preceded the teams in light wagons or carriages and went east, that is, to St. Louis, Philadelphia, or elsewhere, to buy goods. While awaiting the arrival of the steamer with the goods, the trains camped on the outskirts of Westport, Kansas City, or some other town on the river. "Solid squares of wagons, covering whole acres, are found," observed a newspaper man in Kansas City in 1860. "Thousands of draft animals are scattered over a 'thousand hills' . . . The streets resound with barbarous vociferations and loud cracks of heavy whips . . . The rumbling noise made by the clumsy, lumbersome 'prairie schooners', while propelled along by patient oxen is heard incessantly."[15] Bullwhackers frequented grog shops and loafed in the streets, leisurely spending the wages which had been paid upon arrival at the Missouri.

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[13] *New York Voice*, September 19, 1895, given in *Kansas Biography Scrapbook* (Kansas State Historical Library, Topeka), Vol. IV.

[14] W. B. Napton, *On the Santa Fé Trail in 1857* (Kansas City, 1905).

[15] *State Record*, October 13, 1860.

One by one the wagons pulled from the warehouse down by the river, each loaded with sacks, barrels, or boxes weighing about 6,000 pounds. The wagons assembled at the camping ground until all had arrived. "At last, the 'order of march' is given. A scene then ensues that baffles description. Carriages, men, horses, mules, and oxen appear in chaotic confusion. Human cursing, distressing mulish out-cries and bovine lowing, form an all but harmonious concert, above the dissonances of which the commanding tone of the wagon master's voice only is heard. The teamsters make a merciless use of their whips, fists and feet; the horses rear; the mules kick; the oxen balk. But gradually, order is made to prevail and each of the conflicting elements to assume its proper place. The commander finally gives the sign of readiness by mounting his mule, and soon the caravan is pursuing its slow way along the road."[16]

There was no regular schedule followed during the trip across the Plains. Usually two or three stops were made during the day. Sundays were disregarded, as a rule, but half-days of rest came often for the benefit of the oxen. The wagon-master selected the camping places. When the afternoon was old he stopped his mule at some desirable spot, preferably near some stream which afforded water and wood. As the wagons drew up to him the head wagon circled to the right, the following team to the left, following the lines of an arc until they met. The next two wagons did likewise, bringing their left fore wheels close to the right hind wheels of the wagon ahead. As the balance of the train piled up this way, a circular corral was made. At the rear a space of twenty feet was left open. A wagon on the inside, or a chain, served as a gate. The oxen were then turned loose. A mounted herder, called a "cavvie" in the day time if he drove the loose cattle or "cavayard" along with the train, cared for them during the night. Riding slowly around and around them, always guarding against a stampede, singing to them if they were restless, this "original" cowboy spent a lonesome night until the oxen lay down and began to chew on their cuds.

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[16] *Ibid.*

The drivers divided into messes of six or more. Two started for wood or buffalo chips with sacks on their shoulders. Another went for water. Another dug a fire trench. Soon bread, bacon, and steaming black coffee were served to each man who had his tin plate, quart cup, knife, fork, and spoon. After the mess, preparation was made for breakfast. Then came the "fun and frivolity" of camp life. A deck of thumb-marked euchre cards afforded amusement to some. As the stars began to appear in the western sky, stories of "hair breadth Indian encounters or 'unheard of buffalo shooting' was told." A good smoke and a song often ended the hard day as the flickering shadows of the dying campfire played on tired faces. The quavering call of a wolf echoed the raucous voices of the men. Blankets were spread beneath the wagons. The bullwhacker laid his head on an ox yoke, rolled his blankets around him, and probably had an untroubled sleep until the "Roll out, roll out" call of the night herder came much too soon at daybreak.

Breakfast over, the cattle were driven into the corral again. At the cry of "catch up" from the wagon master every driver started among the milling cattle with a yoke on his left shoulder. It was "first come, first served" for the first day only; after that the only exchange that could be made was from the herd of extra animals. A yoke of heavy, well-broken oxen were used as "wheelers"; a second best came next. The two pairs in the "swing" could be made up of partly broken cattle, with a good light weight pair for leaders. Long legged, long horned Texas steers, when broken, made the best leaders. They held their heads high, were quick on the foot, and could run quite as fast as a horse when frightened. With this in mind the bullwhacker made his way among the swaying cattle which piled up on each other in the corral. When the sturdy "off-wheeler" was found, the yoke was fastened to him with one end left on the ground while the driver went in search of the mate. When yoked together they were hitched to the wagon, and the others were lined out in order. When the long call "pull out" sounded throughout the camp the teamster was in his glory. About twenty-five long whips tipped with buckskin poppers were swung above the heads of the drivers at the same time, the reports "sounding like fire from a picket line of soldiers." But only the "deadhead" was struck as the caravan writhed away for another day of ten weary miles.[17]

The bullwhackers had a reputation for being a "reckless, hard working set of men, many of them indulge[d] in great excesses when starting out, or coming in . . . "[18] A correspondent of a Missouri newspaper said that the "most intolerable nuisance about some of the trains is the atrocious profanity that is kept up like a raging fire by many of the hands.'"[19] The tender Susan Magoffin, who rounded out a honeymoon on the Santa Fé Trail in 1846, was much shocked at the conduct of the men at "catching up" time. She noted in her diary that the "whooping and hollowing of the men was a novel sight rather. It was disagreeable to hear so much swearing . . . [Of course, 'catching up'] worries the patience of their drivers, but I scarcely believe they need to be so profane."[20] The freighting firm of Russell, Majors, and Waddell prohibited the use of profanity and liquor, forbade travelling on the Sabbath, and demanded that the animals be treated kindly. A code of behavior was posted in the back of each wagon to serve those who easily forgot. When applying to Alexander Majors for a bullwhacking job, it may have been his connections with the Methodist church as pastor that caused him to ask the applicant if he could drive across the Plains and back without swearing. One old freighter tells that an Irishman, who had ambitions to be a teamster, replied to that question: "Yis, I can drive to hell and back without swearing."[21] He was not employed. However, there is little reason to believe that Majors' elevating influence was felt far beyond the employment office. To his teamsters on the Oregon Trail he once preached a sermon. One listener said that he talked to them "like a Dutch Uncle." William Johnson, an old bullwhacker, testified that a wagon master seldom knew when Sunday came after being out awhile.[22] An English traveller summarized his impression of the wagoner's conduct by saying that he "scarcely ever saw a sober driver; as far as profanity [is concerned], the western equivalent for hard swearing—they would make the blush of shame crimson the cheek of old Isis Barge."[23]

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[17] R. Rolfe, *Trails Clippings* (of the Kansas State Historical Society), vol. I, p. 391; Tucker and Vernon, *Along the Old Trail*, pp. 31-33; J. A. Little, *What I Saw on the Old Santa Fé Trail* (Plainfield, Indiana, 1904), p. 25; *Harper's Magazine* (clipping found in Kansas State Historical Society); *Dodge City Globe*, May 22, 1915, in *Trails Clippings*, Vol. II, p. 48.

[18] *Missouri Republican*, August 11, 1858.

[19] *Ibid.*, September 13, 1851.

[20] Stella Drumm (ed.), *Down the Santa Fé Trail* (New Haven, Connecticut, 1926), pp. 2-3.

Swearing was not unheard of on government trains, even if mules instead of oxen were used. The teamster rode one of the mules near the wagon, just as his brethren on the National Road had ridden the heavy horse near the Conestoga a generation before. From that position he made brave attempts to keep the four leaders moving. He held a line in his hand which extended to one of the lead mules. A jockey stick "not unlike a rake handle" separated the "pilot" from his mate. When the driver gave a heavy strap one pull the old veteran in the lead turned, pulling his mate to the left. Two jerks caused him to turn to the right, pulling his companion. And, to quote Mrs. E. Custer, "in this simple manner the ponderous vehicle and all the six animals are guided . . . " The most spirited mules were selected as leaders. Being out of reach of the whip their pace was determined by the persuasive effect of the driver's vocabulary or the tone of his voice. Mrs. Custer testified that she saw the driver of the teams which she accompanied to Ft. Riley from Leavenworth, desiring not to be profane in her presence, "shake his head and move his jaws in an ominous manner, when the provoking leaders took a skittish leap on one side of the trail, or turned around and faced him with a protest against further progress . . . It was in vain that he called out, 'You bet, there!' 'What are you about, Sal?' " She heard further remarks which caused her to believe that some of the mules were christened after the sweetheart of the "apparently prosaic teamster." This driver perhaps lavished as much affection on his mule as he did on his sweetheart. "Fox or small coyote tails were fastened to bridles and the vagaries in the clipping of the poor beast's tails, would set the fashion to a Paris hairdresser. . . . The coats of the beasts . . . shine like the fur of a fine horse."[24] Thus Mrs. Custer observed from the front seat of a government wagon while going across the Plains on a road often used by government wagons enroute to Santa Fé.

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[21] J. A. Little, *op. cit.*, p. 24.

[22] E. Blair, *op. cit.*, p. 68.

[23] Sir Richard Francis Burton, *The City of Saints, and Across the Rocky Mountains to California* (New York, 1862), p. 14.

The dull monotony of the day or the stillness of the night was upon many occasions interrupted by the war whoops of mounted Indians armed with spears, guns, or bows and arrows. When sighted, if while the caravan was moving, the corral was hastily formed, the oxen placed within the circle, while the teamsters took a position of vantage behind the wagons. One old freighter tells a story of such an attack on the Old Trail (and there are many such stories) when a government escort was along. Upon this occasion, First Lieutenant Ulysses Simpson Grant and sixty troops had accompanied the train from Ft. Larned. When the Indians were sighted and the corral made, the soldiers took a position at one end, while the bullwhackers stood at the other. Shots were exchanged with the red-skins as they rode around the encampment. When eight Indians lay dead on the ground, they flew the flag of truce, picked up their dead and went away. Lieutenant Grant, who had calmly strolled about during the fight with a black corn-cob pipe in his mouth, treated the men with a drink of whiskey from one of the wagons, and gave a receipt to the wagon master showing delivery to the army.[25]

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[24] Mrs. E. Custer, *Tenting on the Plains or With General Custer in Kansas and Texas* (New York, 1893), pp. 222-229.

Stampedes were full of excitement while they lasted. Occasionally the spare cattle in the rear would become frightened. As they ran past the wagons the signal was given for a change of pace of the wagon train. The yoked oxen would begin to bawl, and to quote one teamster, set off at an astounding speed for miles, frequently overturning wagons. When their strength was exhausted they would settle down again. In 1862 Robert Wright was driving the loose cattle behind one of the Russell, Majors, and Waddell wagons. In the hot afternoon he took off his heavy linsey-woolsey coat, the body of which was lined with yellow and the sleeves with red. In taking off the coat it was turned inside out. Then he tossed it over the long horns of "Old Dan," a gentle ox that was lagging behind. "Old Dan" had fallen behind some distance during this process so the herder prodded him along. "No sooner did Old Dan make his appearance among the cattle than a young steer bawled out in steer language, as plain as English," says Wright, "Great Scott, what monstrosity is this coming to destroy us?" Then "with one long, loud beseeching bawl, [he] put all possible distance between himself and the terror behind him." Immediately all the cattle but "Old Dan" stampeded. When the wagon master inquired of the cause of this commotion which had wrecked some eighteen wagons, broken the legs of three steers and one man, and scattered loose cattle for about fifteen miles, Wright (meekly perhaps) said he thought it was a wolf.[26]

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[25] *Kansas City Star*, quoted in *Trails Clippings*, Vol. I, p. 396.

[26] This account is given by R. M. Wright in his *Dodge City, the Cowboy Capital* (Wichita, Kansas, 1913), pp. 28-29.

The wind, if in the right direction, heralded the approach of the caravan to Santa Fé. The creak of the wagons, the "gee-ho" and the "ho-haw" of the drivers, and the crack of the whip announced the arrival in a manner not to be mistaken. "From the shining white of the covers and the hull like appearance of the bodies of the wagons, truly [they] look like a fleet sailing with canvas all spread, over a seeming sea." Perhaps the cattle resembled so many insects crawling along on the surface of the desert, sometimes hidden from the eye by a shifting cloud of dust. The wagon master was the first to arrive in town. The few "guntoters," used for guards by some trains, accompanied him down the crooked streets of Santa Fé to bask in the sunshine of popularity. Looking back they could have seen the caravan moving from the horizon as if it were a part of nature. Finally dust covered vehicles, escorted by a swarm of flies which were attracted by the dried meat on the sides of the wagons, and pulled by sweaty, dirty oxen, crawled to the end of the journey.[27] The soft voices of dark-eyed señoritas mingled with the clatter of roulette wheels and the ring of Mexican dollars carried the tired bullwhacker far away from the life of bawling cattle. Perhaps excesses were indulged in "without stint or remorse"—but what of it, they must have reasoned, within a few days or weeks or months the business of making a living would call them back to the Old Trail again, seven hundred seventy-five "Gol durned" miles. If with empty wagons, it meant twenty miles each blessed day instead of ten. Then what lay at the end of the Trail—pay day, liquor, and women. Bullwhacking was indeed a prosaic profession to the plainsman on the trails of the Great West.

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[27] In *Santa Fé Trail and Other Pamphlets* (a collection of the Kansas State Historical Society), Vol. 1, Jonathan Millikan says that swarms of flies *always* followed the wagons.

INDIAN LABOR IN THE SPANISH COLONIES

(Concluded)

By RUTH KERNS BARBER

CHAPTER VI

LABOR IN THE MINES

PRECIOUS metals were mined by the Indians of the western hemisphere before the arrival of the Spaniards. The Mayas were experts in metal work. "Neither they nor any others of the American aborigines learned to smelt iron, but they did much with gold, silver, and tin, which they combined into various alloys; for they knew how to cast and fuse, to draw wire, to make gold leaf, to plate, and to form the metals into various useful and ornamental shapes."[1] When the Inca Atahualpa was held as a captive by Pizarro and his men, he succeeded in collecting from his realm a roomful of gold articles as his ransom. The value of this ransom has been estimated at about $15,000,000.[2] The Spaniards who were eager for gold robbed the Indians of their ornaments and all articles of value. After they had gotten all that they could from the living Indians, they forced them to point out the sepulchers and to make excavations to take out the treasures buried with the dead.[3] This practice was prohibited in 1549. The Spaniards were miners and very soon discovered the rich mineral deposits; and they forced the Indians into service.

Mining was one of the first economic activities of the Spanish settlers in the New World. Even in the first colony, Española, mining yielded 480,000 pesos in gold each year for the royal treasury as the "fifth" due the monarch.[4] Zacatecas, the first great Mexican silver region, was worked seriously in the fifteen-forties. The city of Zacatecas was founded in 1548, and many other cities sprang up near the mines. The other rich mining districts of New Spain were San Luís Potosí and Guanajuato. During the most of the sixteenth century the Mexican mines supplied one-third of the world's supply of silver. In 1545 the great silver treasures of Potosí in Upper Perú were discovered by an Indian said to have been searching for a stray llama. The city of Potosí was founded in 1547, and these mines soon became the greatest source of silver in the world. Before the close of the colonial era the total output of the Potosí mines, calculated on the basis of the royal fifth, amounted to more than one hundred sixty-three million pounds. The actual yield was much greater because much of the silver escaped registry.[5]

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[1] Mary Wilhelmine Williams, *The People and Politics of Latin America*, p. 27.

[2] I. B. Richman, *The Spanish Conquerors*, p. 189.

[3] *Recopilación*, Lib. VI, Tit. X, Ley xiv.

[4] Tornero, *op. cit.*, p. 90f.

At first the gold was washed in wooden basins or troughs, or extracted by means of mercury. The silver was washed or taken out by the use of salt brine or heat. In 1556 the process of amalgamating silver with mercury was introduced at Pachuca, Mexico. From this time on, the output of silver increased and the mining of mercury became very important. There were rich deposits of quicksilver in Perú; salt and copper were found in Española, Cuba, Venezuela, and Chile; some emeralds were mined in New Granada and opals and turquoise in Mexico. Pearl fishing was important along the Pacific coast of Venezuela. In shallow water the Indians went out in flat bottom boats and raked for the pearl oysters; where the water was deep they were forced to dive for them. The prohibition of forced labor of the Indians in the pearl fisheries has been mentioned.[6] The income from metals and precious stones was considered very necessary to the monarchs, and, for this reason, they encouraged mining.

According to an old law of Spain, ownership of serface land did not carry with it the right to the subsoil. The crown had a special interest in all minerals, especially precious metals. Gold and silver beneath the suface, however, were of no benefit to monarchs who needed ready cash to pay for their extravagances; therefore, the mining class was usually favored. Miners were not to be subject to usury and their tools could not be seized for debt.[7] In the colonies Indians were allotted to the miners as laborers. At first the crown was to receive half of the value of the minerals mined, then a third, and later a fifth (which came to be known as the "royal fifth"). A cedula of 1504 gives the reason for the change:

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[5] Williams, *op. cit.*, p. 195.

[6] *Supra*, p. 270.

> Royal Cedula by which Their Highnesses grant the favor to the citizens and residents of Española that of all gold, silver, copper, and lead and other things which they gather they pay the fifth for the space of ten years.
>
> Medina del Campo. February 5, 1504.
> Don Fernando and Doña Isabel.
>
> Whereas in the agreement which by our command was made with Luís de Arriago and other persons who went to settle the Island of Española, which is in the Indies of the Mar Océano, among other things it was agreed that of all gold which they collected or took out in said island of Española they should give us one-half, and to them should remain the other half to do with as they pleased and to have for their good; which we had commanded to be kept with the other citizens and residents of said island, as is contained more at length in the said capitulation and agreement and commandment which we had ordered to be given; after which by our other provisions we commanded that they pay the third and not more of said gold which they take out; and now we are informed that for those who collect and take out gold and mother metals there is much work . . . according to the kind of land; and that, because they must give a half or third of said gold as we have commanded, they receive much harm and detriment, and work will cease on their part, and it is supplicated and begged us, that by our favor, we command that in some manner it be provided so that they may have some advantage and inducement in taking out

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[7] Williams, *op. cit.*, p. 194.

> gold and be able to sustain themselves in said islands . . .; and we, realizing the great work and expense to those who take out and collect the said gold and because our will is that the persons who attempt this be benefited . . . in order to do them a kindness and a favor, and in order that the said island be well populated and ennobled, by this present [cedula] we command that from the day our carta is published in the said island of Española, from then on for the space of ten years just following, and more according to our will and mercy, all and whatsoever Christian citizens and residents of said island who collect and take out in said island, gold, silver, lead, tin, quicksilver, iron, and other metals pay us the fifth part of all gold, silver, and other metals which they collect or take out in the said island, except with the discount of some costs, placed in the power of our treasurer, who by our command resides in said island, except that those whom we have prohibited from going to, or dwelling in, said island may not take out [metals]; and of the other four parts we give them the privilege for each one to do with them that which he wishes of his own free will, unhindered, to help with his expenses, and for his inducement; in regard to the taking out and collecting of said gold and metals let there be kept the order and form which we have commanded or shall command our governors who are in the island to keep from now on, in order that there be no fraud or any deceit; it is our will that this be guarded and kept, notwithstanding that which is contained in other provisions, cartas, and orders in which we commanded that they pay more than said fifth . . . we command to give the present signed by our names and sealed with our seal. Given in Villa de Medina del Campo, February 5, Year of the Birth of Our Lord, 1504. I, the King. I, the Queen. I, Gaspar de Grycio, Secretary of the King and Queen, our Masters.[8]

Ferdinand V issued his general decree permitting the allotting of Indians on August 14 and November 12, 1509.[9] Evidently the *encomendados* were used immediately for labor in the mines, because on November 14, 1509, Ferdinand sent a letter to Miguel de Pasamonte, the treasurer general of the Indies, in regard to work in the mines. He said that he had not specified any limit of time for the encomiendas of the Indians. If a new distribution were made much time would be lost from the work in the mines which was very important. Those who already held Indians might keep them by paying one *castellano* (an old Spanish coin) per head. Others who seemed to the governors to be well deserving might have Indians from those who had been brought in from the surrounding islands by paying one castellano per head from the "half which pertains to us."[10] Ferdinand was evidently trying to claim a half instead of the fifth provided for in the cedula of 1504! The desire for gold was so strong in the monarchs, or their need was so great, that they did not insist upon free labor in the mines although they tried to mitigate some of the evils.

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[8] *Documentos inéditos de Indias* (D. I. I.), XXXI, pp. 216-219.

[9] *Recopilación*, Lib. VI, Tit. VIII, Ley 1.

Charles V, in 1528, decreed:

> For the Indians and slaves who work in the mines let there be provided clerics, religious persons who shall administer the Holy Sacraments and teach them the Christian doctrine and let those interested in them pay the stipend; and let the prelate of the diocese . . . provide that on Sundays and fiestas they hear mass and attend to the doctrine.[11]

The same monarch, in 1551, gave permission to use Indian labor in the mines but ordered that it should be voluntary and remunerative:

> We permit that of their own will, and being paid a just wage, Indians may go to labor and work in the mines of gold, silver, and quicksilver, provided that no encomendero take his own Indians; and we give permission to those of one encomienda to go to work in the mines of another encomienda.[12]

In 1549 a decree had been issued forbidding any encomendero to force his Indians to work in the mines.[13]

Solórzano says that the viceroy and audiencia of Mexico wrote a report on conditions in 1574 and 1575. They stated that the Indians were naturally inclined to be vicious. The only way to hold them in check was to keep them occupied, and the work in the mines was the best solution.[14] Partly for this reason, but mostly to supply the demands of the monarchs and to satisfy the greed of the colonists, the Indians were divided into mitas for the labor in the mines. The mita of Perú was not to exceed a seventh part of the population of a pueblo, and in New Spain it was not to be more than four per cent. The mita usually lasted six months, four in the mines and two in the work with the metals and service in the village and hospital. It took, on an average, two months to go out to the mines and two for the return, making a total of ten months. According to Viñas y Mey, the pay at first was three and three-fourths reales a day. Later Marqués de Cañate raised it to four reales, and the two months going and return were to be paid at the rate of three and one-half reales.[15] A decree dated 1575 stated that the Indians employed in gangs by the miners and owners of estates were not paying tribute in any quantity. "Especially those who help in the mines for taking out silver and get four or five pesos a month should pay at least two pesos a year."[16] This would be less than the amount mentioned by Viñas y Mey because there were from eight to ten reales to a peso. The pay varied and was not the same in all provinces. In spite of the decrees against the practice, many Indians were forced to work without any pay.

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[10] *Documentos inéditos de Indias*, XXXI, pp. 513-518.

[11] *Recopilación*, Lib. VI, Tit. XV, Ley X.

[12] *Ibid.*, Lib. VI, Tit. XV, Ley ii.

[13] *Ibid.*, Lib. VI, Tit. IX, Ley xxii.

One common means of exploiting the Indians seems to have been the securing of allotments by men who did not own mines, and renting them out to mine owners. Some of the decrees which mention this are as follows:

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[14] Solórzano, *op. cit.*, I, p. 128.

[15] Viñas y Mey, *op. cit.*, p. 59.

[16] *Recopilación*, Lib. VI, Tit. V, Ley ix.

Título XV, Ley iv, Philip II, 1593, 1594:

> In many provinces repartimientos are given to those who have no mines . . . Those who sell the work of Indians are using them for a purpose for which they are not allotted. Such are to be punished with the loss of all their goods and banishment from the Indies . . .[17]

Título XV, Ley xviii, Philip II, 1593:

> In Cerro de Zaruma and other pueblos the repartimiento must be to those who actually own mines . . .[18]

Título XV, Ley iv, Philip III, 1601:

> In Cerro de Potosí some have mines but do not work them. They lease them and sell the work of the Indians allotted to them. No Indians should be granted to any who do not actually operate their mines . . .[19] (not exact quotation).

Título XV, Ley viii, Philip III, 1609:

> No Indians should be allotted to owners of poor mines because they sometimes sell the work of the Indians to owners of good mines . . . [20] (not exact quotation).

Sometimes those who made the repartimientos accepted pay from the Indians and excused them from serving in the mita. Philip III sent out a decree against this bribery because it diminished the amount of the royal fifth.[21] Some of the cedulas seem to indicate that the monarchs were more interested in the income from the mines than in preserving the Indians. In the instructions to the viceroy of Perú in 1595 Philip II stated:

> Also I charge you that you give much attention to the working and benefit of the mines which have been discovered and in providing that they seek and work new ones; for the richness of the land is the principal nerve for its conservation, and the prosperity of the same [the mines] results in the prosperity of the realm . . .[22]

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[17] *Recopilación*, Lib. VI, Tit. XV, Ley iv.
[18] *Ibid.*, Lib. VI, Tit. XV, Ley xviii.
[19] *Ibid.*, Lib. VI, Tit. XV, Ley v.
[20] *Ibid.*, Lib. VI, Tit. XV, Ley viii.
[21] *Ibid.*, Lib. VI, Tit. XV, Ley vii.
[22] Solórzano, *op. cit.*, I, p. 124.

Philip III in 1601 ordered that settlements of Indians be established near the quicksilver mines.[23] By this time mercury had become important in silver mining. In 1609 it was ordered that there should be no mines in dangerous parts, especially where mercury was taken out.[24] Solórzano tells of the illness caused from the mining of mercury, from his experience in Huancavélica as visitador and governor from 1616-1619. He says that it was called *el mal de la mina* (the illness of the mine), that the poison penetrated to the very marrow, debilitating all of the members and causing a constant shaking, and that the workers usually died within four years.[25] Notwithstanding the dangers to the Indians, Philip IV decreed in 1631 that the repartimiento for service in the mines of Huancavélica be continued, and Charles II repeated the decree. This decree stated that the sufferings of the workers should be alleviated and that delinquent mulattoes, negroes, and mestizos should be condemned to work in the mines as the crimes deserved.[26]

The mines were drained by carrying the water out in leather bags which were sometimes drawn up by windlasses. The drainage work was very hard for the Indians and often resulted in illness. It was decreed, therefore, in 1609, that Indians should not be used for this work, but that it should be done by negroes.[27] At times the mitayos were retained longer than their allotted time to serve for the Indians who had fled or died.[28] There was often great inequality in the distribution of the workers, which caused difficulties,[29] and sometimes the Indians allotted for work in the mines were used for other service.[30] When the mines at Potosí were opened, the Indian workers were required

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23. *Recopilación*, Lib. VI, Tit. XV, Ley xxi.
24. *Ibid.*, Lib. VI, Tit. XV, Ley. xi.
25. Solórzano, *op. cit.*, I, p. 131.
26. *Recopilación*, Lib. VI, Tit. XV, Ley xx.
27. *Ibid.*, Lib. VI, Tit. XV, Ley xxi.
28. *Ibid.*, Lib. VI, Tit. XV, vi.
29. *Ibid.*, Lib. VI, Tit. XV, Ley xvi.
30. *Ibid.*, Lib. VI, Tit. XV, Ley xv.

to pay so many grains a day, to be deducted from the daily wage, to help pay for an inspector, a protector, and a hospital. The mine owners took such advantage of this provision that Philip III abolished it in 1618.[31]

There were attempts to supervise the use of the Indians in the mines. In 1591 a decree was issued requiring that managers who were sent with the Indians allotted for work in the mines should be men of good satisfaction, chosen carefully.[32] In 1593 Philip II declared that the mitayos for the mines of Zaruma should not enter the mine until the overseer or alcalde had seen them. The use of Indians for carrying the metal to the places where the ore was crushed was forbidden; horses or mules were to be used for this work. The abuses were to cease, and the mitayos were to work from six until a little after ten in the morning, and from two to five in the afternoon. Because of mistreatment of the Indians, mulattoes, mestizos, and negroes were forbidden to reside in the pueblos under penalty of lashing.[33] The observance of Sabbath rest was decreed in 1601 and again in 1608.[34] In order to encourage voluntary work in the mines Philip III, in 1609, ordered that the land around the mines of Potosí, Perú, should be settled. The Indians were to be given lands on good sanitary sites, hospitals were to be founded, and the Indian settlers were to be excused from the mita for six years.[35]

That some of these decrees were effective is known from facts given by visitors and officials. Don Antonio de Ulloa in his *Notícias Americanas* (1792) says that the ore was taken out by llamas and alpacas at that time. The work was done by Indians and mestizos, some working voluntarily and some under compulsion; the pay was the same for both classes of workers. Ulloa considered it competent, never less than four reales a day and at Potosí, one peso a day. He stated that those of the mita offered to work voluntarily after the mita was served because they wanted to earn more money.[36] Don José de Espeleta reported for New Granada in 1796 that there were many rich mines, and that the large mines were worked by the owners with negro slaves. The other workers were some who washed the gold from the ore and those who were personally seeking enough fortune to satisfy their needs.[37] Mexía de Ovando in his *Memorial práctico* of the time of Philip IV said that there were in the region of Potosí 20,000 Indian workers who were permanent and free, not in the mita, besides 20,000 from other parts. The number of voluntary workers kept increasing as shown by such cartas as that of Príncipe de Squilache to the king in 1609 stating that the number of Indians allotted to work in the mines had been reduced by eight hundred persons. By the close of the seventeenth century all of the workers in the mines at Huancavélica were voluntary except six hundred twenty mitayos.[38]

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[31] *Recopilación*, Lib. VI, Tit. XV, Ley xiv.

[32] *Ibid.*, Lib. VI, Tit. XII, Ley xx.

[33] *Ibid.*, Lib. VI, Tit. XV, Ley xix.

[34] *Ibid.*, Lib. VI, Tit. XV, Ley ix.

[35] *Ibid.*, Lib. VI, Tit. XV, Ley xvii.

Alfonso Messía in his memorial to Luís de Velasco told of some of the conditions in the mining districts of Perú at that time (about 1609). He had personal knowledge of conditions, and he made an estimate of about fifteen hundred Indians in the mines of Castrovireino who came from many different pueblos, the farthest one hundred leagues away. At Salinas there were six hundred Indians mostly from corregimientos, the farthest eighty-five leagues; and at Vilcabamba, four hundred eighty Indians. At Potosí there were about twelve thousand six hundred Indians used each year in three mitas, each working four months; there were always four thousand two hundred working at the same time. He said that up to that time the viceroys had known about the grievances of the Indians working in the mines, but they always excused themselves by saying that they had no power to take away the laborers assigned nor to moderate the work. Now they had no excuse because the king had sent an express order against distributing Indians for work in the mines. He said that at least the Indians should be taken away from the mines which were of little value. It was argued that this would mean a loss of about four hundred thousand pesos, but what was that when it meant preserving three thousand Indians? If the Indians were all lost, the crown would lose the amount of their tribute.

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[36] Don Antonio de Ulloa, *Noticias Americanas*, pp. 217-218.

[37] *Relaciones de Mando, Nuevo Reyno de Granada*, p. 339.

[38] Viñas y Mey, *op. cit.*, p. 61.

Some of the Indians who went to work in the mines of Potosí traveled one hundred fifty leagues. From the province of Chuquito there went out each year some two thousand workers. They usually took their wives and children; Messía said that he had seen them go out twice, and he estimated that there were about seven thousand persons altogether. Each Indian took eight or ten *carneros,*[39] and some alpacas for food; some took as many as thirty or forty carneros on which they carried their food, their blankets, and mats to protect them from the cold, because the climate was severe and they slept on the ground. All this amounted to at least thirty thousand head of llamas and alpacas, which with the food would be valued at more than three thousand pesos. It took about two months for the journey of one hundred leagues because the herds and the children could not move very rapidly; the children of five and six years of age went on foot. Of all this crowd who were taken out of Chuquito usually two thousand returned; the other five thousand either died or remained in the vicinity of Potosí. When it came time to return often they had no pack animals nor food for the journey; also they knew that on returning the caciques and corregidores would use them in different kinds of service. Sometimes when they returned the cacique could not make up his quota and would force them to serve again. Some provinces had become so depopulated that they did not have enough Indians to fill the quota demanded. In such cases the justicias and lords of the mines required the caciques to hire them at their own expense. If a cacique lacked twenty Indians in a week, it would cost him one hundred eighty pesos. Messía knew of a cacique who came to a priest, in 1601, and weeping said: "*Padre,* I am obliged to report thirty-one Indians, and of these I have lacked sixteen for six months, and each week I have reported them and paid one hundred twenty-six pesos in hiring them; and for this I have sold a mule which I had, my llamas and my clothes, and I have sought for borrowed silver, placing a tax on my people; and not having any other means of getting the Indians, last week I pawned my daughter to a Spaniard who loaned me sixty-four pesos which I lacked, and next week I do not know what to do unless I hang myself."

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[39] *Carnero* usually means a sheep, but here it evidently means llama. It is so used in other writings of the seventeenth century.

The work was very hard, the Indians working twelve hours a day, going down sixty and sometimes one hundred *estados*[40] where it was perpetual night, where it was necessary to work by the light of candles, and where the air was very bad. The going down and up was very dangerous, and the Indians were forced to come out loaded with little bags of metal on their backs. It took about five hours to make the trip out, and a false step would mean a fall of perhaps one hundred estados. When they reached the surface, they were reprimanded by the miner for taking so long or for not bringing a heavier load, and were sent back almost immediately. When they worked in water the conditions were worse. For all of this hard work they were not paid enough to supply their maintenance, and the Indians who worked in the mines were required to pay a higher tribute than the others.

The Indians also suffered grievances at the hands of their caciques, who sometimes hired from fifty to one hundred of them to the miners. These Indians were made to work the hardest of all because the miner wanted to get his money's worth. The Indian had no redress because, since his cacique hired him out, he had no one to whom to say "aquí me duele" (Here I suffer). The foremen in the mines would not let the Indians go down from the mountain on Sundays because they wanted to get a good start on Monday morning. The Indians were given certain tasks to perform and were paid according to the fulfillment of them. If the miner was not successful, he did not pay the Indians anything. Messía suggested that inspectors be placed in the mines and that severe punishment be given those who continued these abuses.[41]

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[40] *Estado,* a measure of length, 1.85 yards.

Conde de Chinchón wrote in his *relación* of January 26, 1640:

> I have not given mitayos to new mines, as was commanded in the order of personal service which we brought . . . and I have not added any to that of Huancavélica, although on the eighteenth of February, 1634, after great controversies, it was permitted in case of necessity, but thanks be to God, there is none [necessity] in mercury; I have increased the daily wage one real a day . . .
>
> I have adjusted the pay for the going and coming from Potosí, which my predecessor left pending, and which is a thing of such great importance . . .; and I relieved them of the contributions of grains which was discounted from the wages, which I also found pending . .[42]

Many tales have been told of the cruelty of the Spaniards and the rigors of the work in the mines. Barnard Moses, quoting from Chilean historians, tells that the laborers often worked knee-deep in water through the coldest season of the year. He states that Rodrigo de Quiroga forced the six hundred Indians of his encomienda to work in the mines. Half of them were men and half women, all between the ages of fifteen and twenty-five. They were employed for eight months in washing out the gold,—for four months there was no water. In 1553 Francisco de Victoria reported to the Council of the Indies that the abominations shouted to Heaven. The encomenderos were forcing men and women, young and old, to work without rest and without sufficient food. They were allowed one pint of maize a day. If any one hid a grain of gold and was discovered his nose or his ear was cut off and exposed in a public place.[43]

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[41] Memorial of Alfonso Messía, in *Relaciones de Vireyes del Perú*, II, pp. 339-374.

[42] *Relaciones de Vireyes del Perú*, II, pp. 91-92.

Mexía de Ovando complained that the mitayos were given other work to do after returning from the mita and that they suffered from decided changes in climate in going to the mountains for the work in the mines. In Perú in the time of Don Francisco de Toledo the Indians were sent out once in seven years, but by the time of Messía the numbers had decreased so much that the turns came once in three years. An order was given that if any Indian was wounded on the head, lost the use of an arm or leg, was lashed with cruelty, or fled because of ill treatment, the guilty miner should pay the Indian one hundred pesos of silver and not be allowed to have any more Indians. If the Indian should die because of the injury the responsible person should pay his tribute for twenty years and pay an indemnity of fifty pesos to the widow and children.[44] In 1581 the king sent a cedula to the audiencia of Guadalajara stating that it had been reported that the Indians were destroyed; one-third of them had succumbed and others were being forced to pay the tributes for the dead ones. They were being bought and sold, they slept in the fields, and mothers sometimes killed their sons rather than let them go to work in the mines.[45] The tribes at Zacatecas petitioned for a visitador in 1609.

Robertson in a note mentions Ulloa's statement that the abuses were exaggerated and that Indians often worked voluntarily after the mita was served, and he quotes Don Hernando Carillo Altamirano as saying that wherever mines were wrought the number of Indians decreased, but in the province of Campeachy where there were no mines, the number of Indians had increased more than a third since the conquest although the soil and climate were not favorable. In 1609 Captain Juan Gonzales de Azevedo sent a memorial to Philip III in which he asserted that in every district of Perú where Indians were compelled to work in the mines the numbers had been reduced to one-half or one-third of what they were in the time of Don Francisco de Toledo (1581).[46]

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[43] Bernard Moses, *The Spanish Dependencies in South America,* II, p. 48.

[44] Viñas y Mey, *op. cit.,* p. 68.

[45] Priestley, *op. cit.,* p. 89f.

Viñas y Mey contends that the Indians who were included in the mitas made up a small part of the total native population. Messía makes an estimate of from three to five thousand included in the mitas to the mines of Perú; while López de Velasco gives the number of tributary Indians for the viceroyalty of Perú as 880,000. Viñas y Mey states that the cruelties were not general, but were isolated cases, and measures were taken to stop them. He mentions the fact that in 1610 Príncipe de Squilache was arrested for "grave causes" because he had allotted two hundred Indians to the mines of Anglamarca and five hundred fifty to Oruro, notwithstanding the fact that he chose them from the most convenient places of the same climate. He quotes from *Provisiones reales* in stating that an inquiry was made about freeing from the mita fourteen hundred Indians in the mines of Castrovireino "because the harm which the mines do to the Indians is great, and they have taken the best Indians of the kingdom, some of whom come from more than ten leagues crossing the most rigorous Part of Perú."[47] In response to the plea the mita ceased. Alhóndigas (storehouses) were erected for storing food and clothing for the Indians. Philip III sent a carta to the viceroy of Perú thanking him for his zeal and faithfulness in preserving the Indians, and again in 1609 he sent another applauding the introduction of reforms.[48]

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[46] William Robertson, *The History of America*, II, p. 453, note.

[47] Viñas y Mey, *op. cit.*, p. 63f; López de Velasco, *op. cit.*, 337.

[48] Viñas y Mey, *op. cit.*, pp. 63-69.

Because of the wealth from them, the mines were exploited to the neglect of improving the land and establishing other industries. Some miners made great fortunes, while others lost everything they put into them. By 1562 there were thirty-three mines in the Zacatecas region which were using the patio method. By this process the ore was mixed with salt and quick-silver and crushed beneath a revolving stone drag drawn by mules. In 1736 there were eighty-eight mines in this region using the patio process.[49] Priestley states that Vicente de Saldivar made a fortune of three million pesos and paid an annual tax of 100,000 pesos as the fifth. Bartólomé Bravo de Acuña had a fortune of 15,000,000 pesos, and Agustín de Závala of 4,000,000 pesos. In one mine the owner cleared one thousand pesos a day over his expenses. Conde de Regla is said to have paved a path with silver tiles for his daughter when she was married, and to have presented to Charles III a battleship for his fleet, built and equipped at his expense. According to Priestley the total production of the mines of New Spain from 1690 to 1818 is estimated at one and one-half billion pesos, of which the crown received sixteen to nineteen per cent. The annual average at the close of the eighteenth century was 22,000,000 pesos. About a million more was smuggled out each year.[50] Robertson's estimate for the gold and silver is about 4,000,000 pesos annually from 1492. He says that in two hundred eighty-three years (down to 1775) this would amount to one billion one hundred thirty-two million pesos, although the Spanish writers say that the amount was much larger because so much of it escaped the payment of the royal fifth.[51] No estimate can be made of the amount smuggled out. Bourne gives the following figures from Humboldt's *Ensaya Político:*

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[49] Priestley, *op. cit.*, pp. 86-87

[50] *Ibid.*, p. 95.

[51] Robertson, *op. cit.*, II, p. 370.

Annual Production from the Mines

Year	*Pesos*
1493-1500	250,000
1500-1545	3,000,000
1545-1600	11,000,000
1600-1700	16,000,000
1700-1750	22,500,000
1750-1803	35,300,000

The total yield from 1493 to 1803 was about five billion pesos, and Humboldt estimated the annual production at the beginning of the ninteenth century to be 43,500,000 pesos.[52] It is almost impossible to give the equivalent value in United States money because the peso was a variable quantity. Bourne states that the *peso de oro* was four hundred fifty maravedis or one-sixth of an ounce, and its value was about three dollars.[53] Robertson states that the *peso fuerte* or *duro* was the only one known in America and was worth about four shillings, six pence (approximately one dollar in United States money).[54] He says that in the sixteenth century it was worth five or six times as much. Because the value was so variable and so hard to estimate he used the Spanish peso in giving figures about the wealth of the mines. Most other writers on the colonization period have followed the same practice.

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[52] Bourne, *op. cit.*, p. 301.

[53] *Ibid.*, p. 104, note.

[54] Robertson, *op. cit.*, II, p. 468.

CHAPTER VII

INDIAN SLAVERY AND WORK FOR PAY

Although personal service of different kinds and forced labor in the mines under the encomienda system were in reality servitude of an oppressive type, they did not constitute actual slavery. In addition to these types of labor in which there was at least an attempt to protect some personal rights of the Indians, a regular slave traffic was carried on for a number of years. Columbus attempted to establish trade in Indian slaves as a source of revenue. When he pacified the island of Española in 1495, after disturbances during his absence, he took hundreds of the Indians as prisoners. Several shiploads were sent to Spain and offered for sale by Juan de Fonseca, the minister in charge of Indian affairs. The Catholic monarchs instructed Fonseca to hold up the sale until they had consulted some theologians and lawyers about the matter. Whatever the decision was, Ferdinand and Isabella gave the following order to Fonseca, January 13, 1496:

> Reverend Father in Christ, Bishop of Badajoz: In order to man certain galleys which the captain of our fleet, Juan Lezcano, has in our service, we have agreed to send him fifty Indians; wherefore we command you to deliver to the said Juan de Lezcano fifty of the Indians, who are to be from twenty to forty years of age. You will take his receipt for them . . . naming in it all the Indians he receives, with their ages, so that if the said Indians are to be free, the said Lezcano may return those of them [whom he has alive], and if they are kept as slaves, they may be charged against his salary.[1]

Columbus proposed a plan to bridge over the unprofitable years when the colony was becoming established by capturing and selling the Caribs who were cannibals. He suggested that the monarchs authorize contractors every

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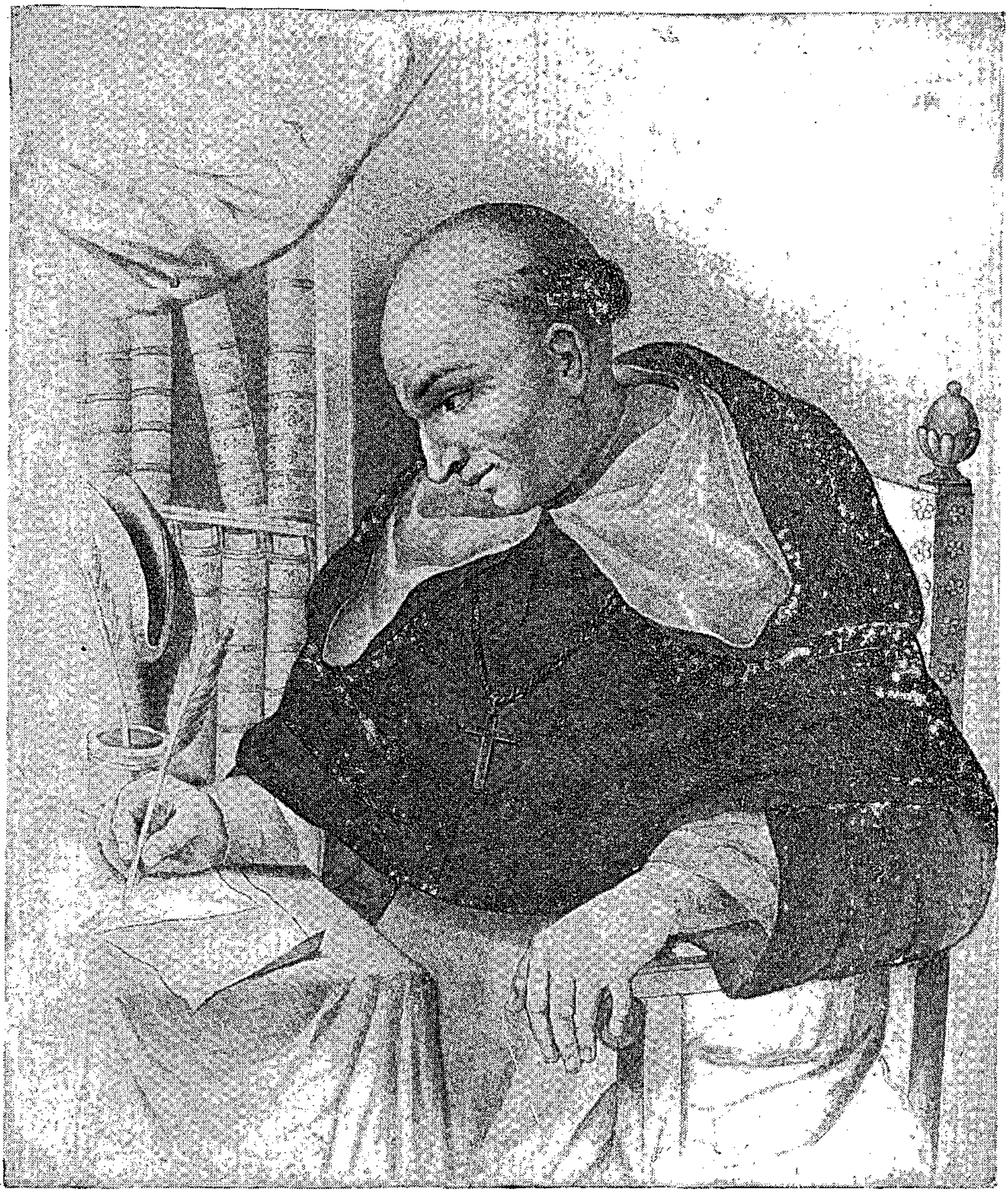
[1] Ferdinand and Isabella to Fonseca, Jan. 13, 1496, in *Documentos Inéditos de Indias*, XXXVIII, pp. 352-354; taken from Simpson, op. cit., pp. 20-21.



FRAY BARTOLOMÉ DE LAS CASAS, "Apostle to the Indians"
(See page 245)

year to bring to the colony cattle and beasts of burden for which they were to be paid in slaves. The victims were to be the cannibals who were a "wild people fit for any work, well proportioned, and very intelligent, and who, when they had got rid of their cruel habits to which they had been accustomed, would be better than any other kind of slaves."[2] While Columbus was in Spain preparing for his third voyage, his brother, Bartolomé, sent a large number of Indian slaves to Spain by Peralonso Niño. Niño wrote to Columbus and to the sovereigns that he was bringing gold. The practical joke of Niño almost spoiled Columbus' chances for his third voyage because the monarchs used the money set aside for him in expectation of receiving the gold from Española. Later some of the followers of Roldán took to the mother country the Indians which had been granted them by Columbus. This time the queen became angry and ordered that the slaves should be returned to Española on the pain of death. She said that Columbus had no right to give away her vassals. Isabella granted permission to enslave those who were captured in war or who resisted the Christian religion. It was the custom to brand the slaves on the body or face. The slaves were called "stichos," "stigmáticos," or "stigmosos."[3] By an order issued on September 19, 1528, branding was made an official act:

> By reason of the disorder in making slaves, it is commanded that whosoever shall possess Indians whom he asserts to be slaves shall present them before authorities (la justicia) in the place where the Royal Officers may be, and show the title or cause why these men are slaves; and the authorities approving, the slave shall be inscribed by a scrivener and branded with an iron, which only the authorities shall keep and no private person. The Indian who is found to have been a slave unjustly let him be set at liberty, and notification made by a public crier.
>
> Signed at Madrid by Cobos, Secretary of State.[4]

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[2] Major, *Select Letters of Columbus*, p. 85; from Bourne, *op. cit.*, 38.

[3] Solórzano, *op. cit.*, I, p. 61.

[4] *Provisión Real*, Col. de Muñoz Ms. tom. 78; taken from Helps, *op. cit.*, III, p. 126.

When the Indians of Española died off because of the rigors of the encomienda system and other causes, Indians were brought from the smaller islands and the mainland to replace them. Raiding expeditions went to the Lucayas (Bahamas), captured the natives, and sold them for four pesos apiece.[5] After a short time the islands were practically deserted. The Indians who resisted were often hanged or burned; those who escaped were hunted with dogs.[6] Don Fray Juan de Zumárraga, bishop-elect of Mexico, reported to Charles V in 1529 as follows:

> As soon as I came to this country, most Puissant Lord, I was informed that the province of Pánuco, of which Nuño de Guzmán is governor, had been destroyed and devastated, because the said Nuño de Guzmán had taken from it a great number of its free natives, branded and sold them for the islands. And since I wished to learn more about the business—as it seemed very harmful and contrary to your Majesty's royal purpose—I have found and verified that as soon as Nuño de Guzmán was received in that province he gave a general license to all of its inhabitants [Spaniards] to take twenty or thirty slaves for the islands; and this was done. And as this trade came to the attention of all merchants and traders in the islands and they saw it was profitable, they came to the province of Pánuco, for their own interest and because Guzmán called them, and he himself sent to have ships fitted out for it. And things have come to such a pass that the whole province is dissipated and destroyed. Nine or ten thousand souls have been removed, branded as slaves and sent to the islands; and truly I think there were more, because more than twenty-one ships have sailed from there laden.

The Indians abandoned their villages and fled to the wilderness. Their chiefs ordered that no one should have intercourse with his wife so as not to have children to be made slaves before his eyes. Of those who were taken from the country three shiploads sank and others threw themselves into the sea and were drowned. Those who did reach the islands were weak from hunger and thirst; they easily contracted disease and soon died. Since the coming of Guzmán to Pánuco as governor he had taken out nineteen thousand Indians as slaves. The branding was in the hands of those who were conniving with the persons in authority, and these men did not make the examination required by the king.[7]

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[5] Don Juan Ortega Rubio, *Historia de America*, I, p. 351.

[6] Helps, *op. cit.*, I, p. 223f.

Juan Ponce de León heard from slave raiders in the Bahamas of an island of Bimini.[8] This information led to the discovery of Florida. Many of the exploring expeditions were made principally to supply labor for the islands where the natives were fast disappearing. The discovery of Yucatán and Mexico was made by slaving expeditions.[9] The islands where there were no rich mineral deposits were considered useless, and it seemed just to the Spaniards to capture the Indians on these islands. The Bahamas were depopulated by transporting their inhabitants to the mines of Española and the pearl fisheries of Cumaná (because they were excellent divers). In 1629 the English established their first colony on the Bahamas, and except as they served as a refuge for pirates, they remained almost uninhabited. The dispute over their possession was finally settled in 1783 when they were given over to the English political and social systems. Most of the other Lesser Antilles were depopulated by the Spaniards to replace the Indians destroyed on the islands of Española, Cuba, Jamaica, and Porto Rico.

The Caribs deserve special mention because they were strongest in their resistance to the Spaniards. When Columbus came to the New World these Indians were cannibals. "The ancient choniclers distinguish three fundamental groups among the Indians of the Antilles, that is to say: the Cubuneyos of Cuba, the Arovacos or Aruacos of Puerto Rico and La Española, and the Caribs of the small Antilles; the latter in the epoch of discovery had conquered the rest whom they had expelled from the smaller Antilles and in part also from Puerto Rico and La Española, having assassinated or put to flight the Arovaco men, but retaining the women."[10] This accounts for the fact that when the Spaniards came they found that the women spoke a different language from the men. No colonial settlement of a permanent character could be formed on the smaller islands until 1624. From that date the natives were rapidly expelled by the English, French, Hollanders, and Danish. Some remained on the islands of Santa Lucía, Domínica, and San Vicente because they could hide in the forests. In 1796 about five thousand Caribs were deported to Honduras. In 1902 a few remained. The Caribs were more warlike than the natives of the other parts of the Spanish colonies and often made raids on the colonies. In 1505 Ferdinand gave permission to enslave the savages who opposed with armed resistance the attempts to pacify them; this was meant especially for the Caribs, but it was made an excuse for the enslavement of peaceful Indians as well. The Caribs as the last survivals of the natives found by Columbus offer special interest to ethnology. There remain very few of the pure Indian blood because of continual crossing with the negroes. In Domínica exist perhaps two hundred Caribs (1926), and of them only fifteen families are not mixed with African elements. They live in the same manner as their ancestors: indolent, happy, maintaining themselves by fishing and tilling the land.[11] These Indians never came under the encomienda system except when they were taken to the larger islands, but they were enslaved whenever the Spaniards could succeed in capturing them.

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[7] Simpson, *op. cit.*, Appendix V, pp. 224-248; Joaquin García Icazbalceta, *Don Fray Juan de Zumárraga.* Appendix, 1-42; *Documentos Inéditos de Indias*, XIII, pp. 104-179.

[8] Priestley, *op. cit.*, p. 15.

[9] Simpson, *op. cit.*, p. 42.

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[10] *Enciclopedia Universal Ilustrada,* XI, p. 930.

[11] *Ibid.,* p. 928.

Isabella on her death bed admonished her successors to see that the Indians were treated well. One of the provisions of the New Laws of 1542 was:

> We order and command that from now henceforth for no cause of war, nor any other cause, although it be the title of rebellion, nor by *rescata* [barter or sale], nor in any other manner, any Indian be made a slave. And we desire and command that they be treated as our vassals of the Crown of Castile, as they are.[12]

Since the New Laws were so unsuccessful, the instructions sent to the Audiencia of Mexico in 1553 were not quite so drastic:

> That the audiencias of the Indies . . . place at liberty the Indians who have been made slaves against reason, justice, and against the provisions and instructions given by us; if the persons who hold them as slaves do not show good title of how they hold them and possess them legitimately without waiting for more proof nor having other title, notwithstanding any possession which there is of servitude . . . although nothing be proved by the Indians and the possessors have a bill of sale or other title . . they are free as our vassals.[13]

Legislation against Indian slavery continued through the reign of Philip IV, although negro slavery was encouraged. Charles I decreed in 1530 that the Indians should be free and not subject to servitude, but he found it necessary to repeat this decree in 1532, 1540, 1542, and 1548.[14] In 1528 and again in 1543 he prohibited the taking of Indians to Spain,[15] and in 1552 ordered that those who were in Spain should be returned to their native lands.[16] A decree of 1541 provided for the punishment of encomenderos who sold their Indians,[17] and in 1550 and 1556 Indians from Brazil or other parts of the demarcation of

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[12] Solórzano, *op. cit.*, I, p. 59.

[13] *Idem.*

[14] *Recopilación*, Lib. VI, Tit. II, Ley i.

[15] *Ibid.*, Lib. VI, Tit. I, Ley xvi.

[16] *Ibid.*, Lib. VI, Tit. I, Ley xvii.

[17] *Ibid.*, Lib. VI, Tit. II, Ley ii.

Portugal were declared to be free in the Indies.[18] Corregidores and alcaldes mayores were commanded to give account of the liberty of the Indians to the audiencias.[19] Indians were often enslaved by their own caciques, and attempts were made to regulate this. Although caciques who claimed Indians in vassalage were to be heard, it was decreed that the jurisdiction of the caciques should not extend to mutilation or death,[20] and these chiefs were forbidden to receive daughters of Indians as tribute.[21] A decree was issued in 1538, repeated in 1541, stating that caciques might not hold their subjects as slaves.[22]

During the reign of Philip II (1556-98) the decree against caciques' holding subjects as slaves was repeated, but the Spaniards who held slaves by title were not to be condemned.[23] In 1569 a decree permitted the enslaving of Caribs, who would not be reduced to civilization or Christianity;[24] this was one of the decrees which gave an excuse to the raiding parties. Philip II paid particular attention to the natives of the Philippines. He decreed that they should not be taken by force to the other islands,[25] that an official should be appointed to see that there was no slavery in these provinces;[26] but that the Mindanaos who were Moors and made war against the Spaniards might be enslaved.[27] The last of these was repeated in 1620 by Philip III.

In Tucumán and Rio de la Plata Indian slaves were held *de rescates,* by barter or sale; in 1618 Philip III issued a decree against the buying and selling of the natives in these provinces.[28] Nine years before this (1609) a general decree was sent out prohibiting the loaning of Indians or placing them on sale.[29] In Chile advantage was taken of the permission to enslave Indians who rebelled; therefore, the liberty of the Indians of Chile was declared in 1608,[30] but Philip IV found it necessary to repeat this decree in 1625 and 1663, and it was repeated by Charles II with no date given. No other decrees are given in *Recopilación* for the reign of Charles II which refer to slavery except a general law about the liberty of Indians in the viceroyalties of Perú and New Spain, issued in 1679. Under this law the viceroys of Perú were given permission to distribute Indians in encomiendas.[31] By this time negro slavery had become quite common.

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[18] *Recopilación,* Lib. VI, Tit. II, Ley v.
[19] *Ibid.,* Lib. VI, Tit. II, Ley x.
[20] *Ibid.,* Lib. VI, Tit. VII, Ley xiii.
[21] *Ibid.,* Lib. VI, Tit. VII, Ley xiv.
[22] *Ibid.,* Lib. VI, Tit, II, Ley iii.
[23] *Ibid,* Lib. VI, Tit. II, Ley xv, Ley iii.
[24] *Ibid.,* Lib. VI, Tit. II, Ley xiii.
[25] *Ibid.,* Lib. VI, Tit. I, Ley xv.
[26] *Ibid.,* Lib. VI, Tit. II, Ley ix.
[27] *Ibid.,* Lib. VI, Tit. II, Ley xii.
[28] *Ibid.,* Lib. VI, Tit. II, Ley vii.

In 1670 Padre Diego de Rosales, a Jesuit, wrote a *manifesto apolojético* on the evils of slavery in the kingdom of Chile. He said that at first slavery in Chile was by royal permission because of a decree of 1608 stating that slaves might be made of all who were taken in war. A later decree, 1655, declared that "if said Indians of war of the kingdom of Chile return to the Church and are reduced, slavery is to cease." He said that the practice of enslaving the Indians endangered many souls. It perpetuated war because war was sometimes made on friendly Indians to give an excuse for enslaving them. There were many unjust wars, and the Indians who were taken as slaves were subjected to terrible cruelties. He though that mestizos who were children of Spanish fathers and Indian slave mothers should be free because they inherited the state of the father. Slavery caused the Indians to take up arms in self-defense and was depopulating the realm.[32]

Priestley states that there were slave-catching expeditions in New Mexico in 1659 and even later. The pueblo Indians of this province never gave much trouble, but the wild tribes such as the Apache made constant raids on the settlers. These Apache Indians were seized by the Spaniards when they could be caught and sold as slaves. After some raids in 1675 several were hanged, fifty were whipped, and many were imprisoned. Priestley attributes the revolt of 1680 to the treatment of the Apache.[33] In 1680 the Indians drove out the Spaniards completely and they were not conquered again for thirteen years.

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[29] *Recopilación,* Lib. VI, Tit. II, Ley xi.

[30] *Ibid.,* Lib. VI, Tit. II, Ley xiv.

[31] *Ibid.,* Lib. VI, Tit. II, Ley xvi.

[32] Solar, *op. cit.,* II, pp. 183-250.

It might seem that the Indians had no contacts with the Spaniards except as slaves or encomendados, but there were always some in the pueblos who worked for pay or carried on trade with the settlers. Charles I decreed that the Indians should be permitted to raise any kind of herds,[34] to set up markets,[35] and to have the privilege of free commerce with the Spaniards.[36] Spaniards were not permitted to bargain with the tax collectors for the crops of the Indians,[37] and encomenderos were forbidden to hinder the free selling of the products.[38] The decree protecting the free sale of goods was repeated by Philip II in 1567. Because of the practice of the *ecclesiásticos* in taking advantage of Indians on their death beds in the matter of making wills, Philip II decreed that Indians should have freedom in disposing of their property.[39] The native traders were sometimes molested on their way to market and were forced to accept prices which were unreasonably low, while they were charged high prices for the goods which they purchased. The monarchs attempted to regulate these affairs.[40]

Charles I permitted Indians to hire by the job.[41] Evidently complaints were made about the wages that the Indian workers asked because a decree was issued in 1549 and repeated in 1552 and 1559 stating that they must be moderate in the daily wage required.[42] The wage was to be paid daily or weekly as it was ageeed. Philip III decreed that no Indian was to be paid in wine, *chicha*, honey, or *yerva* (a kind of tare).[43] The natives were allowed to make contracts for one year only;[44] hired Indians contracted for were not to be ceded to another person;[45] and if an Indian woman married while she was working under contract she was required to fulfill her contract, but her husband was to sleep at the home of her master.[46] Indian boys were permitted to work voluntarily in the weaving establishments,[47] also as shepherds.[48] The wage for these shepherd boys was fixed at two and one-half reales a week, ten reales a month, or five pesos a year to be paid in current money.[49] Indians were not permitted to work, even voluntarily, in taking out pearls and in the sugar mills because of the dangers attached.[50] The decrees ordering that the Indians working on estates or in mines should be paid have been mentioned. On July 17, 1622, Philip IV issued a decree fixing the daily wage for the Indians of the repartimiento of Chile:

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[33] Priestley, *op. cit.*, pp. 655-70.
[34] *Recopilación*, Lib. VI, Tit. I, Ley xxii.
[35] *Ibid.*, Lib. VI, Tit. I, Ley xxviii.
[36] *Ibid.*, Lib. VI, Tit. I, Ley xxiv.
[37] *Ibid.*, Lib. VI, Tit. I, Ley xxix.
[38] *Ibid.*, Lib. VI, Tit. I, Ley xxv.
[39] *Ibid.*, Lib. VI, Tit. I, Ley xxxii.
[40] *Ibid.*, Lib. VI, Tit. X, Leyes xi and xii; Tit. I, Ley xxvi.
[41] *Ibid.*, Lib. VI, Tit. XIII, Ley xii.
[42] *Ibid.*, Lib. VI, Tit. XIII, Ley ii.

> The daily wage which must be paid to each Indian of a repartimiento in the four cities of Santiago, Concepción, San Bartolomé de Gamboa, and la Serena should be a real and a half each day for the time which the mita shall last, besides food; and for the Indians of the three cities of the other part of the *cordillera*, a real and a fourth, and food; and for those of the city of Castro, Chile, and its limits a real and a fourth, without giving them food because there is found very little among the inhabitants and the Indians can bring it. And we command that discounting the tribute from the daily wages, they be paid in current coin in their own hands.[51]

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[43] *Recopilación*, Lib. VI, Tit. XIII, Ley vii.
[44] *Ibid.*, Lib. VI, Tit. XIII, Ley xiii.
[45] *Ibid.*, Lib. VI, Tit. XIII, Ley xviii.
[46] *Ibid.*, Lib. VI, Tit. XIII, Ley xv.
[47] *Ibid.*, Lib. VI, Tit. XIII, Ley x.
[48] *Ibid.*, Lib. VI, Tit. XIII, Ley ix.
[49] *Idem.*
[50] *Ibid.*, Lib. VI, Tit. XIII, Ley xi.
[51] *Ibid.*, Lib. VI, Tit. XVI, Ley xviii.

The time of the mita was two hundred seven days, and by a later decree each Indian was to serve fifteen days without pay after he had served the time for the tribute.[52] In Chile the Indians were sent out for the mita in thirds. One decree ordered that each Indian should pay the tribute for himself and two others. It was figured that at the rate of eight and one-half pesos a year for tribute this would mean twenty-five and one-half pesos for each mitayo to pay. At one real and a half it would mean one hundred thirty-six days of work for the tribute.[53] In the places where the daily wage was one real and a fourth, it would take one hundred fifty-three days of work because there the tribute was eight pesos per person. Counting out the fifteen days of free service which were to be given, there were few days left for which the mitayos were paid. In Tucumán, Paraguay, and Rio de la Plata the Indians who served in the personal mita were to be paid a real and a half a day and those who served by the month on estates were to be paid four and one-half pesos a month. The Indians who rowed rafts on the Rio de la Plata were to be paid as follows: from the city of Asunción to *corrientes*—four pesos; from corrientes to Santa Fé—six pesos; and from Santa Fé to Buenos Aires—six pesos.[54]

Messía, in his memorial, discusses the daily wages at the beginning of the seventeenth century. The Indians who guarded the flocks were paid five *patacones*[55] a month including the time it took them to go out to their work but not the return trip. About one hundred Indians made the journey from Andes to Potosí for which they were paid five patacones a month from the time they began the journey, but their food was not furnished and no provision was made for their return. Messía figured that an Indian ate each month one-half *hanega*[56] of maize and *chuno* (a kind of maize), valued at four patacones; the meat from one alpaca dried to make what they called *charqui* (jerked beef), valued at three patacones; and flour and a little dried fish, valued at two patacones. This would make a total of *nine* patacones necessary for a month's provisions besides vegetables and the expense of keeping their pack animals; and the pay was *five* patacones a month. In the mines of Potosí the workers earned three and one-half reales a day which amounted to three patacones a week. For six months, or twenty-six weeks, of work this would be a total of seventy-eight patacones a year. The laborers in the mines were required to pay what amounted to twenty-nine patacones in tribute, which with the grains assessed for the hospital and other extras made a total deduction of thirty-two patacones. This would leave the worker forty-six patacones for ten months of work including the four months for going and coming. His food would be gone and he was often in debt to the mine owner. The loss to his crops because of his absence, and the herds he would lose on account of forced neglect, would amount to one hundred patacones.[57]

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[52] *Recopilación*, Lib. VI, Tit. XVI, Ley xxvi.

[53] *Ibid.*, Lib. VI, Tit. XVI, Ley xxiv. (Eight reales to a peso.)

[54] *Ibid.*, Lib. VI, Tit, XVII, Ley xii.

[55] A *patacón* was a peso of silver, weighing one ounce, cut out with shears.

[56] *Hanega* or *fanega*—a dry measure, about 1.6 bushels.

Juan and Ulloa give just as dark a picture for the latter part of the eighteenth century. They stated that on the estates the mitayos were paid from fourteen to eighteen pesos a year and a piece of land twenty to thirty varas square.[58] They were obliged to work three hundred days a year, counting out sixty-five days for Sundays and fiesta days. Each year eight pesos were taken out of the wages for tribute, which would leave ten pesos. It took two pesos and two reales to buy the cloth necessary for the rough cloak to cover his nakedness, and the Indian would have left seven pesos and six reales to maintain himself, his wife, and children and pay contributions to the church. It was not possible for the Indian to raise all that he needed for food. He was forced to buy about one-half fanega of maize each month from his master who charged him double the regular price. This maize alone cost him six reales a month, nine pesos a year, or one peso, six reales more than he had from his year's wages. At the end of the year he would be indebted to his master and would be compelled to work the next year to pay his debts. When an animal died, the lord of the estate divided it among the Indian laborers for so much per pound, adding to their debt, and the meat was usually so spoiled that they could not eat it. If some member of the Indian's family died, he was required to pay the priest. The master supplied this money charging it to the laborer's account, and he was kept in slavery all his life. When the prices of food increased because of drought, the wages were not increased accordingly. The writers state that this was experienced in the province of Quito during the years 1743 and 1744, when they were there. The mortality among the Indians was great, and the province was left almost desolate.

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[57] *Relaciones de Vireyes de Perú*, II, pp. 348-356.

[58] *Vara*, about one yard.

A shepherd was paid eighteen pesos a year if he had a full flock; if he had two flocks, he was paid a little more but not double the amount. At the end of each month a count was made and the shepherd was charged for all of the sheep which were missing. He guarded the flocks on the high tablelands among the lonely ravines. The settlements were three or four leagues distant. Since the Indian was forced to work in the gardens and fields of the master, he often left the flocks to his wife or little children five or six years old. It was impossible to prevent the loss of some sheep in the ravines, marshes, on the steep hillsides, or by the claws of condors. In Spain a flock of five hundred sheep was tended by a shepherd and an assistant. In Andalucía at this time a shepherd earned thirty reales a month or twenty-four pesos a year, and a subordinate earned sixteen pesos a year, forty pesos for the two. He was given bread, oil, vinegar, salt, and what was necessary for the dogs. There was a head shepherd who was provided with a horse. In Perú a flock was made up of eight hundred to one thousand sheep which were tended by one man. He received only eighteen pesos a year from which eight pesos was taken for tribute, leaving him only ten pesos, and he had to provide for his dogs. The difference in wages could not be attributed to a difference in prices because the necessities were more expensive in the colonies than in Spain. The shepherd slept on a piece of undressed sheepskin without any pillow, and his dress was a rough cloak which he did not change even at night. His food was often a few spoonfuls of barley flour which he rolled around in his mouth and then swallowed with a large quantity of water or of *chicha,* a sort of beer made from maize; or a handful of maize boiled in water until the grain burst.

Some Indians were employed to care for the dairy herds. The milk was used for cheese, and the herders were blamed when there was a lack of milk. The workers in the woolen factories earned one real a day from which one-half real was taken to pay the salary of the corregidor. The one-half real left to the worker was not enough to pay for his chicha which he considered so important.[59] These accounts would indicate that conditions were not very much improved under the system of work for pay, but it is hard to tell how general these conditions were. The fact that the second ordinance passed for intendants, in 1803, admonished these new officers to free the Indians from the mita and see that they were paid promptly[60] indicates that abuses continued down to the eve of the revolutions. Even after the revolutions, in 1868, Miguel S. Zavala wrote a pamphlet urging that laws be made for the protection of the Indian workers, among them a law prescribing a definite daily wage.[61]

One cannot judge the results of the labor system in the Spanish colonies entirely by figures showing the decrease in the number of Indians because there were so many causes contributing to the depopulation. The extermination of the Indians of the Caribbean is a subject which has caused much comment from the time of Las Casas down to the present. Although it has been contended that the figures of Las Casas are very much exaggerated, the fact remains that of the Indians inhabiting the islands when Columbus came, there are almost no traces today. Bryan Edwards makes the following comment:

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[59] Juan and Ulloa, *op. cit.,* pp. 268-277.

[60] *Ordenanza General para instrucción de intendentes,* p. 115.

[61] Miguel S. Zavala, *Protectorado de Indias.*

> In estimating the number of our islanders, when first discovered by Columbus, historians widely differ. Las Casas computes them at 6,000,000 in the whole; but the natives of Hispaniola were reckoned by Ovieda at one million only, and by Martyr, who wrote on the authority of Columbus, at 1,200,000, and this last account is probably correct. Judging of the other islands by that, and supposing the population of each to be nearly the same in proportion to its extent, the whole number will fall greatly short of the computation of Las Casas. Perhaps if we fix on three millions, instead of six, as the total, we shall approach the truth as near as possible, on a question that admits not of minute accuracy. Indeed such are the accounts of the horrible carnage of these poor people by the Spaniards, that we are naturally led to hope their original numbers must have been greatly exaggerated, first by the associates of Columbus, from a fond and excusable propensity to magnify the merit and importance of their discoveries, as undoubtedly they were afterwards by the worthy prelate (Las Casas), whom I have quoted, in the warmth of his honest indignation at the bloody proceedings of his countrymen.[62]

A. G. Keller gives the following statements in his work on colonization:

> Depopulation proceeded most rapidly in the Antilles, as was natural. The islands were the first meeting ground of the two races, and the islanders were less numerous in proportion to the invaders; upon the continent, especially in Mexico, the efforts of Cortés and of the clergy were interposed to mitigate the

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[62] Edwards, *op. cit.* I, p. 73.

> violence of racial collision where the victor knew scarcely more pity for the unmatched victim than beast does for beast . . . in the Antilles the native race was almost annihilated. In the first three years of conquest the population of Española was supposed to have been reduced by at least two-thirds. [Bourne: according to Fabie, the native population of Española was reduced much, but probably not to one-tenth of its former number, as Las Casas says]. Peschel, an experienced ethnologist and critical historian, after weighing all the evidence, places the population of Española in 1492 at less than 300,000 and at over 200,000. In 1508 the number of natives was 60,000; in 1510, 46,000; in 1512, 20,000; in 1514, 14,000. In 1548 it was doubtful if five hundred natives of pure stock remained, and in 1570 only two villages of the Indians were left. A similar fate befell all of the islands.[63]

Although all of the authors studied and the laws themselves give evidence that the great causes of the depopulation were the cruelty of the Spaniards and the shameful practices in the name of the encomienda system, there were many other causes which contributed to the destruction of so many people. Keller gives these:

1. Compulsory labor under the encomienda system.
2. The work in the mines, often thirty to two hundred fifty miles from home.
3. Separation from families.
4. Excessive burdens on the women.
5. Short rations and cruel treatment.
6. Micro-organisms of disease.
7. Introduction of alcoholic drinks.
8. Nostalgia or homesickness because of changed environment; derangements of the reproductive system.

It is, however, perfectly evident that maladies could not have produced the extreme and continuous depopulation to which reference has been made; such quantitative injuries to population are speedily made

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[63] Keller, *op. cit.*, p. 265-266.

> up, if life conditions are otherwise favorable. . . . The common explanation is . . . savagery of the conquests and raid, famines, heavy taxes, greed, over-loading with hard and unaccustomed labor. . . . The action of the Indians themselves is indicative. . . . They risked starvation, flight, renunciation of procreation, and infanticide.[64]

Edwards, following the example of Las Casas, places almost the entire blame upon the cruelties of the Spaniards, in the following scathing words:

> All the murders and desolations of the most pitiless tyrants that ever diverted themselves with the pangs and convulsions of their fellow-creatures, fall indefinitely short of the bloody enormities, committed by the Spanish nation in the conquest of the New World; . . . a conquest, on a low estimate, effected by the murder of two millions of the species. But although the accounts which are transmitted down to us of this dreadful carnage, are authenticated beyond the possibility of dispute, the mind, shrinking from the contemplation, wishes to resist conviction, and to relieve itself by incredulity.[65]

Don Antonio de Ulloa, in his *Notícias Americanas,* discusses the subject of depopulation at length. A summary of the causes which he mentions is given below.

1. The terrible ravages of small pox.
2. The use of strong drink, the immoderation of the Indians, and their incapacity for self-control.
3. The repugnance to being subject to a foreign nation.
4. The forcing of the Indians to work against their wishes.
5. The mixture of races. He stated that the New World would come to be populated entirely by a mixed race which would partake of the elements of the white, black, and Indian races. In 1792 the population of Perú was made up

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[64] Keller, *op. cit.,* pp. 265-272.

[65] Edwards, *op. cit.,* I, pp. 104-105.

mostly of mestizos, who were for the most part children of Indian mothers and white fathers. Children of white mothers and Indian fathers were rare. One reason for this was that the children of Spanish fathers and Indian mothers were exempt from paying tribute, which was not true in the case of white mothers and Indian fathers. This exemption from tribute was one of the causes of the increase in the mixed population and the diminishing of Indians of pure blood. It was a rare thing and was held as shameful for a mestizo woman to become allied again with the Indians.

6. The abhorrence of the whites for work and the hardships placed upon the few pure-blooded Indians who remained to do the hard labor.[66]

Notwithstanding the terrible cruelties of the labor system, the social legislation of the Spanish monarchs was in advance of the times, regulating hours of labor, prohibiting the work of women and children under eighteen, fixing the wage, and providing for hospital care. Schools[67] and churches were provided for the Indians, and they were reduced to a form of civilization and Christianity.

CONCLUSIONS

Most of the Indian labor in the Spanish colonies of the New World came under the encomienda system, a type of serfdom which had its roots in feudalism and became the basis of the social and economic life of nearly all of the Spanish provinces. Under this system Indians, as vassals of the king, were allotted to Spanish conquerors and settlers as reward for services done for the crown. They were to protect the Indians and to teach them the Holy Catholic faith in return for the privilege of retaining most of the tribute which rightfully belonged to the king. Beginning with the first conqueror, Christopher Columbus, personal service was exacted in lieu of tribute, and the Spaniards became in reality feudal overlords with certain reservations such as had existed in the feudalism of Castile. Upon the forced labor of the natives rested the very life of the colonies, although through it the life of the native people was practically extinguished. Although the distribution of Indians was authorized by Ferdinand V and other monarchs, there were many attempts to abolish it. The legislation reiterated again and again the benevolent purposes of the system, and Las Casas and other reformers were influential in securing humane decrees; but the regulations were very poorly executed. The decrees themselves reveal numerous abuses of the Indians which continued throughout the reigns of Charles I, Philip II, Philip III, Philip IV, and Charles II. The decrees were repeated so many times that they seem more like protests than enactments to be enforced. Vigorous attempts to enforce the legislation, such as that which followed the passage of the New Laws in 1542, met with such strenuous opposition that the monarchs yielded to the desires of the colonists. The encomiendas which belonged directly to the king and those which the encomenderos lost were administered by corregidores or other royal officials who shamefully exploited the Indians. In spite of the many efforts to uproot the system, some encomiendas were still in existence at the time of the issuing of the second ordinance for the instruction of intendants in 1803. Recent legislation in the Spanish-American republics shows that the influence of the encomiendas has reached down to the twentieth century, in servile labor of the Indians.

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[66] Ulloa, *op. cit.*, pp. 291-293.

[67] *Recopilación*, Lib. VI, Tit. I, Ley xviii; Tit. IV, Ley xv.

The personal service exacted of the Indians who were entrusted to the Spaniards took many forms: domestic service, labor in the fields, care of the flocks and herds, carrying burdens over the rough trails, weaving blankets, work in sugar mills, gathering coca leaves, and plying canoes and rafts on the rivers. Although the orders from the monarchs and the Council of the Indies regulated hours of labor, required that the laborers be paid, and provided humane measures, the reports of the viceroys and other contemporary writers reveal the fact that the actual sufferings of the Indians were great.

The most destructive type of labor was that in the mines. Although the monarchs decreed that the Indians working in the mines should be paid, they permitted forced labor because they felt the necessity for the income from the mineral wealth of the American colonies. The Indians were taken far from their homes to take their turns under a mita system, and many never returned. The work was dangerous and the treatment cruel; but the monarchs received a steady flow of silver and gold from the royal fifth.

Gradually the Indian laborers were brought under a system of work for pay, and the wages were explicitly regulated by royal decree. The pay, however, was inadequate for the necessities of life, and so many deductions were made for tribute and special contributions that the helpless laborers were constantly in debt to Spanish landholders and mine owners. Actual slavery of the Indians existed during the first century of colonization, but after the middle of the seventeenth century negro slavery had taken its place to a large extent.

The Indians of the islands of the Caribbean were almost exterminated during the period of Spanish domination, and those of the mainland were greatly reduced in numbers. Although the cruelty and greed of the colonists were the principal causes of this depopulation, there were many other reasons for it; such as, civil wars, disease, strong drink, mixture of races, and pestilence. The story of the Spanish conquest and colonization, however, is not solely a tale of a succession of black deeds, for the *conquistadores* and their monarchs did much for the benefit of the Indians. Even before the settlement of the first English colonies in the New World, Spain had provided schools, churches, and local village government for the Indians. By that time labor legislation had been passed which it has taken many centuries to enact.

THE BATTLE OF VAL VERDE[1]

Contributed by Colonel M. L. Crimmins

The affair at Val Verde, in which G troop, acting as artillerists under the heroic McRae, participated with so much honor to itself, its regiment, and the corps to which it legitimately belonged, is described by one who took a distinguished part in that battle—Colonel Joseph McC. Bell—and who, at the writer's request, contributes the following graphic account:

"After preliminary skirmishing for the few days preceding the battle of Val Verde, the force concentrated at Fort Craig, under the command of Brigadier-General E. R. S. Canby, consisting of portions of the Fifth and Seventh Regiments U. S. Infantry, parts of the Second U. S. Dragoons and Third U. S. Cavalry, and the New Mexican Volunteers, First and Second Regiments, was moved out of post at five o'clock A. M. the 21st of February, 1862, the column marching under command of Colonel B. S. Roberts, making its way north along the valley and east bank of the Rio Grande, the light battery of six guns known as McRae's Battery, composed of Company G, Second U. S. Dragoons, and Company I, Third U. S. Cavalry (Captain Alexander McRae commanding, with subalterns Lieutenants Lyman Mishler and Joseph McC. Bell), occupying a central position in the column. The movement of the enemy, under command of Rebel General Sibley (formerly Captain of the Second U. S. Dragoons), being known, we anticipated battle, and hoped to check the march of the Rebel force towards the upper country. At about six o'clock A. M., while the main body of our troops were leisurely making way along the river-bottom, orders from the front sent us along at a gallop, with the battery, into position on the west bank of the Rio Grande, opposite to a battery already established by the enemy in a grove of heavy timber on the east bank of the stream, the distance between the batteries being about four hundred yards. In this position the light battery commenced its operations, and here successfully maintained itself during the morning, dislodging the opposing battery and forces, and clearing the east bank of the river so effectually as to enable the passage of the infantry forces and an occupation of the east bank. The exposed position of McRae's battery was not maintained without considerable loss, both in men and horses, which, however, seemed rather to inspire to greater efforts and greater enthusiasm. The prominence taken by the light battery early in the day was its destiny during the balance of the fight, and concentrated upon it the attention as well as the earnest efforts of the enemy. Under the personal supervision of Colonel Roberts, the operations of the light battery were carried on until mid-day without change of position, when we were moved to the east bank, the cavalry and infantry forces having already crossed the river. The 'wear and tear' of the morning required repair, both in men and horses; while the well-emptied limbers and caissons needing attention, the short respite after crossing was used in that way. In this second position the part taken by the battery was confined to occasional firing upon the enemy's cavalry and lancers, which were being massed some distance away.

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[1] *From Everglade to Cañon with the Second Dragoons,* pp. 239 ff. By Col. Theophilus Francis Rodenbough. Van Nostrand, New York, 1875.

"At this time the arrival of General Canby upon the field relieved Colonel Roberts of command, while a partial rearrangement of troops was made, which advanced McRae's battery to the front and extreme left of the line of battle, it being supported by two companies of the Fifth and Seventh Infantry, two companies Second Colorado Volunteers, with the First Regiment New Mexican Volunteers, commanded by Colonel Kit Carson, in reserve. In this last and third position of the battery the lay of the ground was such as to place it most disadvantageously for its free operations—crowded and hampered, and making a change of front, should the occasion arise, almost impossible. Hardly had we taken position when, under orders from General Canby (who made his headquarters with us for the rest of the day), firing was commenced upon our side, which discovered two *masked* batteries of the enemy, situated in an old bed of the river, and enclosing our position distant some one hundred yards. The formation of this old river-bed gave ample protection to their guns and gunners, while their enfilading fire on our entirely exposed command was most destructive to men and horses. This terrific fire of canister swept through us for some time (the battery supports meantime lying protected in the rear, as their presence could be of no assistance), when a body of the enemy, numbering some twelve or fifteen hundred men, rose from behind the old river-bank, and charged us. To describe this charge would be but to tell of many similar ones during the war, in which wild ardor and determination were the moving features.

"On they came, without order, each man for himself, and the 'devil for the vanquished,' in true 'Ranger' style, down to almost the muzzles of our guns. Our New Mexican allies had, upon the first fire of the enemy's batteries, fled to a more secure position on the west bank of the river; nor did they rest there, but continued their flight to still more distant quarters, leaving their gallant Colonel, Carson, and a few of his officers to do independent service in the battery. The remaining handful of the battery supports adding their efforts to ours, the enemy was driven back to cover again. Then again the Texan batteries opened with this same unsavory diet of canister, and we replied in kind, preparing for the next onslaught that was sure to come. And it did come, with larger numbers and more violence than before; and again, with double-shotted guns, they were driven back, but leaving us little able to resist successfully such another effort. In this second charge Captain McRae[2] and Lieutenant Mishler were killed, Lieutentant Bell thrice wounded, and certainly one-half the men and two-thirds of the horses either killed or *hors de combat*. The charging party of the enemy regaining their position behind the old river-bed, we were again treated to another and more continuous fire from their batteries, which we feared was but the introduction to another charge from their reinforced numbers. We hadn't long to wait for the *coup de main*. Down they came upon us, rushing through the fire poured into them, with maddened determination, until the whole force was inside the battery, where hand-to-hand men were slaughtered. Simultaneous with this third charge, a column of the enemy's cavalry moved upon our left flank, which commanded the attention of our infantry supports, leaving our thinned but enthusiastic battery-men to resist as well as possible the Texan force among us. At this juncture, when the battle was going hard with us, our reserve cavalry (a small squadron under command of Lieutenant Lord) was ordered, as the most available force, to charge into and occupy the battery until a portion of the Fifth Infantry could be brought from another part of the field. This movement was not a success, as it was found impossible for the cavalry to do anything amid the mass of struggling men, without riding down friend and foe alike; and having ridden close to the battery, their direction was changed to the rear. This movement, although made with the best intentions seems to have changed the whole spirit of the fight, from energetic determination to disappointment on the one side, and from wavering efforts to renewed exertions on the other. At this sorry period of the fight, with a large number of our men killed and wounded, horses dead and disabled, our supports badly thinned, and the enemy massing their forces upon us, General Canby gave the order to fall back. It was not possible to carry the whole of the battery with us, and but two guns and three caissons were taken across the river, under the fire that was poured into us by the Texan troops lining the east bank of the stream.

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[2] This officer refused to surrender, but, seated upon a gun coolly emptied his pistols, each shot counting one Texan less, until, covered with wounds, he expired at his post. In the Confederate reports of the battle the enemy bears involuntary testimony to the heroism of McRae and his command.—Editor.

"Thence the whole command fell back to Fort Craig, and was put into shape to resist any attack that might be made upon the fort. Thus ended the battle of Val Verde, in which McRae's battery took so conspicuous a part.

"Too much praise cannot be given to the companies of Second United States Dragoons[3] and Third United States Cavalry, manning the battery, for the part they took in the fight. *Failing in no duty, regardless of themselves, and having in view the honest performance of all that was to be done, they bore themselves as men of courage through the day,* and the regiments to which they belonged can claim with pride a participation in the battle of Val Verde, notwithstanding its *finale* was a defeat to our arms, although amply recompensed in the following successes of the campaign of New Mexico."

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[3] The casualties in G, Second Dragoons, comprised nine (9) enlisted men killed, eight (8) wounded, and two (2) missing.

ADOLPHE F. A. BANDELIER

BIOGRAPHICAL SKETCH AND BIBLIOGRAPHY OF ADOLPHE FRANCIS ALPHONSE BANDELIER

By F. W. HODGE

THE subject of this sketch, who laid the foundation for research in the archaeology and early history of the Southwest more than half a century ago, was born in Bern, Switzerland, August 6, 1840, and died in Sevilla, Spain, March 18, 1914. His early formal education was very slight, and he never attended school after his eighth year. He was brought to the United States as a boy by his father, who had been an officer in the Swiss army and who settled at Highland, Illinois, where he engaged in banking. In 1857 his father sent him to Bern, where he studied geology under Professor Studer of Bern University. On his return to Illinois the young man was associated with his father in banking and mining enterprises; but he soon learned that the humdrum life of a man of affairs was not to his liking, consequently, always being a student, he turned his attention to ethnology and archaeology, thus following the footsteps of his two distinguished countrymen, Albert Gallatin and Albert S. Gatschet, pioneers in elucidating the problems of Indian languages, and reflecting in his studies the direct and lasting influence of Lewis Henry Morgan, "Father of American Ethnology," of whom Bandelier has been characterized as the "most militant advocate and defender," and to whom he was fond of referring as his "revered teacher."

From his youth Bandelier engaged in the study of the early history and ethnology of Latin America, and when only twenty-three years of age showed his familiarity with the literature of these subjects in letters to Morgan. In 1877 he widened his knowledge by extensive travel in Mexico and Central America, a part of the product of which was the publication of papers from 1877 to 1879 on the ethnology of the ancient Mexicans. These influenced the Executive Committee of the newly-organized Archæological Institute of America to appoint him to conduct special researches in New Mexico and to refer to him as "marked by sound judgment and correct methods of historical interpretation," and to have "shown a minute and familiar acquaintance with the existing sources of information concerning the conditions of the native races at the time of the Spanish Conquest." Continuing, the Committee said: "Thoroughly equipped in this respect and possessing a knowledge of several European languages, and a fondness for linguistic studies which qualified him for the ready acquisition of native dialects, he has also the advantage of an enthusiastic devotion to his favorite studies, a readiness to endure any hardship in their pursuit, and a capacity for adapting himself to any necessity."

Proceeding to New Mexico in 1880, Bandelier's first attention was devoted to the ruins of the pueblo of Pecos, the results of which were published in 1881 (second edition, 1883) in connection with an "Historical Introduction."

From Pecos, Bandelier extended his researches to the Keres pueblo of Cochití, where he remained two months on terms of such familiarity and inspiring such confidence that he was adopted into tribal membership. "My relations with the Indians of this pueblo," he wrote, "are very friendly. Sharing their food, their hardships, and their pleasures, simple as they are, a mutual attachment has formed itself, which grows into sincere affection. They begin to treat me as one of their own, and to exhibit toward me that spirit of fraternity which prevails among them in their communism. Of course they have squabbles among themselves, which often reveal to me some new features of their organization; but on the whole they are the best people the sun shines upon." This sojourn at Cochití was the beginning of several which brought to the observer a keen insight into the life and customs of these villagers, and which, with similar observations among the Tewa, especially at San Juan, finally resulted in "The Delight Makers," published in German early in 1890 and in English that same year. This novel of early Pueblo life, shrouded under a title that affords little clue to its contents, did not meet the appreciation it deserved until years later, when much greater interest was taken in the Pueblo Indian tribes, making necessary a second edition in 1916 and a reprint two years later. It was Bandelier's belief that only by presenting the results of ethnologic study in the guise of fiction would they be read by the layman.

The opportunity being afforded the Archæological Institute of sending a representative to join in the researches of the Lorillard expedition to Mexico and Central America under Désiré Charnay, Bandelier temporarily suspended his New Mexico investigations, and in February, 1881, proceeded to Mexico, only to find that Charnay had ceased operations and was about to return to France. Bandelier thereupon proceeded to Cholula, where he spent four months in studying its famous pyramid, the customs and beliefs of the native inhabitants, and especially those respecting the deity Quetzalcoatl, for whose worship Cholula was particularly celebrated. In June he visited Mitla, and later Tlacolula and Monte Alban, and after preparing a report on his Mexican observations, which was published in 1884 by the Archæological Institute under the title "An Archæological Tour in Mexico in 1881," returned to the United States in March, to resume his observations on the Pueblos and their remains, a report on which was issued by the Institute in 1883. Bandelier continued his studies along the same general lines from 1883 to the winter of 1886, meanwhile (in 1885) making Santa Fe his home in order to be in more immediate touch with the field of his observations. During these years he penetrated almost every corner of New Mexico, southern Arizona, Sonora, and Chihuahua, and explored the country even farther southward in Mexico, visiting and describing hundreds of ruins and surveying and mapping many of them. His travels throughout this vast area were almost exclusively afoot and frequently were fraught with danger. More than once he was beset by hostile Indians, including a band of Apache while on a raid, and on one of these occasions his life was spared only because he simulated insanity. During one of his journeys he was afflicted with smallpox, and again, in 1882, had a narrow escape from death in a midwinter blizzard in the desert of eastern New Mexico, where his two companions perished, but his own hardihood enabled him to brave the storm and to reach safety after journeying 93 miles on horseback and 35 miles afoot through deep snow. So persistent was Bandelier in carrying out his plans of exploration and study, no matter what the personal risk, that several times he was reported to have been killed. He traveled armed only with a stick a meter long and graduated for measuring ruins, and relied on the meager hospitality of a pitifully unsettled and arid country for the means to keep body and soul together. Only by one who knows the difficulties of travel in the field of Bandelier's researches half a century ago, can the trials experienced by this earnest and enthusiastic student during the years of his labors be comprehended.

Limitation of space forbids at this time an extended review of Bandelier's investigations in our Southwest and in Mexico. But he who would may read the published accounts of this remarkable man's scholarly efforts, for during his most active years he wrote prolifically of the results of his studies. No small part of his ambition was to upset the popular theories respecting the history, archaeology, and ethnology of the great Southwest. To this end he destroyed the fanciful notions regarding the "Aztec" origin of various Pueblo ruins, the "Montezuma" myth among the Pueblos, the age of the city of Santa Fe, the mystery of Quivira and of the "Gran Quivira," the location of the Seven Cities of Cibola, the routes of various early Spanish explorers, and many other fallacious beliefs, and was the first to offer scientific evidence, based on his broad scholarship and remarkable ability in the utilization of source material, to settle once for all the varied problems concerning the condition and range of the Pueblo and other tribes before and after the beginning of the Spanish period. As to the enduring value of Bandelier's work, the present writer, who has dabbled in a limited area of the same field, can confidently say that no study pertaining to the history of the tribes of our Southwest and of northern Mexico should be conducted without utilizing the product of Bandelier's researches as a foundation. His sane and acute sense of discrimination in interpreting the *intent* of early Spanish explorers and missionaries, his unequaled familiarity with the country, the sources of material, and the Indians themselves, and his remarkable power of analysis, have been the means of placing in the hands of present and future students the materials for more intensive work without which their tasks would be arduous indeed.

From time to time Bandelier prepared various accounts of the progress of his investigations in the Southwest, which were incorporated chiefly in the annual reports of the Archæological Institute, although several valuable papers appeared in various periodicals, while some of his knowledge was embodied in brief articles contributed to the "Century Cyclopedia of Names" and, more recently, to "The Catholic Encyclopedia." What may be regarded as his magnum opus, however, is the "Final Report of Investigations among the Indians of the Southwestern United States, Carried on Mainly in the Years from 1880 to 1885," Part I of which was issued by the Archæological Institute in 1890, and Part II in 1892. Of equal importance, from the historical point of view, is his "Contributions to the History of the Southwestern Portion of the United States," published also by the Archæological Institute in 1890, partly at the expense of Mrs. Mary Hemenway.

Although the two investigators had been working along related lines in the same field for about three years, Bandelier and Cushing did not meet until 1883, but from the moment of their contact at the Pueblo of Zuñi, where Cushing, in the prosecution of his studies, was then leading the life of an Indian, a warm friendship sprang up which ceased only with Cushing's death in 1900. In Bandelier's judgment the only way in which ethnological researches can be conducted successfully is by long and intimate life among the people to be studied, in the manner then being pursued by Cushing. In Bandelier's estimation Cushing was the only American ethnologist who ever "saw beneath the surface" of the Indians, who was able to think as the Indian thought. In the words of Bandelier, written in 1888, "the value of Mr. Cushing's results does not lie so much in establishing a direct connection between such and such tribes; it establishes a *method of research* unknown heretofore,—one which leads to connections as well as to discriminations hitherto unnoticed."

With mutual appreciation of their respective endeavors, there is little wonder that, when in 1886 the Hemenway Southwestern Archæological Expedition was organized under the patronage of the late Mrs. Mary Hemenway, of Boston, and under the directorship of Cushing, Bandelier was selected as its historiographer. During the next three years he applied himself assiduously to a study of the Spanish archives relating to the Southwest, not only in Santa Fe, but in the City of Mexico and elsewhere. On the termination of the Hemenway Expedition in July, 1889, Bandelier's collection of copies of documents, together with a few originals, comprising in all about 350 titles, was deposited in the Peabody Museum of Harvard University.[1] In 1887-88 he prepared, in French, an elaborate manuscript history of 1,400 pages, illustrated with 400 water-color sketches, of the colonization and the missions of Sonora, Chihuahua, New Mexico, and Arizona, to the year 1700, at the instance of Archbishop Salpointe, who offered it to Pope Leo XIII on the occasion of the Pontiff's jubilee, and it now reposes in the Vatican.

In July, 1892, Bandelier went to Peru to engage in archæological and historical researches under the patronage of the late Henry Villard of New York; these were prosecuted under Mr. Villard's patronage until April, 1894, when the important collections which had been gathered were given to the American Museum of Natural History, and the investigations were continued by and for that institution, Bandelier's field of operations being now shifted to Bolivia. Meanwhile, soon after their arrival in Peru, Mrs. Bandelier died, and in December, 1893, at Lima, our explorer married Fanny Ritter, an estimable and charming woman, who, by reason of her linguistic training, her appreciation of the problems to the elucidation of which her husband was devoting the remainder of his life, and the breadth of her intellect, was a helpmate in every sense to the day of his death. In Bolivia Bandelier and his wife visited the ruins of Tiahuanacu, where many valuable collections were obtained and the structural details of the ruins studied and platted. Returning to La Paz the couple explored the slopes of Illimani, where, at an altitude of 13,000 feet, other valuable collections were gathered from the ruins and burial cists. In December of the same year Mr. and Mrs. Bandelier visited the island of Titicaca, where three and a half months were spent in archaeological and ethnological investigations; subsequently similar important work was conducted on the island of Koati.

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[1] See The Bandelier Collection of Copies of Documents Relating to the History of New Mexico and Arizona. *Report of the U. S. Commission to the Columbian Exposition at Madrid, 1892-93*, pp. 304-326, Washington, 1895.

Bandelier returned to the United States from South America in 1903, when he became officially connected with the American Museum of Natural History and undertook the task of recording his South American work for publication. He was also given a lectureship in Spanish American Literature in its connection with ethnology and archæology, in Columbia University in 1904. In 1906 he resigned from the American Museum and accepted an appointment with the Hispanic Society of America, under the auspices of which he prepared and published several contributions to South American history and archaeology. During a period of about three years, from 1909 to 1911, Bandelier suffered practically total blindness from cataract, but he continued his work, with the aid of his wife, who now became eyes and hands to him. During this period of darkness the most important of his writings on South American history and archaeology, "The Islands of Titicaca and Koati" (New York, 1910), was published by the Hispanic Society.

In October, 1911, Bandelier was appointed research associate in the Carnegie Institution of Washington for the purpose of enabling him to complete his studies of the Spanish documentary history of the Pueblo Indians, under a grant to extend for a period of three years. Proceeding to the City of Mexico, he was there engaged for several months, aided by his wife, in transcribing early documents pertaining to the subject of his investigation. He returned to the United States in 1913, and in the autumn of that year sailed for Spain for the purpose of continuing his researches in the archives of Madrid, Sevilla, and Simancas. In these investigations he was engaged at the time of his death.

In personality Bandelier was as simple as a child; he detested sham and charlatanry, was immovable in his friendship, and was an implacable enemy; he was the soul of generosity and hospitality, and was often saved from his troubles (which at times, owing to an extremely sensitive nature, he was wont to exaggerate) through a remarkably effulgent humor. Modesty was one of his strongest characteristics; he abhored notoriety, and rarely spoke of his personal achievements or of the dangers to which he had often been exposed during his work, except to a few intimates. He cordially disliked titles, and especially that of "Professor"; when thus addressed he is known to have said, "I *profess* nothing—if you would attach a handle to my name, let it be 'Mister.' " And when he was addressed as "Doctor," his reaction most likely would be, "Don't 'doctor' me; I'm in perfectly good health, thank you!" He equally detested to hear his name pronounced in any but the French way. He was sometimes hypercritical, as when he referred to H. H. Bancroft as "the great wholesale book manufactory

BANDELIER AT THE CHURCH (since destroyed) IN SANTO DOMINGO PUEBLO at San Francisco who threatens the world with another senseless, brainless compilation"; but this was long before the extreme usefulness of Bancroft's great work became widely recognized.

The value of Bandelier's scientific work has already been inadequately appraised in this all too brief sketch of the life and activities of the eminent scholar. There can be no question that the product of his untiring mind during a period of nearly forty years will stand the test of time, although Bandelier himself, with characteristic modesty, once expressed the fear that the results of his Southwestern labors, at least, might not eventually prove to be worthy of his efforts. Those who knew Bandelier and the importance of his researches will agree fully with the expression of a companion in the South American field and a long-time friend:

"Fully conscious of the results of his absolute thoroughness of work, he was averse to notoriety; he cared only for the verdict of the Scientific world—and even for that, not enough to pursue it. He was a man essentially modest. Had he not been, he would have been blazoned throughout the world, as far less eminent scholars have been. As it is, his monument is his work, and the love and reverence of those who knew him and his achievements. . . His extraordinary intuition was balanced by a judicial quality no less rare, which characterizes not only his own writings but his own estimate of his own work. His tireless and conclusive investigations upset many theories, and made him a target of much controversy, of which much was not of the same temperate and equitable quality. His work throughout is distinguished no less by its deep and definitive learning, than by the moderation, gentleness, and justice with which he disposed of theories and statements advanced with less honest revision."[2]

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2. Charles F. Lummis in *El Palacio,* Santa Fe, N. Mex., April-May, 1914.

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The editing of Bandelier's journals, covering a period of thirty-four years, is in progress by his wife, with a view to their publication in three volumes by Fisk University, Nashville, Tenn., with which Mrs. Bandelier is associated. The titles above given are only approximate.

TEN YEARS AFTER

PRINCE, LE BARON BRADFORD (July 3, 1840—December 8, 1922), statesman, author, historian, jurist, orator, antiquarian, is rightfully claimed by two commonwealths, New York and New Mexico. The former gave him birth, schooling, and his first experience in politics and as a legislator, and there he died and was buried. Of the latter he was a citizen and to it he gave his mature years, impressing upon its laws and development his dominant personality during a plastic period of transition. Prince was born at Flushing on Long Island, New York, where he also died. He was the son of William R. and Charlotte G. Collins Prince, who bestowed upon him pride of ancestry and scholarly tastes. His mother, a lineal descendant of Governor William Bradford of Plymouth of Mayflower fame, was the granddaughter of Governor Bradford and daughter of Governor Collins of Rhode Island. On his father's side, the Prince family had taken prominent part in Queens County affairs, an interest which the son maintained throughout life. He was only eighteen when he founded the Flushing Library, he was thirty when he organized the Flushing St. George Brotherhood, he was forty-six when he conceived the Flushing Civic Association, and it was to Flushing he went frequently from Santa Fe until his last visit which was there terminated by death. His first published work was "The Agricultural History of Queens County" (1863).

It was while a student at Columbia University Law School that he wrote "E Pluribus Unum or American Nationality," published by G. P. Putnam & Son in 1867, a year after Prince received his LL.B. degree. It was this book which immediately gave him a place among Republican leaders of New York who clung to the conservative, traditional interpretation of the Nation's fundamental law. Colorado College and Kenyon in later years conferred on him the Doctorate of Law. Delegate to New York Republican state conventions for twelve years up to 1878, he was a delegate also to the National convention which nominated Grant for the Presidency and served on the State Republican committee during the campaign. Elected to the State Assembly in 1870 from what was then a Democratic bailiwick, he was re-elected successively until in 1875 he was sent to the State Senate by large majority. As chairman of the Judiciary Committee he conducted the impeachment trial of two judges and formally presented the charge of high crimes and misdemeanors against Judge Barnard at the bar of the State Senate. He was father of the amendments of 1874 to the New York state constitution and many years later succeeded in embodying features of New York's constitution and laws in New Mexico's statutes and the rejected constitution formulated during his term as governor of the territory. Sent to the Republican National Convention of 1876, he broke with Roscoe Conkling, a breach which was the determining factor in the acceptance in 1879 by Prince of the chief justiceship of New Mexico which was tendered him by President Hayes although Prince had previously declined the governorship of the territory of Idaho.

Although chief justice, his duties included those of district judge of the First Judicial District covering six counties of the territory, in area comparable with the State of New York. It was the day before railroads and paved highways, a day when juries were still Spanish-speaking and the business of the courts was conducted through interpreters. Riding the circuit involved hardships and privations which were novel to the scholar and jurist from exclusive Long Island social circles, experiences to which Prince adjusted and adapted himself quickly until his love for his adopted commonwealth became a ruling passion for almost half a century. He soon was known as the hardest working judge that the New Mexico bench had known, sitting from eight in the morning until eleven at night with only an hour's recess each for noon and evening meals.

Still, he found time to prepare and publish a much needed compilation of New Mexico statutes, until then a conglomerate accretion from the days of the Kearny Code and including the fragments of the civil law remainders of Spanish and Mexican sovereignty and a hodge-podge of legislative enactments in two languages in quaint phraseology of primitive irrigation, mining and community customs and rights. This compilation became the basis for future legislative enactments and compilations.

In 1882 Prince resigned from the Bench. Defeated for Congress in 1884, he devoted himself to the practice of law, historical research, civic development, church government, public speaking, writing for the press and the authorship of books, fruit raising, mining and financial operations, the wonder being that among his multitudinous activities he maintained a high degree of scholarship and even profundity. He collected assiduously Americana of archaeological and historical interest and became the owner of a fine collection of autographs of world celebrities. He gave generously of his time and effort to movements for the attainment of statehood by New Mexico. When this was finally granted New Mexico, he wrote and published *Struggle for Statehood,* the authoritative volume on the subject. He found time to conceive and supervise a magnificent historical pageant in 1883, a Tertio-Centennial celebration, at Santa Fe, New Mexico's capital. That year he was elected president of the New Mexico Historical Society, a place he held until his death, and which brought him the vice-presidency of the National Historical Society, honorary memberships in the American Numismatic and Archaeological Society, the Missouri, the Kansas, the Wisconsin Historical Societies, corresponding memberships in the Texas and the Minnesota Historical Societies, trusteeship of the Church Historical Society, and connection with other associations which he prized highly.

In the spring of 1889, President Harrison, persuaded by the promptings of financial and important railroad interests, but over the protests of many New Mexico Republican leaders, appointed Prince governor of the territory. During the first year of the administration, a constitutional convention formulated a fundamental law submitted to Congress for ratification but rejected by overwhelming majority at the polls. The legislative assembly at his suggestion passed the first comprehensive public school law. The University of New Mexico and other state educational institutions, of all of which Governor Prince was an ex-officio member of the board of regents, were founded and fostered. Politically, the Prince administration of four years was stormy, socially it was brilliant, Governor and Mrs. Prince making the historic Palace of the Governors in Santa Fe, which they occupied, a replica socially of the White House at the National Capital, entertaining lavishly many famous visitors from afar, at the same time making it a treasure house of archaeological and historical material and a salon where gathered officials, politicians, artists, writers and other celebrities of various nationalities and including even Indians.

After his retirement as governor, in 1893, Governor Prince gave much of his time to the furtherance of western movements, his vigorous advocacy of the free coinage of silver at a ratio of 16 to 1, putting him out of alignment with the stalwart leaders of his party. He presided repeatedly over the Trans-Mississippi Congress, the International Mining Congress, the National Irrigation Congress, the American Apple Congress, his orchard in the Española valley north of Santa Fe being famed for the choice fruit he grew. He represented New Mexico effectively at the Chicago, the Omaha and the St. Louis Expositions. He founded and presided over the New Mexico Horticultural Society and the Society for the Preservation of Spanish Antiquities. In 1909 he was elected to the territorial council and presided over the first Republican state convention although denied membership in the constitutional convention. President of the Spanish-American Normal School from 1909 to

1912, he also had been president of the Board of Regents of the New Mexico College of Agriculture and Mechanic Arts for five years.

In the Protestant Episcopal Church, Prince was a lay reader and diligent member of the Church of the Holy Faith in Santa Fe. He attended the general convocations of his church and was credited with originating in 1880, the American Church Building Fund. He was chancellor of the New Mexico diocese, president of the Association of Church Chancellors and first president of the Laymen's League.

As an orator on anniversary occasions and keynoter at political conventions, Prince enjoyed considerable vogue and some popularity although his addresses as a rule were erudite. He made the Tercentenary Mayflower address at Plymouth, Mass., on Novemebr 20, 1920. In Masonry he was deputy grand master in New York, was a member of the Society of Cincinnati, of the Mayflower Descendants, of the Colonial Wars, of the Sons of the American Revolution, of the War of 1812, and of various scientific, historical and civic associations, in all of which he took more than nominal interest and with officers and members of which he was in active correspondence.

Prince was married twice. Hattie E. Childs became his first wife on December 1, 1879, and died within three months. On November 17, 1881, he married Mary C. Beardsley of Oswego, N. Y., like himself of Mayflower and Revolutionary descent. She died on Christmas day, 1925. A son, William R., is the sole survivor of the couple.

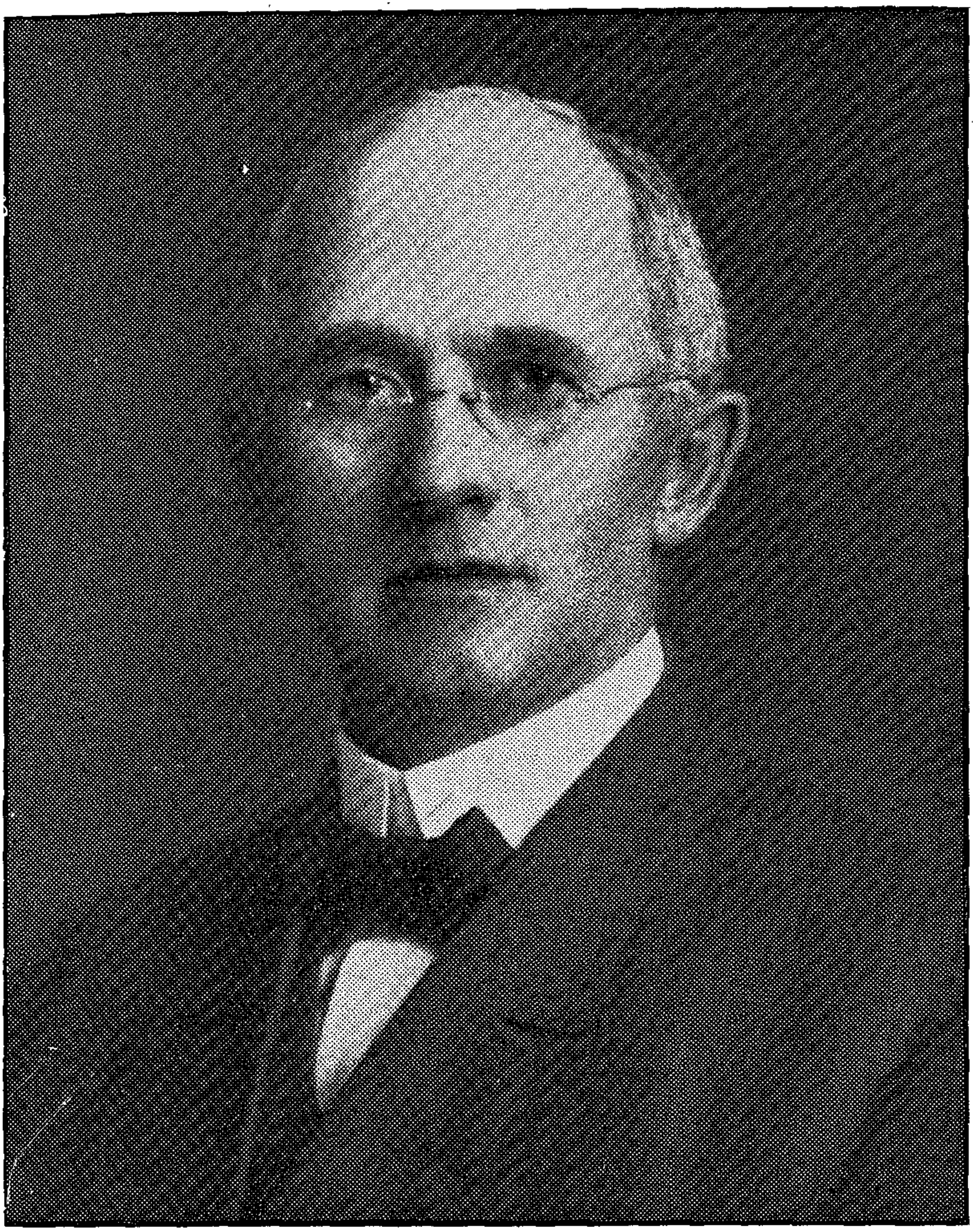
Prince had a talent for expressing himself in writing. He wrote a small but legible hand with plenty of space, as a rule, between the lines to permit interlineations for he would revise his manuscript carefully and even after the dawn of the age of stenographers and typewriters preferred to put down his thoughts in long hand. He sent many communications on various topics to newspapers in New Mexico and New York, occasionally wrote for magazines; but it is

Spanish Mission Churches of New Mexico, first published in 1915, which has had the greatest vogue and which has gone into a second edition. His *A Concise History of New Mexico* also had two editions. Besides the books already mentioned a Prince bibliography includes: *Historical Sketches of New Mexico,* 1883; "A Nation or a League," 1884; "The American Church and Its Name," 1886; "The Money Problem," 1896; "Stone Lions of Cochiti," 1903; "Old Fort Marcy," 1911; *Students' History of New Mexico,* 1915; "Abraham Lincoln, the Man," 1917.

Governor Prince was of fine appearance, goodly stature, wore a full beard, was genial, hospitable, an entertaining conversationalist, tenacious in his views, and, although often involved in acrimonious controversies, was even-tempered, self-controlled in debate, and skillful in overcoming open or under-cover opposition.

PAUL A. F. WALTER.

Sources: Twitchell, Ralph E., *Leading Facts of New Mexican History,* II, 502-509; L. Bradford Prince, *A Concise History of New Mexico,* 207-209; *Who's Who in America,* xii, 2529-2530; Memorial Address by Frank W. Clancy before the Historical Society of New Mexico, April 23, 1923; newspaper files in the Historical Society of New Mexico Library, and a personal acquaintanceship extending over almost a quarter of a century.



FRANK WILSON PARKER

FRANK WILSON PARKER

THE death of Frank Wilson Parker, on August 3rd, 1932, ended a career of public service unparalleled in New Mexico; rarely equalled elsewhere.

The election of William McKinley, in 1896, called for reorganization of the New Mexico territorial government. Its judiciary then consisted of a chief justice and four associate justices. Each presided over a district court, trying causes arising under both territorial and federal laws. Together, they constituted the supreme court and exercised the appellate jurisdiction.

As one of the associate justices, the presidential choice fell upon Judge Parker. He took his seat at the regular January session of the supreme court in 1898; a seat he retained on the state supreme court and vacated only when final illness overtook him in July, 1932.

It was a young man to whom had come this honor and upon whom had fallen this responsibility. Yet the selection was wise. He was a trained and seasoned lawyer. Educated to the common law at the University of Michigan, seventeen years of practice in New Mexico had educated him to a jurisprudence having as its background the civil law of Spain and Mexico. The peculiar institutions of the native people, legal and political, the ways of mining camp and of range, were no mysteries to him. In character and in temperament he was incomparably fit. Presidents Roosevelt and Taft were content to renew his commission. The people three times elected and re-elected him. His present term would have continued another four years.

Judge Parker was born October 16, 1860, at Sturgis, Michigan. His grandfather, John Parker, had settled there as a pioneer of the then West, traveling from the old home in Chester County, Pennsylvania, by lake boat from Cleveland to Toledo, thence by ox team to the new home. In this migration Judge Parker's father, James Wilson Parker, had participated as a babe of eighteen months. Arriving at manhood he had married Marie Antoinette Thompson, a native of Sturgis.

The pioneer spirit thus inherited by Judge Parker brought him to New Mexico as a youth of twenty. He had been reared on the parental farm, had attended the Sturgis high school, had received some academic training in the University of Michigan, and had been graduated, in 1880, with a bachelor's degree from its law school.

As Judge Parker approached graduation at Ann Arbor, the territorial assembly in distant New Mexico was resolving:

> * * * that the legislature of New Mexico observes with pleasure and satisfaction the completion of a line of railroad to the City of Santa Fe, the capital of the territory, and the rapid extension of the same southward through the great valley of the Rio Grande.
>
> That this event may well be regarded as the most important in the history of the territory, as the beginning of a new era, in which through the development of its resources and the improvements which are certain to follow the establishment of means of rapid communication with other parts of the country, New Mexico may be expected soon to take her position in the American Union to which she is by nature justly entitled.

If this resolution did not reach the young law student, the promise of it did. The railroad which thus inspired the hopes of New Mexico, found in him an early patron, a passenger for Socorro. There he was soon admitted to the bar.

Fifty-one years have wrought change. The legislative hopes have seemed at times immediately to be realized, at times to have been false. The backsets and disappointments merge, however, in a net result of progress.

In 1881, the population of the territory was about 120,000; that of Albuquerque, about 3,000. American sovereignty was thirty-five years old; the territorial government, thirty. The common law had-been "the rule of practice and decision" but five years. The statute law, adopted for the most part in a language he did not understand, and imperfectly and quaintly translated, reflected at every turn the customs, ideas and institutions of Spain and Mexico, strange to the newcomer. The legal conception of marriage and property rights was different. The husband enjoyed the power of absolute disposition of the acquest (community) property. Parents could disinherit children only for enumerated causes, such as for "having laid violent hands upon them," for "accursing them," for "having given cause for the great waste of their estate," for "having accused them of * * * crime," for "not furnishing them with the means to free them from prison, being able so to do," for refusing to "succor and aid his ancestor who may have become deranged, and is roaming about," or for "not redeeming them from captivity, being able so to do."

Compared with peaceful Sturgis, Socorro was rough and lawless. Judge Parker has often remarked upon the important jurisdiction then and there exercised by "Judge Lynch." The territorial assembly following his coming appropriated $500 "for the relief of Pat Garrett," he having earned that reward, previously offered by Governor Lew Wallace, by killing "Billy the Kid" in August, 1881, in the attempt to arrest him.

Judge Parker remained but a brief time at Socorro before removing to La Mesilla, then county seat of Doña Ana County, and noted in history as the capital of the short-lived Confederate Territory of Arizona. Here he tried his first lawsuit.

Kingston, now a ghost city, was then a bustling and prospering mining camp. Its opportunities attracted the young lawyer, as well as others whose names are familiar in New Mexico chronicles. He removed there in 1882.

Organization of the County of Sierra was then projected. The legislature of 1884 created it. No doubt anticipating that Hillsboro would become the county seat, Judge

Parker located there in 1883. It remained his home and the scene of his professional activities until he was called to the bench. His experiences at Kingston and Hillsboro supplied him with a fund of anecdote which he often recounted in his inimitable way, and which his intimates always enjoyed. A sidelight of these years in Hillsboro is given by an old muster-roll of June 12, 1885, which shows that F. W. Parker, a young lawyer not yet twenty-five years of age, was enrolled as a sergeant by Capt. Nicholas Galles of Company G, First Reg't New Mexico Volunteer Militia. He was not called upon for active field-service, but, several times during the next nine months, detachments of this militia company were engaged in the wide-spread efforts to catch the renegade Geronimo and his Apache band who were ravaging that part of the territory. During this period also young Parker served one term (1887-1889) as superintendent of schools of his county.

On going to the bench, Judge Parker was assigned as presiding judge of the third district, then consisting of Doña Ana, Grant and Sierra counties. The new counties of Otero, in 1899, and Luna, in 1901, were added to the district. In 1904 it was reorganized to include Doña Ana, Grant, Socorro, Luna, and Sierra counties. In 1909 it was again changed, and thence until statehood, comprised Doña Ana, Grant, and Luna counties.

Judge Parker established the seat of his district at Las Cruces, where he continued to reside until, relieved by statehood of his duties as a trial judge, he removed to Santa Fé. He chose, however, to retain Las Cruces as his voting residence, as the natural and easy means of avoiding participation in politics, thus establishing a precedent which most, if not all, of his associates have followed.

The territorial assembly of 1897 discarded the common law system of pleading, adopting the code of civil procedure. So, just as Judge Parker came to the bench, courts and lawyers were compelled to adjust themselves to change. It involved numerous important matters of practice, as well as some questions of fundamental right. It must have added greatly to the labors of the new judge.

Judge Parker presided at many trials, criminal and civil, famous in New Mexico annals, consequent upon the gradual establishment of law and order, and the development of the resources of his important district. In an early case he was called upon by mandate of the Supreme Court of the United States to inquire into the navigability of the Rio Grande, and to determine whether the construction of a dam at Elephant Butte and the appropriation of waters stored thereby, would impair it. His elaborate findings in that case (United States v. The Rio Grande Dam and Irrigation Co., 10 N. M. 617) cannot but interest the present day reader.

The first decisions in which Judge Parker participated in the territorial supreme court were rendered August 16, 1898. A week later two opinions came from his pen: Territory v. Archibeque, 9 N. M. 341, and Lockhart v. Wills, 9 N. M. 344. He is the author of seventy of its opinions. He dissented in fifteen, and specially concurred in four.

Statehood, the aspiration reflected in the legislative resolutions of 1880, remained the goal for thirty years. Finally, in 1910, the act was passed enabling its people to form a constitution and state government and to be admitted into the Union on an equal footing with the original states. In the convention chosen to frame the constitution, Judge Parker appeared as a delegate from Doña Ana County. The records show that he was constant in attendance and active in deliberation. He was made a member of its committee on Ways and Means. His most important service was as chairman of the committee on Judicial Department, which framed Article VI, creating the courts and prescribing their jurisdiction.

Judge Parker did not lack for able assistance and advice on the important committee he headed. Its membership included lawyers who had already attained statewide reputations, and whose names are still familiar. They were

Thomas B. Catron, Clarence J. Roberts, Albert B. Fall, Reed Holloman, Herbert F. Raynolds, Granville A. Richardson, Arthur H. Harllee, James G. Fitch, and J. Lee Lawson. The convention had no abler or more distinguished committee.

The present importance of prohibition lends interest to Judge Parker's attitude on this question as a delegate. The convention's committee on Liquor Traffic and Prohibition had reported as its opinion:

> That the regulation of the liquor traffic is a proper subject of legislative regulation under the police power of the state, and is not a proper matter to be incorporated in the constitution or to be considered by this convention.

As a substitute for this report Delegate Parker proposed constitutional local option for counties.

The constitution having been adopted by the people and approved by President Taft and by the congress, Governor Mills called the first state election. Judge Parker, Clarence J. Roberts, and Richard H. Hanna were chosen as the first justices of the new supreme court. Fortune favored Judge Parker in the classification by lot, and his term was fixed at nine years.

Time has witnessed many changes in the personnel of that court. Judge Parker remained a fixture, having been reelected in 1920 and again in 1928. By seniority he became chief justice in 1919. Chief Justice Raynolds resigned from the court December 11, 1922. This again cast seniority upon Judge Parker, and he served as chief justice until 1929.

New Mexico did well thus to call its most seasoned and experienced jurist. These twenty years may be termed the formative period of our jurisprudence. The constitution could best be understood and interpreted by one who participated in the deliberations which produced it, and was, moreover, intimately acquainted with the system it supplanted. He knew the history of its provisions, the changes they were designed to effect, the evils sought to be corrected or avoided. This understanding was always available to the new court. There was an easy and natural transition from territory to state. Judge Parker and his first able associates have laid the foundations and established the landmarks.

The 394 opinions of the court delivered by Judge Parker since statehood represent but a part of his effort. For nine years he bore the considerable additional burdens of the chief justiceship. Moreover, his wisdom and much labor are reflected in the opinions handed down by his associates. He did not lightly or carelessly concur. When he did, it was an assurance that the case had had his careful consideration, and that he approved both the result and the principles laid down. He was not a dissenting judge. He was always ready to re-examine his own views. But he had to be convinced. The reports since statehood disclose thirteen dissents, in seven of which he set forth his objections. In six cases he concurred specially.

The legislature of 1917 created a State Boundary Commission, with important duties regarding the location of our interstate boundaries with Colorado and Texas. Governor Lindsey named Judge Parker to that commission and he served upon it until 1931. He was greatly interested in its business and gave to it a good deal of thought and time.

Except in matters political, Judge Parker was in every way a representative and public spirited citizen of Santa Fé. He acquired a home, was interested in local enterprises, and socially prominent and popular. In the role of Alcalde of the cabildo of Santa Fé, he will be remembered by Fiesta goers.

The present limit of space precludes an adequate review of Judge Parker's influence and achievement as jurist. Many of his opinions are now leading cases, regarded by bench and bar as establishing the law for this jurisdiction. They are easily understood. In clarity of statement of fact and law, he was unsurpassed. He attempted no fine writing or display of learning. Ostentation and pretension were foreign to his nature. His thought was simply and plainly to inform attorney and litigant of the reasons for the decision, and to establish sound principles as precedent. Both as trial and as appellate judge, he possessed in rare degree the confidence and respect of the bar and of the people. They recognized truly that his passion was for justice and fair play. His learning in the law and devotion to its principles detracted not at all from his human understanding and sympathy. He subjected every case to the test of justice as well as of law. Human institutions are imperfect. Sometimes established principles, calculated to do justice, seem to fail in the particular case, and, without usurping power not theirs, judges cannot prevent results they would gladly avoid. Such cases were always painful to Judge Parker. He was slow indeed to yield justice to legality, and not sparing in effort to avoid it.

Judge Parker's first marriage occurred at Minneapolis in 1892, to Miss Lillian L. Kinney. She died the following year. Their daughter, Lillian, is now Mrs. Rufus Palm. He was again married in 1904 to Miss Anna Davis, his widow. She is well known throughout New Mexico for her numerous church, club, fraternal and political activities. Their son, Frank Wilson Parker, is a senior medical student at the University of Michigan.

The funeral of Judge Parker was marked with every honor. His remains lay in state in the Supreme Court room before the bench he had so long occupied. Thence they were conveyed to the Scottish Rite auditorium, where the ritual of that order was observed. Thence, attended by guards of honor, both military and civilian, they were conveyed to Fairview Cemetery, in Santa Fé, and interred according to the Masonic rite.

A few days later the State Bar Association, being in annual session at Santa Fé, adopted resolutions of respect, directing its committee to move their adoption and record in the supreme court. On the afternoon of that day, the court met in special session to receive them. A sincere and eloquent tribute, let them serve to close this sketch:

In the passing of Justice Frank Wilson Parker, the Bench of New Mexico has lost an honored member, and the Bar a guide and mentor whose decisions for thirty-five years have built the foundations and shaped the structure of our judicial history sanely and soundly. His accomplishments as a jurist need no encomiums from us. They are written for all time upon the pages of our reports from Volume 9 to Volume 36, there to remain for the generations of lawyers to come, bearing mute testimony to his ability as a Judge, to his humanity, and to his innate fairness of approach to every question which he was called upon to decide during his useful years upon the Bench.

But the printed pages of those reports do not furnish a picture which satisfies those who knew Judge Parker during his lifetime. Even though cold type may accurately reflect and record the logic of his mind, the clarity of his thought, the wide scope of his knowledge of precedent and the fundamentals of the law, yet the Bar of New Mexico is not content to have that portrayal of him remain as the sole reminder of his long life amongst us. As a living, sentient being we knew him, and we loved him for those qualities of mind and heart, those human failings and frailties, which made him one with all humanity. We wish the World to know for all the tomorrows to come that the judicial ermine covered a gentle soul, a kindly heart with malice toward none, which knew not envy, carried no hatred, and was at peace with all his fellow men. Courageously he met the buffets of a material world and when the end came, that courage did not fail him, and so, uncomplaining as always, was he gathered to his fathers.

JOHN C. WATSON.

BOOK REVIEWS

Les Négociations de la République du Texas en Europe, 1837-1845. By Mary Katherine Chase, Ph.D. (Paris, Librairie Ancienne Honoré Champion, 1932. 226 pp., 2 maps. $2.00.)

Miss Chase did her undergraduate work at Stanford and received her doctorate at the University of Brussels. As a result of her research during several years in the official archives in Paris, Brussels, and The Hague, we now have this very interesting study in the diplomatic relations of Texas during the years when she was an independent republic. As the author indicates in her introduction, her work supplements that already done by Prof. G. P. Garrison in the diplomatic correspondence in the Texan archives, and by Dr. E. D. Adams upon the relations between Texas and Great Britain.

The last fifth of the volume is given to an appendix, with the text of official correspondence selected from the three archives. In the main part of the book, Dr. Chase discusses, chronologically and in five chapters, the diplomatic negotiations of the Texan envoys: General James Pinckney Henderson from 1837 to 1839; General James Hamilton in 1840, and in 1841; during 1842 and 1843, George S. McIntosh, Ashbel Smith, and William H. Daingerfield were the active agents; in 1844 and 1845, Daingerfield, Smith, and George Whitefield Terrell.

The work done by Dr. Chase is of especial value in giving a comprehensive view of Texan relations with European powers during the years between her break with Mexico and her annexation by the United States, and as the author says, the documentary material which she found "nous ont permis de corriger quelques erreurs courants et de combler certaines lacunes en ce qui concerne l'histoire des relations entre le Texas et l'Europe."

There is no index, but the footnotes are adequate and helpful. L. B. B.

Catálogo de los fondos Americanos del archivo de protocolos de Sevilla: tomo I—siglo xvi (con xx apéndices documentales). (Compañia Ibero-Americana de Publicaciones, Madrid, Barcelona, Buenos Aires. 1930. 561 pp.; indices.)

This is volume VIII of the *Colección de documentos inéditos para la historia de Hispano-América,* a series of publications being carried forward by the Instituto Hispano-Cubano de Historia de América at Sevilla, under the able directorship of Dr. José María Ots Capdequí. Following the brief introduction by Dr. Ots, the bulk of the volume consists of a *catálogo razonado,* or calendar, of 1867 notarial documents relating to the years 1493 to 1577. In the appendices is given the text of twenty of these documents with five photographic reproductions. One of these, for example, is an "I. O. U" given to an English merchant in Sevilla by "Sebastián Caboto, captain of the Queen our lady, citizen of this city of Sevilla." It was the year 1516, and he was borrowing fifty-five gold ducats.

As Dr. Ots indicates, the Archivo General de Indias is the great depository of the documentary material relating to Spanish-America, but here in the Archivo de Protocolos is a great mass of supplementary material "the study of which is indispensable for arriving at any possible reconstruction of the political, economic, and social bases upon which the colonizing structure of the Spanish State was to be erected in the American territories." Perhaps the guiding mind of the Spanish empire was in Medina del Campo, or Valladolid, or Madrid; the throbbing heart of the empire was in Sevilla and "many were the agriculturists and merchants, bureaucrats and adventurers who left evidence of their passage through Sevilla in the notarial writings which they gave just before embarking for the unknown."

Research students in Sevilla today will find the book of inestimable value within the period indicated; and later volumes doubtless will show many leads of interest to our readers.

L. B. B.

Forgotten Frontiers. By Alfred Barnaby Thomas. (University of Oklahoma Press, 1932. 420 pp. With maps and plates.)

Dr. Herbert Eugene Bolton and Professor Alfred Barnaby Thomas have given the eighteenth century Spanish Southwest a native hero in the person of Don Juan Bautista de Anza. True, he had been immortalized in a poem celebrating his victory and that of predecessors, over Cuerno Verde, the Comanche chieftain,[1] and historians of the Southwest had made due note of his explorations and campaigns,[2] but it is out of the welter of detail in Bolton's five-volume work and Thomas' *Forgotten Frontiers* that Anza emerges from the shadows of a forgotten past and becomes a definite heroic figure worthy of place with Cortez, Mendoza and de Vargas in the annals of Spanish conquest and colonization. "Frontier captain, Indian fighter, and military governor of Sonora; explorer and colonizer, the founder of San Francisco in California; military governor, Indian fighter, peace-maker and explorer" as Professor Thomas characterizes him in his preface, Anza combined in his person rare qualities of statesmanship, diplomacy and generalship, which, perhaps, prevented a calamity such as overwhelmed the Spaniards in New Mexico through the Pueblo rebellion of the century before, only that this time, the so-called nomadic tribes threatened to submerge the Pueblos as well. In fact, the entire Spanish domain north of the Rio Grande was seriously threatened by Indian attack on every front. By 1776 (the year of the Declaration of Independence by the British colonies on the Atlantic coast) "conditions were so critical that Charles III lopped off these northern provinces, created there practically a new viceroyalty under the Galvez-Croix plan, and commanded El Cavallero de Croix to stave off the impending ruin."

The execution of the plan was entrusted to Anza. "The results were little short of remarkable. He reorganized the towns and pueblos of New Mexico and built up their defense. He opened a route between New Mexico and Sonora for trading and strategic purposes. He carried aid and the offer of protection of Spanish arms to the Moqui, and saved that people from extermination by drought, disease, Utes and Navajos. Finally, he campaigned with brilliant success against the enemies of the frontier. Far up in present Colorado in 1779 he hunted down and defeated the Comanches. Next with kindness and rare political sagacity he won their affection, reconciled them with their bitterest enemy, the Utes, and then bound both to Spanish power by a defensive and offensive alliance against the Apaches. More, with this combined force of Spaniard, Ute and Comanche, he threatened the Navajo, forced them into the compact, required them to dissolve their agreements with the Gila Apaches and to declare war upon these former friends and allies."

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[1] *Los Comanches*, by Aurelio M. Espinosa, bulletin, University of New Mexico, Vol. 1, No. 1, 1907.

[2] Bancroft, Twitchell, Coan.

Forgotten Frontiers is not a biography of Anza, it is merely a "study of the Spanish Indian policy" of that remarkable governor of New Mexico, a policy which achieved its objective and in the light of later experiences, appears so much more rational than that followed a century later by the United States.

It is true, critical historians will not accept the sweeping generalizations in praise of Anza. In fact, his achievements have been minimized by other writers, but one cannot read the astounding documentary record as it has been brought together by Thomas without coming to the conclusion that Anza, with a paucity of means that is appalling, performed deeds which must have seemed miraculous and justify to this day the annual rendition throughout New Mexico, at Christmas time of the play "Los Comanches." That Anza at the same time suffered from the attack of those whom he sought to benefit, was maligned and unjustly treated by superiors and had to cope with serious internal dissensions, is merely a repetition of the fate of most empire builders and leaders in human affairs.

The Indian frontiers of New Mexico in 1777 were indefinite, with the Indians raiding frequently into the very heart of the province. However, the principal menace was the Apaches on the south and west and the Comanches on the north and east. Thomas reviews the campaigns against the Apaches until "in 1778 a definite policy had been decided upon with regard to Spanish relations with Apaches and Comanches, and Governor Anza, proceeding to take command at the moment in New Mexico, brilliantly attained the principal objectives of this policy in the ten years of his rule."

The policy was one of benevolent participation in the settlement of internal dissensions of tribes, bringing together factions within each tribe under one leader and then binding the tribe through such leader to the Spaniards and their policies. When this unification of tribes was achieved and friendship with the Spaniards established, amicable relations between tribes formerly hostile to each other were brought about by Spanish diplomacy, and finally alliances to help in subduing the Apaches who alone refused to submit to this policy. Thus the Comanches and Utes were brought together in a peace pact during an Indian Fair held at Pecos. Anza, returning from the Fair to Santa Fe, undertook the task, with the aid of the Comanches, of weaning the Navajos from the Gila Apache alliance. He succeeded. A Navajo general was installed as "supreme over his nation and dependent on Spanish friendship"; he "attended three military reviews Anza held in different jurisdictions, and returned greatly impressed with Spanish power."

Thus with the Comanche chief Ecueracapa, who "because of his docility, knowledge of Spanish customs, obedence and character was undoubtedly the best instrument to establish the king's control over this war-like nation, little difficulty was encountered, for "late in the afternoon, Ecueracapa himself with a large troop rode into Santa Fe where he was received with great ceremony. He verified the general establishment of peace and assured Anza that his people had shown every inclination and disposition necessary to recognize him as superior chief and render to him obedience as such. In his turn he swore subordination and recognition of the king. Anza thereupon hung upon the Comanche his Majesty's medal. More, that 'that insignia might be displayed with the greatest propriety and luster, he presented him with a complete uniform and another suit of color. For these Ecueracapa extended many expressions of gratitude.' Meanwhile the Comanches were carrying out their agreement to the Apache war." An inexpensive victory which assured peace with the Comanches for thirty years. Says the author:

"The westward penetration of United States traders after 1800, carrying whiskey, powder and bullets among the Plains Indians, demolished the structure of alliances which an enlightened Spanish policy had built among the tribes surrounding New Mexico." He concludes further: "Apache, Comanche and Ute, riding with the other three horsemen, drought, famine and disease, bade fair to destroy the Pueblo. For them the Spaniards came as saviors. Against starvation the padre's prayer and Spanish grain supported them; barbarian inroads met the steel of Spanish courage. The unwritten record of this heroic defense of New Mexico is limned with Spanish blood that alone saved the distinctive Pueblo Southwest and dulled the edge of surrounding savagery. Indians whose lush lands the English coveted have struck their tipis. Enchanted Zuñi still warms the desert skyline where the Spanish standard lifted."

Governor Anza's expeditions to Moqui and to Sonora in 1780, and his triumph over the Apaches from 1783 to 1787, together with a running narrative of Comanche invasions 1700 to 1776 and Anza's triumphant campaign against this formidable enemy, furnish many interesting incidents of New Mexico history which might well furnish theme for song and story.

The peace finally formulated with the Comanches in 1786 was the climax of anxious years of warfare and wrangling. It justified the Spanish policy and had its effect far beyond the Spanish frontier. The Comanches had made overtures previously. "On July 12, 1785, four hundred Comanches sought amnesty in Taos; simultaneously in Texas, Governor Cabello held council with three Comanche chiefs come to San Antonio with the olive branch. Those at Taos were joined on July 29 by two more chiefs and twenty-five warriors from different rancherías asking if the peace established with the four hundred was general. Consequently, though Anza refused a formal treaty to the Comanche until they united to make the pact effective, he continued to regard them as friends." To bring about this union, Toroblanco, a Comanche chief who stood out against this policy, had to be assassinated. The Utes who feared that peace with the Comanches would displace them in Spanish favor employed obstructionist tactics which Anza overcame through diplomacy. The Comanches held a council on the Rio de Napestle at Casa de Palo which "resulted in the selection of a single individual to represent their rancherías, numbering more than six hundred lodges, in the negotiations to establish satisfactory peace and commercial relations with the Spaniards." The individual thus selected was, of course, Ecueracapa, "later eulogized by Anza and already famed in both Spanish provinces for his valor and political sagacity."

Thomas having concluded his narrative, gives the greater part of the volume to excellent translations of the "Geographical Description of New Mexico written by the Reverend Preacher Fray Juan Agustín de Morfi" in 1782, the "Diary of the Expedition against the Comanche Nation," the "Diary of the Expedition which the undersigned Lieutenant-Colonel Governor and Commander of the province of New Mexico made from that to the province of Sonora for the purpose of opening a route for communication and commerce from one to the other with greater directness than that which up to the present is known," and the "Diary of the Expedition to the Province of Moqui," together with voluminous correspondence which passed between Anza and the Spanish authorities. "Editorial Notes and Bibliography" and an admirably arranged and complete index, together with maps and plates, complete the interesting study. It is in no sense a biography, for as the author states in his preface: "this remarkable man yet awaits his biographer," nor is it "a rounded investigation of his administration as governor of New Mexico," but it does place at the disposal of students of New Mexico history a wealth of authentic material and gives the general reader a fascinating story of Spanish colonial annals. The volume is well printed and bound by the University of Oklahoma Press which, like the University of New Mexico Press, is adding mightily to the prestige of the fine institution of learning with which it is connected.—P. A. F. W.

Acapulco en la historia y en la leyenda. By Vito Alessio Robles. (Imprenta Mundial, Miravalle 13, Mexico City. 1932. 16 mo.; 208 pp.; 10 maps and illustrations.)

Sr. Alessio Robles has given us a little book quite different in subject and treatment, but not in charming style, from the scholarly study which he brought out a year ago. *Francisco de Urdiñola, y el Norte de la Nueva España* (v. vol. VI, 304) took us to the ancient city of Saltillo and the northern borderlands of old "Nueva España"; this little volume takes us to the south and shows how intriguing a guide-book may be made. It would be hard to imagine a more delightful *vade mecum* for the visitor who enjoys "history and legend" with his travels, and who decides to try the magnificent national highway of some 300 miles now connecting the Valley of Mexico with the ancient harbor of Acapulco, lying almost due south, the "key of the Pacific" and the "knot in the communications between Europe and Asia" since the middle of the 16th century.

The chapter titles indicate the wide range of gleanings which Sr. Alessio Robles has brought together under the above title. After brief chapters on "The Road to Asia," "The Origins of Acapulco," and its harbor, the author discusses Acapulco in relation to geographical discoveries; Christianity in Japan, and diplomatic dealings with the Japanese; navigation, commerce, corsairs, contraband trade; the annual fair which was held after the arrival of the Manila galleon and to which merchants came from all parts of New Spain, from the isthmus, and even from Perú. A chapter is given to the great patriot Morelos; and another to famous visitors of earlier times. Here, for example, in 1592 came "the illustrious conqueror and explorer don Gaspar Castaños de Sosa, loaded with chains and condemned to a long imprisonment which he must expiate in the Philippines," because of his *entrada* into New Mexico. The malice of those who had denounced him was later established by the Council of the Indies, but by that time Sosa had been killed by Chinese seamen on a galley in the Moluccas.

It may be of interest to students of our Southwest to know that at least three of the early governors of New Mexico were acquainted with Acapulco. Shortly after his retirement as governor, Don Pedro de Peralta, the founder of Santa Fé, was appointed *teniente general de castellano y acalde mayor* of the port of Acapulco. Of especial interest, therefore, is the view of Acapulco as it was in 1618, drawn in colors by the Dutch engineer, Adrian Boot, and reproduced at the close of this volume.

Again, on July 21, 1609 (while Peralta was completing the preparations for his departure to New Mexico) Don Bernardino de Zavallos was named "*por almirante del descubrimiento de las yslas Ricas de oro y plata,*" and from then until May, 1610, he was engaged in going to Guatemala to arrange for the ships which were to make the voyage, and in transporting to Acapulco the tackle and other equipment and the provisions which had been allotted for the purpose. But meanwhile, over in Spain, a royal appointment for this discovery was given to Sebastián Vizcaino, and this took precedence over the viceroy's appointment of Zavallos; and as the record says, the latter *"no tubo heffeto."* It was Vizcaino, therefore, who went as ambassador of the viceroy to the Japanese court and in search of the mythical islands; Zavallos (retaining his title of admiral) became governor of New Mexico in 1614.

Another who passed through Acapulco before he was appointed to New Mexico was Don Felipe Sotelo Ossorio. After twelve years of service in Italy and on the Barbary Coast, as soldier and ensign, in 1614 he had gone from Naples to Spain, and from there to New Spain. The viceroy made him *sargento mayor* of the troops in the presidio of San Juan de Ulua; and in 1623, corporal and *comissario* of the infantry which was being sent to relieve the Philippine Islands. He conducted the force to Acapulco, and was appointed by the viceroy to be admiral of the ships which went that year to the Philippines. Apparently he went around the world, for in November, 1624, he was in Cordova, Spain, asking for royal recommendation to the viceroy of New Spain. The king gave ear to his petition, and in consequence he became governor of New Mexico in 1625, —like Zavallos, retaining the title of admiral.

But we have wandered from our book. As a fitting conclusion, the author describes the transformation of the ancient trail into a modern highway. In this work the Mexican government had expended, up to the end of 1931, a grand total of nearly $17,500,000 and is planning to use $4,500,000 more to complete the bridge-work, resurfacing, and oiling. A map and itinerary showing distances and altitudes are appended.—L. B. B.

Fighting Men of the West. By Dane Coolidge. (E. P. Dutton and Co., 1932. 343 pp. $3.75)

Dane Coolidge is a Stanford University graduate who has rambled over the West for nearly forty years, gathering material, first as a naturalist and field collector, then as a photographer, and finally as a novelist. He has written some forty novels, dealing with the West. In his *Fighting Men of the West,* Mr. Coolidge has turned historian, and has attempted to record as accurately as possible the lives of twelve of the more prominent men who figure in his novels. The author seems to have gotten most of his material from the men themselves and from those who knew them well. He does not claim to have achieved the exactness of a professional historian, but only that his sketches approximate the truth. Many whom he interviewed were reluctant to discuss the past, and when he found others who would talk, he had to rely upon his memory, since taking notes would have immediately shut up these old-timers.

Eight of the men whose strange, wild lives are sketched here were professional fighters—either officers of the law, or outlaws. Two were cattlemen; and two, mining men. Of the cattlemen, the sketch of "Charles Goodnight the trail-maker" follows familiar lines, much emphasis being placed on his fight against cattle thieves. In this fight he is said to have been aided by three powerful marine-glasses which were kept a secret and which gave Goodnight the reputation of being able to "smell a rustler further than you can see one." Nothing is said of his services as the founder and dominating force in the first Panhandle stockmen's association which practically revolutionized the Panhandle cattle country.

The chief novelty in the sketch of John Chisum is that the cattle-king is described as a thief who stole cattle by the herd because he had the power. *The Dictionary of American Biography* says there is no evidence that Chisum used his power in the Pecos Valley for unworthy ends, and that his friends and the community generally regarded him as an honest man. Mr. Coolidge says that Chisum began stealing cattle about the time he moved to New Mexico. The Apaches got the cattle which he was driving through to deliver to Goodnight, so Chisum went back to Texas and gathered up the first animals he saw. Goodnight refused to take the mixed brands, and thus the partnership between the two men came to an end. Chisum then went from bad to worse, and gathered such a hard bunch of cowboys around him that they intimidated the whole country, and finally, by their aggressions upon their neighbors, brought on the Lincoln County War. Other accounts put the major share of the responsibility for "the war" on alleged thefts of cattle from Chisum and others by employees of Major Murphy, the leading cattleman of the town of Lincoln. As Chisum became the largest individual owner of cattle in the United States, it is to be regretted that there are no footnotes to support this striking difference in interpretation.

The two mining men rival each other in interest. "Colonel" Bill Greene is represented as a natural-born gambler who was unusually successful in getting Eastern capitalists to invest their money in his copper mines in Arizona and Mexico. "Death Valley Scotty" was also successful in getting first one capitalist, and then another to grubstake him while he was searching for his lost gold mine in Death Valley, Nevada. After he lost his job riding broncos in Buffalo Bill's Wild West Show, Scotty devoted years to prospecting. When others tried to follow him and learn the secret of his mysterious mine, this desert-rat became a dangerous man, using nitro-glycerine to blow up the trail after him, and putting out bear-traps for the Indians and poison for the bloodhounds that had been set on his trail. Scotty seems to be the author's favorite character, as he appears more frequently in his novels than any other historical character.

Of the six officers of the law, three are outstanding in interest. Captain John Hughes, Texas Ranger, is said to have gone after more bad Mexicans than any other officer in Texas. Having started in business raising horses, he ran down a gang of thieves who had stolen horses from him and his neighbors, and soon became a ranger. Hughes got the reputation of being quite a Solomon, after he had captured some thieves and 140 cows which they had stolen from lonely ranches. When a dispute arose among the owners who had come to claim their stock, Hughes observed the children calling their pet calves and bossies in the corral, and divided the cows accordingly. Colonel Emilio Kosterlitzky was the efficient commander of the rural police in northern Mexico, who, like the rangers in Texas and Arizona, had to contend with the outlaws along the border. Kosterlitzky was often assisted by Burton C. Mossman, who was raised in New Mexico around San Marcial, but who won his fame in Arizona. As a ranch manager, he made such a successful war on the cattle thieves who were overrunning the territory, that the governor made him the first captain of the Arizona Rangers. Mossman's greatest single achievement was the capture of Chacón, a typical Mexican bandit who was said to have killed about thirty men. Chacón was in Mexico, and, as Colonel Kosterlitzky was unwilling to turn a Mexican citizen over to an American jury, Mossman fell back on Bert Alvord, an officer who had turned train robber. With the assistance of this sharp outlaw, Mossman kidnapped Chacón and brought him across the line. Resigning his position because of the numerous enemies he had made, he came back to New Mexico, where he became a successful cattleman.

Two outlaws complete the roster. Clay Allison was a fighting Texas cowman who took special delight in getting drunk and shooting up the town. Especially Dodge City, Kansas, reputed to be the toughest town in the world, and whose fighting marshal had sworn to kill Allison but who seems to have absented himself when the opportunity came. Allison came into fame in Cimarrón, New Mexico, in the early '70's, when he started a ranch near the headquarters of the famous Maxwell Grant. This man-killer once intimidated a sheriff and a whole detachment of soldiers who were taking him to Taos to stand trial for the murder of six negro soldiers. Allison was a wealthy cattleman and his killings were taken lightly, but Colfax county finally elected a sheriff who could get the draw on him, so he moved to Texas. Bert Alvord is an interesting character, although much of his story is given in the sketch of Captain Mossman.

Of the twenty illustrations in the book, four are from photographs by the author.—MARION DARGAN.

INDEX

Acapulco, 158, 161
Acapulco en la historia y en la leyenda, by Alessio Robles, reviewed, 393
Acoma, 54, note; 193; 200
Adair, Abner, 19
Adrian VI, *Exponi nobis* of, 36; bulls of, 43, 44
Agreda, Abbess María de, 72
Alburquerque, Rodrigo de, 125
Alessio, Robles Vito,, 393
Alexander VI, 243
Allison, Clay, 398
Almagro, Diego de, 142, 245
Almirantazgo, 146
~~Alonso, Rodrigo, 62, note~~
Altamira, Rafael, 116, note
Alvarado, Pedro de, 141
Alvord, Bert, 399
American Apple Congress, 374
Amigo del Pais, 9
Amsden, Charles, *Navajo Origins*, 193-210
Andrews, William H., 100
Annales Minorum, 34
Anza, Juan B. de, 388 *et seq.*
Apache Pass, 178
Apaches, Tonto, 21, 22; Geronimo, 380; 388 *et seq.;* Gila, 389
"Apaches-Navajos," 193, note
Applegate, Frank G., 185
Archivo General de Indias, 32
Argumedo, Antonio de, 156
Armijo, Don Ambrosio, 26
Arteaga, Fray Antonio, 47, note
Atahualpa, 108
Athapascan, 198
Atlantic and Pacific Railroad, 7
Aubry, F. X.: Santa Fe Freighter, Pathfinder and Explorer, by Walker D. Wyman, 1-32
Audiencias, 135 *et seq.*
Avería, 146
Ayer Collection, 33
Azores, 69
Aztecs, 113

Baca, Ezequiél C. de, 99, 102
~~Balearic Islands, 150~~
Bancroft, Hubert, 105; 193, note; 208
Bandelier, 193, note; 208; 353, *et seq.*
Bandelier bibliography, 362-370
Bandelier-Hackett series, 32
Barber, Ruth Kerns, *Indian Labor in the Spanish Colonies*, 105-143, 233-278, 311-349
Barefoot Friars, 41; 63, note
Basarde, Vicente, 151
~~Baskerville, 20~~
The Battle of Val Verde, by Colonel M. L. Crimmins, 348-352
Beard, Charles A., 114; 115, note
Becknell, 277
Benavides, Fray Alonso, 32-74, *passim;* 199, 200, 201, 202
Benavides' *Memorial*, 52, 73
Bent's Fort, 4, 176, 177
Bezerro General, 48; 53; 54, note; 59; 60, note; 72, note
~~*Biblioteca Hispano-Americana Septentrional*, 33, note~~
Biennial Report of the President, 1930-1931, 183-187
Biennial Report of the Secretary-Treasurer, 187-191
Big Sandy, 30
Billy the Kid, 379
Biographical Sketch and Bibliography of Adolphe Francis Alphonse Bandelier, by F. W. Hodge, 353-370
Blair, E., 300, note; 307, note
Bloom, L. B., 32; 58, note; 71, note; 165, 276; 208
Bolton, H. E., 208, 388
Boot, Adrian, 394
Bourne, E. G., 110, note; 326
~~Bradford, Gov. Wm., 371~~
Brewerton, George, 3, note
Buena Esperanza (Colorado river), 200
Bullwhacking; A Prosaic Profession Peculiar to the Great Plains, by Walker D. Wyman, 297-311
Burgos, Fray Augustín de, 56
Burton, Sir Richard Francis, 307, note
Bustamante, Calixto, 265

Cabezón, El, 195
Cabot, Sebastian, 387
Cádiz, 150
Calhoun, James S., 166, 167
California to New Mexico, Aubry's journey, 11
Canaries, the, 143, 150, ~~246~~

Canby, E. R. S., 348, *et seq.*
Caudillo, 39
Cañon, du Chelly, 197, 206; del Muerto, 197; de Uvas, 27
Capelo, J., 108, 251
~~Caribs, 331~~
~~*Carnero,* 321, note~~
Carson, Col. Kit, 349, 350
Casada, Ramón de, 152
Casas, Bartolomé de las, 105
Castañeda, Carlos E., 33
Castaño de Sosa, 394
~~Castile, cloth from, 242~~
Catálogo de los fondos Americanos del archivo de protocolos de Sevilla, rev. 387
Ceballos, Gov. B. de, 64, 394-5
Chaco Cañon, 197
~~Chacón, Agustín, bandit, 398~~
Chacón, Gov. Fernando, 206, 207
Chapman, Charles E., 114 and note
Charcas, 135, 261, 262
33 Charles I, 336, 346
Charles II, 335, 346
Charles III, 150, 249, 326
Charles IV, 146
Charles V, 134, 234, 236, 248, 254, 330
Chase, *Les negociations de la republique du Texas en Europe,* rev., 386
Chavarria, 54-64, *passim*
Chaves, 27, *et seq.*
Charnay, Désiré, 355
Chelli, one of Navaho divisions, 205
"Chichimecos," 194
Chihuahua, 4
Chisum, John, 396-7
Clum, John P., necrology by Walter, 292-6
Chocano, José Santos, poem by, 270-2
Chusca, Navaho division, 205
Cimarron, desert, 5; town, 398
72 Coca trees, 266
Cochití, 354
Cold Spring, 5
Collins, J. L., 168
Colonos, 116
Colorado Chiquito, 23
Columbus, Christopher, 114, 139, 239, 252, 253, 328, 342, 345
Columbus, Diego, 125, *et seq.*
Comanches, 389, *et seq.*
Commercial Conditions in Mexico at the End of the Colonial Period, by Lillian E. Fisher, 143-165
Commissary-General for the Indies, 35
Conestoga wagons, 297, *et seq.*
Conkling, Roscoe, 372
Connell, Major Charles T., 294
Connelly, Dr., 27
Constitutional convention, 381
Consulado, 146, 148-9, 151
Convento Grande de San Francisco de Mexico, 32
Coolidge, Dane, *Fighting Men of the West,* reviewed, 395-9
Cooper, Stephen, 277
Coroleu, José, 106; 107, note
Cortes, Hernán, 38, 133, 140, 141, 207, 239, 342
Cortéz, Don José, 206
Cottam, L. F., 273
Cottonwood, 4
Cow Creek, 4
Crimmins, Col. M. L., *The Battle of Val Verde,* 348
Crónica del Perú, 106
Cromwell Expedition, 128
Cuarác, 67
Cushing, Frank H., 357
"Custodia de la Conversión de San Pablo del Nuevo Mexico," 32
Custodios of New Mexico, 54, note

Dargan, Marion, rev. *Fighting Men of the West,* Coolidge, 395-9
Davis, W. W. H., 168, 169, 170, 273
"Death Valley Scotty," 397
"Definitors," 66
De Gubernatis, *Orbis Seraphicus,* 60, note
Democratic party in New Mexico, 97
Delgado, Felipe, 174
De Munn, 277
Dobla, 123
Dominicans, 130
Douglas, Dr. A. E., 197
Drumm, Stella, 306, note
Durán, Fray Rodrigo, 49

Ecueracapa, 390-2, *passim*
"Edict of the Faith," 71
Edwards, Frank S., 278
Elephant Butte dam, 381
Emperor Charles V (Charles I) 244
Enabling Act, 101
Encomienda system, 112
The English Language in the Southwest, by T. M. Pearce, 210-233
The Epitaph, 294
Escalona, Fray Juan de, 48, 59
Escarramad, Juan de, 57, note
Escobar, Fray Francisco de, 48, 49, 59
Espejo, Capt. Antonio, 140
Estabrook, *Givers of Life,* reviewed, 90
Eulate, Gov. Juan de, 55, note; 64, 66

Fair at Pecos, 390
Fellows of Society, new, 188
Ferdinand V, 123, 125, 233, 328, 332, 346
Fergusson, Harvey B., 100
~~Fernández, Juana, 62, note~~
Feudalism in Spain, 116
Fighting Men of the West, Coolidge, reviewed, 395-9
Fisher, Lillian E., *Commercial Conditions in Mexico at the End of the Colonial Period,* ~~105~~-143 /64
Flemish Franciscans, 38
Fonseca, Juan de, 328
Forgotten Frontiers, by Thomas, 204; reviewed, 388-93
Fort Craig, 348 *et seq.*
Fort Mann, 5
Ft. Smith, Kansas, 8
Fort Yuma, 18
F. X. Aubry's Journal, 27 *et seq.*

Gallatin, Albert, 353
Gallegos, J. M., 174
Galschet, Albert S., 353
Gálvez, José de, 243, 249
Gante, Fray Pedro de, 38
García, Felix, 102
Garrett, Pat, 379
Glenn, Capt., 277
Goodnight, Charles, 396
Gregg, Josiah, 199, 208, 273
Green, Col. Bill, 397
Guadalquivir, 156
Guanajuato, 312
Guzmán, Francisco, 19
Guzmán, Nuño, 330

Hammond, Geo. P., 54, note
Haring, Clarence H., 146, note; 156, note
Haro, Fray Pedro de, 56, note
Havana, 139, 145, 154, 155, 160
Helps, Sir Arthur, 105; 249, 330, note
Herrero, Miguel Blanco, 108
Hewett, Dr. Edgar L., 198, 208
Hillsboro, 379
Hodge, F. W., 72, note; 196; 198; 200; 201; 207; 208; *Biographical Sketch and Bibliography of Adolphe Bandelier,* 353-70
Hrdlicka, Dr. Ales, 197, 208
Hovey, O. P., 174
Hozo, a Navaho division, 205
Hughes, Capt. John, 397
Humboldt, Alexander von, 144; 156, note; 157, note

Ibarra, Francisco, 140
Independence, Missouri, 2
Indian Labor in the Spanish Colonies, by Ruth Kerns Barber, 105-143, 233-273, 311-349
Indigo dye, 267
Inquisition, 64; 65; 71
International Labor Office, 113
International Mining Congress, 374
Ipotlapiguas, 47, note; 66
Isabella, Queen, 116, 124, 125, 243, 253

Jamaica, 128, 139
Japan, 394
Jemez pueblo, 199-200
Jeronymites, 130
Jesuits, 257
Jicarillas, 193
Jones, Hester, 185; *Uses of Wood by the Spanish Colonists in New Mexico,* 273-292
Judicial district, Third, 380
Jumanos, 47, note; 54

Kidder, A. V., 202, 208
Kingston, 379
Kosterlisky, Col. Emilio, 398

Larrazolo, Octaviano Ambrosio, by P. A. F. Walter, 97-105
~~Larrazolo, Donaciana, 99~~ 2 254
Las Casas, 105-143, *passim;* ~~3~~45; 267; 342
Las Siete Partidas, 110, 117
Law, common and statute, 379
~~Law of Succession, 135~~
Legaspi, Adelantado, 142
~~*Legislación Sociál de América Latina,* 109, note~~
Leo X, *Alias felicis* of, 36; bulls of, 43
Libros de Decretos, 53, 54, note; 59
Lindsey, Lieut.-Gov. Washington E., 102
Linney, Charles E., 292
Little Red River, 16
López, Fray Francisco, 50
Lucayas (Bahamas), 125, 330
Lummis, Charles F., 199; 361, note

Major, *Select Letters of Columbus,* 329, note
Mandan of the Plains, 198
Manila, 142; galleon, 394
Manso, Fray Tomás, 48, note
Mansos, 47, note
Marata, 196
Marion, *American Neutrality in 1793,* reviewed, 92
Martínez, Fray Alonso, 49
Martínez, Don Felix, 100

Matthews, Washington, 194, 195, 196, 198, 208
McElroy, Charles J., 294
McMurtrie, Douglas C., *Some Supplementary New Mexico Imprints, 1850 to 1860*, 165-176
McRae, Capt. Alexander, 348, *et seq.*
Mendicant Orders, 36
Mendieta, 33; 36; 39
Mendoza, Antonio de, 248
Mercure, Messrs., 9
Merriman, Roger Bigelow, 120
Mesilla, 379
Messía, Alfonso, 262, 320, 325, 338
Mexía de Ovando, 253, 320, 324
Mexican National Archive, 32
Mexico, Audiencia of, 140
Michoacán missions, 39, 41
Miguel de Pasamonte, treasurer general, 314
Mines of New Spain, production, 326, 327
Mischler, Lt. Lyman, 348, 351
Missouri~~, 1, 304~~
Missouri Republican, The, 2,3, 306
Mita, 113
Mohaves, 14
Monarchía Indiana, 40, 51
Monopolies, 147, 149
Monte Albán, 355
Monte y Tejada, Antonio del, 253
Montezuma, annuity for, 239
Moqui, 54, note; 65
Morley, S. G., 280
Morgan, Lewis Henry, 353
Morris, Earl, 200, note
Moses, Barnard, 323
Mossman, Capt. Burton C., 398
Muro, Antonio de San José, 153, 154

Nagle, Matt, 274
Napton, W. B., 303, note
Narvaez, Pámfilo de, 130, 140
National Irrigation Congress, 374
National Library in Mexico, 32
Navajo, 193-210, *passim;* 389, 390
Navajo bibliography, 208, 209
Navaho nation (divisions), 205
Navaho origin legend, 194
Navaho Origins, by Amsden, 193-210
Navaho, sacred mountain, 195
Navaho weaving, 201
Navahú, 199, 200
New Laws of 1542, 245
New Mexican Imprints, 1850-60, Some Supplementary, McMurtrie, 165-176
New Mexico, *encomiendas* in, 140

Niza, Fray Marcos de, 196
Noticas Secretas, of Juan and Ulloa, 107

Oñate, Juan de, 48, 140
Orders of Calatrava, 115; of Santa Clara, 38; of Friars Minor, 34
Ordoñez, Fray Isidro, 50
Otero, Judge, 27
Ots Capdequí, Dr. José María, 387
Ovando, *See* Mexia de Ovando
Ovando, Nicolás, 124, *et seq.*
Ovieda, 342

Pacheco y Cárdenas series, 32, 49
Paleontology of N. Mex., 182
Papeles varios, 152, note
Paraguay, 136, 257, 338
Parker, Frank W., by John C. Watson, 377-385
Paso y Troncoso, Pedro del, 153
Paul III, bulls of, 43
Pearce, *The English Language in the Southwest*, 210-233
Pecos, 354
Peinado, Fray Alonso de, 48 and note; 51; 59
Pelzer, Louis, 298, note
Peralta, Pedro de, 64, 394
Perea, Fray Estévan de, 50, 55-68, *passim*
Perea, —, 27, *et seq.*
Perú, 135, 340, 358
Philip II, 236-269 *passim;* 317-346 *passim*
Philip III, 134, 254-269 *passim;* 317-356 *passim*
Philip IV, 248, 265, 335, 337, 346
Philip II, III, IV, 244, 245
Philip V, 333
Philippines, 142, 157, 269
Pike, Zebulon, 277
Pinzón, 132
Pino, Miguel E., 174
Pino, Pedro Bautista, 207, 209
Pizarro, Francisco, 125, 137
Pizarro, Gonzalo, 245, 247
Ponce de León, Juan, 133, 140, 331
Pony express, 6
Porras, Fray Francisco de, 65
Potosí, 263, 266, 267, 318, 320, 321, 338
Priestley, H. I., 106, 146, 239, 324, 326, 331, 336
Prince, LeBaron Bradford, 371
Príncipe de Squilache, 320
Pragmatic of Free Trade, 159
Presidencias, 135, *et seq.*
Presidente, 39
Privilegios para las Indias, 54, note

printing

Problems in the Early Ecclesiastical History of New Mexico, France Scholes, 32-75
Propaganda Fide, in Rome, 32
Prohibition, 382
Prudon, Peter, 16
Puaráy, 50
Pueblo Bonito, 197
Pueblo Rebellion, 202
Purgatoire (river), 178
Pursley, 277

Querechos, 193, 200
Quetzalcoatl, 355
Quirós, José María, 163
Quito, 136, 137, 142, 340
Quivira Society, 72, note
Qusutas, (Utas), 200

~~Ramírez, Fray Miguel, 130~~
Recopilación de leyes de los reynos de las Indias, 110
Relazione delle Conversioni, 54, note
Repartimientos, 123
Research, archive, 184, 187
Revillagigedos, 149, 154
Richardson, Albert D., 3
Rio Grande, de los Apaches, 16; navigability of, 381
Riva Palacio, 147, 157
Roberts, Col. B. S., 348, *et seq.*
Robinson, Jacob S., review of book by, 176
Rodenbough, Col. Theophilus Francis, 348, note
Rodey, Bernard S., 100
Russell, John T., printer, 175

Salas, Fray Juan de, 47, note; 65, 66
Salmerón, Zárate, 50, 57, 63
Salpointe, Bishop J. B., 99, 358
San Blas, 154
San Carlos reservation, 292, *et seq.*
Sandía, 63, 67
Sandoval, Francisco Tello de, 245, 247
San Luís Potosí, 312
San Mateo, 205
Santa Fe Gazette, 10, note; 27, 169, *et seq.*
Santa Fe Trail, 1, 24, *et seq.*
Santa Fe Trail and Other Pamphlets, 310, note
Santander, Fray Juan de, 52
Santo Evangelio, Province of, 33, 42
Sapir, Edward, 198
~~Schoenrich, Otto, 124, note; 126~~
Scholes, France, *Problems in the Early Ecclesiastical History of New Mexico*, 32-75 188
~~*Sencilla*, 123~~
~~Seville, 150~~
Sheep selling, 6, 7
Shoshonean, influence on Navaho, 197
Sibley, General, 348
Simpson, Leslie B., 105
Sitgreaves, Captain L., 7, note
~~*Soldado*, 117~~
Sotelo Ossorio, Felipe, 395
Soto, de, 131, 140
~~Spanish policy, 388, *et seq.*~~
Spanish trail, 28
Spier, Leslie, 209
~~Squilache, Príncipe de, 325~~
~~Streit's *Atlas Hierarchicus*, 73~~
Suárez, Fr. Andrés, 56, note

Ten Years Later (L. Bradford Prince), by Paul A. F. Walter, 371-376
Trails Clippings, 309, note
Trans-Mississippi Congress, 374
Tampico (Huasteca), 39
Teixidor, Felipe, 32, note
Tejon Pass, 27
Tenochtitlán, conquest of, 36
Texas en Europe, Les negociations de la republique du, reviewed, 386
Thomas, Prof. A. B., 204, 209; *Forgotten Frontiers*, reviewed, 388
Tigua area, 63
~~Timber along trail, 11-31, *passim*~~
Tombstone, Arizona, 294
Toroblanco, Comanche chief assassinated, 392
Trade, free, 143-164, *passim*
Traders, U. S., 391
Tree ring chronology, 197
~~Tular Lake, 25~~
Tusayán, 193, note

~~Urban VIII, 72~~
Uses of Wood by the Spanish Colonists in New Mexico, by Hester Jones, 273-292
"Ute River" (San Juan), 200, note
Utes, 389-91, *passim*

Valencia, Fray, 38
~~Valiente, José Pablo, 151~~
Val Verde, 348, *et seq.*
~~*Vecinos*, 127~~
Velasco, Fray Francisco de, 51
~~Velasco, Juan López~~ de, 127; 133; 134; 238; 325, note

Velasco, Don Luís de, 260, 320
Vera Cruz, 145, 151, 153, 155, 158, 277
Vetancurt, 33; 39, note, 47
Victoria, Texas, 4
Vigil's *Catalogos de la Biblioteca Nacional*, 34, note
Vigil, Donaciano, 166
Villagrá, 49; 73, note; 136
Viñas y Mey, Carmelo, 107, 109, 113, 254, 260, 265, 316, 324, 325
Vizcaino, Sebastián, 395

Wallace, Lew, 379
Walter, Paul A. F., *Octaviano Ambrosio Larrazolo*, 97-105; *Ten Years Later* (L. Bradford Prince), 371-376
Warner, Louis H., *Wills and Hijuelas*, 75-90
Watson, John C., *Frank W. Parker*, 377-385
Weaving, 201, *et seq.*
Weightman, Major R. H., 9
Whipple, Lieut. A. W., 8
Whipple's trail, 30
Williams, Dick, 16
Williams Fork, 30
Wills and Hijuelas, by Louis H. Warner, 75-90
Winship, George P., 193, 209
Woodruff, Curator and Mrs., 185
Wright, Irene A., 131
Wright, Robert, 309
Wyman, Walker D., *Bullwhacking: A Prosaic Profession Peculiar to the Great Plains*, 297-311; *F. X. Aubry: Santa Fe Freighter, Pathfinder and Explorer*, 1-32

Zacatecas region, 326
Zárate, Fr. Ascenio de, 62
Zárate-Salmerón, Fray, 199, 207, 209
Zavallos, Bernardino de, 394
Zebolleta (Cañon), 205
Zuñi, 23, 54
Zuñi tribe, 193

ADDENDA

page 142, *add* note 36:

36. López de Velasco, *op. cit.*, pp. 2, 91, 337, 582.

page 368, to the Bandelier bibliography *add:*

The siege of La Paz . . . I. [n.p., 189—?] pp. 243-264. Reprinted from *U. S. Catholic Historical Society Record.* [59a]

Errata

p. 27. after line 8, read (?)

B. T.