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Death Delayed

THE SAD CASE OF THE TWO MARÍAS, 1773–1779

John L. Kessell

Word had finally reached Santa Fe. The executions should proceed. Moreover, thundered lawyer Pedro Galindo Navarro, “the cadavers should be left hanging there for an interval of several days so that those who did not attend and see the sentence carried out may have this time after the fact to see and convey the news to their pueblos, where it is likely to produce the salutary effect of terrifying and restraining wrongdoers.”¹

Violent death was commonplace in colonial New Mexico, but the spectacle of public execution was not.² This case was extraordinary. Pending for five years, at times almost forgotten, its close now became a matter of unfinished business for Juan Bautista de Anza, the colony’s famed incoming governor who evidently brought Galindo’s legal opinion with him from Chihuahua in the fall of 1778.³

* * * *

The crime scene had resembled the canvas of a twentieth-century Santa Fe or Taos artist. Nothing on that spring Friday afternoon, 16 April 1773, bespoke the brutal murder about to take place. Three Pueblo Indians, a man and two women, idled while a much larger group with tools in hand set out from Cochiti Pueblo to labor at cleaning an irrigation ditch. The solitary trio now made their way on foot up Peralta Canyon. They appeared to be in

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no hurry and were gone all day. About the hour of the evening angelus prayer, the two Indian women returned to the pueblo. The man did not.

Questioned over the weekend by neighbors, the women—the missing man's wife and his mother-in-law—rehearsed the story of how he had decided to stay and camp out in the countryside. Cochiti Indian Lorenzo Chaya, knowing that the man was from Tesuque Pueblo north of Santa Fe and unfamiliar with the local terrain, went looking for him. Picking up the threesome's trail, he followed it to the foot of the mountains where on top of a hill he found the man. Chaya did not touch the body but headed back toward the pueblo. Meeting six war captains on the trail, he led them back to where the dead man lay face down. Rather than disturb the body, they simply reported the death. On Monday, 19 April, a dozen young men carried the corpse down to the pueblo for burial. It bore unmistakable signs of foul play. The man had been murdered.

Initial investigation of reported crimes in colonial New México fell to the Spanish *alcalde mayor*. In this instance, the district officer was don José Miguel de la Peña, whose ranch lay some three miles south of Cochiti Pueblo on the opposite or east bank of the Rio Grande. Notified that a Cochiti mother and daughter had killed an Indian from Tesuque, Peña set in motion the legal process. Since no government-registered notary resided in New Mexico, he summoned two neighbors to serve as the required assisting witnesses: Nerio Antonio Montoya, his lieutenant *alcalde mayor*, who spoke the Keresan language of the pueblo; and Cristóbal Manuel Montoya.

At least one Franciscan missionary serving at the time in Peña's jurisdiction had a low opinion of the *alcalde mayor*. "This man set out to skin the Indians," wrote fray Joaquín de Jesús Ruiz, "demanding sheep, pregnant cows, maize, etc., in the governor's name, laying such a burden on the six pueblos under his command that the Indians cried out. The ministers were unable to speak up, because the officials are swollen with importance and the ministers unheard, and he who interfered in such cases came out with the decrees at his haunches."⁴

The *alcalde's* party reined up at Cochiti on Thursday, 22 April, nearly a week after the alleged murder. If he followed procedure strictly, Peña displayed his silver-tipped staff of authority, symbolizing at this time and in this place the desire of a distant king that all his subjects have recourse to royal justice. Verifying reports of the murder, the *alcalde* had the two women arrested. He then opened formal proceedings. First to testify through interpreter Montoya under oath and the sign of the cross was Lorenzo Chaya,

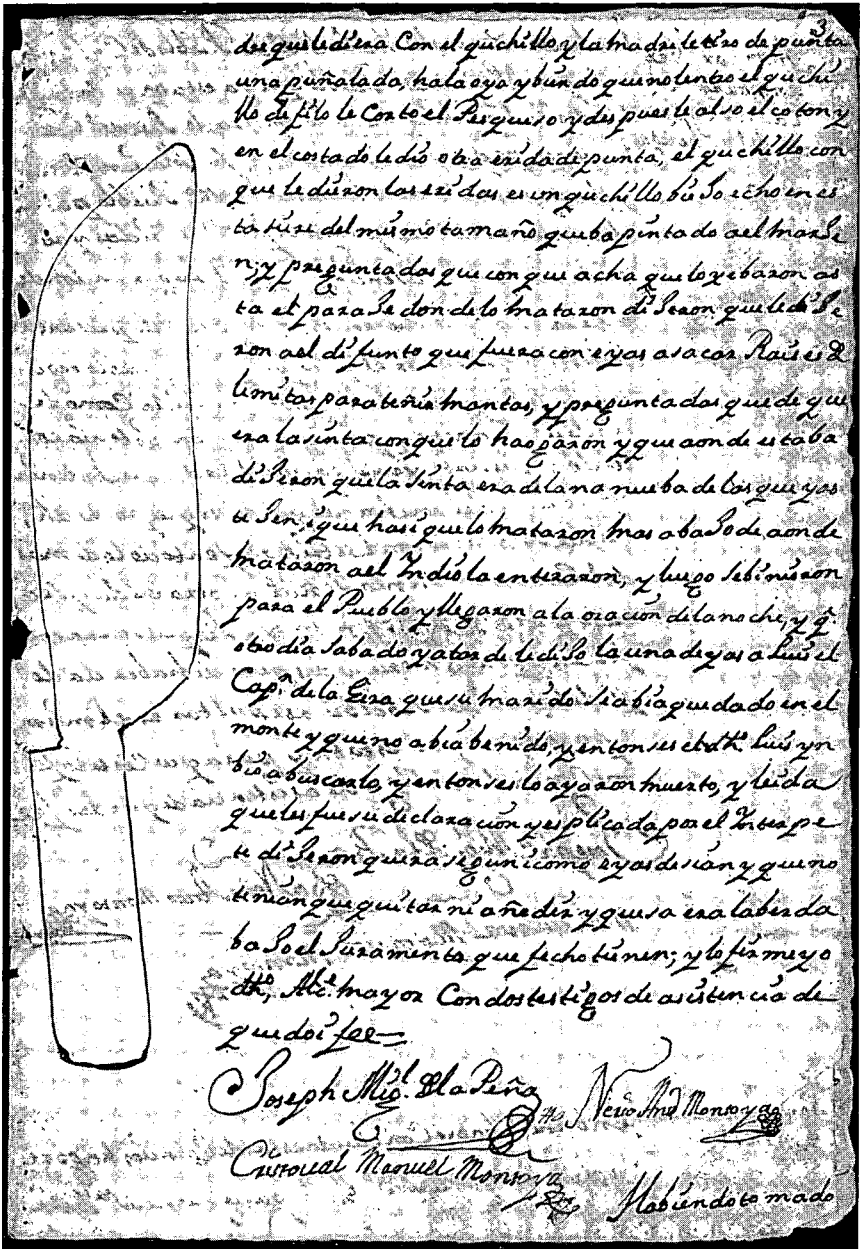
who described finding the body. Pueblo governor Manuel Romero and his assistant Ascencio declared further that the Tesuque man's name was Agustín. As soon as the young bearers had arrived in the pueblo with Agustín's corpse, they had reported to the father missionary and then buried the body.⁵

Alcalde mayor Peña next ordered the two accused women brought before him and his two assisting witnesses. Nerio Montoya continued to act as interpreter. Together, this preliminary tribunal heard the chilling initial testimony of María Josefa and María Francisca, mother and daughter. Asked straightaway if they had killed Agustín, they answered yes. Had he suddenly provoked them? The younger woman said no, admitting that the crime was premeditated, not a spontaneous act of passion or self-defense.

She tried to explain. As soon as she and Agustín had reached her mother's house at Cochiti, she had taken María Josefa aside and told her that she intended to kill her husband. At first the older woman protested. María Francisca insisted that he did not love her and, worse, if they did not kill him, he would take her away permanently to Tesuque—a genuine concern in matrilocal Cochiti. Pondering the almost certain abduction of her daughter, María Josefa had consented. The Friday of the murder, the three had hiked up to the foot of the mountains, where they climbed a hill and sat down under a pine tree. María Francisca offered to delouse Agustín, who untied the band that bound his braid and stretched out with his head on his wife's skirts.

When Agustín fell asleep, María Francisca took the band and wrapped it around her husband's neck like a noose. She held one end tightly, signaling to María Josefa to grab the other end and pull with all her might. With Agustín half choked, María Francisca pressed her mother to stab him with the knife they had brought along. When the point hit bone at the base of Agustín's neck, María Josefa slit his throat, then raised his jacket and stabbed him in the side. Somehow the old knife had turned up as evidence, and alcalde mayor Peña had it traced in the margin of the document.

Asked what pretense the two women had used to lure Agustín to his death, they testified that they asked him to go with them to dig squawbush root (*raices de lemitas*) for dying cloth. The band they had used to strangle him, what was it made of and where was it now? It was woven of typical new wool, they responded, and they had buried it down from where they killed Agustín. Last, María Francisca stated that late Saturday, the day after the murder, she had told Luis, a Cochiti war captain, that her husband had not returned to the pueblo, and Luis had sent out searchers who found the



DOCUMENT WITH ALLEGED MURDER KNIFE TRACED IN MARGIN
 Spanish Archives of New Mexico II, doc. 673, folio 3 (Courtesy the
 New Mexico State Records Center and Archives)

body. If the two confessed murderers felt any remorse, it must have been lost in the translation.⁶

Before concluding his investigation, Peña petitioned fray Estanislao Mariano de Marulanda, the Franciscan missionary assigned to Cochiti, to have Agustín's corpse dug up to verify the wounds. There were only two: one in the neck three fingers wide, which slit the victim's gullet (enough by itself to have caused death) and the other below the ribs in his side the width of the knife, from which his intestines protruded. After examination the body was reburied in the same grave.⁷

That concluded the preliminary investigation. Signing the six-page dossier with his two witnesses, Peña remitted it, along with the two Cochiti women, to Gov. Pedro Fermín de Mendinueta in Santa Fe, who acknowledged receipt the next day, 23 August. The two female defendants were "put in secure confinement" in Santa Fe. Governor Mendinueta, who administered the colony from 1767 until 1778—the lengthiest tenure of any Spanish governor of New Mexico—found himself sorely beleaguered, waging more war than peace with various divisions of the Comanche and Ute nations. Still, he took seriously the case of the two Marías.

First, Mendinueta ordered Peña to appoint and send to the capital two reliable interpreters: a Keres Indian who knew Spanish and a Spaniard who knew Keresan. By this means the governor sought to preclude "any fraud or deceit." Formal court proceedings began on 22 May 1773. Because María Francisca looked underage, Governor Mendinueta named Santa Fe citizen Pedro Tafoya to act as her guardian *ad litem* (*curador*). The court then swore in the two bilingual interpreters: Indian Gervasio Corís and lieutenant alcalde mayor Nerio Antonio Montoya. Immediately thereupon the governor summoned María Francisca.

The young widow listened as interpreter Corís explained in her language the gravity of the oath she was about to take and her obligation to tell the truth. María Francisca, who did not know how old she was, appeared to be between sixteen and eighteen. This, her second confession, in no way contradicted her earlier statement, yet it provided additional details regarding the women's motive for killing Agustín.

In the confidence of their home in Cochiti, her mother had asked María Francisca if Agustín had provided her with the customary minimum essentials: cloth for dresses, sash, and shoes (*mantas, faja, y zapatos*). She said no, and her mother pitied her, lamenting, "You poor little thing; he has given you nothing." When a Cochiti official notified María Francisca that she

must leave Cochiti with her husband the following Sunday (18 April), go back to Tesuque, and not return to her pueblo, she and her mother determined to kill Agustín. María Francisca admitted that it was she who had suggested the murder. Asked if there were other accomplices, she stated that there were not. Having nothing further to add, María Francisca ratified her confession, and interpreter Montoya signed it for her.⁸

María Josefa, sworn in under the same conditions as her daughter, declared that she was a native and resident of the pueblo of Cochiti, married, and unsure of her age. Nowhere in the record does the name or whereabouts of the older woman's husband appear. María Josefa looked to be forty. En route to the murder scene, she testified that the three of them had stopped in an orchard to eat peaches (an unlikely repast in mid-April, hinting at inaccuracies in the court translation). Asked if her son-in-law had died of the two knife wounds, María Josefa declared "that when she stabbed him he was already choked and she did it so he would not get up." Regarding her motive for conspiring with her daughter to murder her son-in-law, she said simply that Agustín wanted to take María Francisca to the pueblo of Tesuque.⁹

Hardly grounds for murder, Agustín had nevertheless spit in the face of a matrilineal society. He should have moved to her pueblo. A close reading of contemporary mission marriage registers might suggest the frequency of such mixed Pueblo unions across language boundaries; I suspect they were rare. Although not an issue in the trial proceedings, Agustín's Tewa-speaking community of Tesuque, closest pueblo to Santa Fe and long tightly linked to the Spanish capital, had become more accepting of the colonists' patrilineal and patrilocal ways.

Having heard their confessions, Governor Mendinueta formally charged María Francisca and María Josefa in the murder of Agustín. They were given six days to present any further evidence in their own defense. The younger woman already had recourse through the interpreters to her guardian. Because her mother was also deemed incompetent to prepare a defense and knew no one in the capital, the governor appointed citizen Julián de Armijo as her defense counsel (*defensor*). The interpreters did their best to make the women understand.

Six days later, Governor Mendinueta signed in receipt of guardian Tafoya's discovery of evidence for María Francisca. Tafoya had gone to the presidial jail (*cuerpo de guardia, cárcel*) with the Keresan interpreter to question her, trying to impress upon his young client the beauty of telling the truth. Given

that she had already confessed to killing Agustín, Tafoya asked her what cause or motive she had for doing so.

María Francisca made known through the interpreter that she had only agreed to marry Agustín when he promised not to take her from her pueblo, to truly love her, and to care for her affectionately, none of which he had done. Instead, he spent “most of the time mad (*amostazado*)” at her. Surely Tafoya asked her what that meant—how did Agustín show his anger; did he beat her or otherwise abuse her?—yet his client offered no such incriminating evidence. Her husband’s utter failure to provide the promised love and care had nurtured in her childish breast the inadvertent beginnings that would lead her to such an excess. She had married Agustín against her mother’s will, not considering the long-term consequences of her act. Finding herself without her husband’s protection or shelter, and living the bitter truth of her mother’s opposition, she knew not where to turn. This had set her on the path to the ill-considered murder.

Whatever form Agustín’s alleged abuse had taken—psychological or physical, or both—it ensnared María Francisca quickly. She had murdered him less than three months after their wedding. Not part of the court record, the marriage entry for the couple showed that fray Juan José de Llanos had officiated at their wedding on 26 January 1773 at the pueblo of Nambe, of which Tesuque was a visiting station.¹⁰

Armijo followed with his presentation of evidence in María Josefa’s behalf. The older woman offered only that her daughter had told her how badly things were going in her marriage and that Agustín “was punishing her (*la castigaba*).” Again, the record offers no further explanation. Irrational, childlike, and persuaded by her daughter, María Josefa had committed this absurd act with no thought to the future. She had nothing further to say, and Armijo requested in her behalf that the governor exercise justice charitably.

Since neither Tafoya nor Armijo had asked for an extension, Governor Mendinueta provided them in turn with the trial record and ordered that each prepare within four days of receipt a formal defense of his client. Handed the documents on 29 May 1773, Tafoya presented his defense of María Francisca first.

Reviewing the proceedings, her guardian concluded that María Francisca, driven by inconsistent and illogical reasoning, seemed not to recognize the hideousness of her crime. He commented on his client’s crass ignorance, citing the example of her telling war captain Luis that her husband had not

returned to the pueblo. Even though who she was did not excuse her, she made Tafoya think of a girl deserving correction and punishment. The governor, with his understanding and charity, would know how to look upon this “simple neophyte” so lacking in reason. Tafoya ended his defense with a discussion of how fear could take hold of such a person.

Armijo, entrusted with the twenty-page trial record on 2 June, had an easier time than his colleague. He considered María Josefa only an accessory to the crime. When her daughter first proposed the murder, she had said no. Only after María Francisca had pressed her further did “the mother acquiesce to the daughter’s accursed idea,” thereby proving the old adage, “one parent for a thousand children, and a thousand children for one parent,” that is to say, blood is thicker than water. “Had this evil daughter not dragged her mother along with her cunning, the ignorant mother, so lacking in speculative reason, would not have committed such a grave error.” Nowhere else did Armijo or Tafoya allude to either woman’s cunning. Armijo went on to cite God’s law that thou shalt not kill, but also that he who pardons shall be pardoned. He pleaded that whoever decided María Josefa’s fate take into account her utter lack of rationality and her obvious rusticity.

Governor Mendinueta chose not to decide the case without further legal advice. Because the defendants had no idea what a legal adviser (*asesor legal*) was or why such an opinion should be sought, the governor informed Tafoya and Armijo what he intended to do. Both men signed in assent, and on 11 June 1773, Mendinueta remitted the trial record to lawyer Juan Miguel Márquez in the city of Chihuahua or in his absence to another accredited legal expert.¹¹

Ten months passed before New Mexico’s governor had a reply. The two women, meanwhile, remained in confinement in Santa Fe. Had María Francisca been pregnant by Agustín, she would have delivered their baby by late 1773 or early 1774, yet no such baptismal entry appears in the registers of Cochiti, Nambe/Tesuque, or Santa Fe. Her mother, however, may have given birth. On 27 October 1773, fray Patricio Cuéllar of Santa Fe baptized Esteban Vicente, legitimate son of Antonio and María Josefa, both Indians of Cochiti. While there is no direct evidence that this María Josefa was María Francisca’s mother, it is notable that the child of a Cochiti couple received baptism not in that pueblo but in Santa Fe. María Josefa could have been two- or three-months pregnant at the time of her arrest—hence even more desirous that her daughter remain with her in Cochiti—coming to term and delivering during her imprisonment in Santa Fe.¹²

The legal advice Governor Mendinueta had requested reached him in April 1774. No competent counselor had been present in Chihuahua, so the packet traveled hundreds of miles farther south to Durango, where lawyer Rafael Vallarta had studied the case the previous November and rendered a three-page opinion. The crime obviously horrified him, and, whatever his personal experience with Indians, he took an extremely dim view of their capacity. As if to demonstrate his attention to detail, Vallarta noted that the women's confessions contained two different words to describe the stab wound in the victim's right side, *costado*, the more general term, and *vacío*, the hollow beneath the rib cage. This inconsistency he attributed to the defendants' simplemindedness, a translation error, or the proximity of those two parts of the body. As for the proceedings, he opined that Mendinueta must correct several irregularities that could prejudice the case. The most important point had to do with María Francisca's precise age.

Neither María knew how old she was. From appearances, as recorded in their confessions, the mother looked to be forty and her daughter between sixteen and eighteen. Pointing out to Mendinueta that all Indians were minors before the law, Vallarta instructed the governor to name legal guardians for both women, not a defense counsel, as he had for the older woman. Still, age counted. If María Francisca were not yet seventeen when she committed the crime, her sentence would have to be mitigated; if, on the other hand, she were between seventeen and twenty-five, such mitigation would be at the judge's discretion, depending on the circumstances. Therefore, Mendinueta should determine the younger woman's age, providing a copy of her baptismal entry or some other certification as part of the record.

If with these amendments, the legal adviser continued, no further questions arose, and if the governor deemed further delay detrimental to public justice, he could, because of the hideous nature of the crime, sentence the two women to death. Depending on María Francisca's age, she would either die with María Josefa or serve ten years in a women's prison, having witnessed the public hanging of her mother. Before carrying out a death sentence, however, the governor should consult the *audiencia*, or high court, for confirmation or modification of its terms.¹³

Governor Mendinueta complied meticulously during the spring of 1774. He renamed María Josefa's defense counsel her guardian; presided in person as the defendants ratified their declarations without change; and, ordering a copy of María Francisca's baptismal entry, confirmed her age at the time of the murder. The Cochiti book of baptisms revealed that María

Francisca, legitimate daughter of Pedro and María Josefa, had received the sacrament on 6 April 1751, making her just over twenty-two at the time of the murder. (So, if the baby boy born in October 1773 was indeed her mother's, he was apparently María Francisca's half-brother, since her father had been Pedro not Antonio.)¹⁴ Satisfied, the governor sent the proceedings back to Vallarta, who responded this time from Guadalajara, on 30 December 1774.¹⁵

Now the case was clear. The women's ratification of their open confessions left no doubt of their treachery in the deceitful, premeditated murder of a defenseless man. Hence, there should be no lessening of the twenty-two-year-old María Francisca's punishment. Vallarta stood by his previous opinion: Mendinueta could sentence them both to death as parricides (*con la calidad de parricidas*), killers of a close relative.¹⁶ There would be no clemency on the basis of race, class, or gender; the two women had murdered a husband and son-in-law, assailing thereby the sanctity of the patriarchal family in Hispanic tradition. Before their execution, as a lesson to others, the condemned women might also be given two hundred lashes while led on beasts of burden through the streets of Santa Fe in the customary manner. This was Vallarta's legal opinion, not a sentence, and there is no evidence that the two Marías were ever whipped.¹⁷

For another four years, they languished in jail. We do not know whether family members or friends from their pueblo were allowed to visit them or if the two women were given work to do. In October of 1775, Mendinueta had directed their case to the viceroy of New Spain, who also served as president of the high court in Mexico City.¹⁸ For unexplained reasons, no action was taken there for more than two years, and then, on the recommendation of another adviser, Viceroy Antonio María de Bucareli had the proceedings sent to Com. Gen. Teodoro de Croix in Chihuahua, who had jurisdiction over New Mexico.¹⁹ Croix, of course, turned the matter over to his legal adviser, Pedro Galindo Navarro, who did not pronounce an opinion until 6 August 1778.

Galindo agreed fully with his colleague Vallarta. So heinous was the women's crime that their punishment should be conspicuously severe. To that end, Galindo endorsed the gallows. This spectacle, he added, would be especially fitting on a thinly garrisoned frontier subject to uprisings.²⁰

By this time, the renowned Juan Bautista de Anza had assumed the governorship. Capital punishment for civilian crimes in colonial New Mexico was rare.²¹ Yet it fell to Anza in January 1779 to pronounce sentence, which

he ordered interpreted for the prisoners. The two Marías were made to understand and, as a routine sign of submission, to hold the document above their heads. The authorities would have provided that these convicted murderers receive absolution in the last rites administered by a priest, most likely fray Juan José de Llanos of the Santa Fe parish.²²

Death by public hanging, as prescribed by Galindo, was a precise business to be carried out only by a trained executioner. Since no such professional was available, the two Indian women, at 11:45 on a winter's day, 26 January 1779—five years, nine months, and ten days after their crime—were shot, almost certainly by a firing squad from the Santa Fe presidio. Only then, on a gallows nearby, the dead bodies were hung.²³

Lawyer Galindo Navarro had wanted the grisly reminders displayed for several days. Instead, at 3:00 PM, after only three hours, fray Juan José requested that the corpses be taken down and brought to the church. Obviously the ground was frozen outside, but why he gave the two women ecclesiastical burial inside the transept, normally considered a place of honor, is not recorded. Perhaps it was only a matter of convenience, or perhaps the friar remembered having married María Francisca and Agustín at Nambe some years earlier. He may not have recalled that 26 January 1779—the day of her execution for Agustín's murder—was precisely the couple's sixth wedding anniversary.²⁴

Evidently, there was no backlash among Pueblo Indians. When Governor Anza led forth his celebrated 1779 campaign against Cuerno Verde and the Comanches six months later, 259 Pueblo fighting men, more than half of them from Cochiti and other Keresan towns, rallied to his banner.²⁵

* * * *

One can only surmise what form the women's punishment might have taken if left solely to the officials of the pueblo of Cochiti.²⁶ Their fate might have been less severe, surely more rapidly decided, had their case not been referred to outside legal experts unfamiliar with New Mexico's unique Pueblo-Hispano culture. Despite a witch craze centering on the genízaro community of Abiquiu a decade earlier, there were no implications of witchcraft in the case of the two Marías.²⁷ On a broader stage, the 1770s came at the height of the Spanish enlightenment, when legally trained minions of King Carlos III sought to impose throughout the empire a uniform rule of law allowing few exceptions.

The women's crime was inexcusable, but what really drove two reticent Pueblo women to such an excess surely died with them. *Que descansen en paz las almas de Agustín y las dos Marías.*²⁸

Notes

1. Pedro Galindo Navarro, Legal opinion, Chihuahua, 6 August 1778, doc. 690, fols. 2–3, Spanish Archives of New Mexico II, New Mexico State Records Center and Archives, Santa Fe [hereafter SANM II]. Photoprints and microfilm: r. 10, ff. 861–63, Spanish Archives of New Mexico II, Center for Southwest Research, University of New Mexico, Albuquerque [hereafter parenthetical citation, reel number, frame number, CSWR].
2. Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700–1810* (Albuquerque: University of New Mexico Press, 1995), 138; and Marc Simmons, *Spanish Government in New Mexico* (Albuquerque: University of New Mexico Press, 1968), 178–79. See also Martina Will de Chaparro, *Death and Dying in New Mexico* (Albuquerque: University of New Mexico Press with the William P. Clements Center for Southwest Studies, Southern Methodist University, 2007).
3. The legal proceedings in the case are found on forty-five pages of docs. 673 and 690, SANM II (r. 10, ff. 752–88, 859–66, CSWR).
4. Ruiz quoted in Eleanor B. Adams and Fray Angélico Chávez, *The Missions of New Mexico, 1776: A Description by Fray Francisco Atanasio Domínguez with Other Contemporary Documents* (Albuquerque: University of New Mexico Press, 1956), 313 n. 6. On alcaldes mayores in general, see Cutter, *Legal Culture*, 82–93; and Simmons, *Spanish Government*, 170–92.
5. Lorenzo Chaya, Manuel Romero and Asencio, Declarations, Cochiti, 22 April 1773, doc. 673, fols. 1–2, SANM II (r. 10, ff. 753–55, CSWR). Ramón A. Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500–1846* (Stanford, Calif.: Stanford University Press, 1991), 191, 205, misread the victim's name as Agustín de Girón, whom he took to be a Spaniard. Gutiérrez also erred in relating the gruesome details of the murder, the motive of the two Cochiti women, and their punishment. Robert J. Tórriz devoted a brief chapter to the case in *UFOs over Galisteo and Other Stories of New Mexico's History* (Albuquerque: University of New Mexico Press, 2004), 67–70. See also John L. Kessell, *Spain in the Southwest: A Narrative History of Colonial New Mexico, Arizona, Texas, and California* (Norman: University of Oklahoma Press, 2002), 289–92.
6. María Josefa and María Francisca, Declaration, Cochiti, 22 April 1773, doc. 673, fols. 2–3, SANM II (r. 10, ff. 755–57, CSWR). Tracing the knife used as a murder weapon in the margin of the document was apparently not an uncommon practice. Cutter, *Legal Culture*, 139, reproduces a similar document from 1803 with an outline of the knife wielded by a notorious Texas criminal.
7. José Miguel de la Peña, Proceedings of disinterment, Cochiti, n.d., doc. 673, fols. 3–3v, SANM II (r. 10, ff. 757–58, CSWR).
8. María Francisca, Confession, Santa Fe, 22 May 1773, and previous proceedings, doc. 673, fols. 4–6, SANM II (r. 10, ff. 759–63, CSWR). In colonial New Mexico, a *manta* was usually a nearly square piece of coarse cotton cloth about four feet on a side, two of which, sewn together, made a Pueblo Indian woman's dress, which was tied around the middle with a sash. Both men and women wore moccasins, re-

- ferred to alternately as *teguas* or *zapatos*, the generic term for footwear. Marc Simmons, personal communication, 17 March 1993.
9. María Josefa, Confession, Santa Fe, 22 May 1773, doc. 673, fols. 6–7, SANM II (r. 10, ff. 763–65, CSWR).
 10. Marriage of Agustín of Tesuque and María Francisca of Cochiti, Nambe, 26 January 1773, M-17, Nambe (Box 10), 1772–1862 (r. 27, f. 918), Archives of the Archdiocese of Santa Fe, Santa Fe, New Mexico [hereafter AASF]. Their witnesses were Joaquín el Coyote and his wife Juana María, both natives of Tesuque, and all the rest of the people of Nambe.
 11. Proceedings, 22 May–11 June 1773, doc. 673, fols. 7–13, SANM II (r. 10, ff. 765–75, CSWR).
 12. B-64, Santa Fe (Box 55), 1777–91 (r. 15, f. 295), AASF.
 13. Vallarta to Mendinueta, Legal opinion, Durango, 19 November 1773, doc. 673, fols. 13v–14v, SANM II (r. 10, ff. 776–78, CSWR).
 14. Fray Estanislao Mariano de Marulanda, Certification, Cochiti, 18 April 1774, doc. 673, fols. 18v–19, SANM II (r. 10, ff. 784–85, CSWR). The baby's father could of course have been Pedro Antonio.
 15. Mendinueta, Transmittal, Santa Fe, 25 June 1774, doc. 673, fol. 19, SANM II (r. 10, f. 785, CSWR).
 16. A parricide is defined in Joaquín Escriche, *Diccionario razonado de legislación y jurisprudencia*, 4 vols. (Bogota: Editorial Temis, 1977), 4:257, as “one who kills a parent, grandparent or great-grandparent, child, grandchild or great-grandchild, brother or sister, aunt or uncle, nephew or niece, husband or wife, father-in-law or mother-in-law, son-in-law or daughter-in-law, stepfather, stepmother, stepchild, or patron.”
 17. Vallarta to Mendinueta, Legal opinion, Guadalajara, 30 December 1774, doc. 673, fols. 20–21, SANM II (r. 10, ff. 786–88, CSWR).
 18. Mendinueta, Transmittal, Santa Fe, 14 October 1775, doc. 673, fol. 21, SANM II (r. 10, f. 788, CSWR). This concludes doc. 673, which is entitled “*Causa criminal contra las reas M.a Fran.ca y M.a su madre sentenciadas a muerte con parecer del asesor.*” On the title page, pioneer archaeologist and ethnohistorian Adolph F. Bandelier noted, “See N.o 690. Ad. F. Bandelier.” The case continues in doc. 690, where Bandelier wrote, “See N.o 673. Ad. F. Bandelier.”
 19. Bucareli to Croix, Transmittal, Mexico City, 17 June 1778, doc. 690, fol. 2, SANM II (r. 10, f. 861, CSWR).
 20. Galindo Navarro, Legal opinion, Chihuahua, 6 August 1778, doc. 690, fols. 2–3, SANM II (r. 10, ff. 861–63, CSWR).
 21. Charles R. Cutter, *The Protector de Indios in Colonial New Mexico, 1659–1821* (Albuquerque: University of New Mexico Press, 1986), 75, calls the execution of the two Cochiti women “a rare example of capital punishment.”
 22. Will, *Death and Dying*, 69–70. Anza, Pronouncement of sentence, Santa Fe, 22 January 1779; and José Maldonado, Notification, Santa Fe, 23 January 1779, doc. 690, fols. 3–4, SANM II (r. 10, ff. 863–65, CSWR).

23. Anza, Certification of execution, Santa Fe, 26 January 1779, doc. 690, fols. 4–4v, SANM II (r. 10, ff. 865–66, CSWR). Most historians have concluded that the women were hanged not shot.
24. Bur-48, Santa Fe (Box 26), 1726–80 (r. 40, f. 264), AASF.
25. Alfred Barnaby Thomas, ed. and trans., *Forgotten Frontiers: A Study of the Spanish Indian Policy of Don Juan Bautista de Anza, Governor of New Mexico, 1777–1787: From the Original Documents in the Archives of Spain, Mexico and New Mexico* (Norman: University of Oklahoma Press, 1932), 122.
26. Ethnographer Charles H. Lange, *Cochiti: A New Mexico Pueblo, Past and Present* (Carbondale: Southern Illinois University Press, 1959), 220, opting to omit legal affairs in which Spanish civil or ecclesiastical authorities were involved, reports no memory of this case in the pueblo. In 2007 Joseph H. Suina, former governor of Cochiti, inquired of knowledgeable members of the pueblo and found no one who remembered hearing of the two Marías' execution 228 years earlier.
27. Malcolm Ebright and Rick Hendricks, *The Witches of Abiquiu: The Governor, the Priest, the Genízaro Indians, and the Devil* (Albuquerque: University of New Mexico Press, 2006).
28. May the souls of Agustín and the two Marías rest in peace.