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From Body to Corpse

THE TREATMENT OF THE DEAD IN EIGHTEENTH- AND NINETEENTH-CENTURY NEW MEXICO

Martina E. Will de Chaparro

After strangling his wife with a cord one winter evening in 1834, Manuel Gallego spent the night with her corpse in their conjugal home at San Antonio del Rancho near San Ildefonso Pueblo. The following morning, the forty-seven-year-old farmer fled to his father's house. Investigators from Santa Cruz de la Cañada learned of the crime from an unnamed third party. Arriving at the Gallego home later that morning, the authorities found the murder weapon still wrapped around María Espíritu Santo Roybal's cold neck. Upon questioning the cadaver and receiving no reply authorities declared her dead.¹

The criminal proceedings left relatively little room for dispute or argument, for Gallego had freely confessed to killing his wife. Several witnesses

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testified that Gallego had given Roybal *la mala vida*, a marriage characterized by domestic abuse. Notwithstanding the overwhelming evidence against Gallego, his defender, Alonso Martín, argued against capital punishment. Although still a murderer, Martín declared, Gallego had spent the night with the corpse, thus showing himself to be more humane and remorseful than the heartless, cold-blooded killer portrayed by the prosecutor.²

Although Martín admittedly was hard pressed to provide a defense for Gallego, who had made no attempt to conceal his crime and had confessed upon questioning, the Gallego case is suggestive of New Mexican values and beliefs about the dead body. Martín's reasoning reflected defense arguments common throughout colonial Spanish America where the murderer's attitude and behavior after the crime might have an effect on the sentence.³ Although archival records do not reveal Gallego's fate, Martín's argument indicates that contemporaries saw some redeeming social value in Gallego's loyalty to the corpse of his slain wife. Gallego's decision to pass the night with his murdered spouse suggested personal remorse, an important factor for the defense.⁴

Gallego's watch over the corpse had a significance much deeper than remorse. Few people in the late eighteenth or early nineteenth centuries situated death in a single, fixed moment. The standard dictionary of eighteenth-century Spanish, the *Diccionario de Autoridades*, defined death as "the division and separation of body and soul."⁵ Death represented not merely the end of the deceased's physical state of existence but the onset of a creative or regenerative process in which body and soul separated and returned to their original states—"ashes to ashes and dust to dust."⁶ Prior to burial, when the priest spoke these words over the corpse, people thought that the cadaver was still sensible—that the dead existed in a liminal state.⁷ The dormant and the dead were so similar that only the cadaver's decomposition offered irrefutable evidence that death had indeed occurred.

Eighteenth- and nineteenth-century folk beliefs testified to a corpse's enduring vitality. Many people believed, for example, that the body of a murder victim would react in the presence of its murderer and give the killer away.⁸ Indeed, the difficulty of measuring death muted the boundaries between life and death. For every scientific-minded individual who opposed such notions under the influence of the Enlightenment, countless folk stories of revived cadavers and rapping coffins testified to the enduring life of the physical remains, particularly in the days following death.

Popular belief only reinforced the findings of the single greatest proponent of incorruptible bodies: the Catholic Church. The church provided innumerable examples of saintly corpses that retained their elasticity, emitted floral rather than putrid odors, and refused to undergo the usual process of decomposition. In baroque theology the body and senses provided the essential means to communicate the divine. The average person could begin to grasp the greatness of God only through the excitation of the senses. Saintly corpses were disinterred and examined, often in response to the activities of the cadaver itself, which might make noises or emit fragrant odors that compelled the living to revisit the grave. Ironically, as in the case of Saint Teresa of Avila, the very extraordinary properties of the dead body might be its undoing. As historian Carlos Eire explains, St. Teresa's "incorruptible" flesh "prompted a very different kind of disintegration. Little by little, the saint was carved up, and pieces of her were distributed throughout the globe."⁹ Spiritual leaders like Juan de Palafox y Mendoza actually instructed in their wills that their organs—in his case, the heart and eyes—be deposited in places of special devotion.¹⁰ People figuratively and literally embraced miraculous physical remains as evidence of virtue and holiness; popular beliefs and folklore reinforced these ideas even in the wake of the Enlightenment.

Science still served theology, for doctors and other experts employed scientific instruments to probe, measure, and explore miraculous remains. Central Mexico sheltered a multitude of sacred bodies and body parts belonging to bishops, friars, and *beatos* (pious lay people). While making floor repairs in the cathedral of Michoacán in 1744, workers unearthed the entrails of Bishop Joseph de Escalona y Calatayud, buried there some seven years earlier. Ecclesiastical officials and medical professionals together examined the bishop's remains and observed that the blood, while discolored, remained fluid and fragrant. Employing microscopes for more careful examination, the experts noted the most remarkable occurrence: although they had expected to find insects and unpleasant organisms invisible to the naked eye, they instead discovered rosemary and cinnamon.¹¹ Catholic authorities commonly moved such relics to visible, glassed enclosures to facilitate believers' veneration of them. However, in this particular case, after studying the precious entrails, officials again interred them in the cathedral floor with the requisite ritual and public ceremony.¹²

Although New Mexico lacked microscopes and other scientific tools to examine the dead, the region had its own sacred corpses and popular

mythology. For example, fray Francisco Bragado, “fully aware and in an agreeable state,” died one January evening in 1825 after having served in northern New Mexico for fifteen years. As Juan José Salazar cleaned the cadaver’s face with vinegar, a common means of conservation, he noticed that “from a razor cut there flowed blood so fresh it was as though he [Bragado] were still alive, the blood running down to the point of his beard.”¹³ Surely, this phenomenon signaled the good friar’s virtue. Fray Teodoro Alcina deemed the occurrence sufficiently noteworthy to record the presence of several witnesses and to have the *alcalde mayor* sign the parish burial book to give the event the civil authority’s imprimatur.

The most powerful symbol of postmortem sanctity in New Mexico history was the levitating corpse of fray Juan José Padilla. The rising remains of the Laguna Pueblo missionary had to be unearthed and reinterred repeatedly over a one-hundred-year period. Padilla was one of the few Franciscans in New Mexico fluent in the Keresan tongue of the Laguna Pueblos with whom he worked. He had labored among the Lagunas for more than half his twenty-three-year tenure before he was beaten and stabbed to death by unnamed assailants.¹⁴ In 1756 fray Pasqual Sospedra first buried Padilla inside the church of Isleta Pueblo on the gospel side, close to the high altar in the presbytery.¹⁵ Nineteen years later the cadaver, remarkably incorrupt, had risen mysteriously to the surface. The dead friar’s remains seemed to demand exhumation; officials probably studied the relics in an effort to understand the phenomenon. The corpse remained outside the grave for about two weeks, suggesting that authorities examined and dressed the cadaver anew for public veneration. To prevent a recurrence, fray José Eleutherio Junco y Jungera sealed the corpse in a coffin before reintering it.

The cottonwood box, however, did not contain Padilla’s remains for long. The body rested only forty-four years before again requiring exhumation in 1819. At this time, *custos* Francisco de Hozio wrote a detailed report of the event. Fray José Ignacio Sánchez had reported that the coffin rose from its burial place to the surface of the earthen church floor and, when Hozio went to see for himself, he decided that the coffin should be opened and its contents examined. After retrieving the cadaver, Hozio and the other ecclesiastical and civil officials found a burial similar to corpses unearthed in Santa Fe’s Santuario de Guadalupe in 1989. Padilla’s body had been dressed for burial in the blue wool serge habit worn by the Franciscan order in some areas of Latin America. Suspended from the neck were a rosary adorned

with St. Francis and St. John Nepomuk, and a bone that resembled a saint's relic. Hozio marveled at the cadaver's integrity and flexibility:

The body having been cleaned of the dust into which the habit was reduced, I approached closer. . . . Beginning to inspect the body, I found it whole, with the exception of the toe-bones of the right foot, the eyes, and the tongue; the flesh dried up: but so flexible that on being dressed with a habit it lent itself to the action of extending the arms for the sleeves to go on, and in the same manner and without difficulty [its arms] were crossed.¹⁶

Hozio had found what seemed to be a remarkably well-preserved corpse.

The examination of Padilla's body reveals a fascination with death untempered by disgust for the dead body. The dry corpse was all the more compelling for the circumstances that warranted its study. Hozio poked and prodded the cadaver from head to toe in an effort to determine the cause of its mysterious and tenacious resurfacing. Astoundingly, the sixty-three-year-old corpse emitted a pleasant odor, "as the earth smells when it is watered."¹⁷ As with the sacred remains of saints and martyrs, death and its effects on Padilla's body were hardly repugnant. Instead, Hozio described the cadaver with a mixture of awe and delight. Witnessing the corpse's spiritual significance, Hozio wrote, "Even the women and children look on it and admire it without terror, and it fills all with reverence."¹⁸ Echoing the themes of numerous theological tracts, death in this case proved enlightening, informative, and spiritually rewarding.

The edified observers who admired the pious man's relics reinforced the sanctity of Padilla's cadaver. For a two-month period after the initial examination, the church left the corpse "exposed with religious decency" to public viewing, a course suggesting that the mission church at Isleta had become a pilgrimage site for the pious. The church facilitated a mutually reinforcing relationship between the public that came to see the corpse and the blessedness of the remains. The reverent gaze of the faithful validated the body's sanctity. Finally, the bells pealed again for Padilla on the day of his third funeral in July 1819. After a solemn high mass and vigil with responsorial, his remains were reinterred in Isleta's church.¹⁹

The enduring lifelike qualities of saintly corpses highlighted the difficulty in measuring death while they underscored the liminality of apparent death. This imprecision meant that the dead and living coexisted on the

same human plane at least until burial, when the recently deceased more clearly joined the camp of the unequivocally dead. The decay of ordinary bodies provided definitive proof of death and an unambiguous conclusion to the body's liminality. The notion of a liminal state between life and death and the attendant uncertainties led some testators in Europe and North America to request an interval of twenty-four to seventy-two hours between apparent death and burial. Motivated by a fear of being buried alive, they might also instruct that a physician open the body; an incision without reaction was conclusive proof of expiration. More commonly, people kept vigil with the body to serve as witness should the presumed corpse exhibit signs of life. Although fear of premature burial does not emerge as a concern in New Mexican documents, families held wakes in the home during which they certainly observed the cadaver carefully.²⁰

Once established, physical death, people knew, was only temporary; they were confident that Christ would return to resurrect the dead. Theology simultaneously denigrated and elevated the body, which, as a vessel for the soul, proved imperfect and was subject to urges that often made the path to salvation quite rocky. But the church also asserted that the resurrection of the dead meant the physical reconstitution of the body and granted the humble vessel—like the miraculous remains of the saints—a preternatural significance. The insistence on separate burial grounds for Catholics, like the exclusion of suicides from sacred ground, underscored the importance of the physical remains.

Presumably, Padilla's violent death meant that his remains could find no rest, causing his corpse to rise again and again. In popular lore he became a Christian martyr, the victim of infidel Quivira Indians. Martyrdom, a potent reference point for Catholic New Mexicans, was a reminder of the early Franciscans and settlers killed during the Pueblo Revolt of 1680. But not only those martyred and presumed martyred captured the imagination. During the mid-seventeenth century fray Asencio Zárate and fray Gerónimo de la Llana had been buried in the churches of Picurís and Quarac, respectively. Although neither had died a martyr, the friars had reputations for their extreme virtue and bodily mortifications.²¹ When the two churches fell into ruin, people forgot about their abandoned remains for nearly a century. In 1759, the centennial of de la Llana's death, Gov. and Capt.-Gen. don Francisco Antonio Marín del Valle ordered the bodies of the two holy men exhumed and brought to Santa Fe. Marín del Valle had the men's remains interred in a stone sarcophagus within the parish church. Although

Marín del Valle's motives may have been political as well as religious, his rescue of the bones as a public act of piety suggests the importance that the friars' physical remains held for society at large.

New Mexicans commonly retrieved the bones of those who had died violently to provide a proper burial.²² The archives contain many examples in which the remains of military and religious leaders and anonymous women were collected and interred. These cases underscore the importance of burial within the church and, more generally, within consecrated ground. The physical remains' collocation in sacred ground might facilitate the soul's exit from purgatory. Unclear in the historical record is whether people believed in the material continuity of body and soul in the afterlife, but the idea itself informed the popular ethos.

The logical corollary to the popular belief that connected burial location with salvation was the mistreatment of corpses as punishment. Authorities meted out additional punishment by leaving the cadavers of their vanquished enemies exposed. Fray Carlos Delgado complained about one particularly cruel and capricious Spanish military leader. After killing three Suma Indians who had failed to keep pace during a forced march, he ordered their corpses abandoned and left unburied.²³ Although Delgado found the officer's behavior reprehensible, his account leaves ambiguous whether he found the senseless murders less blameworthy than the neglect shown the corpses, which, left unburied, would become food for wild animals.

The same principle informed both the vindictive military leader and the institutionalized forms of punishment enacted under the crown. The ignominy exacted upon the cadaver was integral to the death sentences passed down in criminal cases. Secular authorities in the Americas and in Europe routinely sanctioned the abuse of the dead body.²⁴ In capital cases, the death sentence included the display of executed criminals' bodies in public places. Spanish officials ordered the cadavers of two Cochiti Pueblo women, María Josefa and her daughter María Francisca, both executed in 1779 for the murder of the latter's husband, to be suspended from poles for days to edify the community.²⁵ Likewise, along the well-traveled Camino Real, authorities exposed the corpses of Antonio Carabajal and Mariano Benavídez, who were executed in 1809 for murder.²⁶ Such postmortem humiliation was an especially harsh penalty in the critical days after death, when prayer most benefited the deceased's soul. These convicted murderers eventually received ecclesiastical burial, but they were put at a decided disadvantage in

the postmortem quest for salvation at the same time that their bodies reinforced the state's authority, which extended even beyond death.

The liminality of death might cut both ways. Just as the dead were not completely dead and might be subjected to rituals of state punishment or public veneration, the living might not be completely alive. One case illustrates how people equated the loss of reason to the absence of the soul in the same way that sleep suggested the temporary concentration of the soul outside the body. The case of *María Márquez de Ayala v. Juan Rafael Ortiz*, heard in the jurisdiction of Pojoaque in 1811, demonstrates the intersection between social death and bodily death. Testimony in the surviving court records indicates that María Márquez de Ayala suffered from some kind of *locura* (madness) or that her son, Mariano Trujillo, had labeled her insane with the tacit or legal concurrence of the community. At some point during that time, he mortgaged Márquez's home and land in Cuyamungue to pay his debts. Before satisfying his creditors, Trujillo died and Márquez's property came into the possession of don Juan Rafael Ortiz. Márquez found herself propertyless and destitute. Seeking justice, she asserted that she had never authorized Trujillo's sale of her property. At the crux of the issue was whether the mother had been legally dead prior to her son's transaction. Before the *alcalde*, Ortiz contended that no tribunal should even hear Márquez. He declared, "she lacks the natural understanding that God gave her. For this reason it should be considered that her son, Mariano, outlived her and not she her son."²⁷ Losing her reason therefore made Márquez legally dead and the sale valid.

Márquez contested Ortiz's interpretation of her state. She argued that the extended lapse in her mental faculties did not equal death, which only God could determine. She cited her physical presence in the world and her son's presence in the grave as proof that she had outlived her son. The measure of death, in Márquez's view, was the soul's abandonment of the body. The repose of her son's body in his grave proved his very real death as opposed to her continued fleshly existence.

Granted a power of attorney by Ortiz, and legally representing him, José García de la Mora agreed that Márquez had outlived her son, but he quickly contradicted himself. In de la Mora's opinion Márquez was "mentally dead" and "unable to argue her defense in this suit," for she had not taken "the Holy Sacraments" in a quarter century, clear proof that she was "dead" and that her son had "survived her."²⁸ For the *alcalde*, Manuel García, Márquez had died not only symbolically but also literally. In the 1811 judgment, García

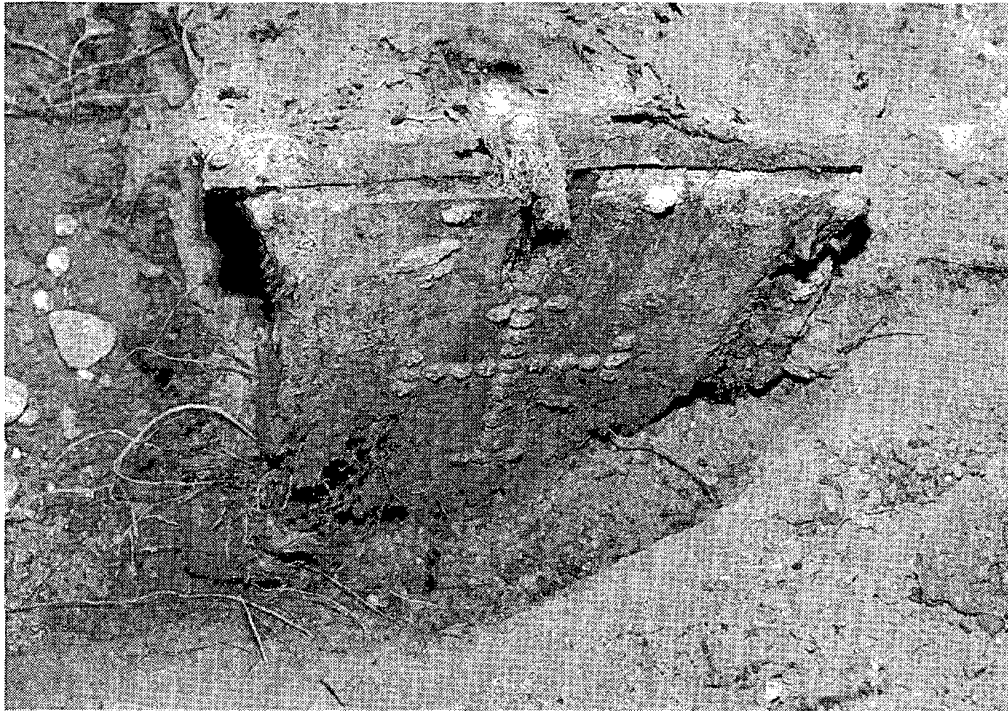
concluded that Márquez was indeed “partly dead.”²⁹ He ruled that Márquez had no rights to the property, but “as a kind of charity and recompense for having been deprived of her son . . . and looking upon her as ready to die, she shall be supported by don Juan Ortiz, who shall bury her and furnish her with a shroud and standard funeral.”³⁰ Despite her vociferous protests, Márquez was socially dead and at least “partly dead” in body. This case illustrates the fluid definition of death, which remained contested ground. Although all witnesses agreed that the soul’s absence from the body equaled death, not all concurred on how to measure the soul’s departure.

Death existed on a continuum rather than in a fixed moment, and the dead body resided in an indeterminate realm that was neither completely of this world nor of the next. New Mexicans differentiated between the dead but still intact body, and the reduced version of that body, the skeleton. The fleshy, sinewy corpse enjoyed the ministrations of the living who prepared it for burial with a final bath, shave, haircut, and even new garb.³¹ At this stage of death, the cadaver still resembled the person whose soul had once animated its limbs. The physical form remained fleshy and lifelike, and even hair and nails were thought to grow in this liminal state.³² This stage of death was both the most spiritually dangerous and potentially beneficial. The soul, while absent, *might linger and was therefore still within reach* of the living, whose postmortem offerings could make the difference between purgatory’s extended torments and heaven’s immediate rewards. Corresponding to this indeterminate state between the here and the hereafter, the newly dead body’s treatment was intertwined with the soul’s transition. The surviving community had to take specific ritual steps to ensure the successful transition between the two states of being.³³ The succession of body-centered rituals—bedside prayers, last rites, cleaning and dressing the corpse, waking the dead, and funeral mass—only culminated with interment.

On the whole, New Mexicans seemed unconcerned about shielding the cadaver from the ravages of the elements. A blanket or a winding cloth may have provided a thin barrier between the body and the earth, but New Mexicans made little effort to slow the process of decay or to protect the corpse from insects through either embalming or a coffin.³⁴ Indeed, burial in coffins was unusual until the territorial period (1848–1912). Although the additional two pesos for a coffin may have discouraged some families from using one, New Mexicans simply did not value confining and relied instead on a litter to carry the corpse to the church for burial.³⁵

In late-baroque fashion, piety—conspicuous or otherwise—may have provided people another reason to reject coffins. Just as they might request

to be dressed in the coarse blue Franciscan habit for burial as a show of Christian humility, so might the wealthy opt for interment without a coffin, rejecting all illusions of worldly permanence and embracing a sanctity made visible to the world.³⁶ Like other paradoxical elements of baroque piety, both display and the rejection of display served as postmortem indicators of personal virtue. Rosa Bustamante, a wealthy Santa Fe widow, who along with her husband had expended considerable amounts of money in support of the church, instructed that her body be buried without a coffin.³⁷ Since she certainly could have afforded one, her gesture served partly as an act of conspicuous humility. Although colonial New Mexicans invested meticulous detail in their wills—such as planning funerals, specifying burial location, and itemizing debts—rarely did they mention a coffin at all, and at least until the 1850s their use would have been extremely limited.³⁸



CHILD'S COFFIN UNCOVERED DURING THE 1989 EXCAVATION OF
SANTUARIO DE GUADALUPE, SANTA FE

Other items found at this burial site included a child's hat, shoes, a dress with a gold ribbon, and a bronze crucifix that was placed in the hands of the dead child.

(Photograph courtesy Center for Southwest Research, Edward Crocker Collection, neg. GHFBU20)

Coffins may have been of little concern to most New Mexicans, but burial location was important to many. Fixated on the goal of Christian salvation, families sought for their loved ones a choice resting place within a Catholic church—under the floors was especially favored—and individuals expressed this desire in their wills. The Roman Rite instructed that all Catholics be interred in consecrated ground. Beyond burial location, however, people demonstrated little regard for the body once it had been consigned to the earth. After the family left the cadaver of a loved one in the hallowed ground of the parish church, any number of indecencies might befall the dead. In one sense, New Mexicans affirmed the temporary character of the burial by breaking bones and disturbing earlier burials, practices that may have been common elsewhere in Mexico.³⁹

Once New Mexicans surrendered the groomed, lamented, and blessed corpse to the earth, their view of the dead changed dramatically. Modern notions of interment, confining a body to a coffin, the need for individual burial plots, and perpetual care, would have seemed foreign to people of the late eighteenth and early nineteenth centuries.⁴⁰ After burial they literally rejected attachment to the body itself, symbolically rejecting the temporal world. Although no earthly calendar could measure the soul's progress, the evidence suggests that people believed the soul definitively absented itself from the body and moved on to purgatory upon interment. Thus, relative indifference was shown to the physical remains once the funeral had ended.

Once safely buried within the church, the dead awaited the Resurrection, their corpses recumbent beneath the church floor until Christ reanimated their decayed bodies. Far from being a final resting place, however, the grave proved at best chaotic and impermanent. Although in the early colonial period, New Mexico's small population may have allowed the dead a quiet repose, by the early nineteenth century population growth and limited burial space probably resulted in the regular disturbance of graves. Whereas overcrowding in graveyards in Europe led to the use of ossuaries, New Mexicans interred the newly dead on top of existing burials, dislodging skulls and other remnants.⁴¹ In the nineteenth century, a grave might include the remains of literally a dozen individuals, with children and adults mixed indiscriminately.⁴² Precisely because New Mexicans eschewed coffins, each time they dug a new grave in the church, they inevitably scattered remains from previous burials.

Burial books might occasionally mention a grave near the baptismal font or in a particular section of the church, but New Mexicans typically used

neither grave markers nor any type of diagram to indicate the precise location of burials.⁴³ The church was the only marker identifying a loved one's final resting place. Otherwise, parishioners relied on human memory to determine where to dig a new grave. If approximately three years had passed since an interment, they could re-use the same plot without encroaching on the space of the recently deceased—or at least that was the rule of thumb. In practice, gravediggers habitually unearthed cadavers and human remains, interred only a short time before, in the search for fresh burial space. Santa Fe trader Josiah Gregg observed:

There being nothing to indicate the place of the previous graves, it not infrequently happens that the partially decayed relics of a corpse are dug up and forced to give place to the more recently deceased, when they are thrown again with the earth into the new earth with perfect indifference.⁴⁴

Gregg's early-nineteenth-century description of New Mexican life, although far from objective, is corroborated by a late-twentieth-century excavation in Santa Fe's Santuario de Guadalupe. The excavation revealed that dead bodies had been stacked like cordwood up to four deep, and, subsequent to burial, bones were moved, femurs broken, and skulls tossed pell-mell.⁴⁵ The Guadalupe burials, which date from the mid- to late nineteenth century, show that no effort was made to retain even the semblance of skeletal integrity. The skulls of decapitated skeletons even served as chinks to support new burials. In one case, someone charged with burying the cadaver actually broke its neck rather than dig a bigger grave.⁴⁶

The information culled from the limited archaeological record therefore coincides with travelers' observations. The breaking of bones at or soon after burial appears inevitable when reading Gregg's account. According to him, the very manner in which people filled in a new grave was damaging, "the earth being pounded down with a large maul, as fast as it is thrown in upon the unprotected corpse, with a force sufficient to crush a delicate frame to atoms."⁴⁷ Although shocking to foreigners, New Mexican practices reflected a traditional conceptualization of the dead body, which differed from the emergent, sentimentalized view in the northeastern United States and Europe's urban centers.

By the early nineteenth century, middle-class Protestants in New England and the mid-Atlantic states carefully prepared the corpse and celebrated

grandiose public funerals. Their object was, in the words of one historian, "to preserve their [the dead's] integrity, to treat them according to inherited conceptions of dignity, and to manage their remains in a manner that ensured familial or communal continuity."⁴⁸ To this end, they developed new ways of memorializing and preserving the dead and infused their diaries, sermons, poetry, and music with intensely sentimental treatments of death. An entire industry developed around the expert, professional care of the dead.

New Mexicans did not find solace in ornate funerary monuments, sentimental literature, and embalmed and painted corpses. Their conception of the cadaver remained closer to the more callous view that had historically characterized Catholic Europe. The most extreme example was the Cimetière des Saints-Innocents in Paris, which had for centuries overflowed with corpses in mass graves, bodies barely covered with a thin layer of soil. Although some Parisians had expressed disgust at the cemetery's indecorous treatment of the dead, little changed until the end of the eighteenth century, when intellectuals increasingly challenged deeply engrained customs by tendering public-health arguments against the poisonous miasmas that Saints Innocents emitted.⁴⁹ Others framed their opposition not against the cavalier treatment of the dead but the implicit disrespect that church burials showed the house of God. Thus, New Mexican practices remained in keeping with traditional views of the dead, a mixture of pious intentions and irreverence confounding to modern sensibilities.

Even within the hallowed safety of the church walls, folk beliefs and superstitions, on occasion, led to disinterment of the dead. The international Catholic traffic in relics paralleled popular beliefs, shared in Europe and Spanish America, that attributed special qualities to soil, bones, and other objects obtained only from a grave. Spanish, Mexican, and Pueblo cultures ascribed magical and healing powers to the remains of the dead.⁵⁰ Believing that it would prevent fatigue, one individual in central Mexico wore a bag of human bones harvested from a cemetery.⁵¹ In Abiquiú, New Mexico, fray Juan José Toledo reported that witches used the rope of a hanged person, and the teeth and bones of the dead to practice their evil craft.⁵² The popular associations of curative and magical powers with remains led to any number of invasive acts against graves.

Human remains were used for medicinal purposes, skulls for meditation by penitential groups, and the less pious-minded raided graves for personal gain. One Mexico City resident added a bone fragment retrieved from an ossuary to beverages in order to boost sales.⁵³ Entrepreneurs unearthed

cadavers to salvage burial shrouds for resale and sold the human remains to a saltpeter refinery for powder production. In New Mexico, fray Pedro Montañón accused Pedro de Chávez of numerous heresies in 1729; among them was entering the church and digging up a *criada* (female servant/slave) of Chávez's to retrieve the wool sheet in which she had been buried.⁵⁴ In Mexico City residents let their pigs root in graveyards to feed on the poorly protected human remains.⁵⁵ Animals probably foraged in New Mexico's burial grounds as well. Inspector Agustín Fernández de San Vicente complained in 1826 that Santa Fe's graveyard lacked the requisite cross in its center and that the cemetery's ruined walls and lack of doors invited animals to "foul themselves" and "invade without due respect the graves of the cadavers that live within," destroying the remnants of former "living temples of God."⁵⁶ The violability of the grave and the irreverence accorded the dead probably characterized much of Mexico. San Vicente's concern, however, reflects how the old sensibility was giving way to an age that afforded the body a new status, even after death.

New Mexicans' treatment of the body—both dead and living—became increasingly anomalous as Spanish and Mexican elites followed the lead of French intellectuals in redefining the body in society. Bourbon notions differed radically from those of the baroque period, when corporal mortifications and the senses both had served as gateways to the divine. Deeply engrained in Spanish Catholicism, these views came under fire in the late eighteenth century as a new enlightened sensibility redefined ideas about the human body. In tandem with the growing medicalization of European society, which afforded the human form a distinct social space, modern regimens now necessitated personal hygiene, perfuming, and behavioral control. Those individuals who deviated from modern conceptions might find themselves confined to any one of the institutions—asylums, hospitals, or prisons—proliferating in urban areas.

The increasing incongruity of New Mexican corporal practices surfaced in visitors' reactions. The Penitentes' communal self-flagellation offered bloody evidence of the old baroque view of the body and society. While private mortifications remained acceptable, the public and communal nature of New Mexicans' folk Catholic rituals troubled Mexican church authorities.⁵⁷ During their inspections of churches and parish finances, visiting religious leaders censured not only the Penitentes but also local clerics. In 1818, almost a decade before San Vicente's critique of Santa Fe's cemetery, ecclesiastical inspector don Juan Bautista Ladrón del Niño de Guevara expressed horror at

the presence of seven skulls in a room next to the Santa Fe Parish Church, where they perhaps served as *memento mori*. He ordered the immediate interment of the skulls and forbade exhumations without the express license of the bishop of Durango.⁵⁸ Of course, the skulls may not have been the product of intentional exhumations but rather the by-product of routine exhumations that occurred as the population grew and the limited burial space beneath the church remained finite. Evidently, skeletons continued to surface in ensuing years, for Lt. James W. Abert, who came with the conquering Kearny expedition in 1846, recorded:

This morning I visited the “Capella [*sic*] de los Soldados,” or military chapel. I was told that this chapel was in use some fourteen years ago, and was the richest church in New Mexico. . . . One here finds human bones and skulls [*sic*] scattered about the church.⁵⁹

Even beneath the church, unseen to Abert, Niño de Guevara, and others, the dead were dislocated as a matter of course. Making room for new graves, New Mexicans disturbed old burials and scattered bones beneath the church floors as they utilized earlier burial plots.

Reusing graves had been customary in Catholic Europe for centuries. In 1819 Spanish king Fernando VII codified the practice through a decree in which he ordered a three-year interval between burials in the same plot.⁶⁰ In reality, no mandatory waiting period existed before New Mexicans might share their graves with the more recently departed. Any number of circumstances resulted in a single grave containing multiple burials. If two people died on the same day in the same parish, their corpses might be deposited in the same plot. Santa Cruz de la Cañada’s priest, for example, buried infant twins, José Antonio and Juan Antonio Montoya Varela, in the same grave in 1819.⁶¹ Indeed, burial records indicate that priests often interred bodies in the same plot, regardless of whether the individuals were related. The cohabitation of the dead was the logical and practical culmination to lives defined by familial and communal ties rather than modern notions of individualism.

Mass graves reveal conceptions of acceptable disposition of the dead. During times of pestilence, group burials not only proved expedient but reduced the risks of disease transmission. Violent mass deaths—for example, the killing of twenty-one Tomé residents at the hands of Comanches in 1777—appears to have resulted in a common grave for all of the victims.⁶²

During Antonio José Ortiz's late-eighteenth-century remodeling of Santa Fe's parish church, laborers removed burials from beneath the altar and elsewhere and reinterred the dead in a mass grave.⁶³ To manage the limited burial space in the parish church, remains that were displaced to make room for new graves might also be placed in "a crypt-like arrangement . . . along the unit's north wall, lined off and in part covered, when well filled, with mortared stones."⁶⁴ Clearly, colonial New Mexicans felt none of the modern need to confine and isolate the dead in an individual tract in perpetuity.

Once the dead were no longer identifiable and once they were safely outside of the liminal phase, their anonymous remains were mixed with those of their desiccated neighbors. New Mexicans' treatment of the dead was therefore consonant with baroque practices, which attached little importance to the dead body (the cadavers of the nobility and the saints were exceptions that proved the rule).⁶⁵ People distinguished, however unconsciously, between the cadaver, which was the logical locus of spiritual attentions and thus received special care, and the skeleton, which lost its identity but remained, despite its anonymity, a member of the community and therefore warranted ongoing shelter in consecrated ground until the Resurrection.

One Spanish document sheds light on New Mexican burial practices in this period. Although Spanish law prohibited burying the dead with valuables to avert grave robbing, social order rather than the integrity of burials most concerned the crown. As noted, Spanish subjects routinely disturbed and unearthed remains for any number of reasons, intentional or incidental. Yet one piece of legislation stands out in its requirement that not just the grave but also the very integrity of the corpse be disrupted. This law, which was on the books in New Mexico, mandated not only the exhumation of the dead but also the performance of a cesarean section on the cadaver.

In April 1804 Spanish king Carlos IV issued a *real cédula* (royal order) on postmortem cesarean sections. His legal measure, responding to an initiative from the canon of the cathedral of Bogotá, (present-day Colombia), dictated the removal of the fetus from any woman who died during any stage of pregnancy.⁶⁶ The legislation offered an enlightened response to a problem that had perplexed theologians for centuries. Rather than dooming the unborn to an eternity in limbo, the *cédula* promised baptism, the removal of the stain of original sin, and a sure ticket into heaven for those who died before the age of reason. With the cooperation of family members, the medical and spiritual team descended on the house of the dead woman and performed the operation.⁶⁷

Not the first of its kind in Spain, the 1804 law repeated the message of an earlier decree.⁶⁸ These laws and the growing literature on postmortem cesarean sections reached the Americas by the mid- to late eighteenth century. In 1772 New Spain's viceroy Antonio María de Bucareli y Ursúa and Archbishop Alfonso Núñez de Haro ordered the procedure performed "in all places under the government of this viceroyalty."⁶⁹ The viceroy threatened anyone who interfered or resisted with a fine of five hundred pesos; all relatives found obstructing the law were to be reported to the authorities. The archbishop rewarded an eighty-day indulgence to the obedient for notifying "the priest or authorities of any pregnant woman in danger of death with the purpose of saving the offspring by means of the operation and its subsequent baptism."⁷⁰

Catholic theologians published a number of important volumes testifying to the operation's utility and which would inform the crown's legislation. A Spanish Cistercian monk, fray Antonio José Rodríguez, published *Nuevo aspecto de teología médico moral* (New Views on Medical Moral Theology) in Spain in 1742 and again in 1787. The Sicilian father Francesco Cangiamila published his *Embriologia sacra* (Sacred Embryology) in 1745. Cangiamila's work influenced Spanish law, and in 1772 a Mexico City publisher printed an abbreviated version of Cangiamila translated into Spanish by the Franciscan fray José Manuel Rodríguez. Bucareli's 1772 circular referred specifically to Rodríguez's publication, *La caridad del sacerdote para con los niños encerrados en el vientre de sus madres difuntas, y documentos de la utilidad y necesidad de su práctica* (The Priest's Charity to Children Confined in Their Dead Mothers' Wombs, and Useful Documents on the Utility and Necessity of Its Practice), as the impetus for this law.⁷¹ Theology mandated performing this operation, but it was the state that elected to codify the procedure, lent its authority to ensuring obedience, and punished those who disobeyed or undermined its precepts with fines and other sanctions.⁷² By 1795 the operation had been performed on a cadaver in Mexico City, and within four years a friar undertook the surgery in Santa Clara, California.⁷³

The authors of these texts demonstrated scant interest in extending the physical life of the extracted fetus, which might only survive for a few hours after removal. Eternal life rather than mortal life concerned theologians and doctors alike. Once it was certain that the woman was indeed dead, the operation, which required only two scalpels, a razor, or a penknife, could begin. According to the 1804 legislation:

The incision will be made on the side where the belly is most bulging, or where the creature [*sic*] best shows. . . . If the creature [*sic*] should give no signs of life, it will not be extracted before it is baptized conditionally. If it is alive and seemingly robust, it will be extracted holding it by the feet, or in the least laborious way, and will then be baptized pouring the sacramental water on its head. . . . In the case of a miscarriage, the amnion must be opened with great care, and the creature [*sic*] being in view, even if it were like a grain of barley, if it has movement, will be baptized, and if it has not, the same will also be done, conditionally.⁷⁴

Even with its physical existence expired, the operation guaranteed the fetus the higher reward of eternal life.

Conditional baptism stemmed from the Catholic concern with the moment of death, the same issue that led officials to poke and prod a dead woman before the operation. Since only a living person could receive baptism in the Roman Catholic Church the priest would conditionally baptize the fetus in the absence of any obvious signs of life in the extracted fetus. The difficulty in determining physical death allowed at least this conditional welcome into the Catholic faith, thereby extending the promise of heaven to the unborn otherwise condemned to an eternity in limbo. Church authorities deemed such baptisms, although conditional, so important that the decree forbade priests from burying any pregnant women who had died without undergoing the procedure, thus denying them ecclesiastical burial.⁷⁵ Carlos IV's *cédula* did not equate the failure to perform the cesarean section with murder as his father's decree had done half a century earlier, but denying these women an ecclesiastical burial essentially sanctioned the dead for the negligence of the living. Despite the penalty of not being buried in holy ground, priests and parishioners alike in the Spanish empire had reason to resist the cesarean law, and New Mexicans probably had little fear of exhumation for the purposes of postmortem cesarean section.⁷⁶

Although the late-eighteenth-century mandate does not survive in New Mexican archives, the circular reached as far north as California, where between 1769 and 1833, priests performed at least fourteen postmortem cesareans throughout the mission system. Christianized Indians were the most frequent subjects of the surgery. Their fetuses were removed at an estimated seven to eight months of gestation. One fetus reportedly lived for two days, and some survived for a few minutes, but most had probably already died

when the friars conditionally baptized them. After administering the sacrament, the priests buried the infants with their mothers. Fray Isidoro Barcenilla performed one of these fourteen procedures, extracting an eight-month-old fetus at the Mission of San Gabriel Arcangel in March 1803.⁷⁷ Perhaps motivated by his successful completion of the operation, Barcenilla actively promoted adherence to the 1804 *cédula* when he arrived in New Mexico in 1815.⁷⁸

Carlos IV's order arrived in Chihuahua by August 1804, and would have reached New Mexican parishes soon thereafter.⁷⁹ Although New Mexican archives offer no proof of postmortem cesareans performed in New Mexico, the idea clearly reached the northern frontier. In one of myriad mid-nineteenth-century efforts to demonstrate the supposed barbarity of the Mexican people—and hence their need for U.S. domination—Lt. James W. Abert cited an incident from Chihuahua. Abert claimed that, after murdering an Apache woman in an ambush, the Mexicans had ripped the “living child” from her and then mockingly baptized the fetus.⁸⁰ While perhaps apocryphal, the anecdote reveals the general diffusion of knowledge of the postmortem cesarean and conditional baptism.

By empowering doctors, the new authorities of the day, the decree relied on the authorities of the baroque age, priests, to apply science to two age-old theological problems: how to ensure the salvation of the unborn and how to measure death. Doctors and clergymen were instructed to cooperate to ensure that a woman who died during any stage of pregnancy underwent a postmortem cesarean section. Regardless of how small the fetus, the procedure promised to extend the possibility of salvation to the unborn child, who would otherwise be denied liberation from original sin. Doctors were to extract the fetus from the dead woman; once removed, a priest would baptize it, and through baptism ensure the child an eternity in heaven.

The law on postmortem cesarean sections privileged the spiritual over the secular. Historian Pamela Voekel argues that Mexico's enlightened elites deliberately excluded women practitioners from their program of medical reform. The *cédula* of 1804 codified this exclusion, while inflicting on women's bodies the same type of ignominious procedure previously reserved for executed criminals. Warning of the operation's difficulty, the decree summoned licensed male surgeons and doctors, rather than midwives, to perform the cesarean section.⁸¹ In the absence of a surgeon, another degreed medical professional or *facultativo* executed the procedure. Only if no professional physician was on hand could the priest and local magistrate designate an individual with the necessary dexterity and aptitude to perform the

surgery. For just such an event, the *cédula* provided step-by-step instructions on how to perform the operation.

Custos fray Isidoro Barcenilla omitted these careful instructions in his 1815 circular to New Mexico's parishes, but he did request that any priest with a copy of "the great [Sicilian Father Francesco] Cangiamila's" book on the topic lend him the volume so he could issue precise directions to New Mexico's clergy. In the meantime, recognizing the operation's complexity, Barcenilla ordered priests to determine who might be capable of performing a cesarean section in their parish. In the absence of a competent local practitioner, the priest should complete the procedure. Barcenilla anticipated resistance from his priests over the potential for dead females spoiling priestly chastity. However, he admonished the clergy that "the apparent temptations do not exempt us from this most strict duty."⁸² If careful to guard his modesty and that of the dead woman, a priest could safely carry out the cesarean section. Finally, the custos directed New Mexico's religious leaders to educate their parishioners on the procedure's spiritual importance and to warn them of the serious, but notably unspecified, penalties resulting from disobedience.

To custos Barcenilla, performing a cesarean section on the dead was a religious duty of the highest order. The procedure offered hope of salvation where none had existed before. Ignorant families might seek to evade its performance on their deceased daughters, sisters, and wives, but the clergy could not waver from its calling to save the souls of these "children, not extracted from the belly of their dead mothers."⁸³ Although Barcenilla despaired at finding these "children" alive upon their extraction, he based his directive, like those of his superiors in Spain and New Spain, on the notion that life could briefly dwell within a dead mother. After all, had not San Román Nonato himself, the patron saint of pregnant women, midwives, and the unborn, thus come into the world? Surely, the moment of death was imprecise and difficult, if not impossible, to measure.

The law on postmortem cesareans implicitly and explicitly spoke to the difficulty in ascertaining death. The clear-cut medical science of the operation did not eliminate the considerable gray area in establishing absolute death. European and New World folklore testified to the number of people returning to life after apparent death, their gasping breaths suddenly audible just moments before burial. Likewise, New Mexican folk tales suggested that, for four days following death, someone had to remain in the home of the deceased to prevent the dead from returning.⁸⁴ Although death

mocked precise measurement, the law instructed that, prior to rescuing the trapped fetus, the mother's death be established to the degree possible. Did applying ammonia at the woman's mouth, nose, and eyes revive her? Did she react when someone inserted a pin beneath her nails? The king's instructions emphasized the importance of undertaking the operation as soon as possible after death to increase the potential for removing a living fetus. The procedure, however, had reportedly been performed successfully on women who had been dead for days.

New Mexicans frequently disinterred the dead and relocated entire skeletons, but violating the integrity of the corpse would have troubled many individuals, families, and communities. Just as the similarity of the corpse to the living body blurred the distinction between apparent death and actual death, the resemblance of the corpse to the living person would have been a powerful disincentive to cutting open the womb, even for spiritual ends. When investigators arrived on the murder scene that morning in 1834 in San Antonio del Rancho, they established the death of María Espíritu Santo Roybal not by some invasive procedure or even so much as a pinprick but through verbal inquiry. The authorities asked the lifeless woman questions and, when she failed to respond, pronounced her dead.

New Mexicans found comfort in the knowledge that they had met their spiritual duties by providing burial in consecrated ground and Catholic masses for their loved ones. In their minds the Resurrection promised that the dead would reinhabit their decayed bodies at Christ's coming. Although people accorded desiccated skeletons a status different from fresh cadavers, all persons reposing beneath the church would ultimately join the same ranks. A communal and corporate worldview directed the treatment of the dead body—rather than the ethos of individualism—that was reflected in the indiscriminate mingling of remains with no clear boundaries and no identifying markers. New Mexicans demonstrated little concern for how the “clean” bones were treated, but they agreed on the importance of keeping them located within the parish church.

Notes

1. There is nothing in the documents to indicate the nature of this questioning. However, the murder proceeding of Juan Valdez in 1826 also makes reference to three questions that were asked of the corpse: authorities asked Valdez his name three times and received no reply. Perhaps the questioning of Roybal's corpse was similar. Proceedings Against Andres Marquez for Murder of Juan Valdez, Santa Fe, 4 June

- 1826, ff. 1016–22, rl. 5, Mexican Archives of New Mexico, New Mexico State Records Center and Archives, Santa Fe, New Mexico [hereafter NMSRCA].
2. Proceedings against Manuel Callego for the murder of his wife, María Espiritu Santo Roybal, 3 February–22 April 1834, doc. 124, ff. 724–51, rl. 1, Sender Collection, Center for Southwest Research, Zimmerman Library, University of New Mexico, Albuquerque, New Mexico [hereafter CSWR].
3. In Peru, for example, repentance could mean the difference between death by burning and death by strangling. Irma Barriga Calle, “La experiencia de la muerte en Lima, siglo XVII,” *Apuntes* 31 (segundo semestre, 1992): 86.
4. Even in the case of suicide, remorse for one’s actions might warrant special consideration. The Indian known as Carache, of San Ildefonso Pueblo, had slowly bled to death after slitting his own throat. The priest, however, felt Carache merited a church burial given his vigil praying before a home altar the night before he died of his self-inflicted injury. His silent prayers indicated that he regretted his actions. Fray Ramón Gonzalez to fray Estevan Aumatell, San Juan Pueblo, 3 January 1799, Loose Documents, Mission 1799 n. 1, ff. 268–69, rl. 53, Archives of the Archdiocese of Santa Fe, Santa Fe, New Mexico [hereafter AASF].
5. *Diccionario de Autoridades*, edición facsímil, 3 vols. (Real Academia Española, 1726; Madrid: Editorial Gredos, 1990), 2:625.
6. Mircea Eliade, “Mythologies of Death: An Introduction,” in *Religious Encounters With Death*, ed. Frank E. Reynolds and Earle H. Waugh (University Park: Pennsylvania State University Press, 1977), 15.
7. Eliade, “Mythologies,” 15; Philippe Ariès, *The Hour of Our Death*, trans. Helen Weaver (New York: Alfred A. Knopf, 1981), chap. 8, especially p. 355; and Juan Pedro Viqueira, “El sentimiento de la muerte en el México ilustrado del siglo XVIII a través de dos textos de la época,” *Relaciones: Estudios de historia y sociedad* 5 (winter 1981): 32.
8. Yves Ferroul, “The Doctor and Death in the Middle Ages and the Renaissance,” in *Death and Dying in the Middle Ages*, ed. Edelgard E. DuBruck and Barbara I. Gusick (New York: Peter Lang Publishers, 1999), 38.
9. Carlos Eire, *From Madrid to Purgatory: The Art and Craft of Dying in Sixteenth-Century Spain* (Cambridge: Cambridge University Press, 1995), 431.
10. Mendoza served as the bishop of Puebla from 1639 to around 1649, archbishop of Mexico in 1642, and acting viceroy of Mexico from June to November 1642.
11. Regarding microscopes in Mexico, see Carlos de Sigüenza y Góngora, *Alboroto y motín México de 8 de junio de 1692*, ed. Irving Leonard (Mexico City: Talleres Gráficos del Museo Nacional de Arqueología, Historia y Etnografía, 1932) as well as the correspondence between Jesuits Athanasius Kircher and Alexandro Favian. Kircher sent microscopes from Rome to Favian in Puebla during the last quarter of the seventeenth century. See Ignacio Osorio Romero, ed., *La luz imaginaria: Epistolario de Atanasio Kircher con los novohispanos* (Mexico City: Universidad Nacional Autónoma de México, 1993). Many thanks to Miruna Achim for providing these references.

12. The bishop's remains were divided among different religious houses and churches according to his request. His heart went to the convent of Santa Catharina and his body was interred in the church of Nuestra Señora de Guadalupe. Miruna Achim, "Fractured Visions: Theaters of Science in Seventeenth-Century Mexico" (Ph.D. diss., Yale University, 1999), 25–28. Achim's source for the account is Matías de Escobar, *Voces de Tritón Sonora, que da desde la Santa Iglesia de Valladolid de Michoacán la incorrupta, y viva Sangre del Ill^{mo} Señor Doctor D. Juan Joseph de Escalona y Calatayud, Colegio Mayor del Insigne, y Viejo de San Bartholomé de Salamanca de Consejo de S.M. su Obispo Dignísimo en la Provincia de Venezuela, y trasladado a dicha Santa Iglesia de Valladolid* (Mexico City: Por la viuda de D. Joseph Bernardo de Hogal, 1746).
13. Burial Book of Galisteo, New Mexico, 4 January 1825, f. 740, rl. 35, AASF. There is no information to indicate who Juan José Salazar was, and what, if any, religious office he held.
14. Padilla's language skills are noted in Jim Norris, *After "the Year Eighty": The Demise of Franciscan Power in Spanish New Mexico* (Albuquerque: University of New Mexico Press, 2000), 98–99.
15. Fray Angélico Chávez, "The Mystery of Father Padilla," *El Palacio* 54, no. 11 (1947): 251–68.
16. Chávez, "The Mystery of Father Padilla," 259; and Examination of the remains of fray Juan José de Padilla, 7 July 1819, ff. 155–57, rl. 54, AASF.
17. Chávez, "The Mystery of Father Padilla," 260.
18. Hozio is quoted in Chávez, "The Mystery of Father Padilla," 260.
19. Fray Angélico Chávez notes that, by 1895, when the friar was next exhumed, folklore had transformed Padilla's story into a tale of epic proportions. In the new story Padilla came with the Coronado expedition to New Mexico in 1540 and was killed by the Quivira Indians. Consequently, his murder at the hands of Spaniards in 1756 evolved into a case of Christian martyrdom. By the late nineteenth century, Padilla was ascribed mythic qualities indicating that New Mexicans had made the leap from the saintly appearance and edifying characteristics of his corpse to his martyrdom. The medical doctor who examined the body, on this occasion in the company of several religious men, seemed far less impressed than were examiners during previous exhumations with the condition of the remains. His tone was blasé as he recorded the testimony of several Isletans, who reported hearing noises emanating from the friar's grave as recently as 1889. The 1895 examination of Padilla's body was evidence of how much things had changed in New Mexico by this late date; the process took less than twenty-four hours and reburial took place on the same day as disinterment. Fray Angélico Chávez's notes on 1895 exhumation, folder 14, box 1, Fray Angélico Chávez Collection, NMSRCA; and Report on the Exhumation of Fray Juan Francisco Padilla, copy [dated 26 August 1915], Albuquerque, 22 May 1895, folder 9, box 4, Mauro Montoya Collection, Fray Angélico Chávez History Library, Santa Fe, New Mexico.
20. An 1833 bando instructed that all cadavers had to be buried within twenty-four hours, excepting cases in which more time was warranted to ascertain that death

was certain (e.g. childbirth and drowning). Bando de policía y buen gobierno que presentó al muy Ylltre. Ayuntamiento de Santa Fe el Lic. Don Antonio Barreyro, Asesor General del territorio de Nuevo México, 2 January 1833, ff. 584–95, rl. 16, Mexican Archives of New Mexico, NMSRCA.

21. Agustín de Vetancurt, *Teatro mexicano: Descripción breve de los sucesos ejemplares de la Nueva-España en el Nuevo Mundo Occidental de las Indias*, 4 vols. (1698; reprint, Madrid: Editorial Porrúa, Colección Chimalistac, 1960), 4:198, 4:327.
22. See, for example, Gov. don Antonio de Otermín to Juan Domínguez de Mendoza, 12 July 1678, doc. 32, MS 360, Scholes Collection, CSWR.
23. Informe que hizo el Reverendo Padre Fray Carlos Delgado a Nuestro Reverendo Padre Ximeno sobre los execrables hostilidades y tiranías de los gobernadores y alcaldes mayores contra los indios, en consternación a la custodia, 1750, Historia, v. 25, sin exp., pp. 34r–40r, Archivo General de la Nación, Mexico City, Mexico [hereafter AGN]. This incident with the Sumas took place in El Paso. The Sumas were christianized, mission Indians “del real.”
24. In England, France, and elsewhere, authorities might actually put the dead on trial, which meant the literal presence of the putrefying corpse seated in the courtroom and “executed” postmortem as punishment for crimes. Disposal of the body offered a final opportunity for those in power to assert their authority over the dead. For discussions of authority and the dead see Michael Sappol, *A Traffic of Dead Bodies: Anatomy and Embodied Social Identity in Nineteenth-Century America* (Princeton, N.J.: Princeton University Press, 2002); Ruth Richardson, *Death, Dissection, and the Destitute* (Chicago: University of Chicago Press, 2000); Giovanna Ferrari, “Public Anatomy Lessons and the Carnival: The Anatomy Theatre of Bologna,” *Past and Present* 117 (November 1987): 50–106; David R. Roediger, “And Die in Dixie: Funerals, Death and Heaven in the Slave Community, 1700–1865,” *The Massachusetts Review* 22 (spring 1981): 163–83; and David C. Humphrey, “Dissection and Discrimination: The Social Origins of Cadavers in America, 1760–1915,” *Bulletin of the New York Academy of Medicine* 49, no. 9 (1973): 819–27.
25. Their burial in the transept of Santa Fe’s parish church within three hours of execution indicates that, while their cadavers may have been suspended from poles for a few hours, the sentence, which called for days of such public viewing, was not fully followed. Santa Fe Burial Book, 26 January 1779, f. 264, rl. 40, AASF.
26. Robert J. Tórréz, *Crime and Punishment in Spanish Colonial New Mexico*, Center for Land Grant Studies, Research Paper no. 34 (Guadalupita, N.Mex.: Center for Land Grant Studies, 1994), 186–87.
27. Because Márquez does not appear elsewhere in the historical record, it is impossible to determine the nature of her madness. Statement of Juan Rafael Ortiz, 23 April 1811, ff. 1476–78, rl. 3, series I, Spanish Archives of New Mexico, Santa Fe [hereafter SANM].
28. Statement of José García de la Mora, 23 May 1811, ff. 1481–83, rl. 3, series I, SANM.
29. Statement of Manuel García, trans. J. M. Martínez, 3 August 1811, WPA *Translations of the Spanish Archives of New Mexico*, comp. Donald Dreeson (Albuquerque: Center for Southwest Research, 1990), 19:94.

30. Statement of Manuel García, 3 August 1811, ff. 1489–91, rl. 3 series I, SANM. The still very much alive Márquez appealed the decision, asking that she receive fifty pesos for her future silence on the matter. In September 1811, García determined that she should receive, in addition to the habit of Saint Francis for burial and the funeral, four wax candles and fifty pesos.
31. Despite the silence of the documents on this point, women were probably responsible for caring for the corpse—as was the case in the Protestant Northeast and among traditional societies in general. Before the widespread professionalization of funerary care, women cared for the dead in small New Mexican towns like Chaperito as late as 1945. Casimira Delgado, “El Velorio,” *La Herencia del Norte*, winter 1995, 25. At the same time women probably did not attend to male religious corpses, as in the case of fray Francisco Bragado cited above.
32. This notion endures, although forensic pathologists attest that the illusion of post-mortem nail growth is the result of the corpse’s desiccation, which causes the skin to shrink and nails to appear elongated. Likewise, the hair seems to grow after death due to the rigidity of certain muscles that cause hair follicles to stand erect. Werner U. Spitz, ed., *Spitz and Fisher’s Medicolegal Investigations of Death: Guidelines for the Application of Pathology to Crime Investigation*, 3d ed. (Springfield, Ill.: Charles C. Thomas, 1993), 28, 37.
33. See Eliade, “Mythologies,” 15.
34. Even in Mexico City, coffins were not universally used in this period. María Dolores Morales, “Cambios en las prácticas funerarias. Los lugares de sepultura en la ciudad de México, 1784–1857,” *Historias* 27 (October 1991–March 1992): 100. In fact, colonial New Mexicans may have used lime both to hasten decomposition and to disinfect. Archaeologists noted a powdery substance that may have been lime in the excavations at the Santuario de Guadalupe church in Santa Fe. Seventeenth- and eighteenth-century burials in St. Augustine, Florida, also exhibited traces of lime and were rarely coffined. See Joan K. Koch, “Mortuary Behavior Patterning and Physical Anthropology in Colonial St. Augustine,” in *Spanish St. Augustine: The Archaeology of a Colonial Creole Community*, ed. Kathleen Deagan (New York: Academic Press, 1983), 187–227.
35. One exception was Barbara Baca who, in 1838, made provision in her will to have her corpse placed in a coffin prior to burial in Santa Fe’s parish church. Among the hundreds of New Mexicans who left wills, Baca’s was the only such request until the 1850s, when a few more requests for coffins emerge. Will of Barbara Baca, 30 December 1838, folder 166, box 4, Ralph Emerson Twitchell Collection, NMSRCA.
36. On baroque culture and society see Pamela Voekel, *Alone Before God: The Religious Origins of Modernity in Mexico* (Durham, N.C.: Duke University Press, 2002), 17–42; Brian Larkin, “The Splendor of Worship: Baroque Catholicism, Religious Reform, and Last Wills and Testaments in Eighteenth-Century Mexico City,” *Colonial Latin American Historical Review* 8, no. 4 (1999): 405–42; and William B. Taylor, *Magistrates of the Sacred: Priests and Parishioners in Eighteenth-Century Mexico* (Palo Alto, Calif.: Stanford University Press, 1996), 48–49, 265–66.

37. Will of Rosa Bustamante, 9 July 1814, folder F-3, box 1, Ortiz Family Papers, NMSRCA.
38. Receipts and wills confirm archaeological findings suggesting that coffins were not commonly used until approximately the 1850s after U.S. conquest. A 1989 excavation of the narthex of Santa Fe's Santuario de Guadalupe found that seventeen of sixty-three burials had coffins. According to archaeologist Edward Crocker, the absence of coffins was not due to their disintegration, but rather indicates that most of these burials had never been coffined. The seventeen coffins found in the 1989 excavation were from the latest burials, believed to be mid- to late-nineteenth-century in origin. It is likely that these burials took place prior to 1881, when the church began to serve Santa Fe's English-speaking Catholics. Edward Crocker, conversation with author, April 1999, Santa Fe.
39. The practice of disturbing graves—not exclusively for the removal of bones to ossuaries, but also as a result of overcrowding and the many social uses of the cemetery—was widespread in much of Western Europe through at least the eighteenth century. See Ariès, *The Hour of Our Death*. See also Koch, "Mortuary Behavior Patterning," 211–21.
40. Certainly, burial practices for royalty and other persons of high standing were exceptional.
41. One document of unknown New Mexican provenance indicates that a parish priest wanted to construct an ossuary in the *camposanto* (cemetery). *Noticia de lo que se necesita en esta Parroquia*, ff. 326–27, rl. 53, AASF.
42. This intermingling of adults and children went against the Roman Rite, which stated that children should be buried separately from adults. Edward E. Crocker, "Excavations at Santuario de Guadalupe Interim Reports: The Iconography" (Santa Fe: City of Santa Fe, 1991), 19. Koch describes similar findings at St. Augustine. Koch, "Mortuary Behavior Patterning," 221.
43. In the cemeteries wooden grave markers might be employed, but given their constant exposure to the elements, these were no more permanent than the grave itself. Not until the end of the nineteenth century did New Mexicans deploy carved-stone markers to demarcate graves. See Roland Dickey, *New Mexico Village Arts* (Albuquerque: University of New Mexico Press, 1949); and Nancy Hunter Warren, "New Mexico Village Camposantos," *Markers* 4 (1987): 115–29.
44. Josiah Gregg, *Commerce of the Prairies* (1844; reprint, Norman: University of Oklahoma Press, 1954), 185.
45. Edward E. Crocker Records from the Excavation and Restoration of the Santuario de Guadalupe, Santa Fe, N.Mex., MS 709BC, CSWR.
46. Field Notes, Burial 17/17A, Edward E. Crocker Records, MS 709BC, CSWR.
47. Gregg, *Commerce of the Prairies*, 185. Gregg's comments echo those of John Stephens, who traveled extensively through Chiapas and Yucatán in the mid-nineteenth century. Stephens wrote that his "blood ran cold," so heavy was the force of the sexton's blows as he buried a child in the floors of the parish church. John L. Stephens, *Incidents of Travel in Central America, Chiapas and Yucatán*, 2 vols. (1841; reprint, New York: Dover Publishers, 1969), 2:371–72.

48. Gary Laderman, *The Sacred Remains: American Attitudes Toward Death, 1799–1883* (New Haven, Conn.: Yale University Press, 1996), 37. In addition to Laderman, see Ann Douglas, *The Feminization of American Culture* (New York: The Noonday Press, 1998); James J. Farrell, *Inventing the American Way of Death, 1830–1920* (Philadelphia, Pa.: Temple University Press, 1980); Charles O. Jackson, *Passing: The Vision of Death in America* (Westport, Conn.: Greenwood Press, 1977); David E. Stannard, *The Puritan Way of Death: A Study in Religion, Culture and Social Change* (New York: Oxford University Press, 1977); and David Stannard, ed., *Death in America* (Pittsburgh: University of Pennsylvania Press, 1975).
49. Ariès, *The Hour of Our Death*, 57, 360, 483, 495–500.
50. Francisco Atanasio Domínguez, *The Missions of New Mexico, 1776; A Description by Fray Francisco Atanasio Domínguez With Other Contemporary Documents*, ed. and trans. Eleanor B. Adams and Fray Angélico Chávez (Albuquerque: University of New Mexico Press, 1956), 257.
51. Pamela Voekel, “Scent and Sensibility: Pungency and Piety in the Making of the *Gente Sensata*, Mexico, 1640–1850” (Ph.D. diss., University of Texas, at Austin, 1997), 94; and Voekel, *Alone Before God*.
52. Robert D. Martínez, “Fray Juan José Toledo and the Devil in Spanish New Mexico: A Story of Witchcraft and Cultural Conflict in Eighteenth-Century Abiquiú” (master’s thesis, University of New Mexico, 1997), 32.
53. Voekel, “Scent and Sensibility,” 94.
54. Case of Pedro de Chávez, 1729, Inquisición v. 871, exp. 13, 333r–363v, AGN.
55. Morales, “Cambios en las prácticas funerarias,” 100.
56. Fernández de San Vicente Visitation, 8 September 1826, f. 526, rl. 45, AASF.
57. Marta Weigle, *Brothers of Light, Brothers of Blood: The Penitentes of the Southwest* (Santa Fe, N.Mex.: Ancient City Press, 1976), 24–25.
58. Visitation of don Juan, Santa Fe, 2 March 1818, Book of Accounts LXII, ff. 35–37, rl. 45, AASF.
59. James William Abert, *Abert’s New Mexico Report, 1846–’47* (1848; reprint, Albuquerque: Horn & Wallace Publishers, 1962), 45.
60. Real Cédula para que los vice-patronos y prelados de Indias y Filipinas procedan de común acuerdo al arreglo de cementerios, y reforma de los abusos que se noten, conforme a las Reales disposiciones que se expresan, 16 April 1819, ff. 609–10, rl. 47, AASF; and Ramos Reales Cédulas Originales, vol. 220, exp. 154, f. 2, AGN.
61. Santa Cruz Burial Book, 11 January 1819, f. 676, rl. 39, AASF.
62. Albuquerque Burial Book, 26 May 1777, ff. 258–60, rl. 34, AASF.
63. Bruce Ellis, *Bishop Lamy’s Santa Fe Cathedral* (Albuquerque: University of New Mexico Press, 1985), 161.
64. Ellis, *Bishop Lamy’s Santa Fe Cathedral*, 170.
65. Ariès, *The Hour of Our Death*, 56–59, 207–9, 381–83.
66. Real Cédula, 13 April 1804, ff. 241–44, rl. 15, series II, SANM; this document also appears as Real Cédula, ff. 21–26, rl. 21, Archivo Histórico del Arzobispado de Durango, Rio Grande Historical Collections, New Mexico State University, Las Cruces, [hereafter AHAD]. See also José G. Rigau-Pérez, “Surgery at the Service

- of Theology: Postmortem Cesarean Sections in Puerto Rico and the Royal Cédula of 1804," *Hispanic American Historical Review* 75, no. 3 (1995): 377–404. As early as 1698, the bishop of Chiapa and Soconusco, Francisco Núñez de la Vega, ordered, "Si la madre muriese sin haber partido, y prudentemente se juzgare que está la criatura viva, pueden sacársela del vientre y, como no salga muerta, bautizarla." (If the mother dies without having given birth and prudently it is determined that the fetus lives, it can be removed from the womb and, provided it is alive, be baptized.) Francisco Núñez de la Vega, *Constituciones diocesanas del obispado de Chiapa* [1702], comp. and ed. María del Carmen León and Mario H. Ruz, Fuentes para el estudio de la cultura maya, no. 6 (Mexico City: Universidad Nacional Autónoma de México, Instituto de Investigaciones Filológicas, Centro de Estudios Mayas, 1988).
67. This law complicates previous scholarship on the history of abortion in the United States, which asserts that until "quickening" the fetus was not considered alive. See James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy, 1800–1900* (New York: Oxford University Press, 1978).
 68. In 1749, as king of the two Sicilies under the title of Charles VII, King Charles III of Spain had promulgated a similar order that declared the spiritual importance of the postmortem cesarean section. He warned that disobedience was equivalent to homicide. Rosemary Keupper Valle, "The Cesarean Operation in Alta California During the Franciscan Mission Period (1769–1833)," *Bulletin of the History of Medicine* 48 (summer 1974): 271. Charles III had sent a similar decree to Spain's bishops in 1761. Rigau-Pérez, "Surgery at the Service of Theology," 385.
 69. "Circular para la pronta práctica de la operación cesárea," in Juan M. Rodríguez de San Miguel, *Pandectas Hispano-Megicanas ó sea Código General comprensivo de las leyes generales, útiles y vivas de las siete partidas recopilación novísima, la de Indias, autos y providencias conocidas por de Montemayor y Beleña, y cédulas posteriores hasta el año de 1820, con exclusión de las totalmente inútiles de las repetidas, y de las expresamente derogadas*, vol. 2 (Mexico City: Librería de J. F. Rosa, 1852), 349.
 70. Keupper Valle, "The Cesarean Operation," 272.
 71. El Colegio de Michoacán recently published José Manuel Rodríguez's "'Con la sangre de todo un dios': *La caridad del sacerdote para con los niños encerrados en el vientre de sus madres difuntas*." Y notas sobre la operación cesárea post mortem en el periodo novohispano tardío," ed. Juan Carlos Ruiz Guadalajara, *Relaciones* 94 (primavera 2003): 201–48.
 72. "Circular para la pronta práctica de la operación cesárea," in Rodríguez, *Pandectas*, 2:349.
 73. Although Moll and others cite a 1779 operation in Santa Clara, California, as the first postmortem cesarean section in Latin America, Keupper Valle finds no corroborating evidence in the documentary record for California. She cites a 1799 operation in Santa Clara as the first. Aristides A. Moll, *Aesculapius in Latin America* (Philadelphia: W. B. Saunders Co., 1944), 163. Keupper Valle, "The Cesarean Operation," 267–68.

74. Rigau-Pérez translates the Spanish term *criatura* as creature, though fetus is more accurate in this instance. Rigau-Pérez, "Surgery at the Service," 381. The cédula and accompanying instructions are in ff. 21–26, rl. 21, AHAD. The cédula alone is in ff. 241–44, rl. 15, series II, SANM.
75. Ecclesiastical burial is burial according to the rites of the church and in sacred ground. Such a burial was not available for those who committed suicide and was denied in certain other cases.
76. The *arancel* (tariff) did include a cost for exhumation, which required a license from the bishop that cost fifty pesos. *Arancel que señala los derechos que se deben cobrar . . . por el Ilustrísimo Señor Don Benito Crespo Obispo*, n.d., f. 719, rl. 216, AHAD.
77. Keupper Valle, "The Cesarean Operation," 267.
78. Barcenilla served as custos of New Mexico from 1815 to 1818. See Fray Angélico Chávez, *The Archives of the Archdiocese of Santa Fe, 1678–1900* (Washington, D.C.: Academy of Franciscan History, 1957), 76, 78, 81.
79. Real Cédula, 13 April 1804, ff. 241–44, rl. 15, series II, SANM.
80. Abert, *Abert's New Mexico Report*, 129.
81. For a thoughtful discussion of the professionalization of medicine in Mexico, see Luz María Hernández Sáenz, *Learning to Heal: The Medical Profession in Colonial Mexico, 1767–1831*, Series 21 Regional Studies, vol. 17 (New York: Peter Lang, 1997); and Voekel, *Alone Before God*, chap. 7.
82. Barcenilla to New Mexican Missions and Parishes, 18 April 1815, ff. 834–37, rl. 53, AASF. The decree was received in Laguna, Belén, Isleta, Albuquerque, Sandia, San Felipe, Cochiti, and Jémez.
83. Ibid.
84. Spanish Folklore Notes, n.d., folder 149, box 8, Woodward Penitente Collection, NMSRCA.