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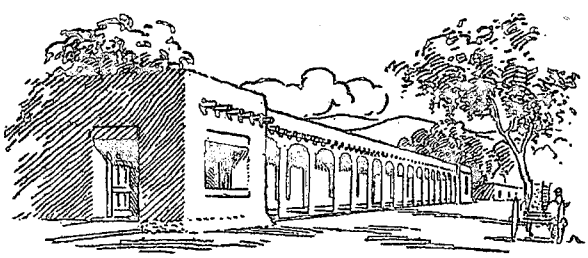

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CONTENTS

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THE HISTORICAL SOCIETY OF NEW MEXICO

(INCORPORATED)

ORGANIZED DECEMBER 26, 1859

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CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(as amended Dec. 15, 1925)

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

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

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

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

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

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

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

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

Officers shall qualify on January 1st following their election,

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

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

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

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

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

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

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

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

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

Santa Fe, New Mexico,
September 1, 1929

Professor Lansing B. Bloom, Editor
New Mexico Historical Review
My dear Mr. Bloom:

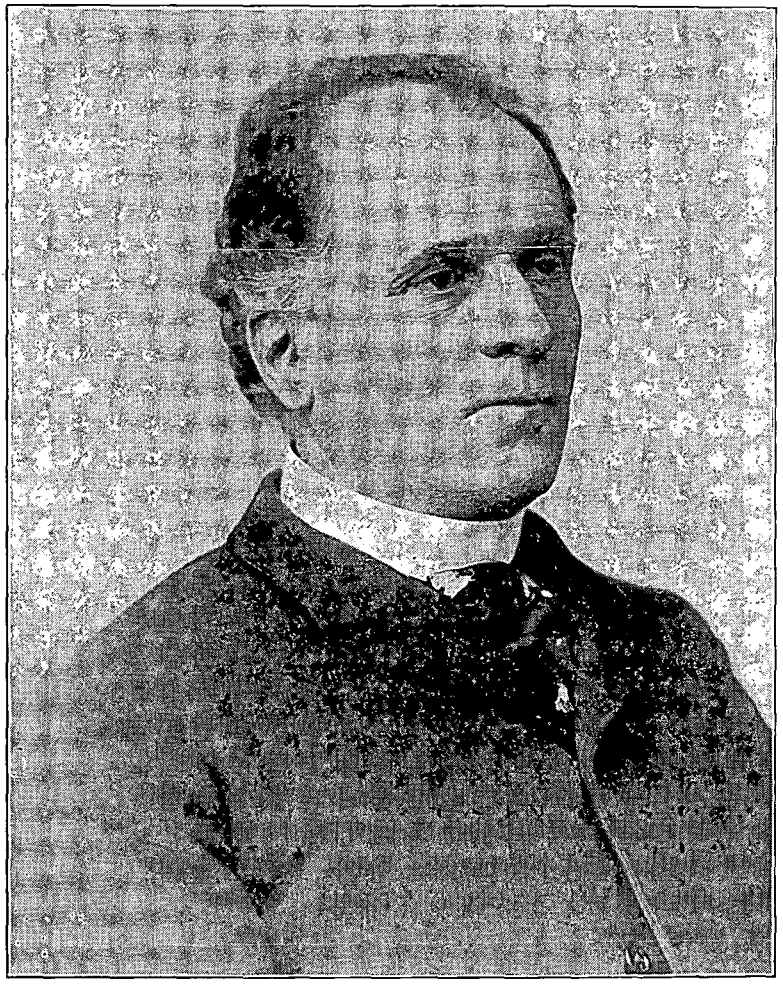
I am transmitting herewith a manuscript entitled a *Documentary History of the Rio Grande Valley,* by the late Mr. Adolph F. Bandelier.

This manuscript was turned in by Mr. Bandelier as a result of his two years' work for the School of American Archaeology on a fellowship in Southwestern History provided for that purpose by Mrs. John Hays Hammond. The work occupied Mr. Bandelier's time during the years 1909-1911. His preliminary paper, a *Bibliographic Introduction,* was published as No. 13 of the *Papers of the School of American Archaeology.* As Mr. Bandelier was at the close of this period enabled to go to Spain for further research on the same subject under the auspices of the Carnegie Institution of Washington, this manuscript remained unpublished pending his further researches.

It would seem fitting that this report be now published. As it comes so appropriately within the field of the Historical Society of New Mexico, I am authorized by the Executive Committee of the School to offer it for publication in the *Historical Review.*

I am

Very sincerely yours,
EDGAR L. HEWETT
Director, School of American
Research
Archaeological Institute of America



THE LATE A. F. A. BANDELIER

NEW MEXICO HISTORICAL REVIEW

Vol. IV. October, 1929. No. 4.

DOCUMENTARY HISTORY OF THE RIO GRANDE PUEBLOS, NEW MEXICO

BY ADOLPH F. BANDELIER*

Part I —1536 to 1542

When Alvar Nuñez Cabeza de Vaca and his three companions reached the Spanish outposts in Sinaloa in 1536 they brought the news that at, or near, the confluence of two rivers, which rivers were the Pecos and the Rio Grande, they had understood from the Indians that, farther north, people living in permanent houses would be found. No description of such buildings being given, and Cabeza de Vaca not placing any particular importance on the matter,

* In 1910 the then "School of American Archaeology" published as "No. 13" of its *Papers* the "Bibliographic Introduction" prepared under date of "New York, March, 1910" by Adolph F. Bandelier for his "Documentary History of the Rio Grande Pueblos of New Mexico." This Introduction may still be had if desired (28 pp. $.25; School of American Research, Santa Fe, N. Mex.), and only the opening paragraph is here quoted:

"Seventeen years have elapsed since I was in the territory in which the events in the early history of the Rio Grande Pueblos transpired, and twenty-nine years since I first entered the field of research among those Pueblos under the auspices of the Archaeological Institute of America. I am now called upon by the Institute to do for the Indians of the Rio Grande villages what I did nearly two decades ago for the Zuñi tribe, namely, to record their documentary history."

Bandelier evidently intended to carry his history of the Rio Grande pueblos thru the seventeenth century, but the manuscript which he sent in covers only the period from 1536 to 1584. Incomplete as it is, the manuscript runs to some 150 pages, and the value and interest of the text seem to warrant its publication.—Editor.

it is not possible to discern if by that notice a vague allusion to the Rio Grande Pueblos or their congeners about the Salines of the Manzano is to be supposed.[1] Farther westward, however, probably still in Chihuahua, they were informed (or made to understand or thought to understand) that "in some very high mountains toward the north . . . . there were villages with many people and very big houses."[2] Whether this is an indistinct allusion to some of the Pueblos or not, is hardly safe to decide. In connection with this it may not be amiss to state that it was obtained by Cabeza de Vaca at a place where he saw, in possession of the Indians, "five emeralds, shaped as arrowpoints, which arrows they use in their feasts and dances." Hence they were ceremonial objects. The Indians "traded for them with featherbushes and parrot plumes."[3] The Pueblo Indians have parrot's feathers in limited quantities, and at the Pueblo of San Juan the writer saw, in possession of one of the chief medicine-men, a beautiful large and well-polished plate of *malachite*, which was highly esteemed as a ceremonial object and said to have come from Chihuahua a long time ago.[4]

It is to the year 1538 that we must turn for the earliest positive statement in writing that concerns the Rio Grande Pueblos, or, rather, one of the tribes composing their num-

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1. Either, or perhaps both, are possible. The allusion is very vague. Cabeza de Vaca, *Naufragios y Relación de la Jornada que hizo a la Florida.* (Vedia, *Historiadores primitivos de Indias*, vol. I, cap. XXX and XXXI, pag. 542 etc.)

2. *Ibidem* (page. 542).

3. *Ibidem* (p. 543). "y a mi me dieron cinco esmeraldas hechas punta de flechas, y con estas flechas hacen ellos sus areitos y bailes. .. .. les pregunté que donde las habian habido, y dijeron que las traian de unas sierras muy altas que están hacia el Norte; a las compraban a trueco de penachos y plumas de papagayos, y decian que habia allí pueblos de mucha gente y casas muy grandes."

Coronado, *Letter to the Viceroy Mendoza*, (translation by Winship, p. 559 (from Ramuzio; *Terzo volume delle Navigationi et Viaggi*, folio 359.—edition of 1556) dated August 3d, 1540, mentions at Cibola-Zuñi, "two points of emeraid" found in possession of the Zuñi Indians, together with other little stones "in a paper." The Indians of New Mexico had no paper before the whites came.

4. My informant was the so-called "Tzi-hui," one of the four principal shamans of the Tehuas. See my *Final Report on Investigations*, etc., vol. I. p. 305.

ber. That tribe is the one of Ácoma, the most westerly representative of the stock of the *Queres*.

While the Franciscan monk, Fray Marcos (of Nizza in Savoy) was on his tedious and dangerous journey to reconnoiter the North American South and in search of the (then yet mythical) "seven cities,"[5] he met in southern Arizona an Indian who had escaped from Cibola, (Zuñi) who gave him much information about that region and who said, among other things: "that there is another province and kingdom, very great, which is called Acus. There is Ahacus and Acus with aspiration, is one of the seven cities and the principal one. Acus is a kingdom and province for itself . . . ." This information was confirmed to him later during his advance in the direction of Zuñi.[6] I have repeatedly established that, while Ahacus stands for the (now ruined) Zuñi village of Hauicu, Acus is Ácoma, called Hacu by the Zuñi Indians in their language.[7] Hence this is the first postive notice had, by whites, of any of the Rio Grande Pueblo stocks and it was in the year 1538.

It is foreign to the purpose of this work to give any detail on the march of the expedition of Coronado, its arrival and stay at Zuñi. The point of departure of that corps for the Southwestern United States was Culiacan in Sinaloa, the actual site of that town whither the earlier settlement had been moved in 1532 and where it since remained.[8] While Coronado was among the Zuñis, he ani-

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5. In regard to the seven cities see my *Contributions to the History of the southwestern portion of the United States* (1890) published by the Archaeological Institute (pp. 5, 11 to 14.) As the early sources are amply referred to in that monograph I do not enumerate them here.

6. Compare, in the same volume as in preceding note: *Fray Marcos of Nizza*, (pp. 145 and 146, and notes 1 and 2 p. 148.)

7. This information was secured, thirty years ago at least, by my late friend Frank Hamilton Cushing.

8. Fray Antonio Tello, *Historia de la Nueva Galicia* (in vol. 2 of *Coleccion* de *Documentos para la Historia de Mexico*, by Yzcabalceta). Fathef Tello wrote the History in 1652. The date of the transfer of San Miguel del Navito, the original Spanish settlement at Culiacán, is given on page 355 of the volume quoted and reads as follows: "A todos estos españoles dejó Nuño de Guzman en la nueva villa de San Miguel del Navito; aunque en el mismo año, que era el de treinta y dos, fue

mated those Indians to inform the other Pueblo tribes of the arrival of the Spaniards and to prepare for the latter a friendly reception.[9] This shows that there existed, prior to 1540, friendly though probably sporadic relations between the Zuñis and more eastern Pueblos and indeed, in the summer of 1540, an Indian delegation came to Hauicu from a village called Cicuyé "situated seventy leagues to the East . . . . . they had with them a Cacique whom the Spaniards surnamed *Bigotes* . . . . since he had very long [moustaches]. He was a young man, tall well-built and he seemed to be robust. He said to the general that, from what they had been told about the Spaniards, they came to tender their assistance and their friendship and that, if we came to their country, they begged to be treated as allies. As presents, they gave tanned hides, shields and helmets. The general received them very well and gave them precious things such as they had never seen. They gave information on the cows of their country and we found out they were cows as one of these Indians had one painted on his

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trasladada a Culiacán, que es en donde hasta hoy permanece." Under the year 1532, the following is found in the important work of *Antonio de Herrera; Historia general de los hechos de los Castellanos en las Islas y tierra firme del Mar oceano.* (edition of 1726 Decada V. Lib. I, VII. Pag. 18 Cap. VIII.) "Solia estar la Villa de San Miguel cinco leguas mas arriba, i pasose al Valle de Horaba, por el aparejo de Sementeras, i Frutas, i otras comodidades." That the present Culiacán, is only five or six leagues from the site where it was originally founded, is already stated in: *Primera Relación anónima de la Jornada que hizo Nuño de Guzman,* from the sixteenth century (*Documentos para la historia de Mexico,* ut supra vol. 2, p. 292) *"cinco leguas arriba de donde agora está." Segunda Relación anónima"* (p. 304) "Solia estar esta villa cinco leguas mas arriba."

9. See my "Documentary History of the Zuñi tribe" in *Journal of American Ethnology and Archaeology,* III (1892); Pedro de Castañeda, *Relación de la Jornada de Cibola,* (in vol. 14, part 1, of *Ethnological reports,* p. 430, but especially cap. 11, page 428): "que ellos diesen noticia a sus amigos y uecinos come eran benidos a su tierra cristianos y que no querian otra cosa salbo ser sus amigos y aber noticia de buenas tierras que poblar y que los biniesen aber y comunicar y ansi lo hiçieron luego saber en aquellas partes que se comunicaban y trataban con ellos." The subsequent visit of the Pecos Indians to the Zuñis may have been brought on by a call of the Zuñis, although Pecos is quite distant from the latter's tribal range.

body."[10] These people from Cicuyé were, as we shall hereafter see, from the now abandoned pueblo of *Pecos* east of the Rio Grande and they were the first people from the Rio Grande region seen by whites. It is known that the Pecos Indians spoke the language of "*Jemez.*" From this brief notice we also learn that the Pueblo Indians used shields, leather caps as helmets[11] (as was indeed the case), and that they occasionally painted their bodies.

The "cows" were of course the buffaloes and of these animals the Spaniards had already learned through Cabeza de Vaca and Fray Marcos; still, the sight of the shaggy or woolly coats surprised them greatly, and more so yet when given to understand that the animals were "cows."

Profiting by the friendly disposition of the Pecos, Coronado determined upon sending a reconnoitering party with them, to explore the east. For that purpose he selected one of his officers, Hernando de Alvarado, and twenty men; and Fray Juan de Padilla, a Franciscan monk, accompanied them.[12] The party set out, in company with the Pecos, on August 29th (old style, or on September 8th according to our actual calendar), from "Granada," which was the name given by the Spaniards to the pueblo of Hauicu where they had quartered themselves.[13] The description of the recon-

10. Castañeda, *Relación de Cibola*, (cap. 12 page. 430). I shall always quote Castañeda from the invaluable publication of his original text by Mr. George Parker Winship referred to in the note preceding. It is well known that "bigote" is the Spanish for moustache. In order not to lengthen unduly the numerous notes accompanying my text I shall give the full quotations only when necessary. The student will, therefore, look for the full text of the quotations in the originals indicated.

11. The original has "capaçetes," which may also be simply a headpiece or cap.

12. Castañeda, *Cibola*, (cap. 5 part 1, p. 421) mentions Alvarado as captain of the artillery and "cauallero montañes." Fray Juan de Padilla was a native of Andalusia, and had been the first guardian of the convent of Tulancinco, whence he went to Jalisco, became guardian of Tzapotlan, and gave up that post to join Coronado. He had been a soldier. His short biography is found in many Martyrologies and in Mendieta, *Historia eclesiástica Indiana*, in Toquemada, and Vetancurt, *Menologio franciscano* (edition of 1871, p. 386). The statement that he had been a soldier is found in Castañeda, *Cibola*, (I. cap. 11, p. 428). He states: "Fray Juan de Padilla frayle francisco que en su mosedad auia sido hombre belicoso"—This does not necessarily imply that he had been a literary man, although it is not unlikely.

13. Hauicu had been christened "Granada" by the Spaniards after its occupation by them.

noissance by Alvarado is based upon an original report (possibly by Father Padilla) of which however only the first part is accessible thus far, through the notice of it given by Castañeda (who did not participate in the expedition) and a similar notice in an anonymous document from the time, as well as through the contemporary statements preserved by Fray Toribio de Paredes surnamed Motolinia.[14] It is plain and bears every mark of reasonable truthfulness. I purposely dwell on these points, as a high authority from the eighteenth century, the celebrated Spanish historiographer, Juan Bautista Muñoz, has attacked the reliability of this report.[15]

Marching past several ruined villages known to the Indians (who still preserve their names), he arrived at another ruin where the trail divided, one branch of it leading to "Chia" (Cia) and the other to "Coco" (Acuco or Ácoma). Both trails were still visible in 1888 and I have traveled over parts of them on foot. It shows that, previous to the time of Coronado, there was intercourse (even

14. The copy of this fragment, as published in the *Documentos de Indias* (Vol. 3. pp. 511 to 513) is entirely faulty and utterly misleading. It reads: *Relación de lo que Hernando de Alvarado y Fray Juan de Padilla descrubrieron en demanda de la mar del Sur.* —In the Index the additional mistake is made of substituting "de Soto" for Alvarado. The manuscript from which this copy was made is itself a copy from the eighteenth century and has the same errors except that, in the title, "Alvarado" is mentioned. The manuscript copy is at the Lenox branch of the New York Public Library. The statements preserved by Father Motolinia are in the manuscript entitled *"Libro de Oro o Thesoro Indice"* which belonged to Don Joaquin Garcia Yzcabalceta and has been published since his death by his son. Years ago, Don Joaquin sent me a copy of the *Relación postrera de Sivola* from the Libro de Oro and I have used it frequently in my books published before 1893. Mr. Winship was the first to publish it in this country, in vol. 14. Part 1, of the *Reports of the Bureau of Ethonology,* (pp. 566 to 568, with an English translation on pp. 595 and 596). The name of Alvarado is not mentioned, but part of the information undoubtedly came through him. *The Relación del Succso de la Jornada que Francisco Vazquez hizo en el Descubrimiento de Cibola* (*Doc. de Indias, vol.* 14) states on page 322. "Luego como Francisco Vazquez despacho a D. Garcia Lopez a este descubrimiento, desde alli a cuatro dias despacho a Hernando de Alvarado a descubrir la via de Velante" (should be "Levante," sunrise or the East) el cual partió . . ." More detailed than any (except the original report or fragment of it) is Castañeda *Cibola* (cap. 12, p. 430) "ordenó el general que fuese con ellos hernando de aluarado con ueinte compañeros y ochenta dias de comiçion y quien boluiese a dar relación de lo que hallauan este capitan aluarado prosiguio su jornada. . ."

15. The strictures are found in a footnote, in the manuscript as well as in vol. III. page 513, of the *Documentos de Indias.* Muñoz was never in America and could not judge of the correctness of the report.

if irregular) between some of the Rio Grande pueblos and Zuñi, as already mentioned. The direct report on the Journey does not state the number of days used in reaching "Coco" or "Ácoma," but Castañeda, while not on the expedition himself, says that it took five days[16] to make the trip, which is quite likely. The report states: "We arrived at the said place, which is one of the strongest things ever seen, because the city stands on a very high rock. Ascent to it is so bad that we repented having ascended to the place. The houses are of three or four stories, the people are of the same sort as those of Cibola; they have an abundance of food: maize, beans, and fowl after the manner of those of New Spain."

"From here we went to a very good lagune with trees like those of Castille, and from there to a river which we named 'of our Lady' because we reached it on vespers (afternoon before) Her day, in the month of September.[17] The "day of our Lady" was then and is to-day the 8th of September.[18] The river was the *Rio Grande,* the lagune being the one near the actual pueblo of *Laguna* which then did not yet exist.[19] So the entire trip from Zuñi to the river lasted nine days, including the stay at Ácoma.

Of the Rio Grande and the valley through which it flows the report says: "This river of Our Lady runs through a very broad valley [meadow properly] dotted with cornfields. There are some lanes [groves] of trees. There are twelve villages. The houses are of earth and two-storied. The people appear to be good, and land-tillers rather than war-like; they have much food in the shape of maize, beans and melons [squash] and fowl in great abundance. They

16. *Relacion de lo que Hernando de Alvarado y Fray joan de Padilla descubrieron etc.* (p. 511). *Cibola,* (p. 430): "y a çinco jornadas llegaron a un pueblo que estaba sobre un peñol decíase acuco era de obra de doçientos hombres de guerra, salteadores temidos por toda la tierra y comarca." Nine days is a very likely statement.

17. *Relación de lo que Hernando de Alvarado etc.* (p. 511)

18. This is one of the feast days, the date of which was not changed when the correction of the calendar was made.

19. Laguna was founded in 1699, July 4th, by the Governor Pedro Rodriguez Cubero. See my *Final Report* (vol. II, p. 299, text and note 1.)

dress in cotton, cowhides, and mantles of fowls-feathers; their hair is cut. Those among them who exercise the greatest authority are the old men; we hold them to be sorcerers, for they say they rise to heaven and other such matters of the kind. In this province are seven villages more, abandoned, and destroyed by the Indians with painted eyes, of whom the guide gave notice to Your Grace; they say these confine with the cows and have houses of straw, and maize".[20]

Since the river of "Our Lady" was the Rio Grande, the group of twelve villages can only have been the abode of the Tigua Indians of New Mexico.[21] It was the only cluster of so many pueblos, situated on or near an important stream in that territory, and Alvarado must have struck that group somewhere between the Mesa "del Cangelón" in the north and Belen in the south, or, more precisely, about the present site of Bernalillo according to testimony produced further on.

It must not be lost sight of that the Spaniards had not yet had time to become acquainted with the languages of the pueblos, that of Zuñi perhaps excepted, and that there is no mention made of any Indians from Zuñi accompanying Alvarado.[22] Hence, a correct understanding of what the Pecos, and afterward the Tiguas, attempted to tell them was almost impossible. This is important in regard to the "painted Indians" and the hostilities they are said to have committed towards the Pueblos. The personal description of these Indians may or may not have been correctly understood, and such is also the case with the tale about the destruction of Tigua villages, which destruction would be a

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20. Alvarado, *Relación*, p. 512. In regard to the seven villages stated to have been destroyed, the painted Indians, and the fact that the villages mentioned were possibly not of the Tiguas, see notes following.

21. Aside from other and numerous evidence, the name "Tiguex" is sufficient to identify the tribe with the Tiguas. I have heard, and more than once, Tigua Indians pronounce "Tiguex." It must be borne in mind that "x" was and is today in Mexico, Central America and Yucatan, pronounced "sh".

22. They would have been superfluous, even perhaps, useless, as guides, since the Pecos accompanied and led Alvarado.

piece of Pueblo History from previous to the year 1540. The "Jumanos" are, later on, alluded to as painted or rather "striated" people,[23] but other prairie tribes also decorated with paint. From the vague indications accessible in regard to the Jumanos we may surmise that a branch of them dwelt east of the Salines of the Manzano, hence not far from the Tigua villages of Cuaray, etc. There are ruins in that neighborhood, of which it is not known yet whether they were Tigua or Piro settlements. A definite conclusion cannot be reached, especially since we are in doubt about the correct reporting of what the Indians meant. At all events it is well to keep the above quoted passage in mind when investigating the tradition of the Rio Grande Tiguas.

The meeting of Alvarado with the Tiguas took place as follows: "We sent across to the village through a guide and the next day there came, from twelve villages, principal men and people, in good order, those of one village after another. They marched around the tent playing a flute and one of the old men talking, and in this order they entered the tent and presented me with food, mantles, and hides which they [had] brought. And I gave them a few trinkets, and with this they went back." This appears to be the first description of a ceremonial performed by Rio Grande Pueblo Indians in the presence of Europeans.[24]

23. Further on I shall refer more in detail to this story about the destruction of villages by Indians from the plains. It is barely possible these may have been Jumanos, but the Indian tradition of the "Teyas" destroying pueblos about 1525 is not to be overlooked. These pueblos lay a short distance from the Rio Grande on the east and may have been *Tanos*. That the Jumanos either painted or tattoed their faces is often stated, and that some of their number occasionally drifted to the Rio Grande and got among the Tiguas is already noticed by Castañeda, *Cibola*, p. 444, "en esta jornada a la yda se hundio (should probably be "huyó") una india labrada . . . en tiguex donde se ubo era esclava . . ." The term "labrada" means tatt ed, in distinction from "pintada." The Jumanos were also called "rayados" or striated. The documents referring to the Jumano tribe will be considered later. See the very valuable monograph on the subject by my friend F. W. Hodge, "*The Jumano Tribe*," from *Proceedings of the America Antiquarian Society*, (April, 1910).

24. Alvarado, *Relación* etc. (p. 512) The description of these ceremonials has the merit of being the only one thus far known, hence I give it in the original: "y otro dia vinieron, de doce pueblos, principales y gente en ordenanza, los de un pueblo tras de otro, y dieron una vuelta a la tienda, tañendo con una flauta y un viejo hablando; y desta manera entraron en la tienda y me presentaron la comida y mantas y cueros que traian, é yo les dí algunas cosillas, y con esto se volvieron."

The report alludes to still another ceremonial act of the Pueblos which the Spaniards witnessed: "In the places where crosses were put up we showed them how to worship these, and they offered their powders and plumes and some left the mantles in which they are dressed, and with such eagerness that they climbed over each other in order to reach the arms of the crosses in order to place feathers and roses, while others brought ladders and, others holding these, they ascended to tie strings to fasten the roses and plumes."[25] Leaving the "roses" out of the question, we gather information of two well-known Pueblo ceremonials, namely: the use of sacrificial meal and plume-sticks. These objects were placed on the crosses by the Indians, either with a view of propitiating the cross which they may have regarded as a good fetich, or as a charm against possible evil which they may have feared from the erection of the Christian symbol. In the mind of the Indian, who very probably looked upon the cross with doubt and even misgivings, both may be possible.

Alvarado obtained information about more villages; some to the south along the Rio Grande (which villages he understood were small, only two of them containing as many as 200 souls), and a much larger number of settlements to the north of the Tigua range.[26] The former must have been the villages of the *Piros*. Among the latter he mentions one "which is located between some shores. It has twenty wards. The houses are with three stories of mudwalls and

25. Alvarado, *Relación* (p. 513.) He says "*sus* polvos y plumas." This indicates that the Spaniards had noticed the use of such objects already on other occasions.

26. This information, while probably from Alvarado, is found in the *Relación postrera* (p. 588.) "El que esto dice vió doce pueblos en cierto compás del rio; otras vieron más; dicen el río arriba; abajo todos son pueblos pequeños, salvo dos que ternán á ducientas casas; . . ." Alvarado, *Relación*, (p. 512) attributes, to what afterwards became known as Tiguex, twelve pueblos, and adds: "Aquí vinieron á darme la paz los de las provincias comarcaranas, que son las que V. Mrd. verá por esa memoria, en que habrá ochenta pueblos de la calidad que tengo dicho." The mention of a visit from "contiguous provinces" may indicate that Alvarado did not see these himself. The number of the pueblos is larger than that furnished by Coronado, but it is merely an approximation. See further on.

three more of small boards, and in the three stories (built) of mud are three gangways. It seemed to us that in that village there were as many as fifteen thousand people. The country is very cold; they raise neither fowl nor cotton, and worship the sun and water. We found, outside of the place, heaps of earth where they bury."[27] This village was one of eighty "in the surrounding Provinces."[28] It is not asserted that the Spaniards saw it, it appears rather that the mention is from hearsay, hence subject to caution. If the description should be truthful it might indicate that, at Coronado's time, the clans lived still in separate quarters, hence the term "barrios" or wards. The statement that the Pueblos worshipped both the sun and water, while not correct in the exclusive sense here given, is still not absolutely false, and alludes to further ceremonial data. As to the heaps of earth outside of the village, these may have been burials, rubbish-mounds, or the small heaps of stones erected on the outskirts of Pueblos in former times for purposes of prayer.[29]

The report on Alvarado's excursion, although unfortunately truncated in its actual condition, proves, from the above, to be truthful and even ethnologically valuable. The other documents treating of the expedition must now be compared with it. The oldest one of these is the "Relación del Suceso" which was written in New Mexico in 1541 or in the year following. Its author is not known. It says:

"Forthwith, as Francisco Vazquez had despatched D. Garcia Lopez to this discovery [of the Colorado river], after four days he sent off Hernando de Alvarado to discover towards the rising sun; who left, and thirty leagues

27. The heaps of stones are mentioned by Benavides. See later.

28. See note 26. The estimate of fifteen thousand souls is, of course, greatly exaggerated. Whether the village meant is Pecos or Taos is not quite clear. It may be either. The text however makes it clear that Alvarado wrote from hearsay.

29. The heaps or mounds in question are called in Tehua "Tapu." It corresponds to the custom of the South American "Apachetas." Fray Alonso de Benavides, *Memorial que Fray Juan de Santander de la Orden de San Francisco, Comissario General de Indias, presenta a la Magestad Catolica del Rey Don Felipe quarto nuestro Señor.* (1630, p. 39).

from Cibola found a rock with a village on it, the strongest thing seen in the world, which in their language they call Acuco and Father Fray Marcos called it the kingdom of Hacus. They received us peaceably although they might have avoided it and stayed on their rock where we could not have bothered them. They gave us mantles of cotton, hides of deer and of cows, turquoises and fowl and their other food, which is the same as at Cibola."[30] This is one of the earliest identifications of Hacus with Acuco, and the second time that the full Zuñi name for Ácoma, "*Hacu kue,*" appears in documents.[31] (The earliest mention seems to be by Coronado, in his letter to the Viceroy, dated 3d of August, 1540).

Twenty leagues east of Ácoma, continues the document, they came to a river that flowed from north to south, and the shores of which were well settled. "There may be in all, on it, seventy villages, large and small, more or less. Their manner is like that of Cibola, except that nearly all are with mudwalls well made; the food is also the same. These people raise cotton namely, those near the river, the others not. Here there was much corn. The people have no markets.[32] This settled part extends for fifty leagues from north to south along the river, and on either side as far as fifteen or twenty leagues from it are some villages. The river rises in the north of the settled country and of the slopes of these (sic) mountains, where there is another Pueblo different from the others and large. It is called Yuraba. It is in the following shape: it has eighteen wards, each one of the extent of two house lots, the houses very close together, of five and six stories; three of which are built of mud and two or three of planking. The (building)

30. *Relación del Suceso,* p. 322.

31. It does not appear in the accounts of later chroniclers, the Queres name "Ácoma" having become prevalent. The abbreviation "Coco" however, is found, though rarely.

32. The Spaniards were accustomed to the "Tianquiztli" of the Indians of Mexico, which were held sometimes every day and which, in fact, played the part of our "stores" of today, the wares being offered in the open air.

grows narrower toward the top, and on the upper stories of the mud-walls, without, projects on each, one little corridor above the other, of timber, all around. It being situated in the mountains they have no cotton nor do they raise fowl, but dress in hides of deer and of cows. That village contains more people than any other of all that country; we judged it to contain fifteen thousand souls. Of the other kind of pueblos, there is one, larger than all, very strong, called *Cicuique* and with four or five stories, eight large courts each with its corridor, and it contains good buildings. Those (people) also do not raise cotton, nor have they any fowl, because it lies fifteen leagues east from the river, near the plains where the cows roam."

While this description confirms the one contained in the fragment emanating from Alvarado (at least officially) it embodies much more detail. We learn that the large village in the North is called *Yuraba* (a name as yet difficult to identify); we are told (and quite correctly) of the extent of the entire Pueblo range. We are informed of the existence of a large village some distance from the Rio Grande, east, which is called *Cicuique* and lies near the great eastern plains. "Cicuique" is a modification (resulting from the difference in languages and the changes in pronunciation so common among Indians) of the Pecos for their pueblo. It is also pronounced "Tshiquique" instead of "Tshiquitue." We have, therefore, through this document, the names of two Indian villages, which, at the same time, are given as the most populous of all the pueblos. Pecos is easily identified (as Cicuique) but Yuraba not. The name as yet gives no clue, but the geographical indications point to *Taos,* as probably the one called Yuraba. Ever since New Mexico became known, Taos was the most northerly Pueblo settlement (if we except the temporary village founded by the Picuries at the "Cuartelejo" which however was only occupied for a few years and then abandoned). Its appearance is striking and is indicated in the document by its tapering form. It lies on the shore of a small stream, is

quite tall, and the country is elevated, so that cotton will not grow. The Taos of today is not exactly on the site where the tribe originally settled, the older village having been situated (so it is said) in the mountains, which does not conflict with the description. Whether the actual Taos, or an older settlement of that tribe in the sierra, there is much reason to suspect that Yuraba was the abode of the Taos cluster in 1540, and that Cicuique was the well-known Pueblo of Pecos, abandoned since the first half of the nineteenth century.

Not without interest is the mention of buffalo-hides frequently used for dress. They appear to have been much more abundant among the Pueblos in the sixteenth century than, for instance, in the nineteenth. Whether this is merely apparent or so in fact, I cannot decide, but it is noteworthy that in none of the documents contemporaneous with Coronado is any mention made of the periodic buffalo hunts on the plains which, certainly as late as 1880, were undertaken by Pueblos as a communal affair, and also as trading expeditions to the plains Indians.[33] On the other hand, it is stated that the nomads came (even regularly) to Pecos, to dispose of buffalo and other hides.[34] If the abundance of the latter is true, at Coronado's time, then there would have been a more lively intercourse between the sedentary Indians and the nomads than was the case in subsequent times. Such commercial relations did not, of course, interfere with occasional warfare.

When Alvarado left the Zuñi region his commander had allowed him eighty days for the whole duration of his absence. The fragment we have investigated covers but a short period of this leave of absence. The "Relación del Suceso" finishes, though briefly, the tale. The writer of this document is unknown to us, his opportunities for re-

33. I witnessed one of the last meetings held for the organization of an expedition of the kind, and acted as scribe on the occasion, in 1880, at the Pueblo of Santo Domingo on the Rio Grande.

34. Reference to this will be found further on.

liable information we cannot determine, beyond that he was a member of the expedition and in the Southwest at the time. From the fragmentary original report I have surmised that Alvarado did perhaps not see anything beyond the Rio Grande valley; according to the second document it would appear that he even penetrated as far east as the great plains.

"After Alvarado had reported to Francisco Vazquez about this river," continues the document, "he went to those plains, and in the beginning met a small river that runs to the southeast, and four journeys further he found the cows which are the most monstrous things among animals that were ever seen or heard of."[35] These data are supplemented by details on the buffalo, obtained on Coronado's journey to Quivira in the summer of 1541, showing that the "Relación del Suceso" was written during or after the fall of that year. Alvarado is said to have followed the small stream for a distance of one hundred leagues, a rather doubtful statement. The stream was evidently the Pecos, and the fragment of a report to Coronado is very probably a part of the above mentioned report to the commander, sent before Alvarado set out for the great plains. Alvarado returned from the plains in safety, and "to the river which is called, of Tiguex", where he found the Maestro de Campo Garcia Lopez de Cardenas already established, preparing quarters for the whole little army.[36] But events connected

35. Relación del Suceso, p. 324: "Despues de haber Alvarado hecho relación a Francisco Vazquez deste rio, pasó adelante á estos llanos, é al prencipio dellos halló un rio pequeño que corre á el Sueste . . ." That he did not visit other villages outside of the Rio Grande valley than Pecos (and saw a few pueblos between the Tiguas and Pecos) is indicated by the *Relación del Suceso*, (p. 324): "Vuelto Hernando de Alvarado de estos llanos al rio que se llama de Tiguex." Previous to going to the plains he had not had time for visiting any other tribes but the Tiguas and the Pecos. Castañeda, *Cibola* (p. 431) says that Alvarado sent word to Coronado from "Tiguex. . . para que se biniese a inbernar aquella tierra."

36. *Relación del Suceso*, (p. 324): "Vuelto Hernando de Alvarado. halló al maestre de campo D. Garcia Lopez de Cardenas, haciendo el aposento para todo el campo que venia allí". Castañeda, *Relación de Cibola*, p. 431: "y quando hernando de aluarado llegó a tiguex de buelta de cicuye halló a don garcia lopes de cardenas. . . . ."

with this must be reserved for later on, and I now turn to another source concerning the Alvarado expedition, the "Relación postrera de Cibola" contained in one of the several manuscripts on the history of the Mexican Indians by the celebrated Franciscan missionary Fray Toribio de Paredes, surnamed by the Indians *Motolinia.* The document is called the *"Libro de oro"* also "Thesor o indice" and bases upon letters written by one or several of the priests who accompanied Coronado, and in the year 1541. It contains several data that seem to have been taken from the fragment of the original report. So for instance: the mention of the Rio Grande appears to be almost textually copied. The "Relación postrera" affords strong confirmation of the report of Alvarado.[37] More explicit than any of the sources preceding are the writings of Pedro Castañeda of Najera. He wrote, however, some twenty years after the occurrences, and from memory. But he had been a participant in the expedition and his recollections, although not above adverse criticism in more than one instance, are remarkably detailed and very important. He mentions the reconnoissance by Alvarado in detail, although he does not seem to have taken part in it. His statements require careful investigation. Thus he states:

"The general ordered the captain, Hernando de Alvarado to take twenty men with him, to accompany these Indians (from Pecos) and to return in twenty days to give an account of what he might have seen. Alvarado therefore left with them." (I again call attention to the fact that no mention is made of Indians from Zuñi having gone along.) The point of departure was Hauicu. "Five days later they reached a village called Acuco which is built on a rock. Its inhabitants, who can put on foot about two

37. It is possible, however, that the *Relación postrera* may have been written previous to the *Relación del Suceso.* The former treating of Coronado's dash to Quivira says: "no se sabe si es vuelto, etc." In that case it would be the earliest source mentioning "Acuco," earlier than the *Relación del Suceso.* Hence it was written after the middle of July and previous to October 20th, 1541.

hundred warriors, are dreaded in the whole province as bandits. This village was very strong since there was but one trail leading up to it which rose on a rock that was cut sheer on all other sides and so tall, that a bullet from a harkbuss could scarcely attain the summit. It could be reached only by a staircase cut by the hand of man, commencing at the lower end of the rock and leading to the village. This staircase was reasonably wide along the first two hundred steps, then came a hundred more much more narrow, and when the height was reached there were yet to climb three fathoms, by placing the foot in holes dug into the rock. It was hardly possible to insert the toes into them, so that it was necessary to hold on with the hands. On the top was a large heap of big stones that could, without being seen, be hurled on those that would ascend, so that no army, however strong, would have been able to force its way up. There was, above, sufficient ground for sowing and storing a large quantity of maize, and there were also cisterns to gather water and snow."[38] This description, from one who did not accompany the troop of Alvarado but saw Ácoma afterwards, is but an amplification of the report, or rather fragment, written in 1540 and agrees very well with the scanty notice contained in it. The estimate of the population agrees, not with the estimate by Vetancurt, more than a century later, but with the numbers of the Ácoma tribe of today. The staircase made by hand is an error in part, there are only here and there traces of artificial steps, but the general description of the difficult ascent is quite good. Here I may observe that the "Relación

38. *Relación de Cibola*, p. 430. The passage: "tenia una sola subida de escalera hecha a mano" is not correct; the vertiginous paths are natural in the main. I cannot positively determine which of the actual trails leading to the top of the rock may be meant. When I first went to Ácoma (1882) and remained there for a month, there were three trails in use, one of which is most vertiginous, although the Indians made frequent use of it, It is also, to say the least, doubtful that there was "sufficient ground for the cultivation of maize."

postrera" allows for Acuco "two hundred houses,"[39] adding that the language there is distinct from that of Zuñi. It is well known that the Ácomas belong to the Queres and speak the Queres idiom, with some dialectical variation.

What follows is in direct opposition to the statements of other documents which all assert that the Spaniards were received in a peaceful manner. According to Castañeda, on the contrary, the Ácomas came down to the foot of their rock, traced lines in the sandy soil, giving to understand that these lines should not be crossed. But when they saw that the whites were making ready to attack they gave in, begging for mercy. So the Spaniards interpreted their gestures. Castañeda describes the ceremony which he says they observe when making peace: "they approach the horse take of their sweat, and rub their own bodies with it. Afterwards they make crosses with the fingers of their hands." The idea underlying this ceremony is unclear to me, provided always that the Spanish interpretation of it (as a symbol of peace) is right. To pledge friendship, they cross the two hands, in which case the pact cannot be violated any more. They presented to their visitors many fowl, bread (the so-called tortillas of today), tanned hides of deer, pinion-nuts, meal and maize.[40]

Three days later, says Castañeda, Tiguex was reached where, the Pecos chief "Bigotes" being in their company, the strangers were met with demonstrations of peace and friendship which are ascribed to the fact that "Bigotes" was much feared in the country, possibly as a powerful shaman. Thence Alvarado sent a messenger to Coronado,

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39. Two hundred "households" would correspond to about as many warriors, as Castañeda estimates: "doscientos hombres de guerra." *Relación de Cibola*, p. 430. The proportion of adults to the whole population among sedentary Indians I have invariably found, in former times at least, to be 1 to 3.5. so that Ácoma could be credited with 800 inhabitants. Vetancurt, *Chronica de la Provincia del Santo Evangelio de Mexico*, (reprint of 1871), p. 319: "Vivían mil y quinientos personas."

40. *Cibola*, p. 431.

giving a favorable impression of what he had seen and inviting his chief to spend the winter at Tiguex.[41]

At five days' distance from there Alvarado reached Cicuyé.[42] Its inhabitants received him with many demonstrations of joy. They escorted him to their village to the sound of their "drums" and of flutes which are compared to fifes. Of these instruments it is said the Indians had many.[43] The Pecos gave Alvarado cloth and many turquoises. Owing to the proximity of Pecos to Cerrillos the statement that there were "many" turquoises in that region is not surprising, but we are not told whether they were obtained directly or through barter. At any rate it shows that the Cerrillos locality was made use of previous to the coming of the Spaniards.[44]

It was while the Spaniards rested at Cicuyé-Pecos for a few days that they came in contact with an Indian, said by Castañeda to have came from the plains and to have been a native "of the country situated towards Florida and and of which Hernando de Soto has newly explored the interior."[45] The allusion to Soto shows the late time of Castañeda's writing; while the presence of an Indian, possibly from the Mississippi valley, among the Pueblos is quite an interesting fact. The whites took him to be a slave. He certainly was outside of the clans, else he could not have been anything but a member of the tribe, and as

41. *Ibidem.*

42. *Ibidem,* "de allí a cinco jornadas llegó a cicuyé."

43. *Cibola,* p. 431: "y lo metieron en el pueblo con atambores y gaitas que allí ay muchos a manera de pifanos." — "Gaita" means a bagpipe, "pifano", a fife.

44. *Ibidem.* "y le hicieron grande presente de ropa y turquesas que las ay en aquella tierra en cantidad." The turquoise locality lay in the range held by the Tanos Indians, but it does not seem that these claimed the exclusive right to the blue and green stones.

45. *Idem.,* p. 431: "Tomaron lengua de un indie esclabo natural de la tierra de aquella parte que ba hacia la florida ques la parte que don ferdo de soto descubrío en lo ultimo la tierra adentro." This is positive and establishes that the Indian was not from Florida, but from west of the Mississippi.

such, not in slavery.[46] The presence of this man at Pecos proves that, already in primitive times, Indians occasionally strayed far away from their homes and that in this manner, if not accurate knowledge, at least dim notions of the outside world penetrated to the distant and isolated Pueblos. Such notions were woven into lore in the course of time, and became an element well worthy of attention in the study of Indian rites and traditions. This Indian tried to make the Spaniards understand many things about his native country, and he afterwards exercised much influence on the fate of Coronado and his enterprise. His representations, whether or not properly understood, induced Alvarado to take him as guide to the "province of the cows." Castañeda also asserts that (probably on the journey) the guide made such glowing descriptions of the metallic wealth of his native land that the Spaniards did no longer care to see the buffaloes but returned, after having perceived a few of these animals. Their Indian guide they called the "Turk" on account of his real or fancied resemblance to the type of that Nation.[47]

Castañeda asserts that Alvarado, after returning to Tiguex, did not proceed to any other reconnoissance.[48] This establishes that the statements concerning more northerly villages, in particular the one of unusually large size, are

46. The Pueblos had no slaves. Foreigners were tolerated and fed. Their number was necessarily small, and it is natural that in compensation for long continued hospitality, they performed some service, but it was not obligatory. Prisoners were rare and, in case of captives from one or another pueblo, they could easily be adopted in some clan, since the same clan or of the same name recurs not unfrequently in several tribes speaking distinct languages. For Indians from the plains, for instance, it was not so easy to become adopted in a clan, and prisoners of the kind were probably not often secured, as the Pueblos could not be very aggressive towards people who constantly shifted their abode. I know of no instance of the capture, alive, of any nomad by Pueblo Indians, women excepted, who were then aggregated to some household.

47. *Cibola*, p. 431: "no curaron de buscar las uacas mas de cuanto bieron algunas pocas luego bolbieron por dar a el general la rica noticia . . ." *The Relación del Suceso*, (Doc de Indias, vol. 14, p. 324) asserts on the contrary that Alvarado saw many buffaloes, but it also states that he followed the Pecos stream for one hundred leagues, which is hardly credible considering the time he had at his disposal. Hence I prefer the version of Castañeda.

48. *Cibola*, p. 431: "y quando hernando de aluarado llego a tiguex de buelta de cicuyé hallo a don garcia lopes de cardenas y fue necesario que no pasase adelante."

from hearsay, hence to be looked upon with mistrust. Neither does Castañeda refer to it. Garcia Lopez de Cardenas had, in the meantime, reached Tiguex with another detachment and (Castañeda says) "forcibly" quartered himself in one of the Tigua villages.[49]

The exploration of Alvarado furnishes, as has been shown, much and valuable information, geographical and ethnological, and has been unduly neglected until at present. There is hardly an important feature about the Pueblos on which it has not given at least some information, and it is much to be deplored that we do not possess the complete text. As it is, we remain in doubt, for instance, concerning the extent of the visit to the plains, Castañeda stating that it did not extend far, whereas the "Relación del Suceso" makes it appear that it was extensive. Considering the time allowed Alvarado, either is possible.

The Licentiate Matias de la Mota Padilla, although writing at least two centuries after the time of Coronado, claims to have consulted original documents by Pedro de Tovar, one of Coronado's principal officers.[50] I therefore refer to him also. He mentions the exploration by Alvarado and says that the latter found a village of more than five thousand inhabitants. He also speaks of the buffalo, and particularly of the "Turk" and his tales about great wealth, which excited the imagination of the Spaniards to a high degree.[51]

49. *Ibidem*: "fue les forçado desamparar un pueblo y recogerse ellos a los otros de sus amigos y no llebaron más que sus personas y ropas."

50. Matias de la Mota Padilla, *Historia de la Conquista de la Provincia* de la Nueva Galicia, (written in 1742, published in 1870, Cap. XXXIII, p. 168): "y en algunos papeles que dejó escritos D. Pedro de Tovar en la villa de Culiacán se dice que los indios habian salido á matar á este bendito padre (Fray Juan de Padilla), por robar los ornamentos. . . ."

51. *Idem.* (cap. XXXII, p. 160) El tercer capitán era Hernando de Alvarado, deudo del Adelantado, quien dijo haber visto muchas vacas, de las que mató algunas, y que en el camino vió un pueblo de mas de cinco mil vecinos, y por su buen asiento, le llamó Valladolid. ." It will hereafter be seen that the name "Valladolid" was given to Taos, not in 1540 by Alvarado, but in 1541 by Barrionuevo. Mota Padilla is therefore in error, but it would be interesting to search for the source from which he derived the name. Could he have been acquainted with the report of Castañeda? Mota Padilla was born at the city of Guadalajara (Mexico) October 2d, 1688, and died there in July 1766. He never was in Spain.

We must now turn to what happened on the Rio Grande after Alvarado's return to Tiguex. It is not certain that the occupation of a Tigua village by the force under Cardenas irritated the Indians. It may have been the result of a mutual agreement, because the Pueblo Indian is much less attached to his abode than to the soil he cultivates.[52] At any rate there was no immediate clash. Of what followed, however, the "Relación del Suceso" gives us one account; "Although all [the people of] our settlement had come out peaceably to [receive] Hernando de Alvarado, when all the people had come, a part of them arose, which were twelve pueblos that were close together, and one night they killed forty of our horses and mules that were running free in the field. They fortified themselves in their villages, and the first one, Garci-Lopez de Cardenas took and did justice [executed] to many of them. The others, seeing this, abandoned the pueblos, except two, one of which, the strongest, was besieged by our force for two months, and notwithstanding that, as soon as we attacked, we took part of a roof, we had to leave it again, on account of the many wounded [we had] and because it was so dangerous to remain. And although we stormed it a second time, nothing could be gained, so that it [the village] was surrounded all that time, and we took it through thirst [lack of water]. They held out so long because, when they were about to surrender, it snowed twice. Finally we took it and many were killed because they fled in the night."[53]

These occurrences were the first and most important hostilities between Indians of the Rio Grande and the force

52. This I have noticed several times. Once, on the Rio Grande, I was conversing with some of my Indian friends, in the house of one of whom I have lived for a long time. It had been raining heavily and the river was rising fast. When I expressed fears that it might eventually wash out the bluff on which the pueblo (Cochiti) was (and is) built, they said textually: "Never mind the house, provided the fields are not damaged; the houses we can build again and anywhere, but the land we could not replace."

53. I translate as literally as possible, without regard to the style. (*Doc. de Indias*, vol. 14, p. 325.) When I quote the *Relación del Suceso* it is always from the *Colección de Documentos del Archivo de Indias*.

of Coronado. Already in the above brief notice, we find material for approximately indicating the site where this action took place. Comparing it with the statement contained in the report of Antonio de Espejo on his journey to New Mexico in 1582 and 1583 it will be noticed that he says: "we found another province which calls itself of the Tiguas which are sixteen villages, one of them being called *Puala*, where we found a very truthful statement that Francisco Vazquez Coronado had been there and they killed nine of his soldiers and forty horses, and that, for that reason, he had destroyed the people of one pueblo of this province." Puala is a misprint for Puaray (also Puara), the ruins of which are well known and stand nearly opposite the present town of Bernalillo on the Rio Grande.[53a] Espejo, as is well established, travelled up that river to Puaray and as far north of it as the Queres. It is therefore almost certain (provided Espejo did not completely misunderstand the Tiguas), that the hostilities took place near the actual settlement of Bernalillo.[54]

The "Relación postrera" although containing some details about Tiguex which I shall refer to subsequently, is silent on the subject of hostilities. The same is the case with the Relation of the Captain Juan Jaramillo, of which more anon.

In default of the letter dated Tiguex, April 20th, 1541,

53a. Bernalillo lies east of the Rio Grande and old Puaray was on the same side, as has been shown by Hackett (*Old Santa Fe*, II, 381-391).—L. B. B.

54. The statement by Espejo is conclusive. The original report is published in *Documentos de Indias*, volume 15. It bears the general title: *Expediente y relación del viaje que hizo Antonio de Espejo con catorce soldados y un religioso de la orden de San Francisco, llamado Fray Agustín Rodriguez; el cual debía de entender en la predicación de aquella gente.* (see page 175.) "hallamos otra provincia que se llama de los Tiguas, que son diez y seis pueblos que el uno dellos se llama Puala . . . . a donde hallamos relación muy verdadera: que estubo en esta provincia Francisco Vazquez Coronado y el mataron en ella nueve soldados y cuarenta caballos, y que por este respeto habia asolado la gente de un pueblo desta provincia." This document is certified to by a notary (p. 191). The recollections of the Tiguas as found forty-one years after the events, were quite exact.

written by Coronado to the Emperor,[54a] the source next in order to be examined is Castañeda. Leaving aside for the present his ample descriptions of the land and its people, I must take into consideration the movements of Coronado and his forces while Alvarado was on his reconnoissance. Castañeda, being at Zuñi during that time, was eye- witness to nearly everything transpiring there and he is reasonably detailed. After the departure of Alvarado for the east, Coronado still remained at Zuñi (Hauicu) for some time, in friendly relations with its Indians. The main body of his men had, as well known, remained behind at Culiacán under the orders of Tristan de Arellano, but Coronado only waited for its coming as he had directed, and then set out, in the beginning of the winter of 1540, for the Rio Grande.[55] He took with him "good guides," manifestly from Zuñi. He did not follow the route of Alvarado; his guides led him into arid country.[56] Two days and a half the Spaniards were without any water for man or beast. Then in search of water they deflected towards, and got into, a mountain chain where they found at least snow and where they suffered much from cold.[57] Eight days afterwards they reached the Rio Grande at a place called "Tutahaco" by Castañeda.[58] Tutahaco would, therefore, appear as having been one of the Piros pueblos, below where is now the town of Belen, for it is mentioned as being lower down the river than Tiguex. What leads to the inference that the place where Coronado reached the Rio Grande was held by Piros is, among others, the mention of that region as a "province" by itself whereas,

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54a. Bandelier refers to a lost letter, cited in *Coronado to the King*, Oct. 20, 1541. (*Col. de Doc Ined.*, iii, 363; B. of Am. Ethn., 14th Annual Report, I, 580)—L. B. B.

55. Castañeda, *Cibola*, p. 433.

56. *Idem*, p. 432: "y asi siguió su camino donde le aconteció que desde un dia que salieron de un aposento hasta terçero dia a medio dia que bieron una sierra nebada donde fueron a buscar agüa no la bebieron ellos ni sus caballos ni el servicio pudo soportarla por el gran frio."

57. *Ibidem*.

58. It is noteworthy that, in the title to cap. XI (part I, like all the previous quotations, page 428). Castañeda calls the Moqui group of villages: "tusayán o tutahaco."

had it been settled by Tiguas, that fact certainly would have been noticed. The Piros, as late as the end of the sixteenth century, extended as far south as San Marcial, along the Rio Grande.[59] Jaramillo identifies Tutahaco with Ácoma.[60] Mota Padilla asserts that Ácoma was named "Atlachaco" by the Spaniards or, probably, by the Indians from Mexico they had taken along.[61] At all events, Castañeda is positive and explicit in his description of the region and that description conforms with the Piro villages.

It appears therefore that Coronado with his thirty horsemen, while starting with the intention of going to Tiguex, was led to a point far below the Tigua range, although situated on the same river. It took him much longer to get there than it had taken Alvarado to reach Tiguex and he was led by his "good guides" into a very difficult country where his party and their animals suffered a great deal from thirst and afterwards from cold. The case looks somewhat suspicious for the "good guides." It has not unfrequently happened that the Indians, in order to rid

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59. From "Tutahaco" Coronado went *up the river* to Tiguex. (*Cibola*, p. 432). The identification of the site of San Marcial with the southern limit of the pueblos will be found later on. It is possible that Coronado was led to the villages about Socorro, of which there were several. The snowy mountains might have been the Sierra Magdalena, but I hold it very unsafe to attempt a location. Had it been the San Mateo, Coronado would have been on almost a direct route to the Tiguas, whereas from the Sierra Magdalena it was not difficult to reach Socorro, the Piro pueblo of "Pilabo" or "Pilopue" and its neighbors. But this is merely conjectural and the only point to be considered as probable, is that Coronado was led astray to a group of the Piro villages; certainly not to San Marcial, since he was informed "que aquel rio abaxo auia otros pueblos."

60. *Relación hecha por el capitan Juan Jaramillo, de la Jornada que habia hecha a la Tierra nueva en Nueva España y al Descubrimiento de Cibola, yendo por General Francisco Vazquez Coronado, in Doc. de Indias*, vol. 14, page 309). " a nueve jornadas de las que nosotros haciamos desde esta población de Cibola, hasta el rio de Tiguex, esta en el medio, no se si una jornada mas o menos, un pueblo en un puerto muy fuerte de tierra, y pena taxada que se dice Tutahaco."—Jaramillo was a man of some importance. He was a companion of Cortes and married the famous Marina or Malinche, the Indian woman that rendered such great services as interpreter during the conquest of Mexico. He was made an "alcalde ordinario" in 1539. P. Andres Cave, S. J., *Los tres Siglos de Mejico*, (published 1870), page 87.

61. Mota Padilla, *Historia de Nueva Galicia*, p. 159: " al que se le puso por nombre Atlachaco." Hence it was not another aboriginal name for Ácoma in some Pueblo idiom.

themselves of unwelcome visitors, led these into parts where it was hoped privations of all sorts might result in their destruction. It is impossible to *prove* this in the present instance, but suspicion is not unmotivated. Alvarado had induced his chief to join him at the Tiguas, the Indians led to an entirely distinct group of pueblos, exposing him on the way to perish from thirst and from cold. When these elements did not destroy the whites, the latter were led to a distant tribe and in this manner, in place of being united as Coronado wanted, divided into three bodies, far apart from one another. At all events Coronado extricated himself from the precarious situation created and successfully rejoined Garcia Lopez de Cardenas and Alvarado among the Tiguas, not, however, before he had reconnoitered portions of the Piro range. Castañeda states that the houses of the villages were of mud like those of Tiguex and that the inhabitants were dressed like the Tiguas.[62] Going up the river he found his forerunners, under the two captains mentioned, fairly quartered and with them the notorious "Turk" who, through signs, gave him to understand the fancied wealth and glory of lands further east. What gave some color to the representations of that individual was, that he clearly discriminated between gold, silver and copper.[63] Nevertheless, an incident soon should have disabused the Spaniards and shown them that either they had misunderstood their informant or the latter was not worthy of confidence.

The "Turk" pretended that when he fell in with ("was made a prisoner by") the people of Cicuyé, the latter had taken from his person golden armbands which he had worn. Alvarado was sent to Cicuyé to claim them, and the people

62. *Relación de Cibola*, p. 432: "son pueblos de terrados como los de Tiguex y del mismo traje." Also *Relación postrera*, p. 567.

63. *Cibola*, p. 432: "y porque le enseñaron joyas de alaton y oliolo y decia que no era oro y el oro y la plata cognoçia muy bien y de los otros metales no hacia caso dellos." The "Turk" called gold "Acochias." If this is true and not a misunderstanding, it might, possibly, be worth while to look for such a word among the idioms of the Mississippi valley.

of Pecos declared they had no knowledge of such objects, hence could not give them up and that the "Turk" was lying and misleading the whites. Alvarado preferred to believe the Indian from the east and, seeing no other way, seized the chief called "Bigotes" to hold him as hostage until the golden ornaments were produced. This irritated the Pecos so that they showered a volley of arrows upon the whites and broke off all intercourse with them. The effect of this action of Alvarado was highly unfavorable. Until then, the Pueblos had no complaints against the whites but henceforth mistrust and aversion set in that soon culminated in war. Castañeda is the only contemporaneous author known that relates this incident.[64]

It is well known that no metal of any kind was found in use among the Pueblos. They attached no value to it; still less did they distinguish the metals called precious from the others. Color and lustre might possibly have tempted them to covet a golden ornament, but no trace was found of it, and it is therefore very unlikely that the claims of the Turk were otherwise than malicious fabrications; provided, always, that his representations were properly understood and did not perhaps mean something entirely different.

No precise dates are given of the trip of Coronado and his arrival at Tiguex. It is only said that the main body, commanded by Arellano, remained behind at Hauicu for twenty days after the general had left, and then set out to rejoin the advance parties on the Rio Grande. On the first day they reached the village of Matzaqui of the Zuñi group, which village they describe as the largest of Cibola. There it began to snow;[65] hence, (as snow is mentioned here for the first time) the departure took place at the beginning of winter, quite an indefinite indication, since the first snows fall in November or December, according to the char-

64. *Cibola*, p. 432.
65. *Cibola*, p. 433.

acter of the season. Castañeda however states that it was the beginning of December and that it snowed for ten consecutive days, covering the ground to a depth of several feet.[66] Castañeda was manifestly among those who had remained under Arellano and his description of the march appears to be from experience. He tells that they passed by Acoma, the people of which received them well. Many of the Spaniards ascended to the village on the rock, encountering the difficulties already spoken of. Thence they reached Tiguex, where their own people received and lodged them well, and where the news obtained from the "Turk" filled them with high glee, although "we found the whole province in full revolt, as the day before the Spaniards had destroyed one of the Tigua villages by fire."[67]

The Captain Juan Jaramillo also went with Arellano. This is established by his own statement: "From this first pueblo of Cibola (Hauicu) we went to another one of the same (group) at a distance of a short journey and on the road to Tiheux." He also gives the number of days employed by the force to reach "the river of Tiguex," namely, nine days, which proves that Coronado, who spent more than eleven days to attain the Rio Grande further south, had indeed been led astray by his "good guides."[68] Jaramillo, and this is singular on the part of a superior officer as he was, does not breathe a word of the hostilities that had commenced already previous to his arrival among the Tiguas. On the other hand Mota Padilla (as we shall hereafter see) refers to them (from the papers in his power) with much detail. But I must first exhaust the information preserved by Castañeda.

After Coronado's arrival at Tiguex and the ill-advised action of Alvarado at Cicuyé, when the chief of that village

66. *Cibola*, p. 433. It snowed every afternoon and almost every night: "en diez dias que tardó el campo no dexó de nebar sobre tarde y casi todas las noches." It was a dry snow and as deep as "medio estado" at times.

67. *Ibidem*, "y auian ya los nros. quemado un pueblo un dia antes que el campo llegrase."

68. *Relación hecha*, p. 309.

(Pecos) had been made and held a prisoner in the Spanish camp, as well as the "Cacique of the village, who was an aged man," Coronado directly incensed the Tiguas by exacting from them a quantity of cloth for the use of his own men. The kidnapping of this aged "Cacique" was a very grave act, for it is apparent that functionary was really the chief medicineman of the Pecos Indians, hence head of their tribe in religious matters.[69] Pecos was too far from the Tigua range for its people to have followed the kidnappers forthwith, and there was no disposition afterwards to combine with the Tiguas against the whites, a fact significant for the segregation of New Mexico tribes from one another.[70]

To collect the cloth required, Coronado took the following measures: he called for one of the principal Indians of Tiguex, whom the Spaniards used to designate as "Juan Aleman", and demanded three hundred pieces of cloth wherewith to protect the bodies of his soldiers. The reply of the Indian to this demand is important to note; he said "that it was not to him but to the caciques chiefs, (principal men) that the request should be made, that first a council should be held, the apportionment made among the different villages and each village be applied to by itself." For the first time the tribal council is here mentioned and the autonomy of the villages acknowledged.[71] Coronado recognized the justice of the answer and gave corresponding or-

69. I infer this from the solicitude which the Pecos displayed concerning the aged man, and especially from the fact that Castañeda calls him "el gobernador." The office of "governor" as it is today, was not known until 1621 and by "el gouernador" somebody superior to the "Caciques" was certainly meant. That superior authority could only be what today, though erroneously, is the chief Penitent or Cacique. I borrow the word "Cacique" from Ternaux-Compans' sometimes faulty translation, but do it purposely.

70. The attitude of the Pecos in this matter is very characteristic of the intertribal relations between the Pueblos and shows that there was no solidarity.

71. Mota Padilla, *Historia*, p. 161, makes no mention of the demand by Coronado, but subsequently he notices the "principal cacique que se llamaba D. Juan Loman, aunque no estaba bautizado." Castañeda, *Cibola*, p. 434, gives the reply as follows: "que aquello no era a el hacer lo sino a los gouernadores y que sobre ello era menester entrar en consulta y repartirse por los pueblos y que era menester pedir lo particularmente a cada pueblo por sí . . ."

ders. But the execution of these orders was unfortunately carried out. The Spaniards must, of course, have been in great straits for clothing, but this does not excuse the manner in which they sought to obtain it. Not losing sight of the fact that Castañeda is generally a pessimist and more inclined to harp on evil than dwell on good, there must still have been, in the manner of collecting the cloth, unjustifiable harshness. "There were twelve villages; to reach these it was necessary to follow both banks of the stream. As if it had been the simplest thing in the world, without allowing the Indians time to consult themselves and to make the needed arrangements, our people required the immediate surrender of what they asked, in order to be able to proceed further at once. The natives therefore had no other choice than to take off their own garments and to give them to us to complete the number demanded. When the soldiers accompanying the collectors felt dissatisfied with the dress given them and met an Indian who wore a better one, they compelled him to exchange for theirs on the spot, without regard to the rank or condition of him whom they despoiled. This irritated the Indians greatly."

If these details and if the number of pieces of cloth required are correctly stated by Castañeda it follows first: that the action was indeed reprehensible; second, that the textile industry among the Pueblos was not practiced on an extensive scale. That three hundred pieces of cloth, none of them larger than an ordinary blanket, should more than exhaust the supply of twelve villages, or twenty-five pieces per village on an average, shows that the Pueblos were not very extensively engaged in weaving.

Castañeda is the only contemporaneous source as yet known that treats of these occurrences, and he further states that a Spanish officer attempted to outrage the wife of an Indian or committed the crime. Coronado received the husband's complaint and at once ordered an investigation, with the intention of punishing the guilty party. The Indian, however, failed to identify the man or even his horse,

although he was allowed freely to investigate everywhere. so the case had to be dropped, and this incensed the rancor of the aborigines. We learn from these happenings that a crime of the sort was greatly resented by the Pueblos at that time. Indeed, the following morning, the Tiguas fell upon the Mexican Indians guarding the herd of horses of the Spaniards, killed one of them and were driving the animals to their own village when the alarm was given to the Spaniards, through one of the Mexican natives escaping from pursuit. Some of the horses were retaken, but a number, and seven mules, were lost. There is quite an agreement between the statement of Castañeda about this affair and other sources.[72] On this occasion it may be in order to call attention to the fact, that the Pueblo Indians do not seem to have had, in the very beginning of their intercourse with the whites, the same superstitious dread of the horse as more southern Indian stocks. Witness the ceremony described by Castañeda as having taken place at Ácoma, where they touched these animals without any show of fear. This may have been due to the knowledge the Pueblos had, of quadrupeds as tall as the equine and more formidably provided for harm than the latter namely; the buffalo and the elk.[73] Of both of these animals the Mexican Indians had no

72. *Cibola*, p. 434.

73. *Ibidem*. In view of the good translation of Castañeda by Mr. Winship, and the report in which it is published, I can dispense with quoting the original at length. An instance of the kind of that charged to the Spanish officer would, of course, have greatly aroused the Pueblos, as coming from one outside the tribe and being possibly an act of violence, not committed with the consent of the woman. Gaspar Perez de Villagrá, *Historia de la Nueva Mexico*, (1610, Canto XV, fol. 135 and 136,) writes as follows:

"Y tienen una cosa aquestas gentes,
"Que en saliendo las mozas de donzellas
"Son a todos comunes sin escusa,
"Con tal que se lo paguen, y sin paga,
"Es vna vil bageza, tal delito,
"Mas luego que se casan viuen castas,
"Contenta cada qual con su marido."

He adds however:

"Juntaron muchas mantas bien pintadas,
"Para alcançar las damas castellanas,
"Que mucho apetecieron y quisieron."

Villagrá or Villagrán was officer in the little army of Juan de Oñate and came to New Mexico in 1597, remaining there several years. He had excellent opportunities to see, observe and know the Pueblos.

knowledge previous to the information imparted after the arrival of Spaniards in the Mexican north. But the Pueblo Indians were also quick to perceive how essential the horse was to their visitors, and further on I shall find occasion to allude to their attempts to cripple the Spaniards by depriving them of the horses, before attacking.

(To be continued)

THE RIDDLE OF THE ADOBE

BY CECIL V. ROMERO

History has been called many harsh names, probably because it seems so illogical. If we place ourselves at any important juncture in the past, divest ourselves of the advantage of hindsight, and, on the basis of the deepest and broadest knowledge of facts then existing, try to anticipate the course of events, the result is likely to be very much at variance with the story to be told by the historian.

Acquaintance with the large and ever-charming part of our country that the late Charles F. Lummis named, with simple dignity, "The Southwest," will always lead to the question of why a race that had the vision and the vitality to discover, explore and partially to colonize the immense region from Florida to California, all within a generation after the discovery of the New World, should have played such a minor role in the subsequent development of the continent, while the race that established a few unpretentious settlements on the northeastern coast, at a much later date and under much less auspicious circumstances, should have been the one to fulfill the destiny of the continent.

There is a tendency to consider the present status as the inevitable outcome of events. But the search for an adequate explanation of this American paradox of "The first shall be last and the last shall be first" reveals how far from inevitable the outcome has been at times. It brings a fresh realization of the truth that history represents the line along which many conflicting forces have balanced. With the passage of time some of the forces that entered into the American historical balance have been forgotten, which is the same as to say that some of the factors in our historical equation are missing. The Southwest recalls many of these forgotten factors, and with their help new logic

and reason is seen behind much of our history. The equation works out better.

* * *

Long before the English had set foot on the North American continent, the Spaniards had reconnoitered it in its entirety, from Florida to the Strait of San Juan de Fuca; had explored its heart as far as northeastern Kansas; had established permanent settlements at widely separated points; and were actually in possession of, or dominated, much the larger part of what is now the continental United States. This predominant position seemed to be further strengthened by the fact that it was held by a nation whose empire girdled the earth, from the Spice Islands of the East to the golden realms of the Incas, and extended in America from the Equator into the temperate zones on both sides, the scope and absolute power of which has never been equalled before or since.

At this stage of the game the English entered the picture. The motives that brought them and their procedure after arrival provide an illuminating contrast. It is notable, particularly, that the policy of the English government and the procedure of the English colonists, when compared with the policy and the procedure of the Spaniards, seem singularly negative and even timid.

The English colonists did not come spontaneously at all, but constrained in one sense or another. They were either dissenters running away from religious oppression, debtors running away from financial oppression or Utopians running away from all the oppressive conditions of the Old World. They saw in the New World, not the vast field for daring enterprise that the Spaniards had seen, but merely a haven and a refuge. This difference of outlook explains, in some measure, why the Spaniards exuberantly overran a whole New World, venturing wherever wealth beckoned or mystery challenged, while the English accepted with a strangely contrasting finality their chance settlements along the northeastern coast.

To the English government these new colonies meant an expansion of empire, and, as long as the expenses were borne by private companies or individuals, this was favored and encouraged. Not that the government considered the colonies themselves important, for little promise could be seen in those stark wildernesses. What was important was to check the northward advance of Spain and the southward advance of France on the North American continent, that, between them, promised to leave England without a foothold in the New World. It was this political pressure from without, coinciding with the religious and social pressure from within, that resulted in the establishment of the English colonies in America. Their subsequent value to the government lay, not in their own resources, which were always a disappointment to the English, but in their relation to the more opulent Spanish dominions to the south. They were important, not as a source of valuable commerce themselves, but as a base from which to prey on the valuable commerce of Spain with her possessions. As a later generation would have put it, the American policy of England was less "constructive" than that of Spain.

Such was the situation and such the background during, say, the first half of the seventeenth century. It was Spain then, and not England, that was the dominant, positive force in American history. The Spaniards came first to the North American continent, and by their successes attracted the others. Their possessions were larger than those of the English, and they were more constructively conceived. Any observer then would have conceded to Spain an important if not a dominant part in any future development of the North American continent.

* * *

The fundamental reasons for the failure of Spain to fulfill this early promise of dominance on the North American continent have been so largely obscured by certain misconceptions and generalizations that have come to be as-

sociated with the very mention of her name that it is almost as important to remember what these reasons were not as to remember what they were.

A great deal is heard, for instance, about the Spaniards' lust for gold, and about all the weaknesses of character and policy to which it gave rise. Perhaps most prominent among these is the treatment of the Indians under the "encomienda" system. It would be a mistake, however, to assume that this lust for gold was a peculiarly Spanish trait, or that only among the Spaniards did its indulgence lead to cruelties. The first Virginia colonists, it will be remembered, were gold hunters to a much more exclusive extent than any Spanish expedition ever was. Elsewhere, also, the activities and the policy of the English centered around gold quite as much as those of the Spaniards. In fact, they usually centered around Spanish gold. The only difference that can be seen between the two as regards gold is that the Spaniards were more successful in finding it. And while the Spaniards' treatment of the Indians, wherever gold was involved, was hard and cruel, it should not be thought that the English of the same period were by nature any more humanitarian. Because the Spaniards established themselves first at all the principal sources of gold and silver in the New World, the English never had occasion to inflict on the Indians just the same cruelties that the Spaniards did. But in other pursuits, the English inflicted other cruelties just as bad. That their lust for gain did not permit of any more humanitarian scruples than did that of the Spaniards may be seen by comparing two contemporary incidents.

In the year 1619 the first cargo of African slaves to be brought to America arrived at Jamestown, thus initiating a sordid, brutal trade, for which it is impossible to find any apology from a humanitarian viewpoint. The grim details of this fleshy commerce are too well known to need recounting. Suffice it to say that nothing could be more repugnant than this trade to modern sensibilities. Yet it was a trade

in which the English, and especially the Yankees, excelled, a fact that eventually gave point to the saying in regard to Faneuil Hall, at Boston, that "The Cradle of Liberty rocks on the bones of the Middle Passage."

In the following year, 1620, the Governor General of New Mexico, at Santa Fé, received from the Viceroy, in Mexico City, a communication from which the following extracts are translated:

"And whereas it has been understood that for some errors and cases of misdemeanour that have been brought against some Indians, they have been sheared, punishment from which they receive notable affront . . . . I command thee not to inflict, nor consent to the infliction, upon said Indians of such punishment, rather shalt thou order that those recently converted shall be treated well and charitably.

"Also it has been reported to me that the said Indians suffer notable inconveniences and travail in the Distributions . . . I command thee that in the distribution of them that thou shouldst have to make that it be only for the labours of the fields and the care of livestock, and for no other purposes . . . and the number that thou shalt apportion shall be at the rate of two per cent. Of those that there may be in each pueblo in simple times, that is when there is neither sowing nor harvesting, and in double times, that is when there is said sowing or harvesting, thou shalt make the apportionment at the rate of eight per cent., giving order that said Indians shall be paid for their work at the rate of half a 'real' a day and board, or if they are not boarded then they shall be paid one 'real' a day: and thou shalt take care that they are given good treatment, and to the Spaniards who do not do so, or who do not pay them for their work, no more Indians shall be given in the apportionments: and whereas it has been understood that after giving to the inhabitants of said town of Sancta Fee (sic) Indian women in the apportionments, there have been practised some offenses against God, our Lord: Henceforth thou shalt not make said distribution of Indian women, nor shalt thou oblige them to go to serve in said town or any other place unless it be that they go with their husbands voluntarily, and thou shalt protect them, that no person of any estate or quality soever shall take them to perform said service. ----------"*

* New Mexico Historical Review, Vol. III, No. 4. October, 1928.

Of the two, it would seem that the Spaniards' treatment of the Indians in the Southwest was by far more humane than the Englishmen's treatment of African natives who were captured, transported and sold practically as cattle. The "encomienda" system of the Spaniards, as applied in the present territory of the United States, was never really oppressive. With the passage of time, as the interest of the central government in those remote, unproductive settlements waned, the power of the Spaniards in the Southwest became less, and the "encomienda" system had to be abandoned entirely. The Spaniards were only nominally masters. They lived among the peaceful Indians of the region more as neighbors. Since they made the important additions of sheep and cattle to the economy of the Indians, and since they helped the peaceful pueblo Indians to defend themselves against their natural enemies, the nomad Indians, their rule in the Southwest may be considered more beneficient than otherwise. Elsewhere in America, it is true, the Indian policy of Spain, beautiful in principle, produced some results that were decidedly ugly in practice. No attempt need be made to justify them. It can only be said that they could not have been more sordid nor more inhuman than slavery or the slave trade; and that the period was not noted for its humanitarian principles among any of the races.

Another popular conception regarding the Spaniards, and one to which it is also possible to attach too much importance in considering the reasons for the failure of Spain to fulfill her early promise of dominance on the North American continent, is the one to the effect that the Spaniards were naturally lazy, improvident and unenterprising.

Before accepting such a view implicitly, it should be remembered that the Spaniards of the Southwest had to deal with a soil and a climate less friendly even than those with which the New Englanders were faced. Under such circumstances, laziness would have been fatal. The Spaniards had to work hard to exist at all. Constant drudgery was

rewarded by a living that was precarious at best. The peculiar, fatalistic philosophy of the region, conventionally epitomized in the Spanish word "mañana," was perhaps more the result than the cause of these precarious circumstances. There were undoubtedly notable differences of character between the two, but there is little justification for the belief that the Spaniards of the Southwest, as farmers and husbandmen, were any more indolent or less skillful than their contemporaries of the English colonies. In this respect only two material differences can be seen.

Speaking of agricultural methods in the English colonies, Harold Underwood Faulkner, in his "American Economic History," says:

"Rich virgin soil, with an inexhaustible supply to the west, was no incentive to scientific farming. The value of manure was hardly appreciated, crop rotation was rarely used and 'land butchery' was the usual practice. One observer said that the colonial farmer seemed to have but one object—the plowing up of fresh land. 'The case is,' he says, 'they exhaust the old as fast as possible till it will bear nothing more, and then, not having manure to replenish it, nothing remains but to take up new lands in the same manner.' With land butchery and crude methods in the north and south, went ignorance in the care of livestock. . ."

No credit need be given the Spaniards of the Southwest for not making the same mistake. With them such methods would have meant suicide. Paradoxically, although they lived in the "great open spaces" and in the "land of magnificent distances," they were more crowded than their contemporaries in the English colonies. They were restricted to narrow strips of fertile land along rivers, or to a few mountain valleys where a brook or two could be diverted to water the thirsty soil. From the Indians they learned the technique of irrigation. Sometimes the salts in the irrigations water would eventually render some fields unproductive. But the numerous little mountain valleys of New Mexico, with their not extensive fields still green and fertile

after centuries of use, are eloquent witnesses to the fact that neither the Spaniards nor the Indians were ever "land butchers," of necessity, both were eminent conservationists.

The most serious charge that can be made against the Spaniards of the Southwest as farmers is that their methods were primitive, and have remained more or less so even to the present. In the seventeenth century, when the settlements in New Mexico were established, agriculture as a science was unknown, and the improved implements and methods that have come since were not even dreamed of. It will be remembered that a practical steel plow was not developed until about 1825, and even then was not immediately accepted because of a superstition that the metal somehow poisoned the soil. Other implements that we consider commonplace today did not exist as late as a century ago. The Spaniards brought to the Southwest the primitive agricultural methods of their time, and their subsequent complete isolation in that remote, inland region explains their failure to adopt the improved implements and methods that were developed in Europe and in America during the years of their isolation. In this respect the Spaniards of the Southwest did differ from the English colonists on the eastern seaboard; but this difference, obviously, is not sufficient to explain the ascendency taken by the latter.

The failure of Spain to follow up her early advantage on the North American continent can be attributed to very definite economic and political reasons, without resorting to broad and untenable generalizations.

In the seventeenth century, and in fact until the advent of the railway, the value of land was in direct relation to its distance from navigable water. For this reason the great interior development of the North American continent could not be foreseen. This was also one reason why all the European powers considered the West Indies and the lands bathed by the Caribbean—"The Spanish Main"—as much more important strategically than any part of the North American mainland. Another reason for this view

was the fact that in Mexico and Peru, Spain had made the first important discoveries of precious metals, and the Caribbean was the gateway through which this fabulous wealth must flow to the mother country. Besides, these tropical regions produced sugar, coca, vanilla, cochineal and other itmes that in the aggregate surpassed in value even the gold and silver. Against this long list of important raw materials, the North American mainland could offer only tobacco and furs. So it is not strange that the American policy of every European power centered, not around the North American continent as would seem logical now, but around the West Indies and the Spanish Main. This was the principal battleground of that long, four-cornered struggle between Spain, Holland, France and England for colonial supremacy.

The first crack in the vast, powerful empire of Spain was produced by the Dutch rebellion. The Lowlanders ended for all time the claim of the Spaniards to maritime supremacy. This was a serious blow to a nation with a far-flung empire, whose very life-blood, it can almost be said, flowed from the far-off mines of Mexico and Peru and from the fields and forests of the rich, tropical regions surrounding the Caribbean. With a fine sense of her vulnerable spot, her enemies were quick to attack Spain in this Caribbean area. Their efforts were directed, not towards dislodging her from the sources of wealth, but towards preying on her commerce and securing for themselves as much of that wealth as possible after it had been produced. But even after the Dutch revolution, Spain was still a formidable power, and it was not always safe or expedient to attack her too openly. It was for this reason that piracy became the order of the day along the Spanish Main. It was better that the plundering should be done by private individuals—freebooters, buccaneers and filibusters, who flew no flag but their own "Jolly Roger" or other piratical insignia, and therefore implicated nobody but themselves. There was also a lucrative smuggling trade that they could en-

gage in, for the many official restrictions and regulations that Spain placed around the commerce of her colonies had then the same effect that such artificial restrictions have always had. For all these reasons the efforts of Holland, France and England were directed towards securing a foothold wherever they could in this Caribbean area. While openly at war with Spain they had to have bases of operation in this important sector, and during the intervals when it was more expedient to be nominally at peace with her, they had to have bases from which their nationals could share in the profitable smuggling and pirating to be had along the Spanish Main. The map of the West Indies is still dotted with these islands belonging to England, France and Holland. Today they seem small, unimportant and hardly worth the attention that was given them. But they were once considered more important than the much larger colonies that these countries possessed on the mainland.

The race for colonial supremacy was a four-cornered affair, but there were really but two sides to it in the Caribbean. The field was against the leader. England, France and Holland vied with one another merely to see who could plunder the most from Spain. It is interesting, although not especially pertinent here, to note that the same tactics were followed in the later phases of the struggle. Spain was succeeded by Holland in the position of leadership, whereupon France and England turned on and eliminated her, and then fought it out between themselves in the long series of wars that ended with the final victory of the English at Waterloo. It was in the Caribbean that the most telling blows were dealt against Spain, and it is here that we find an explanation of her failure to follow up her early advantage on the North American continent. The atmosphere of romance that has surrounded the campaign of piracy along the Spanish Main has obscured its practical significances. The romance of those hearties contains the even greater romance of why Santa Fé today is a quaint relic

and not one of the great seats of government of the North American continent.

The wealth of the Indies, in transit to Spain, would fall into the hands of her enemies, strengthening them and weakening her by so much. No longer able to keep open her avenues of communication, her vast empire became topheavy and began to fall apart of its own weight. Constantly sapped and harassed, weakened Spain began to lose, not only wealth and prestige, but territory as well. The English descended on Havana in an unguarded moment, and it cost Spain all of Florida to ransom it back. Years later she recovered Florida, but this first deal with it reveals her attitude towards all her possessions on the North American continent. They were merely chips in her Caribbean and European game. As such the vast valley of the Mississippi—Louisiana—came into her possession. As such she treated it. She lost it, however, under special circumstances, and not exactly by the ordinary rules of the game. The territory had been transferred conditionally to Napoleon in return for some promises of a dynastic nature. These promises were never fulfilled, and therefore Napoleon never acquired a legal title to the territory. Besides, he had further agreed never to cede the territory to any nation but Spain. However, when the American commissioners came to negotiate for the purchase of the island of New Orleans, Napoleon happened to be especially in need of money, so he offered to sell them all of Louisiana instead. Both parties realized the defects in the title, but the price was cheap —Napoleon could afford to make it so—and the territory was highly desirable to the United States. So the deal was closed. Fallen Spain could only protest. After that she was never again an important factor on the North American continent.

It may be sustained that all these events were themselves effects and not causes, and that the ultimate explanation of the whole matter must lie in finding the cause or causes for that rapid disintegration of the social fiber of

Spain that set in during the early part of the seventeenth century and so soon supplanted the many sturdy virtues that had characterized the Spaniard of the fifteenth and sixteenth centuries with all the vices and weaknesses that have come to be synonymous with the Spaniard of a later day. This is a matter that has been widely and ably discussed, but the conclusions rarely agree. This disintegration has been attributed at one time or another to every institution of Spain and to every one of the forces that were at work within her during the time of her greatest glory. Some have laid it to the degeneracy of her royal family, some to her Church, others to the corruptive effects of the great riches that flowed in to her from her conquests. It has even been attributed to the publication of "Don Quixote," "for," said one worthy Spaniard of the last century, "since that time men have grown ashamed of honor and love, and have thought only of pursuing their fortune and sating their lust."* There is probably a certain amount of truth in each of these explanations, and by that token each of these influences has had a part in determining the destiny of our country. Such is the complexity of our historical equation.

If Spain failed completely to foresee the great potentialities of the North American continent, it can almost be said that England was equally blind. There is reason to believe that there were a few in England who realized some of the possibilities of the American colonies, but their opinions did not prevail and the Revolution was brought on by matters that would have seemed trivial had any one been able to see but one generation into the future. Adam Smith, in his great textbook on economics, "The Wealth of Nations," refers to the "present disturbances" in the American colonies, and says:

"The last war, which was undertaken altogether on account of the colonies, cost Great Britain, it has already

* From the Prefatory Memorandum to the Motteux translation of "Don Quixote."

been observed, upwards of ninety millions. The Spanish war of 1739 was principally undertaken on their account; in which, and in the French war that was the consequence of it, Great Britain spent upwards of forty millions, a great part of which ought justly to be charged to the colonies. In those two wars the colonies cost Great Britain much more than double the sum which the national debt amounted to before the commencement of the first of them . . . It was because the colonies were supposed to be provinces of the British empire, that this expense was laid out upon them. . . If the colonies, notwithstanding their refusal to submit to British taxes, are still to be considered as provinces of the British empire, their defence, in some future war may cost Great Britain as great an expense as it ever has done in any former war. The rulers of Great Britain have for more than a century past, amused the people with the imagination that they possessed a great empire on the west side of the Atlantic. This empire, however, has hitherto existed in imagination only. It has hitherto been, not an empire, but the project of an empire; not a gold mine, but the project of a gold mine; a project which has cost, which continues to cost, and which, if pursued in the same way as it has been hitherto, is likely to cost, immense expense, without being likely to bring any profit. . ."

The greatest economist of his time could not see the potentialities of the American colonies. The rub of the matter, of course, lies in the phrase: "and which, if pursued in the same way as it has been hitherto." The English thought only of the thirteen colonies. They never looked with anything but apprehension beyond the Alleghanies.

This view persisted for some time after the Revolution. It was really the accident of Napoleon's necessity that brought a larger view. It must be admitted, though, that there were men far-sighted enough, not only to embrace the opportunity presented, but to see even beyond its immediate implications. To Thomas Jefferson must go the credit of being the first statesman to think in terms of a continent. By the expedition of Lewis and Clark, following the purchase of Louisiana, it is evident that he foresaw a nation extending to the Pacific.

The nation visualized by Jefferson, however, was not the solid block that we see on the map today. There is no reason to believe that he included in his plans the southern half of the projection west from the Mississippi, including Texas, the desert regions of the Southwest, and California. All this belonged to Spain at the time; but even after the Mexican revolution, Jefferson would have been the last statesman in the world to look aggressively towards this territory. And certainly there was nothing in that arid, barren region to justify a purchase such as he made in the case of the Mississippi valley.

The influences that brought about the acquisition of this territory, giving to our country its present solid, admirably compact shape, are not popularly appreciated. An earlier generation, amazed at the apparently inexorable expansion towards the Pacific, along both the northern and the southern frontiers, and unable to find a more concrete explanation, coined the phrase "Eminent Destiny." But that, of course, begs the question. The real causes can be summed up in one word: Slavery.

The prospect of the territories of the Northwest entering the Union as free states, made it vitally necessary for the South, in order to preserve its balance in Congress, to provide new territories in the Southwest that could be admitted as slave states. The maintenance of this balance in Congress was an ever-present problem from 1820 onward. In that year, by the Missouri Compromise, Missouri was admitted as a slave state and Maine as a free state. With the election of Polk in 1844, the annexation of Texas was assured, and, in order to prepare for the future, the southern statesmen brought about the War with Mexico, thinking, no doubt, to carve new slave states from the territory thus to be acquired. While the war was still in progress, the Wilmot Provison was urged in order to prevent the spread of slavery to the new territory that might be acquired from Mexico, but it was not successful. The plans of the South suffered a reverse when California petitioned to be admit-

ted as free. Unable to maintain its balance of power in Congress during the following decade, the South was forced to secession as the only means of preserving an institution it considered vitally necessary. Ironically, it failed in this largely because of the flood of gold that flowed to the North from the very territory that had been acquired in hopes of strengthening the South.

It was slavery, then, that was perhaps the most important single influence in the westward expansion of the United States. The Lost Cause must be remembered respectfully when it is considered that it gave to the Union, not only the means of preserving itself, but also a vast and a varied empire, without which it is impossible to imagine our country occupying its present enviable position.

LAW OF THE NEW MEXICO LAND GRANT[1]

W. A. KELEHER

A paper on the land grant law of New Mexico suggests a venture into a field that might be termed "legal archaeology." The impress of the laws and customs of three distinct peoples is upon New Mexico land grants: Spain, Mexico and the United States.

Spain having acquired from the Indians dominion over the lands now contained within the boundaries of Arizona, New Mexico, Colorado, California, Nevada, Utah and Wyoming, enactment of laws and promulgation of royal decrees soon followed.

Under the Spanish rule Indians were acknowledged to be the owners of the lands they actually possessed and cultivated. Mexico recognized the same right. However, on February 23, 1781, a Spanish decree was issued prohibiting Indians from selling their lands, which remained in force until February 24, 1821, when Mexico achieved independence and Indians became Mexican citizens. The laws of Spain attempted to do justice to Indians in land matters; and as late as September 1, 1867, Benito Juarez, president of Mexico, issued a decree designed to protect the Indians in their rights of ownership in land.

Spain's rule tottered, and the Mexican Empire for a brief year or two ruled in 1821 and 1822 over the lands in which we are interested. Then came the first Mexican Republic in 1823, and the Mexican government carried the burden of land grants forward until the Mexican Occupation in 1846, followed by the treaty of Guadalupe Hidalgo on February 2, 1848, which marks the beginning of the

1. Paper read at a joint meeting of the Texas Bar Association and the New Mexico Bar Association, at Amarillo, Texas, on July 5, 1929.

American dominion over the lands ceded by Mexico to the United States. On December 30, 1853, by a treaty called the Gasden purchase, by which the United States acquired certain lands south of the Gila River, disputes over land growing out of the treaty of Guadalupe Hidalgo were finally adjusted.

Properly, a paper on this subject could and would include a discussion of a number of interesting collateral propositions. We shall be obliged, however, to limit ourselves to a consideration of the law of the land grant insofar as it pertains to New Mexico, and to refer only briefly to a few of the outstanding features of the subject. The Indians, the original owners, who held title by possession, may be entirely eliminated from the discussion. Apparently they were not interested in the business of land grants; and, judging by the experience of the Spanish and Mexican grantees, the Indians exhibited wisdom in not seeking grants, assuming that the ruling governments had been willing to grant land to them. The Indians had, and still have, lands which they were permitted to retain by Spain, Mexico and the United States. The rights of the Indians to the lands they actually occupy, and their rights to additional lands, have been the subject of endless litigation, and investigation by Congress. The New Mexico Indian land question is one that must be mentioned only and then dismissed, as it occupies a field all its own.

Land grant litigation in New Mexico has concerned itself with treaties; with documents purporting to support titles to grants; with conditions annexed to grants; with questions of inheritance; with the law of evidence as to boundaries; with the rule as to proof of foreign laws, usages and customs; with ejectment, partition, statutes of limitation; with the powers of the congress of the United States; and the powers of courts of private land claims and other related legal questions.

In order to understand fully the law of the New Mexico

land grant to-day, it is necessary to go back to Spanish rule, to the decress, proclamations and instructions of Ferdinand V of June 18 and August 9, 1513; Emperor Charles V, June 26, 1523, and May 19, 1525; and Philip II, May 25, 1596. In those decrees, proclamations and instructions, set forth in a compilation known as "Laws of the Indies," is contained the authority to confer land grants. In the fourth book, the twelfth title, is recited in great detail the manner of distribution of pueblo lands. Power is granted in these words: "In order that our vassals may be encouraged to make discoveries and settlements in the Indies . . . it is our will that lands be partitioned and distributed to all those who shall go to settle new lands in towns and places which shall be assigned to them by the governor of the new settlement . . . and these grants may be extended and improved in a measure corresponding to the services that each grantee shall render, so as to stimulate them in the tilling of the land and rearing of cattle."

The viceroys of Spain were authorized to give lands and house lots to those who went to settle; and it was provided that the apportionment of lands should be made with the advice of the city or town council, and that the councilmen should be preferred; that the apportionment of the lands should be made with the assistance of the attorney of the place; and without damage or prejudice to the Indians.

Apparently the rulers of Spain were under a misapprehension as to the possibilities for colonizing the new world, but nevertheless the laws, decrees and instructions were in existence, to be followed by the viceroys, and they were followed, with the result that after four centuries the land titles of the Southwest are still tinged with the impress of king and emperor. Whether the viceroys had absolute power to grant lands without confirmation by the crown has long been debated. The wording of his powers seemed to indicate that he did have final and absolute power

to vest title in the name of the sovereign. The question of confiscation is interesting, but cannot be discussed here other than to say that in all probability the Spanish King reserved the power to revoke or confiscate a grant, and to that extent a grant could never become absolute. The power that granted, could likewise destroy.

The turbulent history and final fate of the Spanish crown cannot be traced here; neither may mention be made of the many and varied decrees, proclamations and amendments made to Spanish law. The same thing may be said of the history of the Mexican empire and republic and of the various laws and regulations pertaining to the granting of land. There an inviting field awaits further study and investigation, made all the easier by the painstaking labors of Gustavus Schmidt, author of "The Civil Law of Spain and Mexico," published in New Orleans in 1851; of Frederic Hall, of San Francisco, publisher of "The Laws of Mexico," in 1885; of J. Alexander Forbes, author of "Mexican Titles in the States and Territories," published in San Francisco in 1891; and of Matthew G. Reynolds, author of "Spanish and Mexican Land Laws," published in St. Louis in 1895.

After the treaty of Guadalupe Hidalgo, the United States government was confronted with a land grant problem, or, it would be more accurate to say, a series of problems. At the outset our government learned that there had been three distinct types of land grant, those made to settlements, those of small size claimed by individuals, and those of large size granted to individuals for the purpose of encouraging habitation of a fixed area of territory.

To refer to Blackstone in a discussion on land grants as understood by the Spanish and Mexican governments is irrelevant, but it may be said that in the bestowal of grants in Spanish and Mexican possessions there was similarity to the English livery of seisin, known to the common law.

The English method was for the sovereign or his rep-

resentative actually to go upon the land and exert dominion over it, by breaking a twig from a tree, or throwing earth into the air, thus vesting title in the grantee. The Spaniards, and later the Mexicans, had a similar idea, possession being delivered personally, by a representative of the ruling power, with ceremony, accompanied at the same time or later by delivery of a written document explaining in detail the method of delivery of the grant, its boundaries, and the reasons prompting the generosity of the ruling power. The thought behind the so-called English livery of seisin and the delivery of possession of land customary to Spanish and Mexican rulers was that there could be no valid vesting of title to real estate unless there was a personal, manual delivery and investiture. The ancient Romans were much further advanced in this direction than the English or other nationals, having plainly in their jurisprudence the idea of actual, legal delivery of a thing, or a conveyance of title, whether it be land or personal property, by an instrument in writing at a distance from the land, or without manual delivery of the article, title and possession of which it was intended to transfer. There is no doubt but that under the laws of Mexico transfers of real estate could be made by verbal contract. This proposition in fact has never been controverted by the Supreme Court of New Mexico. Grant V. Jaramillo, 6 N. M. 315. The statute of frauds was unknown to the civil laws which were in force at the time of the acquisition of the territory now known as New Mexico. Real estate could be sold in the same manner as personal property.

Documents supporting land grants made by Spanish sovereigns or those under their authority are replete with flowery words and embellishing adjectives. There is, to mention one of many, the decree of royal possession for the Alameda Grant, partly in what is now Bernalillo county, New Mexico, reciting that on the 27th day of the month of January in the year 1710, Captain Martin Hurtado, chief

alcalde and war captain of the town of San Felipe de Alburquerque and the jurisdiction thereof, pursuant to authority granted him did "in the name of his Majesty (may God preserve him) observing the customary ceremonies, and designating boundaries, placing landmarks, and the boundaries are, on the north a ruin of an old pueblo, which of two there are, is the more distant one from said Alameda Tract, and on the south a small hill, which is the boundary of Luis Garcia; on the east the Rio del Norte, and on the west prairies and hills for entrances and exits."

The decree of royal possession for Alameda Grant, dated January 27, 1710, was followed by actual delivery of the grant, identified as Exhibit "B" to the decree, reciting that on May 16, 1748, some thirty-eight years later, giving to the inhabitants of the grant a patron saint, Saint Anthony of Sandia. The document continues, "the people cried aloud, threw stones, pulled up weeds, and in a loud voice exclaimed 'Long Live the King Our Sovereign' ", continuing after a most minute description of the ceremonies, "and they heard the royal possession given in the name of His Majesty, which is a sufficient title to them now and forever to prevent interference at any time and against any person or persons who may trespass within the boundaries set forth and of which they are in possession."

The influence of the Spanish custom of bestowing a grant is plainly seen in the Mexican custom of delivery of land. For instance there is the Dominguez Fernandez Grant, referred to in Catron v. Laughlin, 11 N. M. 621, wherein it appears that the actual delivery of the grant was made by the Mexican officials in much the same manner that grants had been made before that time by representatives of the Spanish government. The date was August 21, 1827, and the alcalde "pulled up grass, scattered handfuls of earth, broke off branches from trees, and the people from great joy and satisfaction, uttered expressions saying, 'Long live our actual president, Don Guada-

lupe Victoria, long live the Mexican Nation.'" The point of law decided in Catron v. Laughlin was that the action of congress in confirming a claim for land under a grant made by Mexico was to be treated as an adjudication, the courts being powerless to revise what had been done by congress. This is still good law.

From the foregoing it appears that it was customary to obtain a so-called degree of royal possession, followed by actual possession. Reading of the documents discloses almost invariably that surveying was not recognized as one of the fine arts. Land measurements were as wide as the prairies and as far away as a river or mountain. Inadequate descriptions proved to be one of the principal contentions involved in land grant litigation after the American occupation. At the end of the Mexican war and under the treaty of Guadalupe Hidalgo, claimants to various grants had been assured of protection of titles by the United States. Land grant problems would have been comparatively simple had there existed proper supporting documents and correct surveys. Boundary lines were indefinite and uncertain. Documents were unsatisfactory. Forgery and the fabrication of documents proved a fine art in connection with claims made before the Court of Private Land Claims in New Mexico, established by Act of Congress on March 3, 1891.

Before the establishment of the Court of Private Land Claims in New Mexico, the United States Surveyor-General for New Mexico, an office created in 1854, recommended to Congress confirmation of a number of land grant claims. The Congress of the United States confirmed some thirty-six New Mexico grants during the years 1858 to 1860, including the famous Carlos Beaubien and Guadalupe Miranda Grant, later known as the Maxwell land grant, consisting of 1,470,000 acres, the grant having been made by Governor Armijo of New Mexico on January 11, 1841.

Confirmation of land grants by the legislative branch of the government proved unsatisfactory, largely for reasons which cannot enter into this discussion; and the creation of the Court of Private Land Claims for New Mexico, Colorado and Arizona, followed. The court consisted of five judges empowered to pass upon the merits of petitions asking confirmation of lands with titles fully and regularly derived from Spain and Mexico, appeals being allowed to the Supreme Court of the United States. The Court of Private Land Claims heard 301 petitions, involving 34,653,340 acres of land, finishing its work June 30, 1904, at Santa Fe, New Mexico. Two-thirds of the petitions presented were entirely rejected. Seventy-five claims were finally allowed in effect quit-claiming to petitioners any right the United States had in 1,934,986 acres of land.

Intricate questions of fact, and complicated questions of law, involved in the litigation concerning the Spanish and Mexican land grants have challenged the best efforts of New Mexico's ablest lawyers and judges for more than sixty years.

The Supreme Court of New Mexico has decided a number of fundamentals in connection with land grants. There are few, if any, new questions that might be the subject of litigation, insofar as the grants themselves may be concerned. However, there are numerous questions involving the rights of individuals which must be settled eventually in the courts of last resort. Lawyers will be necessary assistants in connection with the determination of such questions. Consequently it will not be inappropriate for the members of the New Mexico and West Texas Bar Associations to be somewhat familiar with the general principles of land grant law. While the things that are discussed here are of peculiar interest to New Mexico lawyers at the present time, they will be of future interest to lawyers of Texas and Oklahoma. Prospecting for oil will sooner or later begin on land grants in an important way.

Members of the Texas and Oklahoma bars will be engaged to pass on the validity or invalidity of land grant titles.

There is no claim that the land grant as such is peculiar to New Mexico. There are Spanish and Mexican land grant lands in a number of the western states, and there are Spanish grants in Florida and Louisiana. The City of San Francisco, within a Pueblo land grant, was the subject of considerable litigation before titles were finally perfected. In New Mexico it is of the utmost importance to have definitely settled by court decrees whether a land grant is a so-called pueblo, or town grant, or a private or individual grant. Much important litigation has resulted from disputes in this direction.

A prospective purchaser of a mining lease some months ago, being advised that there was doubt as to whether a grant was a town grant or a grant to individuals, proved his resourcefulness by employing two old time land grant lawyers, neither being aware that the other had been employed. The same documents and title papers were submitted to each of them, and opinions were obtained, with the result that one reached the conclusion that the grant was a pueblo grant, and the other, on the same state of facts, and with the same law available, rendered an opinion that the grant was a grant to individuals. The prospective purchaser closed the deal by obtaining a lease from the board of trustees of the grant, and at the same time required the signatures of all known, available individuals who might have an interest in the grant in the event it was proved eventually to be an individual grant, with the inevitable co-tenancy to be considered.

Land grant litigation is not now as prolific or as profitable as it was twenty-five and thirty years ago. The lawyer of the old school in New Mexico ordinarily had one or more complicated land grant cases in his office upon which he worked in his spare time. Claimants of interests in a grant were ordinarily without money. Frequently the

lawyer was obliged to accept his fee either after the sale, in the event of a partition, or in acreage, at the conclusion of the litigation. Some of the cases dragged along for years, in apparently interminable litigation, with a great many defendants, many pleadings, reports of referees and special masters without end. It is quite certain that in nearly every case the lawyers earned their money, and were nearly always obliged to have professional assistance from surveyors, archive-searchers, genealogical experts,—eventually establishing some of the facts by ancient witnesses, in the manner indicated by Greenleaf on Evidence, or otherwise, as their consciences dictated.

The participation of the lawyer in land grant affairs, both before and after the legal work had been completed in connection with confirmation by the Congress of the United States, and by the Court of Private Land Claims, was inevitable, because of the open question as to whether or not valid title had been derived from Spain or Mexico; because of the uncertainty of boundaries, and finally because of the manner in which many of the confirmations were made.

Lawyers called upon to assert the claims of clients found that in some instances there were hundreds of heirs of the original grantee, if the grant had been to an individual, and determination of heirship in most instances would be of no value unless there could be a partition. Ordinarily, partition of the land in kind would be of no avail and not satisfactory to those finally determined to be lawful heirs of a given grantee. A sale of the grant after partition was the practical remedy. There followed a period in New Mexico legal annals, roughly speaking from 1891 to 1910, in which the lawyers of the then territory engaged extensively in land grant litigation. There were many suits in the district courts, and a number of them were appealed to the supreme court. Some of the suits, because of the small value of the land, inability of heirs to finance

litigation, vexatious legal questions, and discouraged and disheartened counsel, were abandoned. As a result, there are to-day in New Mexico some parcels of land, unclaimed, to all practical purposes, and known as "lost land grants."

"The lost land grant" in New Mexico has a counterpart in ghost land grants, of which the so-called Royuela and Beales Grant is an interesting example. The title to all the farming lands in Quay County, New Mexico, is overshadowed by this ghostly grant, which has haunted abstracters, lawyers and loan companies in that particular county since November 17, 1916. On that date there were filed a number of instruments purporting to convey title to practically all of the public domain in Quay county, among them being a purported certified copy of a petition signed by Jose Manuel Royuela, asking the establishment of a land grant; and warranty deeds in a chain of title purporting to convey approximately one million acres of land. Apparently there never was a grant. At most there was a designation of land in 1832 which might have become a grant had there been a confirmation by the proper Mexican authorities. This so-called grant was litigated in the case of Interstate Land Company v. Maxwell Land Grant Co., 41 Fed. 275, and on appeal to the supreme court of the United States as reported in 139 U. S. 569. The opinions in the United States Courts, and one in the lower court by Mr. Justice Brewer, and the one in the supreme court by Mr. Justice Lamar, are of interest, demonstrating that certain factors are essential in the fundamentals of a Spanish or Mexican land grant and that without them there is no grant. The lands claimed to have been granted to Royuela and Beales became public domain of the United States and thousands of acres have been homesteaded. The ghost of the grant throws a cloud over the title, but there is absolutely no question but that the grant is and was void; and that the real owners of the land have a fee simple title that is marketable; and that they

will never be subjected to serious interference. However, the ghost of this particular grant still haunts the land, because as late as a few months ago an unsuccessful effort was made to have the New York Title and Mortgage Co. issue a policy of title insurance on the so-called Beales property for one million dollars.

Along with the lost land grant and the ghost land grant, there is what might well be called "nobody's land grant." Consider, for example, the Cebolleta de La Joya land grant, situate partly in Socorro and partly in adjoining counties of New Mexico, a tract in excess of 29,000 acres, the subject of much litigation, and for the last several years in process of being sold for non-payment of taxes. The board of county commissioners of Socorro county entered into a contract on June 18, 1929, with Reuben M. Ellerd, of Tulsa, Okla., to sell this grant for $42,367.00, the amount of a tax judgment. This grant, originally to individuals, is now owned by hundreds of descendants of the original grantees. In the famous case historized in the one immortal novel of the law, "Ten Thousand a Year," the lawyers and litigants remembered nothing of the facts in the case excepting the amount of the court costs. In connection with the La Joya land grant, it appears that almost everyone has forgotten about everything connected with the grant excepting the taxes.

The war with Mexico was declared by resolution of the Congress of the United States, May 13, 1846. The treaty between the United States and Mexico was signed at Guadalupe Hidalgo, Mexico, on February 2, 1848, under which and subsequent protocols, 234,000,000 acres of land were ceded to our country. Prior to May 13, 1846, the Mexican government had granted certain lands to Mexican nationals who were qualified to receive the lands granted, and in the treaty, the United States agreed to protect all Mexican nations in their rights inviolate.

Under our law, that is the law of the United States,

and the law of Mexico, the record is the grant, and the grant is the title. Briefly, if there is no record, there is no grant; and if there is no grant, there is no title. Title fails, and under the decisions of the United States Supreme Court, such lands become public domain and are held by the federal government in trust for the people of the United States. In numerous decisions the Supreme Court of the United States has held that title under a Mexican Grant cannot be held valid without evidence of the compliance with requirements of the Mexican law in effect at the time the grant was made. Written evidence of the forms required by the Mexican law must be found in the archives and records where they were required to be deposited and recorded. Inability to produce such proof by actual introduction of the documents themselves or by certified and authenticated copies, developed the rule that title may be supported by secondary evidence, one requirement being that positive proof must be produced that the title papers were deposited or recorded as required by law in the proper office in Mexico.

The first reported case in New Mexico involving a land grant is that of Pino v. Hatch, 1 N. M. 125, decided at the January term, 1855, the majority opinion being written by Judge Benedict. This was a suit in ejectment, involving the right to possession of a large tract of land in San Miguel County, New Mexico, and was in the nature of test litigation. The court held in that case that the political chief of the province of New Mexico, under the government of Mexico, after the separation from Spain, had no power, without express authority from the Mexican government to grant away any part of the public domain, but held further that papers purporting to show the existence of such a grant, although not sufficient to pass absolute title, should be admitted in evidence as against one having no better right, to show the time and mode of gaining possession, from which title by adverse possession might be established.

There is a dissenting opinion in that case by Judge Brocchus, in which he took the position that the court should recognize the grant of a political chief of New Mexico, apparently on the theory that it might be presumed that he was acting with the authority and by consent of the republic of Mexico. The particular grant involved was made by one Bartolomé Baca, as political chief pro tem. of the province of New Mexico, on December 23, 1823. It will be recalled that the United States acknowledged the independence of Mexico, achieved from Spain in 1821, up to which time the royal order of the king, by virtue of his prerogative, was absolute in all things; and in the Pino case it was pointed out by our court that title to all lands previously held by Spain, was lodged after 1821 in the republic of Mexico. Judge Benedict contended in his opinion, and a majority of the court agreed, that neither a political chief nor a provincial governor, could divest the sovereignty of the soil unless expressly authorized by the new power to do so, or his acts should be subsequently sanctioned by the political authority. There have been numerous other cases on land grant questions, but to cite them here or discuss them would be burdensome to those not particularly interested in local decisions.

As the result of disagreements over management of the land grants in New Mexico, considerable statute law has been enacted, management of community grants being left to boards of trustees, with varying powers, there being reflected in each statute providing for the control of a particular grant, the wishes and desires of the people occupying the grant, or their chosen political and business leaders. In 1907 some order was developed out of the chaos as to management by the enactment of what amounts to a land grant code. Briefly, this code provides that all grants of land in New Mexico made by the government of Spain or by the government of Mexico, to any community, town or pueblo, shall be managed by a board of trustees elected by ballot,

at which all persons residing within the limits of the grant who have lived thereon for a period of five years prior to the election, and are otherwise qualified to vote at state elections, shall be eligible to cast a ballot. Those grants which were not made or confirmed by Congress or the court of private land claims to community, town, colony or pueblo, are by exclusion eliminated from such government. Private land grants, therefore, are not subject to the so-called grant code, but are subject to the same laws, with one or two exceptions, as any other real estate holdings. The question of importance therefore is to identify the kind of a grant and to have an effectual and final declaration that a grant is either a community or a private grant.

The sale or encumbrance of community land grants is made difficult by a statute enacted in 1913, which provides that no sale, mortgage or other alienation of the common lands within a grant shall take effect unless authorized by a resolution duly adopted by the grant board of trustees, and ratified, and until after approval of such resolution by the district judge of the district within which the grant or a portion thereof is situate. Has the court the power to veto a sale, or is the power of the court merely ministerial, a formal ratification? Can the courts lawfully be vested with such power, in the case of an individual grant, without having all owners of the grant properly served and before the court? These are questions that must some day be answered.

For a number of grants there is special legislation. The case of the Las Vegas Grant is of considerable interest because of the great value of the land belonging to the grant and the large sums of money available for investment. This particular grant was confirmed by an act of Congress June 21, 1860, to the town of Las Vegas, and differs from other grant governments in that the district court of San Miguel County is vested with jurisdiction to manage, control

and administer the grant, with authority to appoint not less than three nor more than five persons from among residents upon the land, actually to administer the affairs of the grant, but with full control in the court "over the acts and doings of the board of trustees, that courts of equity exercise over receivers appointed by them and over the acts and doings of their receivers," considerable power being thus vested in the court.

After a land grant had been confirmed by act of Congress or by the court of private land claims, the United States ordinarily issued a patent as evidence of title; and the very wording of the patent provoked discussion and resulted in litigation. If confirmation was to a town, pueblo or community, complications frequently arose over boundaries; and if the patent issued to the individual grantee or grantees, or his or their heirs, because in nearly every instance the original owners were dead, the difficulties that confronted attorneys were many and varied.

Apparently there was nothing in the civil law of Spain or Mexico equivalent to joint tenancy with the right of survivorship as shown to the English common law. The original grantees under a grant took an estate quite similar to a tenancy in common. That early day attorneys recognized the situation is indicated by the adoption in 1852, by the first New Mexico territorial legislature, of an act which is now Section 4762 of the 1915 Code, which reads:

"All interest in any real estate, either granted or bequeathed to two or more persons other than executors or trustees, shall be held in common unless it be clearly expressed in said grant or bequest that it shall be held by both parties."

Time does not permit a discussion as to the power of the legislature to enact such a statute as the foregoing, but it may be said that it is the settled law generally that the legislature may destroy the survivorship in joint ten-

ancies, as it is a mere contingency destructible by either joint tenant. 12 C. J. Constitutional Law, sec. 497; Note 10 (a). The weight of authority appears to be that "statutes changing existing joint tenancies into tenancies in common are valid; as operating merely to render the estates more beneficial, and in like manner, a statute making joint heirs tenants in common may embrace estates existing at its passage." Consequently there is small doubt as to the validity of our section 4762.

These statements are preliminary to a reference to the doctrine that each tenant in common is equally entitled to the use, benefit and possession of the common property, and may exercise acts of ownership in regard thereto. Right to possession extends to every part of the property; and a tenant in common is entitled to possession of the common property as against all the world save his co-tenant and entitled to his share of the rents, issues and profits. A brief consideration of some phases of the rights of co-tenants is set forth in Bradford v. Armijo, 28 N. M. 288, in which litigation there was involved the title to the Agua Salada Land Grant, granted on July 20, 1769, confirmed by the Court of Private Land Claims on August 23, 1893, patent from the United States November 15, 1909, which grant was confirmed unto "the heirs, legal representatives and assigns of Luis Jaramillo," and opened the gate to litigation still pending in the courts.

The question of the kind of a right of ownership, undefined under Spanish or Mexican law, that a claimant may be entitled to under the law known to the Anglo-Saxon system of jurisprudence, when such claimant is an owner of a fractional interest in a land grant not only prompted the passage of the ownership in common statute of 1852 referred to in the foregoing, but also prompted the passage of the statutes previously referred to vesting power in boards of trustees to manage grants, and under conditions specified, with the final approval of the court, to alienate

the land. Time does not permit an extended discussion of the various acts, of the powers conferred upon the trustees of the grant boards, and of the rights of the claimants of the interests in the grant, but it may be said in a general way that, as to some of the laws enacted by the legislature of New Mexico, vesting in a board of trustees power to govern a land grant originally made to individuals, now owned by many individuals, there does not seem to be a single right of a tenant in common, as ordinarily understood in the general law, which is not violated by the provisions of such acts.

It seems plain that the power of the board to sell, mortgage, encumber, partition and otherwise alienate, offends against the prohibition against depriving persons of their property without due process of law, as contained in the 5th and 14th amendments of the federal constitution, and Section 18, Article 2 of the statute constitution.

Taxes have been a staggering burden for all of the land grants in New Mexico with the exception of possibly five or six. Taxation of land as we understand it in our law was a vague thing in Spanish and Mexican law. The community or individual obtaining a grant was ordinarily exempt from taxation on the real estate for a number of years, and perhaps forever. This explains in part why efforts were made by the early settlers and settlements to obtain large grants of land. After the American occupation and introduction of taxation of real estate for production of revenue, the land grant, instead of an asset, became in many instances a liability. The grants were burdened with taxes. Lacking confirmation by act of Congress or by a court of private land claims, the rights of owners or apparent owners were doubtful; the issuance of patents by our government for individual grants resulted in litigation because the rights were vested in a hundred, perhaps a thousand or more heirs of the original grantee. The individual grantee, owning perhaps a thousandth part of the whole, or less, declined,

or was unable, to pay his proportionate share of the taxes levied against the grant as an entirety. As a result of the grants being unproductive and unwieldy for partition purposes, the owners have been unable, in many instances, to pay the taxes, even to this date; and the grants continue to fail to bear their burden in this direction. Prospective buyers of land grants, confused by the complications in which a grant found itself, dubious as to whether or not the grant could be extricated with safety so as to make possible a good and merchantable title as understood in most states, declined to make investments. It is the belief of writer that it would have been more fortunate for the now State of New Mexico, if when the treaty of Guadalupe Hidalgo had been signed, the United States had taken possession of all the grants, declared them public domain, and duly compensated the owners at the then fair value. Spanish and Mexican land grants, it appears to me, have been a curse to New Mexico, reaping little profit and reward to those intended to be rewarded, and retarding in great measure the orderly development of the resources of the state. This is said with full appreciation of the bravery and fortitude of the first colonizers and their noble attempts to found settlements and develop the land.

Sufficient time is not available to discuss here the New Mexico method of partition and sale of grants, but it is sufficient to say that the methods followed are not essentially different from those in other states, there being no necessity for the application in a partition suit of Spanish or Mexican law as to the method, but only as to the rights of the parties to the cause.

A curious situation exists on a number of land grants in New Mexico which will eventually give rise to litigation of importance, and that is with reference to the mineral rights. Spain and Mexico, in bestowing a grant, in many instances bestowed the land without reference to the minerals or other valuables under the soil. In the treaty of

Guadalupe Hidalgo, the United States promised protection to nationals in such rights as they had at a specified time. The nationals of Mexico in a certain type of grant not having acquired a right in the minerals under their grants, such rights became vested in the United States. The United States owning those rights, apparently, have no right to issue a permit for mineral exploration to a stranger to the title, because the federal government has no right on the land itself. The patent from the United States to a land grant owner ordinarily reserves in the government of the United States "the rights to prospect for gold, copper, cinnabar and lead." The question is, has the government retained the rights to the oil, if any, that may be found, and eventually will be found, in some of the grants?

There is a peculiar statute of limitations in connection with land grants in New Mexico, the constitutionality of which has been passed upon by the Supreme Court of the United States, in the case of Montoya v. Gonzales, 232 U. S. 375. On February 1, 1858, the territorial legislature of New Mexico passed an act now known as Section 3364 of the 1915 Codification, which provided briefly, that in all cases where "any person or persons, their children, heirs or assigns, shall have had possession for ten years of any lands, tenements or hereditaments which have been granted by the governments of Spain, Mexico or the United States, or by whatsoever authority empowered by said government to make grants of land, holding or claiming the same under or by virtue of a deed or deeds of conveyance, devise, grant or other assurance purporting to convey an estate in fee simple, and no suit in law or equity effectually prosecuted shall have been set up or made to the same within ten years, then such person, their children, heirs or assigns so holding such possession" are, by the terms of the statute, given a good, indefeasible title in fee simple to the lands claimed. It will be noted that there is no necessity for the payment of taxes, ordinarily an absolute essential. The

statute was before the Supreme Court of New Mexico in Farish v. New Mexico Mining Company, 5 N. M. 279, and again in Gildersleeve v. Milling Company, 6 N. M. 27, in the early days of the court, and was the settled law of the state, apparently free from attack until its constitutionality was vigorously attacked in the Montoya case, 16 N. M. 349.

The Supreme Court of New Mexico in that case recited the history of the statute, discussing whether or not it was a statute of limitation or repose merely; or went further and was intended to grant affirmative relief by conferring absolute title on a claimant contending to come within its provisions. Our court decided that the statute was intended to create, and did create, a right and indefeasible title in fee simple to real property acquired in a land grant, under the prescribed conditions. Appealed to the Supreme Court of the United States, in an opinion handed down on February 24, 1914, by Mr. Justice Holmes, 232 U. S. 375, the court stated that the title of the claimants successful in the lower court did not depend upon the ordinary statute of limitations, but rested upon a peculiar statute that had been in force in New Mexico unchanged in any important way, since 1858. "By this act, possession for ten years," the opinion reads, "under a deed purporting to convey a fee simple of any lands which have been granted by Spain, Mexico, or the United States, gives a title in fee to the quantity of land specified in the deed, if, during the ten years, no claim by suit in law or in equity, effectually prosecuted, shall have been set up."

The attack on the constitutionality of the statute, was not seriously considered, the court declaring that: "We can see no taking of property without due process of law in this. The disseisee has notice of the law and the fact that he is dispossessed, and that a deed to the disseisor may purport to convey more than is fenced in. . . . The statute does not deny the equal protection of the laws, even if it should be confined to Spanish and Mexican grants,

For there very well may have been grounds for the discrimination in the history of those grants and the greater probability of an attempt to revive stale claims, as is explained by the Supreme Court of New Mexico." The territorial Supreme Court had, as is indicated in the opinion by Mr. Justice Holmes, explained the reasons for the enactment of the law. Having thus been passed upon by our Supreme Court and the United States Supreme Court, the statute of limitations discussed here may be said to be one of the fundamentals of New Mexico law of land grants. It only remains to say that the statute as Mr. Justice Holmes said, is a peculiar statute, and that lawyers having to advise their clients on land grant titles may well require a personal investigation to determine whether or not there are any claimants in possession of any part of the grant with an instrument purporting to convey title, because apparently under the decisions and the law as it now stands, such settlers are immune to the provisions of recording acts.

To further explore the ramifications of the law of the land grant would be an imposition on the bar of Texas. It has not been my intention to leave the impression that good title can not be obtained to New Mexico land grants: that would not be true. Confirmed by act of Congress or by the Court of Private Land Claims, with boundaries surveyed by competent surveyors, and titles quieted and settled by able lawyers, there is every reason to say that many owners are vested with a title that is marketable and beyond any attack. Each grant must be considered on its own merits, not only as to validity of title, but to all other factors prompting a purchase.

Certain general principles of law pertaining to land grants are firmly a part of New Mexico jurisprudence; and as new questions are presented to lawyers and to courts we may confidently expect that they will be dealt with in the future intelligently and capably by bench and bar, as they have in the past.

THE HISTORY OF EARLY PRINTING IN NEW MEXICO

WITH A BIBLIOGRAPHY OF THE KNOWN ISSUES OF THE NEW MEXICAN PRESS, 1834-1860

By

DOUGLAS C. MCMURTRIE

"Liberty of the press is the vehicle which communicates enlightenment to all classes of society, especially to the lowest class of people. This precious gift, granted to us by the wisdom of the great legislators of our Republic, is the firmest support of liberal institutions; for more than by physical strength these institutions are conserved by moral vigor, which results from the enlightenment of the citizens. But this inestimable good is as if dead for the Territory, as not a press is known, nor do papers circulate which would spread abroad that public spirit which is the very soul of republican liberty.

"The scarcity of books, particularly of those elementary ones which contribute so largely in disseminating ideas, is another obstacle opposed to enlightenment, and another no less is the enormous distance at which this place lies, and the lack of communication which obtains with the interior of the Republic."[1]

The foregoing comprehensive statement is taken from a report of a survey of conditions in New Mexico submitted to the authorities of the government of Mexico on June 1, 1832. This date, therefore, is the definite *terminus a quo*

1. From the *Ojeada sobre Nuevo-Mexico* by Antonio Barreiro, translation by Lansing B. Bloom, in the *New Mexico Historical Review*, Vol. 3, 1928, at p. 151.

NOTICE.

BEING duly authorized by the President of the United States of America, I hereby make the following appointments for the Government of New Mexico, a territory of the United States.

The officers thus appointed will be obeyed and respected accordingly.

CHARLES BENT to be Governor.
Donaciano Vigil " Sec of Territory.
Richard Dallam " Marshall.
Francis P Blair " U. S. Dist. Atty
Charles Blummer " Treasurer.
Eugene Leitensdorfer " Asst. of Pub. Acc.

Joal Houghton, Antonio Jose Otero, Charles Beaubien to be Judges of "the Superior Court."

Given at Santa Fe, the Capitol of the Territory of New Mexico, this 22d day of September 1846 and in the 71st year of the Independence of the United States.

S. W KEARNY,
Brig. General
U. S. Army.

[See Bibliography, title no. 7]

from which begins all investigation of the history of the press in New Mexico.

Whence came the first printing press to New Mexico? Who caused it to be brought thither, and for what purpose? To the first of these questions no conclusive answer can yet be given. The testimony as to the origin of the press is obscure and conflicting. But to the second question a satisfactory reply can be found in the evidence presented by contemporary and nearly contemporary documents.

First in this chain of evidence, let us examine the statement of Josiah Gregg, a Santa Fé trader, published in 1844.[2]

"In nothing is the deplorable state of things [in New Mexico] made more clearly manifest than in the absence of a public press. There has never been a single newspaper or periodical of any kind published in New Mexico, except in the year 1834, when a little foolscap sheet (entitled *El Crepusculo*) was issued weekly, for about a month, to the tune of fifty subscribers, and was then abandoned, partially for want of patronage and partially because the editor had accomplished his object of procuring his election to [the Mexican] Congress. Indeed, the only printing press in the country is a small affair which was brought the same year [*i. e.*, 1834] across the prairies from the United States, and is now [1844] employed occasionally in printing billets, primers and Catholic catechisms."

Gregg thus testifies that he knew of the publication of a small newspaper issued for a few weeks in 1834 for political purposes—to procure the election of its editor to the Mexican Congress. Now Antonio Barreiro had completed a term as deputy in the summer of 1834, and in October of the same year was preparing to leave Santa Fé for a second two-year term. On this occasion, according to a record in a contemporary document, he transmitted to the *diputación territorial* "a file of the periodical which

2. Josiah Gregg, *Commerce of the Prairies, or the Journal of a Santa Fé Trader* (New York: 1844), Vol. I, pp. 200-201.

he published in that capital [*i. e.*, in Santa Fé]."[3] The name of the periodical in question is not mentioned in this contemporary record, and Bloom[4] says the name is not even known. But Gregg's testimony is that it was called *El Crespúsculo*, and this testimony is confirmed by another contemporary document, a letter from Ramon Abreú to the *ayuntamiento* of Santa Fé, transmitting another file of the same periodical. This letter, in translation, reads as follows:[5]

"Very Worthy Ayuntamiento.

"I, Ramon Abreú, subcommissary of the Territory [of New Mexico], respectfully and in due form present myself before your honorable body and say: That attentive to the highly esteemed letter of the illustrious Mexican, Señor Licenciado Don Carlos María de Bustamante, the original of which I transmit, I request in proper form that your honorable body be pleased to order to be placed on exhibit in its session hall a file of the periodical *Crepusculo de la Libertad* and a copy of the notice with which the press was opened which I have established in this city, all with the praiseworthy object indicated in the said esteemed letter; and also that in accord with the tenor of the said letter the accompanying imprints be placed in the archives, with a certificate of the secretary of your honorable body; being kind enough likewise to return to me this letter with

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3. Fed. L. O. (Santa Fe), *legis. mins.* of October 8, 1834: "Leyda y aprobada la acta anterior, se dió cuenta con un oficio del Sr. Diputado Dn. Antonio Barreyro, en q. pide instrucciones para ayudar al desempaño de su encargo, incluye una colección del periódico q. publicó en esta capital, y solicita se le produsca el certificado q. se le dió á principio del vienio anterior." (Quoted by Lansing B. Bloom, in *Old Santa Fé*, Vol. 1, 1913, p. 365, footnote 323.) Mr. Bloom (*loc. cit.*) says "The possession and use of this famous little press was without question an important factor in winning for Barreiro a second term in Congress, the only one during our period who was reelected."

4. Lansing B. Bloom, "Barreiro's Ojeada sobre Nuevo-Mexico," *New Mexico Historical Review*, Vol. 3, 1928, p. 74.

5. The original of this letter I found in the Vigil collection of the Historical Society of New Mexico, on the occasion of a recent visit to Santa Fé. I am under obligation to Mr. Lansing B. Bloom, secretary of the Society, for dictating to me this translation.

whatever endorsement you may find proper to place upon it, in order that, if it be in accord with my petition, it may accompany in the original, with the aforesaid letter, the documents to be exhibited. Santa Fé, January 17, 1835.

Ramon Abreú"

The conclusion to which the above testimony leads is that in the summer of 1834, in order to procure his reelection as deputy, Antonio Barreiro conducted at Santa Fé a periodical entitled *El Crepúsculo de la Libertad* ("The Dawn of Liberty") and after a short time discontinued it. The press on which it was printed was undoubtedly that which Abreú said he had established at the Territorial capital.

No copies of *El Crepúsculo* are now known. If either of the files referred to in the foregoing documents should be brought to light, all uncertainty as to the circumstances of its publication would doubtless be resolved. Without such first-hand evidence, however, it is still safe to say that Barreiro was its editor and publisher, that it was printed on a press established at Santa Fé by Ramon Abreú and that its first issues appeared in the fall of the year 1834.

It must be acknowledged that the foregoing conclusions are at variance with those arrived at by some of New Mexico's historians. L. Bradford Prince, for example, says:[6]

"In 1835 the first newspaper enterprise was attempted —Padre Martinez, of Taos, issuing a paper, of the size of foolscap, entitled 'El Crepúsculo' (meaning 'The Dawn'), weekly for about a month, when its particular mission being accomplished, and the number of its subscribers (about fifty) not justifying a continuance, it was abandoned. This was the only attempt at a newspaper while the territory was under Mexican control."

Bancroft, in his *Arizona and New Mexico*, cites the foregoing passage from Prince in saying:

6. *Historical Sketches of New Mexico from the Earliest Records to the American Occupation* (Kansas City: 1883), p. 234. The same statement is repeated thirty years later in the same author's *Concise History of New Mexico* (Cedar Rapids: The Torch Press, 1912), p. 153.

"About 1834 a printing press was brought to this country, and with it in 1835 Padre Martinez issued for four weeks at Taos the *Crepúsculo*, the only New Mexican newspaper of pre-Gringo times."

But Bancroft also refers to Gregg's *Commerce of the Prairies*, and adds the footnote:

"Gregg says that the editor's object was to get himself elected to Congress, in which effort he succeeded. He also states that some primers and catechisms were printed on this press before 1844; but I have never seen any of these early productions. In the newspapers of 1876 is noted the death of Jesus M. Vaca [*i. e.*, Baca], who was a printer on the *Crespúsculo*.'"

The tradition to the effect that Padre Martinez issued *El Crepúsculo* at Taos continued to grow with time until it came to be the generally accepted story. In 1903, in a memoir in Spanish on the life of Padre Martinez,[8] Pedro Sanchez continues the tradition by saying that Martinez bought a press in 1835 and at his own expense issued books for the use of his pupils, printing pamphlets containing alphabets, syllabaries and vocabularies, catechisms, and the like, and also material on orthography, grammar, rhetoric, logic, physics, and arithmetic, which he distributed free; and that he also published a newspaper, "the first ever issued west of the Missouri River," to which he gave "the very appropriate name" *El Crepúsculo*, using it to combat the evil practices of the officials of his day.

A few years later an anonymous historian gave still further details:[9]

7. Hubert Howe Bancroft, *Arizona and New Mexico* (San Francisco, 1889), p. 341 and note. Such a notice appeared in *The Daily New Mexican* (Santa Fé) April 21, 1876: "Jesus Maria Baca died yesterday at his residence in this city aged about 65 years. . He learned his trade in Durango, Mexico, returned to the territory with Padre Martinez . . . about the year 1835 . . . He remained in the office until 1847 when it was purchased and removed to Santa Fé by Hovey & Davies, who published the Santa Fe Republican . ." Because of failing eyesight Mr. Baca retired in 1857. His family was connected with the Pino and Delgado families, and "he has ever been regarded as an exemplary citizen. He leaves surviving him three daughters and one son."

"The first printing press ever used in New Mexico was brought from Chihuahua, Mexico, in 1835, by Don Santiago Abreú. The press was set up at Taos, and there the first newspaper in the Territory was printed. Father Martinez controlled this paper, called *El Crepúsculo* (*The Dawn*), for his own political advancement, and it was continued only a few weeks, until its political end was achieved."[10]

Next, R. E. Twitchell pays tribute to Padre Martinez.[11] His statement is chiefly interesting, however, because it mentions other matters concerning early printing in New Mexico. Twitchell says:

"About the year 1834 a printing press was brought to New Mexico. It was operated by Jesús María Baca, who came from the city of Mexico. Upon this press was printed a proclamation by Governor Perez, dated June 26, 1835, in which he announces that he has assumed the reins of government. Upon this press was done the first printing between the Missouri River and the Rio Grande.[12]

"Upon the same press was published a weekly paper

8. *Memorias sobre la Vida del Presbítero Don Antonio José Martinez*, Santa Fé: Compañía Impresora del Nuevo Mexico, 1903. A statement regarding New Mexican printing origins based on this volume is given by Henry L. Bullen in "The Literature of Typography," *Inland Printer*, Vol. 53, No. 3, June, 1914.

9. *History of New Mexico, Its Resources and Peoples* (Los Angeles: 1907), Vol. I. p. 467.

10. This unnamed writer adds: "According to records in the possession of Mrs. Petra B. Abreú, of Rayado, after the death of [Santiago] Abreú, his widow sold the press to Father Martinez." As the Abreú brothers met their death in August, 1837, this is further evidence tending to show that the press did not come into the possession of Padre Martinez until that year.

11. Ralph Emerson Twitchell, *The Leading Facts of New Mexican History* (Cedar Rapids: The Torch Press, 1911-1912), Vol. II, pp. 184-185; also p. 338, footnote.

12. This statement is far from accurate. In Missouri, south of the Missouri River, there was printing at Independence in 1832 and at Jefferson City in 1834. Further, at the Shawnee Baptist Mission, in the Indian Territory, just west of the state of Missouri, Jotham Meeker had begun to print in March, 1834, several months before the earliest date that can be assigned on any evidence to printing in New Mexico. Much earlier, William E. Woodruff began the publication of the *Arkansas Gazette*, in the new Arkansas Territory, on October 30, 1819, and in the same year, at least as early as August 14th, Eli Harris printed the *Texas Republican* at Nacogdoches.

called *La Verdad.*[13] It had sixteen pages, ten by fourteen inches in size . . . Padre Martinez issued for four weeks at Taos the *Crepúsculo.* He also states[14] that some primers and catechisms were printed on this press prior to 1844."

L. Bradford Prince once more takes up the story in 1912.[15] He credits "the Abreú family" with bringing the first press in 1834, and says it came from Mexico. After mentioning the Perez proclamation of June 26, 1835, with its imprint "Imprenta de Ramon Abreú à cargo de Jesus Maria Baca," he goes on to say that Padre Martinez printed the first newspaper in New Mexico, *El Crepúsculo,* at Taos, and gives November 29, 1835, as the date of the first issue. Where this date comes from is a complete mystery to me.

The whole matter of the history of the first press was carefully reviewed by Lansing B. Bloom[16] shortly after the publication of Prince's *Concise History.* Bloom points out the important part played by Antonio Barreiro in bringing the first press to New Mexico, mentions the periodical which Barreiro published at Santa Fé in the summer of 1834, with a comprehensive note on the file of it presented to the *diputación* when Barreiro departed for his second term in Mexico City, and says further that "At the same time, and possibly by sale, he turned the press over to Ramon Abreú, who was then secretary of the deputation; and by the following summer it had come into the possession of Presbyter Martinez." But he continues:

"The latter [*i. e.,* Martinez] utilized it in printing educational and religious matter, and in issuing the next periodical to appear in the Territory. This was a little weekly

13. This periodical began publication in February, 1844. See p. 382, below.

14. Beginning with the words "He also states," Twitchell is obviously quoting from the footnote in Bancroft's *Arizona and New Mexico,* p. 341, where the "he" refers, not to Padre Martinez as in the above context, but to Josiah Gregg, whom Bancroft is quoting.

15. L. Bradford Prince, *A Concise History of New Mexico* (Cedar Rapids: The Torch Press, 1912), pp. 258-260.

16. In *Old Santa* Fé, Vol. 1, 1913, pp. 364-366. This periodical is not to be confused with Twitchell's book of the same title, published in 1925.

called *El Crespúsculo* which began on September 29, 1835, and expired with the fourth number. Only some fifty subscriptions had been secured in that time."

Bloom thus concluded that there were two early newspapers, one whose name is not known, published by Barreiro at Santa Fé in 1834, and *El Crepúsculo,* published by Martinez at Taos in 1835. Twitchell, finally,[17] following Bloom and the latter's authorities closely, goes one step further and premises two presses, "one, the first, brought to Santa Fé by the lawyer and author Barreiro, and the other, which was the property of Rev. Antonio J. Martinez, upon which, in 1834, 'a little foolscap sheet (entitled *El Crepúsculo*) was issued weekly, for about a month, to the tune of fifty subscribers and was then abandoned'." This writer also contributes to the question of the origin of the Barreiro press the statement "that in his judgment Barreiro got this press at Paso del Norte, to which place a printing press was brought by Dr. John G. Heath, in 1819, from Missouri, via the Mississippi, Gulf of Mexico, and thence overland to Paso del Norte."[18]

It is a tribute to the remarkable character of Padre Martinez that almost as a matter of course his name should be connected with an event of such cultural importance as the introduction of a printing press and the beginning of a newspaper. And it is no disparagement whatever to the memory of this extraordinary man to point out that the initiation of printing in New Mexico belongs not to his achievements, but to those of a man less celebrated. And it is due to the fame of Antonio Barreiro to recognize that it was he who, in his *Ojeada,* first proclaimed for New Mex-

17. Ralph Emerson Twitchell, *The Story of Old Santa Fé* (Santa Fé: 1925). p. 196 and footnote 386.

18. In the introduction to his translation of Barreiro's *Ojeada,* Bloom again states that the name of Barreiro's periodical is not known (*New Mexico Historical Review,* Vol. 3, 1928, p. 74.) John Clyde Oswald, in his *History of Printing* (New York: 1928), pp. 232-234, simply follows the tradition and says that *El Crepúsculo* was started at Taos on November 29, 1835, with J. M. Baca as printer and Padre Martinez as editor.

ico the advantages and need of the press, then exerted himself to procure the establishment of one, and finally, in *El Crepúsculo de la Libertad,* attempted, even if unsuccessfully, the establishment of a newspaper.

Padre Martinez himself, in his autobiographic *Relación de Méritos,*[19] makes no mention of any activities in any way connected with printing. His relation of his merits is not marked with shrinking modesty or a disposition to overlook or belittle any of his achievements. If he had been in fact the first to publish a newspaper in the Territory, it seems almost impossible that he should have neglected to mention it.

But Martinez is by no means unimportant in the history of the press in New Mexico. The earliest known New Mexican imprint is a little booklet that unquestionably came from his pen. The *Cuaderno de ortografia,* which heads the list as Number 1 in the following Bibliography, is truly an unimpressive herald of the powers of the press. But its subject matter is highly significant. It is a school book—a very primitive and elementary one, to be sure, but the expression of a need "particularly of those elementary [books] which contribute so largely in disseminating ideas," as Barreiro had put it in his *Ojeada* but two years or so before the *Cuaderno* appeared.[20]

The imprint on the *Cuaderno,* "Imprenta de Ramon Abreu á cargo de Jesus Maria Baca," with the date "Santa Fe 1834," reveals that in that year there was a press at Santa Fé, that Ramon Abreú owned or at least controlled it, and that Jesús María Baca, who was certainly New

19. *Relacion de Meritos del Presbitero Antonio Jose Martinez,* etc. 1838. Impresa en su oficina a cargo de Jesus Maria Baca. Translation of the text in *New Mexico Historical Review,* Vol. 3, No. 4, October, 1928. The original is Number 4 in the following Bibliography.

20. This little volume came to light only a few months before the present study of New Mexican printing was begun. It seems to have passed quickly into utter obscurity, and its discovery now is an event of real importance in typographic history. It has been published in facsimile in *The First Printing in New Mexico,* by Douglas C. McMurtrie (Chicago: John Calhoun Club, 1929.) The original is at present in the possession of Mr. Aaron Flacks, of Chicago.

DISCURSO

POLITICO SOBRE LO IMPORTANTE

Y NECESARIO

DE QUE EL HOMBRE ESTE INSTRUIDO EN

SUS DEBERES.

Noticia de Obritas impresas que se venden:

Y oferta que se hace de la Imprenta por

el interes publico.

TAOS DE NUEVO MEXICO.

1839.

IMPRENTA DEL PRESBITERO ANTONIO JOSE MARTINEZ

A CARGO DE JESUS MARIA BACA.

[See title no. 5]

Mexico's first *printer,* was in charge of its operation. That Padre Martinez brought his *Cuaderno* from the distant pueblo of Taos to Santa Fé for printing is in itself sufficient evidence that the Padre at that time had no press at his own disposition. That Martinez was the author of the *Cuaderno* hardly requires argument. There was no one else in the Territory with sufficient interest in education to have opened a school and to have prepared and published an elementary book on spelling. The dedication, *"a los niños de los señores Martines de Taos,"* is perhaps confirmatory evidence.

We have seen that Ramon Abreú, in his letter to the *ayuntamiento,* says that the press was one which he himself had established.[21] In addition to the *Cuaderno de ortografía,* a broadside of Francisco Sarracino, dated December 13, 1834, and the Perez proclamation of June 26, 1835, are imprints still extant to testify to the continued operation of the press by Baca under the ownership or control of Ramon Abreú. In August, 1837, Abreú was among those slain in a revolutionary uprising. The press next appears in the possession of Padre Martinez. It seems probable that Martinez acquired it only after the death of Abreú and that any printing at Taos under the Padre's direction as early as 1835 is quite legendary. The late Colonel Francisco Perea recalled that the printing equipment was kept in the Old Palace at Santa Fé in 1837-1838.[21a] This may have been after the assassination of Abreú and before Padre Martinez got the press and type transported to Taos, where his *Relación de Méritos* was printed in the fall of 1838. The faithful Baca still attended the press under its new ownership.

Of the printing done under the Martinez regime, three imprints have survived, dated respectively in 1838, 1839, and 1841. The first is the *Relación de Méritos,* to which reference has already been made. The second is the *Discurso*

21. The original of the letter reads "la imprenta que he establecido en esta Ciudad."

21a. *Old Santa Fe* (periodical), Vol. 2, 1914, p. 179.

político (Number 5 in the Bibliography). The third is a broadside proclamation of Governor Manuel Armijo celebrating the "defeat" and capture of the Texan expedition in October, 1841. That these three items quite inadequately represent the activities of Padre Martinez as a publisher appears clearly from an examination of the *Discurso.* In this little book we find a list of the printed booklets issued and for sale by the Taos printing office. There are nine titles and the announcement of a tenth in the spring of the following year (*i. e.*, 1840), "God willing." The prices range from one *real* to one *peso,* and shipments to distant points can be made only against security, as "experience has taught that any other method permits of fraud."[22]

Of equal interest and importance is the announcement on the last page of the *Discurso* to the effect that the press is at the free disposition of the public for the printing of "notices, orders, or other matters of concern to the information of the public," under the approval of Governor Armijo. Matters of private concern will be printed at the rate of one *real* per sheet, but for not less than one hundred nor more than two hundred copies.

Except for the little newspaper *La Verdad,* which appeared at Santa Fé in 1844, and of which two copies of one issue survive,[23] and except for a few specimens of "job printing such as official letter heads and some imprints revalidating stamped paper, there exists no evidence of printing after the Armijo proclamation of November, 1841, until the notice of September, 1846, making appointments of officials to act under the military government of the United States. This does not mean, of course, that nothing was printed, but only that, with the exceptions noted, no printed matter for those five years is known to have been preserved.

22. See the note under Number 5 in the Bibliography, on page 385, below.

23. Tomo 1, N. 32, Jueves 12 de Setiembre de 1844, in the Historical Society of New Mexico and in the Henry E. Huntington Library. It contains official notices and an installment of an essay on matrimony. The imprint reads "Imprenta particular á cargo de J. M. B."

The Kearny expedition which effortlessly annexed New Mexico to the United States arrived at Santa Fé in August, 1846. Within a few weeks there had been printed, not only the notice of the appointment of territorial officers, but also a 115-page code of laws. The tradition is that the expeditionary forces found at the capital "a small printing press, which was used for printing public laws, notices, advertisements, proclamations, manifestos, pronunciamentos, and other high-sounding Mexican documents, in the form of pamphlets and handbills."[24] The tradition also informs us that this local establishment contained only "worn type, and indifferent ink, paper, and other materials," and that the difficulty presented by the lack of W's in the Spanish fonts was obviated by the substitution of two V's. Unfortunately for this interesting tradition, one capital and four lower-case w's are found in the two dozen lines of the *Notice* of September 22, and there are two perfectly good capital W's on the title page of the *Laws*. The types of the *Notice*, however, may very well have been found at Santa Fé, as they bear a striking resemblance to Baca's scarred veterans, as do those also in the title page of the *Laws*. It would seem that some of Baca's fonts contained W's!

The same Baca fonts appear with all their interesting peculiarities in a series of 11 broadsides bearing no imprint issued by the new government up to July 1, 1847. Not until September of that year does a strictly American press make its debut in New Mexico. On September 10th began the publication of the *Santa Fé Republican*, and on that date New Mexican typography turned from its romantic youth, thenceforth comporting itself with more adult dignity, although with somewhat less of interest and charm.

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24. John T. Hughes, *Doniphan's Expedition, Containing an Account of the Conquest of New Mexico* (Cincinnati: 1848), pp. 120-121. L. Bradford Prince, *Historical Sketches of New Mexico*, pp. 306-307, follows the account given by Hughes, and Bancroft, *Arizona and New Mexico*, p. 426, also tells of "the old press found at the capital." The story of the difficulties encountered in printing English with Spanish fonts is told by Hughes and repeated by Prince.

Padre Martinez lived until 1867. It is difficult to believe that he suddenly lost all interest in publishing books and tracts. As a matter of fact, he did not. In September, 1859, there appeared from his pen a curious document headed *Religion* (Number 74 in the Bibliography), printed at Taos in the old typography of twenty-five years before, if not, in part at least, with the same old types. The imprint, "Imprenta de J. M. M. á cargo de V. F. R.," indicates that the Padre did not own the press at that time, and that Jesús María Baca was no longer printing for him.

Much still remains obscure about New Mexico's first press, although some of the outlines of its history are now fairly clear. Possibly some of the lost booklets of Padre Martinez may still come to light, or something still be found for the gap between 1841 and 1846. Is the *Religion* of 1859 actually the only imprint in the old tradition after the coming of the Gringo invader? Finally, whence came the press of Barreiro, Abreú, Martinez, and the constant Baca? These remain as interesting problems for the typographic historian.

BIBLIOGRAPHY

Cuaderno | de ortografia. | Dedicado a los niños de los seño- | res Martines de Taos. | [*Cut of a moose*] | Santa Fe 1834. Imprenta de Ramon | Abreu á Cargo de Jesus Maria Baca. [1]

9.5 x 14 cm. [22] p. Title in border of type ornaments.

Reproduced in facsimile by Douglas C. McMurtrie in *The First Printing in New Mexico,* Chicago: John Calhoun Club, 1929.

The earliest known New Mexican imprint.

El Gefe Politico del Nue- | vo Mejico a sus conciudadanos La ecsigencias del Territorio por el doloroso | Estado en que

lo han puesto la guerra | de los barbaros . . . [*49 lines*] | . . Santa Fee [*sic*] Diciembre 13 de 1834. | Francisco Sarracino. [2]

19.5 x 27.5 cm. Broadside.

No imprint, but undoubtedly from the press of "Ramon Abreu à cargo de Jesus Maria Baca." The signature is printed but carries rubric in manuscript.

Historical Society of New Mexico.

El Ciudadano Albino Perez | Coronel de Caballeria del Ejercito Per- | manente Gefe Politico y Militar del Territorio | del Nuevo Mejico a sus conciudadanos. | Compatriotas: . . . | [*41 lines*] | . . . —Santa Fé 26 de Junio de 1835. | Albino Perez | Santa Fee [*sic*] 1835 Imprenta de Ramon Abreu à cargo de Jesus Maria Baca. [3]

21.5 x 31 cm. Broadside.

Henry E. Huntington Library.

Relacion de Meritos | del | Presbitero Antonio Jose | Martinez, | Domiciliario del Obis- | pado de Durango, cu- | ra encargado de Taos | en el Departamento | de | Nuevo Mexico. | [*Short rule*] | 1838. | Impresa en su oficina a cargo de | Jesus Maria Baca. [4]

9 x 13.5 cm. 34 p. Title in border of type ornaments.

An autobiographical sketch by Padre Martinez. For a translation of the text, see *New Mexico Historical Review*, Vol. 3, No. 4, October, 1928. The book concludes with a notarial certificate, dated August 14, 1838, which refers to the contents as "already in print."

Historical Society of New Mexico.

Discurso | politico sobre lo importante | y necesario | de que el hombre esté instruido en | sus deberes. | Noticia de

Obritas impresas que se benden: | Y oferta que se hace de la Imprenta por | el interes publico. | [*Filet*] | Taos de Nuevo Mexico. | 1839. | [*Rule*] | Imprenta del Presbitero Antonio Jose Martinez | a cargo de Jesus Maria Baca. [5]

12.5 x 17 cm. [ii], 20 p. Title in border of type ornaments.

On reverse of title page: En la oficina de Taos hay de venta obritas impre- | sas utiles a los propios fines de cada una, y para apren- | der á leer y exercitarse, son las siguentes. | Manualitos para Parrocos á seis reales. | Exercicios devotos Cotidianos á peso. | Ortografias Castellanas par la Academia hespañola | á peso. | Retoricas á seis reales. | Cuadernitos de Arismetica, [*sic*], ó de enumerar á 4 reales. | Todos los referidos encuadernados y forrados su fo- | lio de octavo, y de ese folio encuadernados, pero sin afor- | rar hay tambien. | Cuadernitos de Villacastin para encomendar el alma á los enfermos. Estos á tres reales. | Ortografias chicas á dos reales. | Cuadernitos del tramite judicial á real. | Cartillas de primeras letras á real. | Para la primavera del entrante año, Dios median- | te, habrá Catones Cristianos. | Si se necesiten muchos exemplares en algun parti- | do ó lugar de los distantes, se podran remitir si de par- | te de la autoridad se ofrece seguridad; porque de dife- | rente modo enseñò la esperencia que se defrauda.

At end, p. 20: El dueño de esta Imprenta de Nuevo-Mejico ofrece | la confianza; que á su costa imprimiran algunas no- | ticias, ordenes, ú otras occurrencias interesantes à inte- | ligencia del publico, porque asi convenga hacerlas es- | tensivas, á disposicion del Exelentismo Señor Goberna- | dor D. Manuel Armijo, ò con aprobacion de S. E. si es ocurrencia de otro C. y de dicho publico interes. Si la ocurrencia fuese á interes de particular con tal que | esté dentro del orden, segun las leyes de imprenta, tam- | bien podràn imprimirse, pagándo el interesado á razon | de un exemplar de apliego por real, y no baje su | numero de cien, ni pase de docientos.

The name of Padre Martinez in the imprint, the list of printed works from his press, and the terms on which printing would be done are features which make this little book

of singular importance in the history of New Mexican printing.

Library of Congress. Historical Society of New Mexico (imperfect copy).

El Gobernador y Coman- | dante General del Departamento de Nuevo Mejico a sus | habitantes. | [*35 lines of text*] | Santa Fé Noviembre 10 de 1841. | Manuel Armijo | [*Filet*] | Imprenta del P. A. J. M. á Acargo. [*sic*] de J M, B. [*sic*] [6]

32 x 40.5 cm. Broadside.

This proclamation celebrates the "defeat" and capture of the expedition from Texas, in October, 1841.

The initials in the imprint are those of Padre Antonio José Martinez and Jesús María Baca.

Henry E. Huntington Library.

Notice. | Being duly authorized by the President of | the United States of America, I hereby make | the following appointments for the Government | of New Mexico, a territory of the United | States. | The officers thus appointed will be obeyed and | respected accordingly. | Charles Bent to be Governor. | [*7 lines, naming 8 other officers, including Donaciano Vigil, "Sec. of Territory."*] | Given at Santa Fe, the Capitol [*sic*] of the | Territory of New Mexico, this 22d day | of September 1846 and in the 71st year | of the Independence of the United | States. | S. W. Kearny, | Brig. General | U. S. Army. | [Santa Fé: 1846.] [7]

9 x 13 cm. Broadside.

Other officers named are: Richard Dallam, Marshall; Francis P. Blair, U. S. District Attorney; Charles Blummer, Treasurer; Eugene Leitensdorfer, Auditor of Public Accounts: Joal [*sic*] Houghton, Antonio Josè Otero, and Charles Beaubien, Judges of the Superior Court.

The typography is distinctly different from that of the

Baca imprints. The occurrence of the letter *w* and the logotype ff indicates the use of an English font.

Historical Society of New Mexico. Henry E. Huntington Library.

Leyes | del | Territorio de Nuevo Mejico. | [*Rule*] | Santa Fe, a 7 de Octobre 1846. | [*Double rule*] | Laws | of the | Territory of New Mexico. | [*Rule*] | Santa Fe, October 7 1846. | [Santa Fé: O. P. Hovey? 1846] [8]

16 x 22 cm. 115 p. No imprint.

This is the Kearny Code promulgated by General Kearny on September 22, 1846, simultaneously with his proclamation of his appointments of civil officers. The code was prepared by Colonel A. W. Doniphan, 1st Missouri Mounted Volunteers, a lawyer by profession, assisted by Private Willard P. Hall of his regiment, who was also lawyer.

Historical Society of New Mexico (Col. Doniphan's copy). *Henry E. Huntington Library* (with title page, first leaf of text, and last four leaves of text supplied in typewritten copy). *School of American Research* (with pp. 1-14, including title, and pp. 101-115 supplied in printed copy of different type).

Carlos Bent, Gobernador del Territorio | de Nuevo Mejico, Á sus Habitantes. | Conciudadanos:— . . . | [*49 lines*] | Carlos Bent. | Santa Fé, Enero 5, de 1847. [9]

19.5 x 31.5 cm. Broadside.

This proclamation attempts to allay the suspicions toward the government recently established in New Mexico by the United States forces, that led to the Taos insurrection in which Governor Bent was killed on January 19.

Henry E. Huntington Library.

Triunfo delos Principios | contra la Torpeza! | [*Short rule*] | El Gobernador Interino del Territorio, | à los habitantes

Col. Doniphan's

LEYES

DEL

TERRITORIO DE NUEVO MEJICO.

SAÑTA FE, A 7 DE OCTOBRE 1846.

LAWS

OF THE

TERRITORY OF NEW MEXICO.

SANTA FE, OCTOBER 7 1846.

[See Bibliography title no. 8]

del mismo. | Concivdadanos:— . . . | [*22 lines*] | Donaciano Vigil. | Santa Fé, Enero 25, de 1847. [10]

19 x 31.5 cm. Broadside.

Refers to the Taos insurrection of January, 1847, in which Governor Carlos Bent was assassinated on January 19. Donaciano Vigil, secretary of the Territory, became acting governor *ex officio* on the death of Bent.

Henry E. Huntington Library.

Circular. | Gobierno Superior del Territorio. | [*At end*]: Santa Fe, Feb. 12, 1847. Donaciano Vigil. [11]

19 x 31.5 cm. Broadside.

Text concerns the assassination of Governor Charles (Carlos) Bent in the Taos insurrection.

Henry E. Huntington Library. Historical Society of New Mexico.

Se suplica su asistencia al intierro del finado | Sr. Don Juan Scolley, a las once del dea [*sic*] de hoy. | Santa Fe, Abril 12 de 1847. [12]

12.5 x 20 cm. Four-page folder printed on first page only.

Addressed in handwriting : Sr D^{n} Juan Baut^{a} Vigil.

Historical Society of New Mexico.

Donaciano Vigil, Gobernador Interino del | Territorio de Nuevo Mejico, a los | habitantes del mismo. | Conciudadanos;— . . . | [*23 lines*] | Donaciano Vigil. | Santa Fe, Julio 1, 1847. [13]

21.5 x 32 cm. Broadside.

Proclaims an election for the Territorial Legislative Assembly on the first Monday in August.

A tear in the paper leaves the ends of six lines incomplete.

Henry E. Huntington Library.

Condado del Bado dividido en dies y siete pre- | sintos electoràles. | [*63 lines of text*] | Donaciano Vigil, | Gobernador Interino. |Santa Fe Julio, 1°, 1847. [14]

22 x 32.5 cm. Broadside. Text in 2 columns.

The typography is obviously that of the press conducted by Jesús María Baca.

The proclamation names 17 electoral precincts of [San Miguel] del Bado County, and their election officers.

Henry E. Huntington Library.

Condádo de Balencia, dividido èn dies y nuebe | precintos. | [*67 lines of text*] | Donaciano Vigil, | Gobernador Interino. | Santa Fe, Julio 1, 1847. [15]

22.5 x 32 cm. Broadside. Text in 2 columns.

The typography is that of Jesús María Baca.

Twenty electoral precincts of Valencia County (instead of nineteen called for by the heading) are named herein, with their election officers.

Henry E. Huntington Library.

Condado de Bernalia dividido en quince pre- | cintos. | [*49 lines of text*] | Donaciano Vigil, | Gobernador Interino. | Santa Fe, Julio 1, 1847. [16]

21.5 x 32 cm. Broadside. Text in 2 columns.

The typography is that of Jesús María Baca.

Fifteen electoral precincts of Bernalia [i. e., Bernalillo] County are named, with their election officers.

Henry E. Huntington Library.

Condado del Rio Arriba dividido en dies y siete | precintos eletorales [*sic*] | [*63 lines of text*] | Donaciano Vigil, | Gobernador Interino. | Santa Fe, Julio 1, 1847. [17]

22.5 x 32.5 cm. Broadside. Text in 2 columns.

The typography is that of Jesús María Baca.

Seventeen electoral precincts of Rio Arriba County are named, with their election officers.

Henry E. Huntington Library.

Condàdo de Santa Anna dividido en dose presin- | tos electoràles. | [*50 lines of text*] | Donaciano Vigil, | Gobernador Interino. | Santa Fe Julio, 1, 1847. [18]

22 x 32.5 cm. Broadside. Text in 2 columns.

The typography is that of Jesús María Baca.

Twelve electoral precincts of Santa Anna County are named, with their election officers.

Henry E. Huntington Library.

Condàdo de Santa Fè dividido èn quince presin- | tos. | [*60 lines of text*] | Donaciano Vigil, | Gobernador Interino. | Santa Fe, Julio 1, 1847. [19]

21.5 x 32 cm. Broadside. Text in 2 columns.

The typography is that of Jesús María Baca.

Fifteen electoral precincts of Santa Fé County are named, with their election officers.

Henry E. Huntington Library.

Condado de Taos, dividido en dose presintos | electorales. | [*43 lines of text*] | Donaciano Vigil, | Gobernador Interino. | Santa Fe, Julio 1, 1847. [20]

22 x 32.5 cm. Broadside. Text in 2 columns.

The typography is that of Jesús María Baca.

Twelve electoral precincts of Taos County are named, with their election officers.

Henry E. Huntington Library.

Governor's Message, | delivered to the Senate and House of Representatives, | Santa Fe, New Mexico, December 6, 1847. | [*Filet*] | Gentlemen of the Legislative Council and House of Representatives: | . . . | [*At end*]: Donaciano Vigil. | [Hovey & Davies, Printers.] [21]

24 x 40.5 cm. Broadside. Text in 3 columns.

This message is addressed to the first legislature held while New Mexico was still under military occupation by the forces of the United States.

Henry E. Huntington Library.

New Year's Address | to the patrons of the Santa Fe Republican. | January 1, 1848. | [*Triple rule*] | [Santa Fé: 1847.] [22]

28.5 x 36 cm. Broadside. Text, in 3 columns, within border of florid typographic ornaments.

The *Santa Fe Republican* was established September 10, 1847.

Henry E. Huntington Library.

Laws | passed by the | General Assembly of the Territory | of New Mexico, | in the | session of December, 1847. | To which is added, | Order No. 10, from the Head Quarters of the Ninth Military Department, | imposing a duty of six per centum | on Merchandize imported into the Territory. | [*Double rule*] | Santa Fé: | Printed by Hovey & Davies, | 1848. [23]

13 x 19.5 cm. [viii], 43 p. English title p. [i]; Spanish title, p. [iii].

Advertised in *Santa Fe Republican*, March 11, 1848: "Just

published:—Laws passed by the General Assembly of the Territory of New Mexico. For sale at this office—price one dollar."

Henry E. Huntington Library. Historical Society of New Mexico. School of American Research ("Manuel Alvarez" writter on fly-leaf).

The Treaty of Peace. | [Santa Fé: 1848.] [24]

12mo. 26 p. English text with Spanish on verso; paged in duplicate.

Caption title.

Typed on fly-leaf: "This copy of the proclamation of the President of the United States and of Don Donaciano Vigil, governor of the territory of New Mexico notifying the people of New Mexico of the treaty of Guadalupe Hidalgo was printed at Santa Fe on a press belonging to the government. This is the only copy known to be in existence." Signed in manuscript: R. E. Twitchell.

New York Public Library.

Io solicita el honor de su per- | sonal asistencia a un Baile que se | dara en el Palacio *Viernes* | en la noche *October 13* de 1848. | [Santa Fé: 1848.] [25]

12 x 19 cm. Four-page folder, but printed on page 1 only. Script type in border of typographic ornaments.

Invitation to a ball, signed in handwriting "Con los respectos del | Mayor Weightman." The words "Viernes" and "October 13" are in the same hand, written in spaces left blank for the purpose.

Historical Society of New Mexico.

[*Rule*] | Para la historia, | [*Filet*] | Expocicion que hace Donaciano Vigil, Secre- | tario del Territorio de Nuevo Mejico, | a los habitantes del mismo. | [*Rule*] | [Santa Fé? 1848?] [26]

9 x 15 cm. Imperfect; all after p. 14 wanting.

No imprint. To judge from the text, this was printed between 1848 and 1850, but it may be of later date. The writer refers to an event occurring on May 27, 1848.

Henry E. Huntington Library.

Al Pueblo | de | Nuevo Mejico. | Como por el articulo 8. del ultimo tra- | tado de paz amistad y limites entre los Es- | tados Unidos de America y los Estados U- | nidos Mexicanos . . . | [*At end, p. 2*]: Dado bajo de mi firma y sello en Santa | Fe a 21, de Abril de 1849 | J. M. Washington. [27]

12.5 x 18.5 cm. 4-page folder, printed on pages 1 and 2 only. Bluish paper.

The same type was also printed in the form of a broadside 10 x 25 cm., on bluish paper.

Caption title only.

J. M. Washington was the military commander at Santa Fé following General Sterling Price. This order requires the inhabitants of the territory ceded to the United States to declare their intentions as to citizenship.

Historical Society of New Mexico (both folder and broadside). *Henry E. Huntington Library* (broadside).

[*Double rule*] A Nuestros Conciuda- | danos de N. M. | El siguente es respectuosamente dirijido, como | respuesta a una Communicacion en el Nuevo-Mejica | no" [*sic*] Gazeta publicada en Santa Fe, y firmada por | Don Manuel Alvarez y otros en respecto a un go- | bierno de Estado para este Territorio. . . . | [Santa Fé: 1849?] [28]

31 x 46 cm. Broadside. Text in 4 columns of small type.

Alvarez was demanding immediate statehood for New Mexico, for which the 45 signers of this broadside declare the Territory not yet ready.

Historical Society of New Mexico.

Catecismo Popular | de la | Doctrina Democratica | Origi-

AL PUEBLO
DE
NUEVO MEJICO.

Como por el articulo 8. del ultimo tratado de paz amistad y limites entre los Estados Unidos de America y los Estados Unidos Mexicanos los habitantes de los Territorios cedidos a los Estados-Unidos son requeridos de declarar sus intenciones de hacerse Ciudadanos de la Republica Mexicana, dentro de un ano contado desde la fecha de la ratificacion del tratado, y que los que permanezcan en los dichos Territorios despues de pasado ese ano sin haber declarado sus intenciones de retener el caracter de Mexicanos se considerara que han elejido hacèrse Ciudadanos de los Estados-Unidos. Y como quiera que el ano contado desde la ratificacion del tratado concluira el 30 de Mayo proximo, y que se desea para la accion desembarazada del Gobierno que se sepa publicamente quienes despues de esa fecha sean acreedores a los derechos y privilegios, y sujetos al desempeno de los deberes de Ciudadanos de los Estados-Unidos.

Por tanto, Yo JUAN M. WASHINGTON Gobernador del Territorio de Nuevo-Mexico por la presente ordeno que se habran inmediatamente en las Prefecturas de los diferentes Condados del Territorio por los Escribanos de las Cortes de Prefectura Rejistros encabezados asi.

"Nosotros elejimos retener el Caracter de Ciudadanos Mexicanos."

nal por | Ramon Francisco Gamarra. | [*Filet*] | [*3 line quotation*] | [Impreso en la Oficina del Fronterizo. | Las Cruces, N. M.] [29]

14 x 20.5 cm. 27 p.

Judged from the text, this would have been printed between 1848 and 1853.

Historical Society of New Mexico.

Dia de Año Nuevo | Manifiesto | a los patrones del Republicano de Santa Fe. | [*Rule*] | Por Olivero P. Hovey. | [*Rule*]

[*Double rule*] | Enero 1° de 1849. | [*Double rule*] | [80 lines of Spanish text.] [30]

26 x 32 cm. Broadside. Text in 2 columns, in border of florid typographic ornament.

New Year's greetings from the publisher to the readers of the *Santa Fe Republican.*

Historical Society of New Mexico.

[*Double rule*] | Santa Fe Republican | Extra. | [Double *rule*] | Santa Fe, Wednesday evening, August 8th, 1849. | [*Rule*] [31]

16 x 34.5 cm. Broadside. Text printed in two columns on ruled paper.

Signed in ms.: Adams. In ms. on verso: Daily Dispatch Cin[a].

Henry E. Huntington Library.

Proclamacion. | [*Double rule*] | Por cuanto que el Pueblo de Nuevo-Mejico por sus Delegados en Combencion reunida hi- | cieron una Constitucion de Estado por Territorio de Nuevo-Mejico, . . . | [*39 more lines*] | Dado bajo de mi [m *in* mi *inverted*] firma en la casa de Gobierno, | Ciudad de Santa Fe el dia 28, de Mayo A. D. 1850. | John Munroe, | Gobernador Civil y Militar del Territorio de N. M. [32]

22 x 32 cm. Broadside.

Henry E. Huntington Library. Historical Society of New Mexico.

Constitucion | del Estado de Nuevo Mejico. | [*Rule*] | Preambulo. | [Santa Fé, 1850.] [33]

12 x 20 cm. 19 p.

Caption title.

Henry E. Huntington Library. Historical Society of New Mexico.

Santa Fe, Nuevo Mejico, Junio 25 de 1850 . | A los caciques Gobernadorcillos y otras autoridades | de los Pueblos de Indios del Territorio de N. Mejico. | [*11 lines*] | John Munroe, | Gobernador Civil y Militar de Nuevo Mejico. | James S. Callhoun, Agente de los Indios. | [Santa Fé: 1850.] [34]

20 x 16.5 cm. Broadside.

This proclamation gives assurance to the Indians of protection to their persons and property under the new constitution.

Historical Society of New Mexico.

Al Prefecto del Condado de [*space for name of county*] | Senor: — | [*18 lines*] | Dado bajo mi firma en la Secretaria del Territorio, este veinte y tres dia de Julio, ano de mil ocho cientos y cincuenta [July 23, 1850]. [35]

19 x 25 cm. Broadside.

An unsigned printed form of notice to the effect that laws passed in the name of "la Legislatura del Estado de N. Mejico" and documents signed "Manuel Alvarez, Vice-Gobernador del Estado de Nuevo Mejico" are invalid because the "Gobierno del Estado de Nuevo Mejico" has no legal existence until New Mexico has been admitted into the

SANTA FÉ, Nuevo Mejico, Junio 25 de 1850.

A los caciques Gobernadorcillos y otras autoridades de los Pueblos de Indios del Territorio de N. Mejico.

Hemos sabido que representaciones maliciosas han sido hechas a Vds. y para que Vds. no sean enganados ni en duda, hemos creido conveniente a decir: que ni estan Vds. abandonados o perdidos, digamos a Vds. que tanto Vds. como su gente estan en la misma posicion y seguridades que tenian antes de la eleccion, y la misma proteccion de sus personas y el derecho o posecion de sus casas, tierras o toda otra propiedad, seran continuadas como antes, y hasta que otras leyes sean legalmente hechas, o hasta que el Presidente de los Estados Unidos ordene de otra manera, los asuntos interinales de sus Pueblos seran gobernados por sus leyes y constumbres, y por las mismas autoridades que cada pueblo tenga elegidas como sus Gobernadorcillos y demas autoridades; y como siempre deceamos a Vds. todas felicidades.

JOHN MUNROE,
Gobernador Civil y Militar de Nuevo Mejico.

JAMES S. CALHOUN, Agente de los Indios.

[See Bibliography, title no. 34]

Union, and that until that time the present government will continue to be the actual government of the Territory.

Historical Society of New Mexico.

In consideration of the high appreciation of | the services of the Hon. Hugh. N. Smith, as | delegate to the Congress of the United States, | the citizens of Santa Fe, have determined to | tender him a public dinner. | You are respectfully invited to attend at the | "Exchange", on Wednesday, the 23d inst. at | 4 o'clock, P. M. | Wm. McGrorty, | R. T. Brent, | C. H. Merrett. | Committee. | Santa Fe, Oct. 22d, 1850. [36]

11.5 x 18 cm.

Historical Society of New Mexico.

Petition. | [*Double rule*] | Santa Fe, N. M, February 5, 1851. | To the Hon. Postmaster General, Washington, D. C. | The undersigned, Petitioners, Citizens of New Mexico, would respectfully represent to your Honor, that, of the first day of July | last, a Monthly Mail was established between Independence, in the | State of Missouri, and Santa Fe, in the Territory of New Mexico; | [*32 lines*] | [*Double rule*]. [37]

28 x 38 cm. Broadside. Text in English and Spanish, separated by a double column rule, the Spanish text being in the right-hand column. Space below the text is divided by double rules into three columns, occupied by signatures.

The petition highly praises the regularity of the monthly mail service, and asks that a semi-monthly mail be established.

Historical Society of New Mexico.

Message | of | His Excellency | James S. Calhoun, | to the | First Territorial Legislature | of | New Mexico, | Dec. 1,

1851. | [*Rule*] | Santa Fé: | Printed by J. L. Collins & W. G. Kephart. | MDCCCLI. [38]

15 x 25 cm. 8 p. Printed buff paper wrappers.

Cover title.

Henry E. Huntington Library. South West Museum Library.

Laws | of the | Territory of New Mexico, | passed by the first | Legislative Assembly | in the city of Santa Fe, | [at a session | begun and held on the second day of June, | A. D. 1851;] | and | [at a session | begun and held on the first day of December, | A. D. 1851.] | To which are prefixed the Constitution of the | United States, and the Act of | Congress organizing | New Mexico as a Territory. | [*Wavy rule*] | City of Santa Fé: | James L. Collins & Co., Printers. | MDCCCLII. [39]

13.5 x 22 cm. 442 p., 1 leaf. English title, p. [1]; Spanish title, p. [3].

Historical Society of New Mexico. Henry E. Huntington Library. School of American Research.

Journal | of the | House of Representatives | of the | Territory of New Mexico; | Being the | second session of the First Legislative Assembly, | begun and held | at the city of Santa Fé, | December 1st, 1851. | [*Wavy rule*] | Santa Fe: | J. L. Collins & W. G. Kephart, printers. | MDCCCLII. [40]

15 x 23.5 cm. 235, xxix p.

Henry E. Huntington Library.

La defensa | del Sr. Miguel Antonio Otero. | [*Wavy rule*]. [41]

16 x 24 cm. 3 p.

No imprint, Article signed and dated at end: Miguel Antonio Otero. Santa Fé, 15 de Enero de 1852.

LAWS

OF THE

TERRITORY OF NEW MEXICO,

PASSED BY THE FIRST

LEGISLATIVE ASSEMBLY

IN THE CITY OF SANTA FE,

[AT A SESSION
BEGUN AND HELD ON THE SECOND DAY OF JUNE,
A.D. 1851;]

AND

[AT A SESSION
BEGUN AND HELD ON THE FIRST DAY OF DECEMBER,
A.D 1851.]

TO WHICH ARE PREFIXED THE CONSTITUTION OF THE
UNITED STATES, AND THE ACT OF
CONGRESS ORGANIZING
NEW MEXICO AS A TERRITORY.

CITY OF SANTA FE:
JAMES L. COLLINS & CO., PRINTERS.
MDCCCLII.

Henry E. Huntington Library.

James S. Calhoun. | Governor of the Territory of New Mexico, | To R. M. Stephens, Sheriff of the County of Santa Fe: | [*26 lines of text*] | Given at Santa Fe, this 6th day of February, A. D. 1852, by order of | James S. Calhoun. | By the Governor, | Wm. S. Allen, Sec'y. [42]

34.5 x 23.5 cm. Broadside.

The writ directs that an election be held on February 18, 1852, to fill a vacancy in the office of Justice of the Peace for Santa Fé County, caused by the resignation of Lemuel J. Angney. The pertinent section of the election laws is quoted in Spanish.

Henry E. Huntington Library.

[*Double rule*] | Extract of a letter | addressed | to the editor of the Santa Fé Gazette, | for publication in New Mexico. | [*Rule*]. [43]

15 x 23.5 cm. 7 p.

No imprint. Article dated March 12, 1852. Signed: Russell.

Henry E. Huntington Library.

Message | of | William Carr Lane, | Governor of the Territory of New Mexico, | to the Legislative Assembly of the Territory, | at Santa Fé, Dec. 7, 1852. | [*Rule*] | Santa Fé: | Published at the Gazette Office. | MDCCCLII. [44]

16 x 24 cm. 1 blank leaf, 14 p. Printed buff paper wrappers.

On reverse of title page: Oficina de la Gaceta: | J. L. Collins y W. G. Kephart, Impresores. | 1852.

Henry E. Huntington Library.

Reply | to certain slanderous statements | of | R. H. Weightman; | with an expose | of the | duplicity of that gentleman's

course in relation to | New Mexico, | By J. L. Collins. | [*Rule*] | Santa Fé: | J. L. Collins & W. G. Kephart, printers. | MDCCCLII. [45]

11.5 x 19.5 cm. 23 p.

Henry E. Huntington Library.

Contestacion | a Ciertas Representaciones Infamatorias | de | R. H. Weightman; | Con una exposicion | de la | duplicidad del curzo de aquel caballero en relacion | a Nuevo Mejico. | Por J. L. Collins. | [*Rule*] | Santa Fé: | Publicado en la Oficina de la Gaceta. | MDCCCLII. [46]

14 x 23 cm. 22 p.

On page [2]: Oficina de la Gaceta: | J. L. Collins y W. G. Kephart, impresores. | 1852.

Henry E. Huntington Library. Historical Society of New Mexico.

The Editor of the Santa Fe Gazette and Major Weightman; or truth vindicated. [Santa Fé: 1852.] [47]

Henry E. Huntington Library.

La Politica de Belzebu y su Reverso. | [*At end, p. 10*]: El Amigo Del Pueblo. [48]

14 x 20 cm. [3]-10 p.

No imprint. Bound with the *Catecismo Popular* (No. 29, above) and printed with the same type; therefore probably printed at Las Cruces, Oficina del Frontizero, *circa* 1852.

Historical Society of New Mexico.

Laws | of the | Territory of New Mexico, | passed by the second | Legislative Assembly | in the city of Santa Fé. | at a session begun on the sixth day of December, | 1852. |

CONSTITUTION

AND

BY-LAWS

OF

Paradise Lodge, No. 9,

OF THE

INDEPENDENT ORDER OF ODD FELLOWS

Of the Territory of New Mexico.

Instituted at Santa Fé, by D. D. G. S., P. G., Joseph D. Ellis, May 13th, 1852.

SANTA FÉ.

PRINTED BY COLLINS, KEPHART & CO

MDCCCLIII.

[See title no. 51]

[*Rule*] | Santa Fé: | James L. Collins & Co., Printers. | MDCCCLIII. [49]

13 x 21 cm. 160 p.

English title page, p. [1]; on verso: Oficina de la Gaceta: | J. L. Collins y W. G. Kephart, Impresores. | 1853. Spanish title page, [3]: Leyes | del | Territorio de Nuevo Mejico. | Pasadas por la segunda | Asamblea Legislativa | en la ciudad de Santa Fé, | en un periodo principiado el dia sesto de Diciembre | de 1852. | [*Rule*] | Santa Fé: | Publicado en la oficina de la Gaceta. | MDCCCLIII.

School of American Research. Historical Society of New Mexico. Henry E. Huntington Library (lacks English title page and last 10 pp.).

A | Review | of the | Boundary Question; | and a | vindication of Governor Lane's action | in asserting jurisdiction over | the Messilla Valley. | By Fernandez de Taos. | [*Rule*] | Santa Fé: | Collins & Kephart, Printers. | MDCCCLIII. [50]

13 x 24 cm. 32 p.

The name "Fernandez de Taos" is a pseudonym.

Bancroft Library. Henry E. Huntington Library.

Constitution | and | By-Laws | of | Paradise Lodge, No. 2, | of the | Independent Order of Odd Fellows | of the Territory of New Mexico. | Instituted at Santa Fé, by D. D. G. S., P. C., | Joseph D. Ellis, May 13th, 1852. | [*Rule*] | Santa Fé. | [*Rule*] | Printed by Collins, Kephart & Co. | [*Rule*] | MDCCCLIII. [51]

9.5 x 14 cm. 56 p.

Historical Society of New Mexico.

Las Leyes | del | Territorio de Nuevo Mejico, | pasadas por la tercera | Asamblea Legislativa, | en la ciudad de

Santa Fe; | a una sesion principiada el dia quinto de Diciembre | de 1853. | [*Rule*] | Santa Fé: | J. L. Collins y W. W. D. Havis [*sic*], Impresores. | [*Short rule*] | 1853. [52]

13 x 21.5 cm. 219 pp.

Historical Society of New Mexico. School of American Research.

Laws | of the | Territory of New Mexico, | passed by the third | Legislative Assembly, | in the city of Santa Fe; | At a session begun on the fifth day of December, | A. D. 1853. | [*Rule*] | Santa Fé: | J. L. Collins & W. W. H. Davis, printers. | [*Rule*] | 1854. [53]

14 x 22 cm. 220 p. English title, p. [1]; Spanish title, 2d p. [1]. Text in English and Spanish.

Henry E. Huntington Library. Historical Society of New Mexico.

Diario del Consejo del Territorio de Nuevo Mejico . . . Santa Fé: J. L. Collins y W. W. H. Davis, 1854. [54]

Anderson Catalogue 1912, No. 470. See No. 57, below.

Proclamacion. | Proclamation. | Executive Office, | Santa Fe, N. M., April 10, 1854. | Whereas the tribe of Indians, known as the Jicarilla Apaches, | have made war upon, and commenced hostilities against, the | government of the United States; . . . | [*34 lines*] | William S. Messervy, | Acting Governor and Super. of Indian Af. [55]

23 x 28 cm. Broadside. English and Spanish text in two columns, the Spanish being in the right-hand column.

The proclamation forbids intercourse of any kind with the hostile Indians.

Historical Society of New Mexico.

DIARIO

DEL

CONSEJO

DEL

TERRITORIO DE N. MEJICO.

SIENDO

LA SEGUNDA SESION DE LA TERCERA ASAMBLEA LEGISLATIVA

PRINCIPIADA Y TENIDA

EN LA CIUDAD DE SANTA FE,

DICIEMBRE 4 DE 1854.

SANTA FE:
J. L. COLLINS Y W. W. H. DAVIS, IMPRESORES
MDCCCLV

Laws | of the | Territory of New Mexico, | passed by the Fifth | Legislative Assembly, | in the City of Santa Fe, | at a session begun on the fourth day of December, 1854. | [*Wavy rule*] | Printed in the Santa Fe Gazette Office. | 1855. | [56]

15 x 22.5 cm. 4 p. l., (1) 12-147 pp. Text printed in Spanish and English, on alternate pages. Spanish title page, 1st leaf; English title page, 2d leaf.

Henry E. Huntington Library. School of American Research (lacks last page).

Diario | del | Consejo | del | Territorio de N. Mejico. | Siendo | la segunda sesion de la tercera Asamblea | Legislativa | principiada y tenida | en la Ciudad de Santa Fe, | Diciembre 4 de 1854. | [*Rule*] | Santa Fe: | J. L. Collins y W. W. H. Davis, Impresores. | MDCCCLV. [57]

14 x 23.5 cm. 230 p. Printed paper covers.

New York Public Library.

Proclama. | Por autoridad a me conferida por la ley . . . | [*31 lines*] | Dada bajo mi firma y el sello | del Territorio, en la ciudad de | Santa Fe, hoy dia 24 de Enero, | A. D. 1855. | D. Meriwether. | Por el Gobernador, | W. W. H. Davis, Secretario del Territorio de Nuevo Mejico. [58]

17.5 x 27.5 cm. Broadside.

The proclamation calls for four companies of mounted volunteers of from 80 to 100 men each to serve for six months for a campaign against the hostile Indians.

Historical Society of New Mexico.

Message | of | W. W. H. Davis, | Acting Governor | of the | Territory of New Mexico, | delivered to the Legislative Assembly, December 3, 1855. | [*Filet*] | Santa Fé: | Printed in the Santa Fé Weekly Gazette Office; | MDCCCLV. [59]

16 x 24 cm. 12 p.

W. W. H. Davis was partner of J. L. Collins in the printing business in 1853. In January, 1855, he was Secretary of the Territory under D. Meriwether, Governor.

Henry E. Huntington Library.

Mensage | de | W. W. H. Davis, | Gobernador Interino | del | Territorio de Nuevo Mejico. | Leido á la Asemblea Legislativa, Diciembre 3 de 1855. | [*Filet*] | Santa Fé: | Imprimido en la Oficina de la Gaceta. | MDCCCLV. [60]

16 x 24 cm. 13 p.

Historical Society of New Mexico. New York Public Library.

Laws | of the Territory of New Mexico. | Passed by the Legislative Assembly. | 1855-56. | [*Filet*] | Santa Fé: | Printed in the Santa Fé Weekly Gazette Office: | MDCCCLV. | [61]

15 x 22.5 cm. 4 p. l., (1) 12-176 pp. Text printed in English and Spanish on alternate pages. English title page, 2d leaf; Spanish title page, 3d leaf.

School of American Research. Henry E. Huntington Library.

Celebration | of the 4th of July. | The two Literary Clubs of this city will celebrate the an- | niversary of American Independence, on Friday morning next | . . . L. Alarid, | Nestor Sandoval, | C. Robles, | Spanish Committee. | Dav. J. Miller, | A. G. Mayers, | Wm. Drew, | American Committee. | Santa Fé July 2, 1856. [62]

21.5 x 14 cm. Broadside, with English and Spanish text in two columns, the Spanish version being in the right-hand column.

Henry E. Huntington Library.

Mensaje Anual | de | D. Meriwether, | Gobernador | del | Territorio de Nuevo Mejico. | Leido Diciembre 2. de 1856 a las dos camaras de la Asamblea | Legislativa. | [*Wavy rule*] | Santa Fé: | Imprimido en la Oficina de la Gaceta. | MDCCCLVI. [63]

16 x 24 cm. 7 p.

Henry E. Huntington Library.

Revised statutes | of the | Territory of New Mexico. | [*Filet*] | to which are prefixed, the Declaration of Independence, the Constitution of the | United States, and the organic law of the Territory. | [*Filet*] | Revised and arranged | by order of the Legislative Assembly, under the direction of Governor | Meriwether. | by | James J. Deavenport, | Chief Justice of the Territory. | [*Rule*] | Santa Fé: | Printed in the Santa Fé Weekly Gazette office; | MDCCCLVI. [64]

14.5 x 22 cm. 563 p. English title page, p. [i] Spanish title page, p. [iii].

School of American Research. Henry E. Huntington Library.

Laws | of the | Territory | of | New Mexico. | Passed by the Legislative Assembly. | 1856-57. | Santa Fè: | Printed at the Office of the Democrat. | 1857. | [65]

15 x 22.5 cm. 4 p. l., (1) 12-112 p. Text printed in English and Spanish, on alternate pages. English title page, 2d leaf; Spanish title page, 3d leaf.

Henry E. Huntington Library. School of American Research (with pp. 1-16 and pp. 109-112 supplied by printed copy in different type).

Message | of | His Excellency | Governor Rencher | delivered to the | Legislative Assembly | of the | Territory of

New Mexico. | [*Wavy rule*] | Santa Fé: | Printed in the Weekly Gazette Office. | 1857. [66]

16 x 24 cm. 8 p.

Henry E. Huntington Library.

An Address | Delivered February 10th, 1857, on the occasion of the Anniversary | of the | Santa Fe Literary Club, | by | Leonidas Smith, Esq., | a member. | [*Filet*] | Published by order of the club. | [*Filet*] | Santa Fé: | Printed in the Santa Fe Weekly Gazette Office | MDCCCLVII. | [67]

12.5 x 19 cm. 7 p. Printed buff paper wrappers. Title within double-rule border.

Cover title.

Henry E. Huntington Library.

Laws | of the | Territory of New Mexico. | Passed by the Legislative Assembly. | 1857-58. | [*Filet*] | Santa Fe: | Printed in the Santa Fe Weekly Gazette Office | MDCCCLVIII. | [68]

15 x 22.5 cm. 4 p. l., (1) 12-96 p. Text printed in English and Spanish, on alternate pages. English title page, 2d leaf; Spanish title page, 3d leaf.

School of American Research. Henry E. Huntington Library (with fore-edge closely trimmed cutting into the imprint and some of the side notes).

Diario | de la | Camara de Representantes | del | Territorio del | Nuevo Mejico, | Sesion de 1857-58. [*Filet*] | Santa Fe: | Imprimido en la Oficina de la Gazeta de Santa Fe. | 1858. [69]

15 x 23 cm. 83 p. Printed buff paper wrappers.

The above is the cover title; the title page carries no imprint.

Historical Society of New Mexico.

Extraordinario de la Gazeta. | [*Rule*] | Santa Fé, Nuevo Mejico, Abril 23, 1859. | [*Rule*] | [70]

32.5 x 41.5 cm. Broadside. Text printed in four columns.

"Procedimientos de una junta publica de los Democratas Nacionales del Condado de Taos, tenida, en la casa de Corte en Fernandez de Taos el Domingo, 10 de Abril de 1859."

Henry E. Huntington Library.

Laws | of the | Territory of New Mexico. | Passed by the Legislative Assembly, | Session of 1858-9. | [*Filet*] | Santa Fé: | A. De Marle, Public Printer. | 1859. | [71]

15 x 22.5 cm. 95 p. Text printed in English and Spanish, on alternate pages. English title page, 1st leaf; Spanish title page, 2d leaf.

School of American Research. Henry E. Huntington Library.

Journal | of the | House of Representatives | of the Territory of | New Mexico. | Session 1858-59 | [*Filet*] | Santa Fé: | A. De Marle, Public Printer. | 1859. | [72]

14.5 x 23.3 cm. 108 p. Printed cream paper wrappers.

Henry E. Huntington Library.

Proclamacion. | [*Filet*] | Septan todos que esta Proclama vieren que yo, por virtud de la autoridad que me es con- | ferida por la Ley, ordeno que será tenida una Eleccion en los varios Precintos del Condado de | Santa Fé . . . Dada bajo mi mano y Sello del Condado en la Prefectura | de Santa Fé, Nuevo Mexico, hoy dia 22 de Agosto de 1859. | Antonio Matias Ortiz, | Juez de Pruebas. | . . [73]

19.5 x 25 cm. Broadside. Printed on blue ruled paper.

No imprint.

Henry E. Huntington Library.

Religion. | La Religion pura consiste en reconocer y venerar . . . | [*At bottom of p.* (*3*)]: Antonio Martinez de Santistevan. | Taos Septiembre 24 A. D. de 1859. Imprenta de J. M. M. á Cargo de V. F. R. | [*At bottom of p.* (*4*)]: Imprenta &c. ut supra. [74]

20 x 31.5 cm. [4] p. (p. [2] blank).

The article on religion occupies the first and third pages. The fourth page begins "Sigue una Carta remitida á la Gaceta de Santa Fe concerniente a las notas sobre Religion." It contains a letter over the signature "Antonio J. Martinez" to the "Señor Editor de la Gaceta de Santa Fé N. M." attacking in strong terms an editorial in the *Gazette* "el dia 3 del corriente Septiembre."

Historical Society of New Mexico.

Laws | of the | Territory of New Mexico. | Passed by the Legislative Assembly, | Session of 1859-60. | [*Filet*] | Santa Fé, N. M.: | O. P. Hovey, Public Printer. | 1860. | [75]

14.5 x 22 cm. 141 p. Text printed in English and Spanish on alternate pages. English titlepage, p. [1]; Spanish title page, p. [3]. Printed buff paper wrappers.

School of American Research. Henry E. Huntington Library.

Junta Publica. | [*Double rule*] | Convocada el dia 12 de Agosto de 1860 | [*At end*]: Anastacio Sandoval, | Pres'te. | J. M. Gallegos, | O. P. Hovey, | N. Gonzales, | Vivente Garcia, | Vice | Presidentes. | J. Howe Watts, | Nic. Quintana, | Demetrio Perez, | Secretarios. [76]

23.5 x 34.5 cm. Broadside, printed both sides, text on each side in 3 columns; English version on verso, headed at top of first column "Public Meeting."

The text gives the proceedings of a meeting held in Santa Fe to consider the "state of the Territory with reference

to the depredations of the Navajoe Indians." The governor is asked to call for volunteers to suppress the hostiles.

Historical Society of New Mexico.

Discurso al Pueblo del Nuevo Mejico, | tocante á las hostilidades que existen con los indios Navajóes . . . |[*At end*] : Santa Fé Nuevo Méjico. | á 13 de Agosto de 1860. [77]

13.5 x 31 cm. Printed on page 1 of a 4-page folder.

Historical Society of New Mexico (2 copies).

Santa Fé, N. Mejico, Agosto 14 de 1860. | Senor: [*12 lines*] | Jose Manuel Gallegos, | O. P. Hovey, | Miguel E. Pino, | Felipe Delgado, | Comisionados de | Correspondencia. [78]

20 x 25 cm. Broadside.

This is a communication transmitting a copy of the proceedings of the meeting at Santa Fé on August 12, 1860, and calling for representatives from each county to convene at Santa Fé on August 27th, for further action with reference to the hostile Navajo Indians.

Historical Society of New Mexico.

Proclamacion | del Presidente de la Convencion General, al | Pueblo de Nuevo Mejico. | Caros Conciudadanos. | [*73 lines of text*] | José L. Perea, | Presidente de la | Convencion Gnrl. | Santa Fé, N. M. | Agosto 28 de 1860. | [Santa Fe: 1860.] [79]

16 x 21.5 cm. Broadside. Text in 2 columns.

This proclamation calls for volunteers skilled in Indian warfare, for a campaign against the Navajo Indians.

Henry E. Huntington Library.

El Diario | de la | Cámara de Representantes | de la | Asamblea Legislativa | del | Nuevo Méjico. | De una Sesion comenzada y tenida en la Ciudad de Santa | Fé, Territorio del Nuevo Méjico, el dia cinco de Diciembre el año de Nuestro Señor mil ocho- | cientos cincuenta y nueve, siendo la | Nona Asamblea Legislativa | del dicho Territorio | [*filet*] | Santa Fé: N. M., | O. P. Hovey, Impresor Publico. | 1860. [80]

15 x 23 cm. 171 p. Printed buff paper wrappers.

Historical Society of New Mexico.

NOTES AND COMMENT

The Quivira Society, organized in 1929 by a group of investigators engaged in research pertaining to the early history of the southwestern part of the United States and of northern Mexico, proposes to publish a series of volumes embodying chiefly English translations of original Spanish documents relating to that vast and interesting field, although rare original English accounts will not be ignored.

The Society is sponsored by Arthur S. Aiton, University of Michigan; Lansing B. Bloom, editor of the *New Mexico Historical Review;* Herbert E. Bolton, Director of the Bancroft Library, University of California; Charles W. Hackett, University of Texas; George P. Hammond, University of Southern California, Los Angeles; Edgar L. Hewett, Director of the School of American Research, Santa Fe, New Mexico; F. W. Hodge, Museum of the American Indian, Heye Foundation, New York; J. Lloyd Mecham, University of Texas; Agapito Rey, Indiana University; A. B. Thomas, University of Oklahoma, and H. R. Wagner, San Marino, California.

The advisory editors are Herbert E. Bolton and F. W. Hodge. George P. Hammond is managing editor.

The volumes will be handsomely printed in Caslon type on good paper, and each will be adequately annotated by one or more specialists in order that its contents may be fully elucidated. They will be thoroughly indexed, and, when necessary, illustrated. A few copies will be printed in a special *de luxe* autographed edition.

The books will be available only to subscribing members of the Society. The rates will necessarily vary with the cost of publication, but in every case will be very reasonable.

There will be no initiation fee, and no dues, the only

expense being the cost of the volumes to be issued, which will be announced in advance of their appearance. It is not expected that more than two volumes will appear annually. The first volume to be published is Luxán's *Relation of the Espejo Expedition,* translated by George P. Hammond of the University of Southern California, and Agapito Rey of Indiana University, which is now in press. The cost of this volume to subscribing members will be $3.50. The *de luxe* copies will sell for $10.00, but no more will be printed than may be ordered in advance.

Other volumes in the series will be:

Luz de Tierra Incógnita, by Juan Mateo Manje, edited by Herbert E. Bolton.

Informe a S. M. sobre las tierras de Nuevo Mejico, Quivira y Teguayó, by Fray Alonso Posadas, edited by A. B. Thomas.

Memorial on New Mexico, by Fray Alonso de Benavides, the hitherto unpublished revised edition of 1634, accompanied by the *Verdadera Relación* and *Segunda Relación* of Estévan de Perea, edited by F. W. Hodge.

Historia de la Nueva Mexico, by Gaspar de Villagrá, which has never before been published in English.

Students of the Southwest who may be interested in this series should communicate immediately with the managing editor.

BOOKS AND REVIEWS

Missions and Pueblos of the Old Southwest.—By Earle Forrest. (The Arthur H. Clark Company, Cleveland, Ohio, 1929, p.p. 386, $6.00) Rather rambling and disconnected and yet interesting, this volume makes accessible to the general reader data and observations of one who more than twenty-five years ago, as a cowboy, rode the cattle ranges of the Southwest in search of adventure and incidentally interested himself in the ancient ruins and the landmarks of New Mexico and Arizona. As the author states in his preface: "When you are with a cow outfit the opportunities for visiting and discovering remote places inaccessible to other travelers are almost without limit, and I made the most of my advantages." Still he admits: "You cannot go into any corner of the old Southwest, no matter how remote, without bumping into some padre or adventurous Spaniard who was there hundreds of years ago." The author says further: "In this volume I have given first-hand information on these missions and pueblos which has not hitherto been available. I have used every care to present the facts with historical exactness, checking my personal records and observations with published material." He continues: "From the founding of the first New Mexico mission, known as the Mission of Frair Ruiz, at old Puaray pueblo in 1581, down through two hundred years forty-eight others were established in New Mexico and eighteen in Arizona. Before July 6, 1769, the date Father Junipero Serra founded San Diego de Alcala, the first of the California missions, forty-eight had been established in New Mexico and sixteen in Arizona." . . "During the ten years following 1598, the year that mission work was really started on an extensive scale, eight thousand Indians were converted, and by 1617 there were between eleven and fourteen thousand neophytes. In 1630 there were 33 mis-

sions and in 1680, the year of the great Pueblo rebellion, there were forty. Sixteen of the New Mexico missions are still in use, mostly for the Indians; twenty-six are in various stages of ruin, and the remaining seven have disappeared utterly from the face of the earth. Arizona has one mission still in use, nine are in ruins, some of which are almost gone, while all trace of the remaining eight has completely vanished." He pays the following tribute to the early missionaries: "Unlike California, the history of these Southwestern misisons was written in the lifeblood of the padres. It is impossible for anyone, no matter of what denomination, to go over the records of those times without gaining a great admiration for those Spanish priests. Their story is one of the marvels of American history. Voluntarily they left their own fair land across the sea, never to return, and buried themselves in the unknown deserts of our present Southwest to gain converts for their religion. They not only endured the dreary solitude and suffered the hardships of the wilderness for long years, but they constantly faced death from the raiding Apaches, Navajos and Comanches, and sometimes, at the hands of their own neophytes. Between 1540 and 1680 twelve priests are known to have been murdered by the natives, and in the Rebellion of 1680 no less than twenty-one, found martyrs' graves." The author enters upon an eloquent defense of the Spanish regime in the Southwest and compares the tolerance of the early Franciscan martyrs with the intolerance of many present day zealots who would suppress Indian ceremonies and customs by laws.

It is in this sympathetic vein that the author writes: "The Southwest should have a special appeal to every American, for it had a civilization as ancient as that of Europe, while the Indians, Spaniards and Mexicans of New Mexico, Arizona and California furnished an early population as picturesque as can be found in any section of the world; . . . the manners and customs of the early people

of the Southwest, their dances, fiestas and other ceremonies held at frequent intervals throughout the year, cannot be excelled in interest and are seldom equalled by any other race."

While the author often digresses from the title he has given his book, and accepts romance and tradition as historical fact, and thought he cites dates and quotes figures with an assurance by no means shared by critical research workers and historians he has given the reading world a sprightly book that is worthy of a place on every library shelf.—W.

Chronicles of Oklahoma. Joseph B. Thoburn contributes to the September number of *Chronicles of Oklahoma* an outline of the prehistoric cultures of Oklahoma from the time of the lower levels of the gravel pit at Frederick, Oklahoma, to the coming of the white man, and including the Ozark cave man, the Basket-makers, the Mound-builders, the Caddoan earth-lodge, the Siouan and Athapascan cultures. The essay should prove of especial value to teachers of history in Oklahoma and for use in the history classes of high-schools, at the same time furnishing an excellent synopsis of present day knowledge and theories of prehistoric occupation of that portion of the American continent. Carolyn Thomas Foreman writes of "The Foreign Mission School at Cornwall, Connecticut" at which quite a number of Indians from the Southwest received their education. As early as 1820, the school had 29 students, the Indians representing five or six different tribes. "A Reminiscence of a Methodist Minister's Daughter" tells of the devoted service among the Indians of Oklahoma of a missionary couple, Francis Marion Paine of Tennessee and his wife, Sue Rich of Alabama. "A Tribute to Captain D. L. Payne," by W. H. Osburn, turns out to be the first instalment of an interesting account of a trip into the Oklahoma country before it was opened to settlement. How settlement finally

came, nine years later, is recounted at length and vividly by Dan W. Peery, in the first instalment of his story: "The First Two Years." An account is printed of the unveiling of a boulder commemorating the signing on September 27, 1830, of the Dancing Rabbit Creek Treaty by Choctaws and United States representatives. The signing of the treaty had been violently opposed by seven old women who sat in a ring surrounded by six thousand Choctaws but after several days of parleying the Indian chieftains signed so as to escape taxation, working the roads and attending musters with which they were threatened. By this treaty the Choctaws yielded sovereignty over a vast extent of territory east of the Mississippi. The Oklahoma Historical Society at its last meeting commended Governor Holloway for the steps he has taken to conserve archaeological remains found in the state and to prevent their excavation and removal by parties outside the state.—W.

The Catholic Historical Review. The second issue for this year of *The Catholic Historical Review* has as its leading article: "The Washington Carrolls and Major L'Enfant" by Elizabeth S. Kite; Alfred Barry writes of "Bossuet and the Gallican Declaration of 1682," and Felix Fellner of "Ludwig von Pastor, the Historian of the Popes." Other titles are: "Catholic Military Naval Chaplains, 1776 to 1917." "The Origin of the University of Prague," and "The Papyrus and Early Vellum Bulls." The Book Reviews are comprehensive and scholarly. Among the Catholic chaplains enumerated are Alexander Grszelachowski of the Second New Mexico Infantry of the Union Army during the Civil War; Damaso Alarid of the First New Mexico Infantry; and Timothy P. O'Keefe of Santa Fe.

INDEX

ERRATA

p. 56, l. 16, *read* Oraibi

p. 63, beginning in line 32, "and found a delegation of Monache Utes" and continuing to p. 64, l. 12, to include the words "After they had started," transfer the entire passage so as to follow p. 63, line 22. The proper sequence is as follows: " . . . on the 19th. After they had started I immediately sent word . . . (line 32) and reminded San Pablo (p. 64, line 13) and several others present . . ."

This document was a retain-copy written by Agent Dolan, in which he had inserted the above misplaced passage as "page 7½." The manuscript was in the editor's file of unpublished material, and during his absence in Spain last winter it was inadvertently released without having been edited.

p. 85, transpose line 5 to follow line 11.

p. 85, line 30, *read* worth noting

p. 153, l. 7, *after* Colorado *insert* to

p. 163, l. 22, *read* taking leave of them

p. 189, l. 22, *read* Gutierrez

p. 198, l. 29, *read* (the boys)

p. 201, in next to last signature, *read* Freitas

p. 218, l. 29, *read* murderer

p. 221, l. 23, insert note reference "3"

The map facing page 150 should be marked as an archive found at Sevilla by Dr. Thomas, in A. G. I., Estado de Mexico, legajo 13.