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HISTORICAL SOCIETY
OF
NEW MEXICO

No. 22

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Spanish Colonization in
New Mexico
In The Oñate and De Vargas Periods

Read before the Society at its
August, 1919, Meeting

BY
RALPH É. TWITCHELL

Vice-President Historical Society
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Spanish Colonization in New Mexico in the Oñate and De Vargas Periods

The Spanish Crown, in its administration of colonial affairs, during the sixteenth and seventeenth centuries, particularly in its control of colonization and settlement in the New World, occupied a position far in advance of other European monarchies interested in the discoveries on the North American continent.

Geographical conditions and customs local to the conquered peoples in the vast newly acquired Spanish dominion required a modification of Castilian law as it existed in pre-Columbian times in its application to the New World. The general Castilian system, however, was adhered to, and, in the progress of events, when modifications were required, the situation was easily met by royal decree.

Taking into consideration the hurried responsibilities which the Spanish "Discoverers and Pacificators" heaped upon the Crown in the first century after the conquest of Mexico, owing to the constant additions to the royal domain, coupled with the multitude of heterogeneous peoples which passed under the Spanish yoke, the inauguration and administration of Spanish systems in the newly discovered and pacified countries was a most marvelous performance.

The student of Spanish colonial law¹, whether lawyer or layman, cannot fail to recognize the finished character of the system, as applied to the American colonies.

In treating this subject necessarily attention is called only to those royal decrees and ordinances which were in force in the establishment of ciudades, villas, lugares and aldeas, the two last mentioned being the lowest classes of what may be called municipalities, not, however, in the English or American interpretation of the term.

The personal initiative, whim or caprice of the Anglo-American pioneer, the so-called pathfinder and frontiersman of the Boone and Fremont types, found no place or meritorious recognition in Spanish colonial law. In truth, the Anglo-American methods of frontier occupation and settlement, contemporaneous with those effected by the Spanish colonist, were in direct contravention of Spanish law. Author-

* See Local Government in the Spanish Colonies, O. Garfield Jones, S. W. Hist. Quarterly, Vol. XIX, No. 1, p. 65, where this subject is elaborately discussed.

1. Recopilacion de Leyes de Los Reynos de Las Indias, Por Antonio Balbas, Año de 1756, Segunda Edicion, Madrid. In the library of Thomas B. Catron, Santa Fe, New Mexico. All citations herein are made from this edition, translated by the writer.

ity from the governing powers was the initial step, and the slightest infraction of the rules and regulations imposed invariably resulted in prosecutions, and, in almost all cases, the punishment inflicted was condign and in serious infractions very severe.²

The Spanish system was not of immediate growth made necessary on account of the New World conquests. It was merely enlarged in order to meet the tremendous requirements which followed the acquisition of almost immeasurable empire. The Spanish type of municipality or pueblo undoubtedly had its origin in the municipium of the Romans.³ In the beginning, it is well to understand the meaning of the words *municipalidad* and *pueblo*,⁴ as the same were interpreted under Spanish law. The American conception of a municipality is that of a distinct political entity situate within another political sub-division or divisions. Not so, however, in the Spanish sense or meaning, for with them the *municipalidad* or *pueblo* was the local unit of geographical area and its government.

In Oñate's time, two methods of colonization were provided for by law. One had reference to a *poblador principal*, who received a grant of four square leagues (*cuatro leguas de termino y territorio en quadro*) under certain conditions.⁵

The other form of colonization provided that any group of persons could receive a grant of land of four square leagues provided they founded a town which should be located at least five leagues from

2. *Ibid.* Lib. iii, Titulo iv, Ley Primera. "Mandamos, que ninguna persona de qualquier estado y condicion que sea, haga entradas, ni rancherias en ninguna Isla, Provincia, ni parte de las Indias, sin expressa licencia Nuestra, aunque la tenga de los Gobernadores, pena de muerte, y de perdimiento de todas sus bienes para Nuestra Camara y Fisco. Y ordenamos a los Vlerreys Audiencias y Justicias, que prohiben y defiendan, que ningun Español, ni otra persona alguna las haga, dexabo de las mismas penas, las quales executen en las personas y bienes de los que contraviniere."

3. This was a privileged class of towns whose citizens had the *Jus Latii*, including many of the private rights of Roman citizenship. Generally speaking, and in later years of Roman sovereignty, the word became descriptive of any town in the empire.

4. To illustrate: The City of Santa Fe is a distinct political entity, located in the County of Santa Fe, the county having an entirely different government from that of the city. The city is within but not under the county government; but were the limits of the city co-extensive with those of the county—as has been accomplished in many instances in the United States where the phenomenal growth of cities has made such action advisable—notably the city and county of St. Louis, the city and county of Denver, and the city and county of New York, creating what is popularly known as a "Greater" St. Louis, Denver or New York, as the case may be, then a municipality is created identical with the *municipalidad* of the Spaniard.

5. *Recopilacion*, Tomo II, Libro iv, Titulo v, Ley vi. D. Felipe Segundo, Ord. 88 y 89. "Si la disposicion de la tierra diere lugar para poblar alguna villa de Españoles, con conselo de Alcaldes Ordinarios, y Regidores, y huviere persona que tome asiento para poblarla, se haga la capitulacion con estas calidades: Que dentro del termino, que le fuera señalado, por lo menos tenga treinta vecinos, y cada uno de ellos una casa, diez bacas de vientre, quatro bueyes, o dos bueyes, y dos novillos, una yegua de vientre, una puerca de vientre, veinte ovejas de vientre de Castilla, y seis gallinas, y un gallo; así mismo nombrara un Clerigo, que administre los Santos Sacramentos, que la primera vez sera a su eleccion, y las demas conforme a Nuestro Patronazgo; y proveera la Iglesia de ornamentos, y cosas necesarias al Culto Divino, y para fianzas, que lo cumplira dentro del dicho tiempo; y si no lo cumpliere, pierda la que huviere edificado, labrado y grangeado, que aplicamos a Nuestro Real Patrimonio, y mas incurra en pena de mil pesos de oro para Nuestra Camara; y si cumpliere su obliga-

any other town, with other limitations.⁶ One of the conditions was that there should be at least ten married men.

Under either of these laws it was necessary to give a description⁷ of the persons and property of the colonists to the escribano of the town which they were leaving, and the duly elected officials of the new town were required to make out a list of the property needed for use therein belonging to each colonist and remaining in his possession prior to departure for the new settlement.⁸

Oñate, however, was to colonize and take possession of a kingdom and provinces of unknown extent, but all the laws of the time applicable to the founding of settlements with villas or other lugares or aldeas also attached and were in force in the carrying out of his capitulación (agreement) with the viceroy,⁹ which had been approved by the Crown¹⁰ and the Audiencia.¹¹

The laws which were in force relative to the founding of new cities and towns, and which must have been obeyed strictly by Oñate when he determined to found the Villa of Santa Fe, were comprehensive in the extreme and in great detail covered all necessary steps in the enterprise.

If the site chosen for a city or town was inland, it was required that it be "upon unoccupied areas¹² and available for royal use without injury to the Indians and natives, or with their voluntary consent; and when the plan of the town was formulated, its plazas determined upon, it was necessary that the streets and town lots be laid out with proper and regular lines, extending therefrom to the gates and principal highways, leaving sufficient space open so that no matter how much the settlement might increase, it would always be possible to expand and enlarge along the same lines; having water close by which may be conducted to the pueblo and the tillable lands, directing the same, if possible, for its better use, and for the

cion se le den quatro leguas de termino y territorio en quadro o prolongado segun la calidad de la tierra, de forma que si es deslindare, sean las quatro leguas en quadro, con calidad de que por lo menos disten los limites del dicho territorio cinco leguas de qualquiera Ciudad, Villa o Lugar de Españoles, que antes estuviere poblado, y no haga perjuicio a ningun Pueblo de Indios, ni de persona particular."

6. Recopilacion, Tomo II Lib. iv, Tit. v, Ley 10 y Ley 6. Ord. 101. "Quando algunas personas particulares se concordaren en hacer nueva poblacion, y huviere numero de hombres casados para el efecto, se les de licencia, con que no sean menos de diez casados, y deseos termino y territorio al respeto de lo que esta dicho, y les concedemos facultad para elegir entre si mismo Alcaldes Ordinarios, y Oficiales del Concejo annales."

7. *Ibid.*, Lib. iv, Tit. xii, Ley xviii. "Ordenamos, que quando se sacare Colonia de alguna Ciudad, tenga obligacion la Justicia y Regimiento de hacer describir ante el Escribano del Concejo las personas que quisieren ir a hacer nueva poblacion, admitiendo a todos los casados, hijos y descendientes de pobladores de donde huviere de salir, que no tengan solares, ni tierras de pasto y labor, y excluyendo a los que las tuviere porque no se despueble lo que ya esta poblado."

8. *Ibid.* Ley xix, Ord. 46. "Cumplido el numero de los que han de ir a poblar, se elijan de los mas habiles Justicia y Regimiento, y cada uno registre en caudal que tiene para ir a emplear en la nueva poblacion."

9. September 25th, 1595.

10. July 8th, 1602.

11. June 20th, 1604.

12. Recopilacion, Tomo II, Lib. iv, Tit. vii, Ley I, Don Carlos, Ord. ii de 1523; D. Felipe II, Ord. 39 y 40 de Poblaciones; D. Carlos Segundo y la R. G.

materials necessary for buildings, farm lands, agriculture and pasture, thereby obviating much labor and expense arising on account of distances. Sites must not be selected in very high elevations on account of the winds and the difficulty of service and transportation; nor in low places as they are likely to produce sickness; establishing always in moderately elevated locations, which enjoy freely the north and south winds; and if there happen to be mountains or hills, they should lie to the east and west; and if impossible to avoid high elevations, the location should be where they will not be subjected to fogs, having care always for health and the accidents which may occur; and in the event of building along the banks of a river, the town should be so laid out that the setting sun falls first upon the pueblo and then upon the water."

The country, province and locality having been selected, the Governor was vested with authority to determine whether the new settlement should be classed as a ciudad, villa, lugar or aldea, and according to such designation the proper officials were chosen, which, in the case of a villa or lugar, were an Alcalde Ordinario, four Regidores, one Alguacil, one Escribano de Cabildo, one Escribano Publico and one Mayordomo.¹³

It was also provided that the "lands and adjacent area¹⁴ to be settled should be selected in every way possible for their fertility, abundance of pasture, wood, lumber, materials, fresh water, transportation, entrances and commons, and that no lakes were nearby nor swamps in which poisonous animals were bred, nor contamination of the water and air."

The lands of the new settlement were divided¹⁵ in the following manner; first, the necessary town lots, exits^{15a} and lands for common pasture and the propios del lugar were segregated;¹⁶ the remainder was divided into four equal parts of which the poblador principal, the individual who had agreed to found the settlement, received one-fourth, and the remainder was divided among the settlers into suertes of equal size.¹⁷

The location of the church (templo) was a matter of first concern, and its location in every ciudad, villa or lesser settlement, in midland localities, was determined by law. It was not to be erected in the plaza, "but at some distance therefrom, removed and apart from whatsoever kind of edifice not contributing to its accommodation and ornament, and that it might be visible and the more venerated, it was elevated somewhat above the surrounding areas in such a manner that the entrance would be by steps and between the plaza mayor and the church, it was provided that the Casas Reales,¹⁸

13. Recopilacion. Tomo II, Lib. iv, Tit. vii, Ley ii, D. Felipe II.

14. Ibid. Ley iii, Ord iii.

15. Recopilacion, Ibid. Ley vii, Ord. 90.

15a. The exidos were the commons.

16. Tillable lands identified by boundaries and measurements.

17. These were lands of the municipality and were held for purposes of revenue.

18. Royal Houses.

Cabildo¹⁹ or Concejo, Aduana²⁰ and Atarazana²¹ should be erected at such a proper distance as not to interfere with or obstruct the view of the church, and so that, in case of necessity, aid might be at hand. And if the town was upon the sea-coast, it was so laid out that in going out to sea, it might be seen, with its buildings as a defense for the port, assigning the town lots near to the port, not in continuity as the Casas Reales are built, having stores in the plaza for revenues (*propios*), imposing a moderate tax upon the places of business (*mercaderias*),” and in the same way it was provided that “in the *plazas menores* sites were selected for parochial churches, monasteries, as the occasion of the place demanded.”²²

The plaza mayor of a ciudad or villa, if the same was situate²³ upon the sea-coast, was located at the landing place of the port; and if the ciudad or villa was inland it was located in the center of the settlement. In form it was rectangular (*en quadro prolongada*, being at least one and one-half times as long as it was wide, on this account being better suited for fiestas where horses were used and for other purposes. In size it was proportioned to the number of residents, taking into consideration also increases in the population, never being less than two hundred feet in width and three hundred in length, nor greater than eight hundred feet in length and five hundred and thirty-two in width; and usually they were of fine proportion if they measured six hundred feet in length by four hundred feet in width.

These were originally the dimensions of the plaza mayor in Santa Fe.

From the plaza four principal streets proceeded, one from each side, and, in addition to these, two for each corner. The four corners faced the four principal winds, because, in leaving the plaza in this manner, travelers were not exposed to the four winds, which would be exceedingly inconvenient.

All around about the plaza and the four main streets by which travelers could depart, were *portales* for the accommodation of the traders where they congregated; and the eight streets which led out from the corners proceeded without obstruction by the *portales* in such manner that they formed sidewalks directly with the plaza and the streets.

In cold countries the streets were wide and in milder localities they were narrow; and where horses assembled, for purposes of defense, they were wide and extended in such a manner that no inconvenience arose in their rebuilding if they happened to be injured or defaced while being used in defense.

19. The building in which the Cabildo held its sessions.

20. The customshouse.

21. The arsenal.

22. *Recopilacion*, *Ibid.*, Ley viii, Ord. 118, 119, 120, 122, 125, 126.

23. *Recopilacion*, *Ibid.*, Ley ix, Ord. 112, 113, 114 and 115. D. Felipe. Segundo.

The construction of houses within three hundred paces of the walls (murallas) and stockades of the villa was forbidden.²⁴

The settlers were also required first to plant their fields before beginning the erection of their houses, which were required to have good walls and foundations.²⁵

In the allotments, subsequent to the assignments of the town lots, distinctions, according to the rank or station in life of the settlers, were made. There were the escuderos²⁶ and the peones.²⁷

The governor and captain-general made the allotments, aided by the procurador of the Villa, together with the advice and consent of the Cabildo,²⁸ and in the event of preferences as to certain locations the Regidores received the choicest parcels.

The lands were classified or measured as peonias²⁹ and caballerias.⁰ The peonia consisted of a town lot, fifty by one hundred feet, one hundred fanegas of tillable land, of wheat or barley, ten fanegas of corn land, two huebras³¹ of garden land, eight huebras of highland woods, and pasture land for ten breeding sows, twenty cows, five mares, one hundred sheep and twenty goats.

A Caballeria consisted of a town lot one hundred by two hundred feet, together with the foregoing equal to five peonias.

In the allotments attention was paid so that the preferential, medium and poor lands were equally distributed.³²

Settlers were required to live in the new settlement a period of four years before they received full title to their allotments.³³

There was no hap-hazard method in the laying out of the villas for it was ordained, that "the settlers must³⁴ arrange so that the lots, residences and outhouses shall be in a form which will be ornamental to the settlement, and so that they may have the benefit of the north and south winds, uniting them in order that they may serve as a defense and stronghold against whosoever may seek to disturb or harass them, providing also so that the outhouses will suffice for their horses and service animals, with yards and corrals of the greatest dimensions possible, in order that health and cleanliness may be enjoyed and secured."

Under certain conditions, the executive representative of the Crown, in the newly discovered country, the viceroy, president, or

24. Recopilacion, *Ibid.*, Ley xii. D. Felipe III, Madrid, 1608.

Recopilacion, *Ibid.*, Ley xv. Ord. 132.

25. "Luego que sea hecho la sementera, y acomodado en ganado en tanta cantidad y buena prevencion, que con la gracia de Dios Nuestro Señor puedan esperar abundancia de bastimentos, comiencen con mucho quidado y diligencia a fundar y edificar sus casas de buenos cimientos y paredes y vayan aperebidos de tapias, tablas, y todas las otras heramientos e instrumentos, que convienen para edificar con brevedad, y a poca costa."

26. Gentlemen of illustrious ancestry.

27. Laborers—peasants.

29. Recopilacion, Tomo II, Lib. iv, Tit. xxi, Ley I. This law gives a description of the extent of peonias and caballerias.

28. Same as ayuntamiento or concejo.

31. A huebra was that amount of land which could be plowed by a yoke of oxen in one day.

32. Recopilacion, *Ibid.*, Ley ii, D. Carlos, 1525.

34. Recopilacion, *Ibid.* Lib. iv, Tit. 7, Ley 17.

the governor and captain-general, was empowered to make grants of lands to any individual who would actually take up his residence upon the same.

This authority was promulgated by Don Felipe II, at Madrid, in 1568, again in 1572 and also in 1586, whereby it was ordained that "if in the discovered part of the Indies there should be sites or districts sufficiently good for the founding of settlements, and any person shall make application to locate and settle upon them, in order that they may do so with a greater freedom and benefit, the viceroys and presidents may give them in our name, lands, lots and waters, in conformity with the character of the land, provided it be not to the injury of a third person, and during my pleasure."³⁵

There is no doubt that under the laws of Spain it was requisite that the proper authorities must particularly designate the land to be acquired by towns or pueblos, before a vested right or title to the use thereof could arise.³⁶

The kings, the fountains of justice and jurisdiction, were the owners of all the terminos³⁷ of their kingdoms, and as such could donate, divide or restrict them, or give any new form to their enjoyment; and hence it is that the pueblos could not alienate their terminos and pastos³⁸ without precedent royal license and authority.³⁹

Nothing whatever was designated by law as belonging to towns, other than that which by royal privilege, custom or contract between man and man, was granted to them, so that although there may have been allotted to the towns, at the time of their founding, a territorio⁴⁰ and pertenencias,⁴¹ which were so common to all the residents without each one having the right to separate use, it was the prerogative reserved to princes to divide the terminos of the provinces and towns, allotting to them the use and enjoyment, but the domain itself remained in the person of the sovereign.⁴²

Moreover, the general theory⁴³ of Castilian law on the subject indicates that, even after a formal designation, the control of the outlying lands to which a town might have been considered entitled, was in the king, as the source and fountain of title, and could be disposed of at will by him or by his duly authorized representative, as long as such lands were not affected by individual and private rights.

Even after the assignment or allotment,⁴⁴ the interest which was acquired by the pueblo was far from being an indefeasible estate

35. Recopilacion, Tomo II, Lib. iv, Tit. 12, Ley iv. D. Felipe II.

36. United States v. Santa Fe, 165 U. S. 683 et seq.

37. Outlying lands.

38. Grazing lands, pastures.

39. Elizondo, Practical Universal Forense, Vol. iii, p. 109.

40. Land district.

41. Appurtenances.

43. United States v. Santa Fe, 165 U. S. 683.

44. Santayana Bustillo, Gobierno Político de los Pueblos, p. 101.

"Otros bienes tienen los Pueblos, que propriamente son, y se dicen comunes, y sirven para utilizarse de ellos los Vecinos. Tales son las Plazas, Calles, y Caminos publicos, Arcas, y otros edificios destinados al uso de

such as is known to our laws. The purposes to be accomplished by the creation of the pueblos did not require their possession of the fee. What they enjoyed was little more than a restricted and qualified right to alienate portions of the land to the pobladores for cultivation or building, and to use the remainder for commons, pasture lands, or as a source of revenue, or for other public purposes; and this limited right of disposition and use was in all particulars subject to the control of the government of the country.⁴⁵

As appears in the litigation involving the title to the Cienega, in the Villa of Santa Fe, upon the complaint of the Cabildo of the Villa, Captain Diego Arias de Quiros, a re-conquistador, was charged with having trespassed upon and interfered with the rights of the pobladores—the Comun—in damming up the waters and destroying the pastures. The Cabildo was called upon by the Governor and Captain-General, Don Ygnacio Flores Mogollon, the granting authority, to show what title the Villa had to the lands within the Cienega, and answered that it had no title from any superior authority. Whereupon, the governor and captain-general made a grant, with certain limitations, of a portion of the Cienega to Arias de Quiros.

From this it is apparent, under the laws of the Indies, that the lands which were not actually allotted to the pobladores remained the property of the king, to be disposed of by him or those on whom he might confer power so to do.⁴⁶

The local governing body of the ciudad or villa was called the Cabildo or Ayuntamiento.⁴⁷ The term cabildo, as applied to this institution, is the more ancient.

The pueblo was required to erect a building designed and set apart for the holding of the meetings of the Cabildo, or Ayuntamiento.

todos. Tales son los Montes comunes, exidos, y pastos publicos; la Caza, y la Pesca; los Montes para leña, y pasto. No es uno mismo el derecho, que en estas cosas pertenece a los moradores del Pueblo ***** ”.

“Son, pues, bienes comunes las Plazas, Calles, y Arcas publicas. En ellas no tiene el Vecino del Pueblo mas que el solo uso. Nada puede hacer que sea en ofensa del Publico. Lo edificado en el debe derribarse; así se mando executar a los Jueces de Terminos. A los mismos se previno hiciesen derribar los balcones passadizos sobre las Calles publicas. Sin embargo, en los suelos publicos, y donde no se ofende al uso publico, o al pasto comun, conservan los Ayuntamientos la facultad de dar licencias para edificar, y hacerse los moradores habitaciones proprias, imponiendo a estos un Treudo (emphyteutic rent) perpetuo, o censo, para aumento de Propios. Por esta causa en la comision que se dio a Jueces particulares, para que entendessen en la restitution de Terminos, se previno hiciesen derribar lo edificado en el suelo publico con licencia de los Concejos, sino que a favor de estos se les impusiese censo (ground rent). Por derecha comun era necesaria licencia del Principe y tambien lo sera por derecho Real, si de la construccion del edificio haya de seguir perjuicio grave al publico.”

“Bienes comunes de los Pueblos son tambien los Montes, que llamamos Montes blancos, o campos incultos, que por otro nombre se dicen Baldios. El destino de estos, no solo es para el pasto comun; sirven tambien para otros comunes. Ninguno, ni los Ayuntamientos, o Consejos pueden alterar el destino, que por el uso de los Vecinos tengan; porque siendo todos compañeros en el uso de ellos, ninguno puede en perjuicio de la sociedad mudarles les destino, cultivandolos, o plantandolos. ***** ”.

45. R. E. Twitchell, *The Spanish Archives of New Mexico*, Vol. i, p. 68, Archive No. 169.

46. *Halls' Mexican Law*, ch. vii, sec. 129.

47. The origin of this institution harks back to the Middle Ages. It arose owing to the tyranny of the lords and grandees of the country, made

This requirement did not extend to the Lugares Cortos (small places) nor to Aldeas. These structures were paid for out of the propios (revenues) of the Villa. If there were no propios, the cost was distributed among the vecinos (citizens) of the Villa and of the Lugares. The same rules applied to the Carneceria,⁴⁸ Peso Publica,⁴⁹ Pescaderia⁵⁰ and the Carcel.⁵¹ All were paid for out of the propios.

In the small pueblos or villas, the Cabildo was composed of the Justicia (magistrates), the Regidores, the Syndico General,⁵² and the Escribano,⁵³ or Fiel de Fechos, the last named having duties similar, in part, to those performed by a clerk of probate.

In the Villas there were no more than four Regidores, in some two; in all, only one Syndico; in some, one alcalde, in more, there were two. This depended upon ordinance or upon ancient custom.⁵⁴

powerful through immense riches and rewards granted to them by monarchs for acts performed in the royal service. These arrogantly asserted rights and employed methods which pertained only to the sovereign. This situation existed largely on account of the cruelties of wars, the general ignorance and the unhappy conditions which were prevalent in those times. Disorder, confusion and anarchy were commonplace. The laws were impotent and the fate of individuals depended upon the caprice of the powerful, and rights of property were determined by the sword.

To put a finish to these iniquitous and unlawful conditions, the kings of the 11th and 12th centuries evolved the fortunate plan of establishing ayuntamientos, or cabildos, as they were first called, lodging with them authority, both civil and criminal, reserving only the hearing of court cases on appeal and the exclusive right to hear complaints from persons who had been unable to obtain justice in their pueblos. In some of these civil and military governors were installed, whose duties contemplated the upholding of the laws, the collection of the royal revenues and the care of the fortresses and castles of the crown. Assembled in council the inhabitants or heads of families determined the affairs of the community; charged with the administration of matters of public concern, they appointed annually the alcaldes ordinarios, magistrates and other ministers of justice, who exercised the judicial functions—both civil and criminal. Likewise the various other officers, who administered the civil government and exercised command over the armed forces. Each pueblo organized its own military force for the purpose of maintaining peace in the meetings, to maintain relations with the monarch, to assure the administration of justice, to prosecute wrongdoers, to sustain the rights of the community and to render service to the prince in matters agreed upon in the charters and privileges. (Fueros.)

Such were the organizations of the people (comun) until the middle of the fourteenth century, when changes of a highly important character ensued. Inasmuch as each pueblo was a small commonwealth, the assemblages of all the citizens, particularly in the large pueblos, gave rise to dissensions of no small consequences and produced disturbances, creating factions among the families, so that it became advisable to reduce the Consejo to a designated number of persons, who, in the cause of justice, took over the government and directed the affairs of the people.

These were the beginnings of the cabildos, or ayuntamientos. A review of their progress and changes since that period and a discussion of their various phases of procedure is beyond the limits of this note. Suffice it to say that in many instances members secured a perpetuity of their offices; in others they were chosen annually by ballot; in some by election of the citizens and in a number they were named by the Audiencias. See Santayana Bustillo, Gobierno Politico de los Pueblos, where the foregoing information was secured; see also Escriche, Diccionario Razonado de Legislacion y Jurisprudencia, ed. of 1888, under the title Ayuntamientos, where the history of these organizations from the inception is given in great detail.

48. Meatmarket.

49. Public scales.

50. Fishmarket.

51. Jail.

52. Attorney general.

53. Town clerk.

54. Santayana Bustillo, Gobierno Politico de los Pueblos de España, p. 2. "Ayuntamientos, o consejo, en la significacion material, es la Casa, o Lugar, donde se debe juntar la Justicia, Regidores, y demas Personas

It was required that the officials of the Cabildo be landowners (propietarios), of the Villa where they served, and it was unlawful for the governor to name officials ad interim, when any of these happened to be absent. The blind, the deaf, the dumb, the insane, the minor and the confirmed invalid were disqualified for any of the offices of the Cabildo. Persons who had been convicted of crime, or punished by the Tribunal of the Inquisition and their male descendants to the second generation, and traitors, were also denied the right to fill these offices. The right to serve, however, was accorded to bastards. Rank also cut some figure in the matter of qualifications. Slaves, monks, and Knights of San Juan could not serve, but those of the military orders of Santiago, Alcantara, Calatrava, Montesa and Saint George were accorded the right. Their sex denied to women the privilege, "not so much on account of any lack of sense, but as being unbecoming the respect due to the sex for them to intermeddle with offices which are the rights of men."⁵⁵ But, if a woman inherited a jurisdictional office, she fulfilled its duties through the Asesor.

The Regidor could not hold the office of Escribano and vice versa, because the duties were incompatible. Foreigners, and those who were not native to the kingdom, were barred from holding any office. The Alcaldes, Regidores, Syndicos and Sexmeros (mayors of ciudades) in order to serve as such in their pueblos must be natives⁵⁶ and citizens thereof.

It was believed that the pobladores primeros were more capable of handling the local administration of municipal affairs, owing to their love of country.

In Santa Fe, the capital of the kingdom or province, the governor and captain-general was the presiding officer of the Cabildo, and in the event of his absence, or that of his lieutenant, the alcalde ordinario served in that capacity.⁵⁷ All elections and meetings of the Cabildo were required to be held in the Casa de Cabildo.⁵⁸ No matter how grave the question, nor how urgent the necessity, no meeting of that body could be held in the house of the governor, nor were military representatives permitted, under any pretext whatever, to interfere with its proceedings.⁵⁹ Whenever the governor was

que le componen, a tratar del Gobierno del Pueblo; en lo formal significa el Corregidor, Alcalde, Regidores, y demas Personas de que se forma el Ayuntamiento, o Consejo de un Pueblo." **** es el Congresso, o Junta de las Personas que le componen. El numero de las que le forman, segun la diversidad de Pueblos, es diverso." Ibid., pp. 4-5. "Las Personas, que componen ***** deben ser quales por Leyes del Reyno se requieren."

55. Santayana Bustillo, *ibid.*, pp. 6, 7. "No tanto por la falta de juicio como porque no es decente la decoro del sexo, mezclarse en los oficios, que son propios del hombre."

56. *Ibid.*, p. 9.

57. "Que faltando el governador, se pueda hacer Cabildo con un alcalde ordinario." *Lib.*, iv, Tit. ix, Ley v.

58. " ***** Quenoe junten a hacer Cabildos, elecciones de Alcaldes, y otros Oficiales, ni a tratar de lo que convenga al bien de Republica, si no fuere en las Casas de Cabildo, que para esto estan dedicadas. ***** "

59. "Ordenamos a los Governadores, que siempre hagan los Cabildos en las Casas del Ayuntamiento, y no en las suyas, no haviendo causa tan grave, ni relevante, que obligue a lo contrario, y no leeven, ni con-

present, the lieutenant-governor was not permitted to attend, unless invited by the members.⁶⁰ The alcaldes, however, could enter at all times.⁶¹ No matter what his station or rank, no one was allowed to enter the Cabildo, except the alferéz real, wearing his sword.⁶² No interference with elections was countenanced, nor were the executive officers of the government allowed to solicit votes for relatives.⁶³

Persons occupying exalted positions, like the Oidores (judges) were not permitted to enter the Cabildos for the purpose of influencing the votes of members upon any matters.⁶⁴

Governors and their lieutenants were required to respect the high offices of the regidores and to refrain from attempting to influence their votes in the Cabildo. They were forbidden, along with the members of the Cabildo itself, the solicitation of votes for friends who were nominated for office. They were commanded not to compel the escribanos to record the votes upon loose sheets of paper, but these were registered in the regular books and records of the Cabildo and regidores were not permitted to sign their names in blank, to be filled out later. If a matter in which some regidor was concerned was being discussed before the Cabildo, such member was required to withdraw from the meeting; and this regulation also applied to others than regidores, if matters in which they were interested were being discussed in the Cabildo.

The Cabildo was required to keep a book or record in which all the official acts were registered. All royal cédulas, provisions, ordinances and instructions were required to be preserved and filed in the archives of the Cabildo, this being one of the duties of the escribano. Copies of these archives were permissible but the original always remained in the custody of the Cabildo and could not be removed from the archives for any purpose whatsoever.⁶⁵

From anything known, at this time, of the contents of Oñate's agreement (capitulacion) with the Viceroy, Velasco, it was not understood that he should have the right to appoint the officials of any city or villa which he might found, and consequently there is justification for the statement that the members of the first government of the capital villa of Santa Fe were duly elected to those positions as was then provided by law.⁶⁶

sienten, que intervengan ministros militares, ni den a entender a los Capitulares, por obra, ni palabra, causa, ni razon que los pueda mover ***** "

60. "***** no consientan, ni permitan, que sus Tenientes entren en los Cabildos ***** si no fuere en caso, que por ellos feuren llamados ***** "

61. "***** Alcaldes Mayores de las Ciudades, Villas y Lugares de las Indias, puedan entrar en sus Cabildos todas las veces ***** "

62. "***** que no consienta entrar con espada en el Cabildo ***** "

63. Recopilacion, Lib. iv, Tit. ix, where all the above citations are found.

64. Recopilacion, Lib. iv, Tit. x.

65. Ibid.

66. Recopilacion, Lib. iv, Tit. x, Ley iii, D. Carlos, Valladolid, June 26, 1523. "***** Que en los lugares, que de nuevo se fundaren, se elijan los Regidores, conforme a esta ley." The law provided that the regidores, in such a case, should be elected by the vecinos (citizens), in such number as should seem best to the governor, but not to exceed the number provided for in antecedent decrees.

In elections for these offices, fathers were not permitted to nominate their sons, nor sons their fathers; brothers could not name brothers; nor fathers-in-law their sons-in-law; nor brothers-in-law, nor those who had married two sisters.⁶⁷

From the time of the reign of Doña Juana, in the year 1522, and by numerous later decrees, in 1557, by Don Felipe II, and by Don Felipe III, in 1610, and by Don Felipe IV, in 1645, royal offices were disposed of by public sale, but it is not known affirmatively, through any documentary proof, that any sales of offices were had in New Mexico during the Oñate period, and particularly at the time of the founding of Santa Fe, although such a proceeding was possible, as it was authorized by law.⁶⁸

During the rule of succeeding governors and captains-general, it is known that offices in the kingdom of New Mexico were disposed of in this manner, their sale causing a great deal of dissatisfaction and disturbance in the relations between the civil and military and the ecclesiastical administrations.

It was provided that the large number of secretaryships should, wherever it was possible, be sold only to those persons, not otherwise disqualified by law, who were capable and efficient in the performance of the duties of the positions.⁶⁹

The proceeds arising from the sale of these offices belonged to the royal exchequer, and all the details and circumstances of the sales were duly registered, including the fact that a proper advertisement each week had been made by the governor and captain-general. A person having become the purchaser of an office, becoming dissatisfied or otherwise preferring not to hold the same, could give it up—renounce—to some other person, the vendor being required to pay to the royal exchequer a sum equal to one-half the original price paid by him for the office.⁷⁰ There were many provisions and conditions attached to these transfers, in every instance the fee to the crown being in evidence. No modern court fee bill exceeds in any manner the multitudinous charges made possible under the laws of those early days.

There was another official or officer of more than ordinary importance, always in view at every official function, who was known as the *alferez real*. In addition to his military duties, which were those in the nature of an adjutant or staff officer, he had the right to vote in the *Ayuntamientos* or *Cabildos*.⁷¹ It was he who carried the royal banner or pennant at the head of the troops of the *presidio* or the militia of the *Villa*, and in proclaiming the royal succession, it was his duty to raise the royal ensign, and, above all, he enjoyed

67. *Ibid.*, ley v.

68. *Ibid.*, Lib. viii, Tit. xx, ley Primera. There was a perfect host of these offices, which by their sale contributed to the royal exchequer; a great variety of *escribanos*; among the rest there was one who looked after the sale of *papel sellado*.

69. *Recopilacion*, Lib. viii, Tit. xx, ley ii.

70. *Ibid.*, Tit. xxi, ley i.

71. *Recopilacion*, Lib. iv, Tit. x, ley iii.

the privilege of wearing his sword, when attending sessions of the Cabildo.⁷²

Every person holding any office in the Cabildo was subjected at the conclusion of his term of office, to an investigation of his official conduct of its affairs; this examination was known as a *residencia*.⁷³

Members of the Cabildo enjoyed certain distinctive rights or privileges when attending church or other public gatherings. A special place was reserved for the members⁷⁴ in the Yglesia or parochial church, and if any one attempted to occupy the place assigned he was subjected to a fine of one hundred dollars.⁷⁵ The officers of the garrison also were preferred in the matter of special accommodations while attending church, but the members of the Cabildo had first choice.⁷⁶ But they were not permitted to use chairs or benches.⁷⁷ Private citizens were allowed no such privileges. Members were required to attend all meetings but in the event the governor or the *alcalde ordinario* were absent, in such cases the *regidor mas antiguo* (oldest in service) presided over the meeting.⁷⁸

The *alcalde ordinario* was a man of great prominence. He was chosen on account of his integrity and capability. Having served one term he was ineligible for another until he had submitted to the *residencia*. He held his court in the *casa de cabildo* at regular hours. In a town where there was no governor and no lieutenant-governor, the *alcaldes ordinarios* had jurisdiction in cases both civil and criminal the same as that of a governor. Appeals from these *alcaldes* were directed to the *cabildo* or to the governor. If it so happened that the governor and the lieutenant-governor were absent from their jurisdiction, the office remained unfilled,⁷⁹ until such a time as the Viceroy named one to fill the vacancy, the *alcalde ordinario* serving as governor *interino*. He also was required to fix the prices of foodstuffs along with a *regidor* named for that purpose.⁸⁰

In the conduct of the affairs of the Villa, the expense was borne through revenues derived from the *propios*.⁸¹ There were no taxes in the present acceptation of the term. The lands (*propios*) were leased to the highest bidder, and extraordinary expenses were not financed in this manner except by special license, unless the ex-

72. Escriche, p. 136. Ed. of 1888.

73. *Recopilacion*, Lib. v, Tit. xv, ley xv.

74. *Ibid.*, Lib. III, Tit. xv, ley lxxxiii.

75. *Ibid.*, Lib. iii, Tit. xv, ley lxxxvii.

76. *Ibid.*, ley cii.

77. *Ibid.*, ley ci. "En las Yglesias de nuestro Real Patronazgo no se consienta poner assientos, ni tener Lugares particulares y señalados a ningunas personas ****" but, (ley cii) "Los Gobernadores y Justicias de los Puertos den a los Capitanos, sargentos mayores y Castellanos de los Presidios y Fuerzas assiento sin silla, ni almohada, y la Justicia y Regimiento (the Cabildo) elija el lado que quisiere ocupar, dandoles e otro, y no hallandose presente el Presidente y Audiencia Real, si en aquel Puerto la hubiere."

78. *Ibid.*, Lib. iii, Tit. xv, ley lxxxiii.

79. *Ibid.*, Lib. v, Tit. iii, Ley xli.

80. *Recopilacion*, Lib. v, Tit. iii, Ley xvii.

81. *Ibid.*, Lib. iv, Tit. xiii, ley i.

pense⁸² was less than five dollars. The issue of all warrants drawn on the fund derived from the propios was in charge of the cabildo, the *alcalde ordinario* or the governor.⁸³

In works of a public character, such as the construction of highways (*caminos reales*), a special assessment was provided for which was made by the governor, and in many instances, permission was first necessary from the Audiencia and in some cases from the Council of the Indies.⁸⁴

In the Indian pueblos, the system was quite different, as the governor and the ecclesiastic had original jurisdiction in this class of towns.

Reference to only a very few of the many decrees in force in the Spanish possessions has been noted. It has been somewhat difficult to determine just at what point the local administration of affairs began and ended. The governor, the chief provincial official, was, in the early times, always named from places beyond the provinces where he was to rule. The local government, however, was always made up of the *pobladores*, and preference was given to the first settlers and their descendants. The governor was always the chief official in the government of the town where he had his capital, and the local officials of that town seem to have been given jurisdiction over affairs, in many cases, outside the town itself, and in some cases extending over the entire province.

With all the power in the hands of the governor, with jurisdiction of the sort possessed by him, there is small wonder, in the administration of affairs in New Mexico, at least, that the king, shortly after Santa Fe was founded, took occasion to decree that in all appointments to the governorship of New Mexico, the Viceroy must name only such men for the offices and government as were possessed of much intelligence (*mucha inteligencia*) and zealous for the honor and glory of God Almighty.⁸⁵

No report of the names of the first settlers of Santa Fe has, as yet, been found among the Spanish archives. That a full statement was made, however, if we are to conclude with our knowledge of the accuracy and detail with which the early Spanish settlers recorded everything, there can be no serious question, and it is only a matter

82. *Ibid.*, ley iii.

83. *Ibid.*, ley v.

84. *Ibid.*, ley iii.

85. *Recopilacion*, lib. iii, Tít. ii, ley lxvi. "Encargamos y mandamos a los Vierreyes de Nueva España, que enfuerzen y favorezcan la conversion y pacificacion del Nuevo Mexico, de forma que por falta de obreros Evangelicos, los demas requisitos, no dexen de estenderse la predicacion por aquellas Provincias todo lo posible, y para que conseruar en policia christiana a los que se fueren convirtiendo, usen de los medios, que mejor les pareciere, con la menos costa de nuestra Real Hacienda, que ser pueda guardando, y haciendo guardar lo que esta ordenado para nuevos descubrimientos, y que provean el gobierno de aquellas Provincias en personas de mucha inteligencia, y zelosas de la honra y gloria de Dios Nuestro Señor, porque dadole a aquella empresa Caudillos de estas partes, vaya en el aumento que descamos. Y tenemos por bien que los Vierreyes les señalen en salario, que les pareciere necesario para conseguir este fin."

of time and research when the document will come to light.⁸⁶ Nor is there any record of the names of the first settlers of the entire province which can be said to be complete.⁸⁷

During the period after the founding of the Villa of Santa Fe and its siege and capture by the revolting Pueblos in August, 1680, no other villa was founded in New Mexico. In speaking or writing of Santa Fe, it was always mentioned as "La Villa" without its appellation of "Santa Fe", there being no other in the province.⁸⁸

While we have no official record of the methods pursued in the founding of the Villa of Santa Fe, undoubtedly there was all the attendant ceremony provided for under Spanish law on so notable an occasion. The laws in the time of the re-conquest, nearly a century later, were practically the same as in the Oñate period, and General

86. Bancroft, taking his information from the poem of Captain Gaspar de Villagra, gives a list of the so-called first settlers who accompanied Juan de Oñate, but these cannot have been, in every case, those who comprised the settlers of Santa Fe. Santa Fe was settled at least eight years after the arrival of Oñate, and it had not been settled when Captain de Villagra left the country. He makes no mention of the founding of the city. See Villagra, *Historia de la Nueva Mexico, del Capitan Gaspar de Villagra, Dirigada al Rey D. Felipe Nuestro Señor Tercero deste nombre, Año 1610. Con privilegio, en Alcalá, por Luys Martinez Grande.* A costa de Baptista Lopez Mercador de libros. Also, Bancroft, *Arizona and New Mexico*, ch. vi, pp. 110, et seq. Not all of the names found in Bancroft's list are mentioned by Villagra.

87. The alphabetical list of names of the first settlers of New Mexico, as given by Bancroft, is as follows:—Captain Pablo de Aguilar, Araujo, Ascencio de Archuleta, Ayarde, Alférez Dionisio de Banuelos, Bartol, Juan Benitez, Biberro, Captain Juan Gutierrez de Bocanegra, Juan Perez de Bustillo, Cesar Ortiz Cadimo, Juan Camacho, Estevan Carabajal, Carrera, Juan de Caso, Alférez (Capt.) Bernabé de las Casas, Castillo, Juan Catalan, Cavanillas, Captain Gregorio Cesar, Cordero, Alférez Juan Cortes, Marcos Cortés, Pedro Sanchez Damiero, Juan Diaz, Sec. Juan Perez de Donis, Captain Felipe Escalante, Juan Encarramal, Captain Marcelo de Espinosa, Captain Marcos Farfan de los Godos, Juan Fernandes, Manuel Francisco, Alvaro Garcia, Francisco Garcia, Marcos Garcia, Simon Garcia, Luis Gascon, Bartolomé Gonzalez, Juan Gonzalez, Juan Griego, Guevara, Francisco Guillen, Antonio Gutierrez, Alférez Gerónimo de Heredia, Antonio Hernandez, Francisco Hernandez, Gonzalo Hernandez, Pedro Hernandez, Antonio Cónde de Herrera, Cristóbal de Herrera, Juan de Herrera, Alonzo Nuñez de Hinojosa, Leon de Isastil, Jimenez, Captain Diego Landin, Francisco de Ledesma, Alférez Juan de Leon, Domingo de Lizana, Cristóbal Lopez, Juan Lopez, Alonso Lucas, Lucio Mallea, Francisco Marquez, Herman Martin, Juan Martinez, Juan Medel, Medina, Monroi, Alonso Gomez Montesinos, Baltazar de Monzon, Morales, Juan Moran, Munuera, Naranjo, Captain Diego Nuñez, Juan de Olague, Teniente General Cristóbal de Oñate, Juan de Ortega, Captain General Juan de Oñate, Ortiz, Regundo, Paladin, Simon de Paz, Juan de Pedraza, Alférez Pereyra, Simon Perez, Captain Juan Pinero, Alférez Francisco de Posa y Peñalosa, Captain Alonso de Quesada, Francisco Guillen de Quesada, Martin Ramirez, Juan Rangel, Rascon, Pedro de los Reyes, Pedro de Ribera, Alonso del Rio, Diego Robledo, Francisco Robledo, Pedro Rodriguez, Sebastian Rodriguez, Bartolome Romero, Captain Moreno de la Rua, Captain Ruiz, Juan Ruiz, Lorenzo Salado, Juan de Salas, Alonzo Sanchez, Cristóbal Sanchez, Francisco Sanchez, Antonio Sariñana, Juan de Segura, Serrano, Sosa, Captain Tabora, Captain Francisco Vaca, Varela, Francisco Vasquez, Jorge de la Vega, Sec. Juan Velarde, Francisco Vido, Juan de Victoria Vido, Captain Gaspar de Villagra, Villalba, Villaviciosa, Captain Juan de Zaldivar, Captain Vicente de Zaldivar, Alférez Leon Zapata, Prov. Zubia and Zumaia. This list does not contain the names of the *frayles* nor the lay brothers who accompanied Oñate.

88. Not all the original settlers left the neighborhood of the first Spanish settlement—San Gabriel—and removed to Santa Fe. During the period ending with the pueblo revolution all, or nearly all, the areas now embraced in what is known as the Española Valley, was occupied by Spaniards. After the re-conquest General De Vargas ordered a survey of conditions in all that locality, which survey is preserved in an official report, and it is by this report that we know the names of the owners of lands along that section of the Rio Grande Valley at the time of the pueblo uprising.

De Vargas in the expediente giving the details of the founding of the Villa of Santa Cruz, has preserved to us a complete record of the manner in which so important an event was celebrated in that period of New Mexico's history.

General De Vargas, on his arrival in Santa Fe in 1692, and his second entry in the year following, found that the district around the present settlement of Santa Cruz and to the north in the direction of the pueblo of San Juan was occupied by Indians from the old pueblo of Galisteo. These lands, prior to the revolution of 1680, had not been occupied by Indians, but, even with this fact known to De Vargas and the re-conquistadores, who had been promised a return to them of the lands from which they had been driven by the Indians, still, under Spanish law, and in the opinion of De Vargas, arrangement had to be made for the settlement of these Indians from Galisteo elsewhere, before De Vargas determined to found the Villa Nueva de Santa Cruz, which, after much trouble, he succeeded in accomplishing.⁸⁹

The Tanos Indians from Galisteo who were occupying the pueblos of San Lazaro and San Cristobal and the adjacent farming lands, being the lands lying north of the Santa Cruz river and extending in the direction of the present pueblo of San Juan, had presented a petition to General De Vargas, as follows:

"To the Governor and Captain-General:

"The governors of the pueblos of San Lazaro and San Cristobal of the Thanos tribe for themselves and in the name of the people of the said pueblos: We appear before your excellency asking that all the privileges allowed by law be given us, and we say: That your excellency was pleased to order us to move from the said pueblos in order to settle them with Spaniards, and we pray that your excellency will give us time to plant the said lands, which are now open, during the present year, using the acequias of the same, and as soon as we take off the crops we will vacate the said pueblos in order that your excellency may settle them as your excellency was pleased. Which said petition your excellency was pleased to grant, and with the same we were gratified. And now we have learned that it is the intention of your excellency to send us to settle and plant in another place, in view of which we submit to the consideration of your excellency the hardships which we are now undergoing, as we have (as is well known) no maize, which is our only food, and now we are not only unable to procure any, but in order to support ourselves up to the present we have sacrificed our clothing, having had to sell it at low prices, and also in order to have seed for this year, and no matter where we may go to settle and plant it will be necessary for the people of both pueblos to occupy all their time in breaking the land and constructing acequias, a thing impossible to do in this year, because

89. See The Spanish Archives of New Mexico, Vol. I, pp. 241-251, R. E. Twitchell. Report to Gen. De Vargas by Lt. Gen. Luis Granillo, March 23, 1695.

we have nothing to live on and we have to seek it elsewhere, with which the present evil is not remedied, nor that of the future, which is imminent. In view of all that which we have set forth, placing ourselves at the feet of your excellency, with all due respect, we ask and pray that your excellency will consider our need and the remedy for the same, which rests wholly on your excellency's word, and that your excellency will be pleased to permit that for this year we may plant in these pueblos, and on our part we are ready to vacate them as soon as we gather the crops, in which we hope to receive from the powerful hand of your excellency all favor and grace as we have already experienced in things of greater import, and which is just, and for the same, etc.,

The petition was duly presented to General De Vargas, who, after consideration, rendered the following decree:

"It was presented by the war captain of the natives of the Thanos tribe of the said pueblos of San Lazaro and San Cristoval; and, whereas I have given the order to my lieutenant-general, I direct that it be carried out and executed, since I can only permit that the Indians of the first pueblo, that of San Lazaro, if they do not desire to join and incorporate themselves with those of the pueblo of San Juan de los Caballeros, where they came from and where they left their portion of land, or to return to their old pueblo which they left and which they had and did have before the general revolution of this kingdom in the year 'eighty, and in which they lived for many years afterwards, they shall join and agree to live together in the said second pueblo of San Cristoval, and shall plant their crops on their lands, going as far as the said Cañada of Chiriquayo and farm of Moraga, where, during the past year because of the second uprising they made and had their cornfields; and they having lands of their own, there is no reason why the royal will of His Majesty the King, our master, should not be carried out in regard to Spaniards who are expected and who are now on their way here to augment the population and secure the restoration and reconquest of this said kingdom, nor that the provision made for the same out of his royal treasury should be lost by their not being given lands suitable and proper for their making their crops and thereby their support—reasons for not being able to leave exposed to said contingency an enterprise of such magnitude; and besides, in view of the objection of the said natives that the said lands are not in condition to be cultivated, they ought to consider the favor done in giving them the half of the lands belonging to the other said pueblo of San Cristoval, and acknowledge the care and attention given to their relief; and in order that this said decree may appear of record let it be placed, with the petition of the said natives, with the decrees and proceedings, which by virtue of the said order my said lieutenant-governor and captain-general shall carry out and make report of the same in order that proper action may be

taken, and I signed it in this said city with my civil and military secretary on the said day ut supra.

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]"

"Before me:

"Alphonso Rael de Aguilar [rubric]"

"Civil and Military Secretary."

Having rendered judgment, De Vargas issued a proclamation under which the Villa Nueva de Santa Cruz was founded, in the following words:

"Don Diego de Vargas Zapata Lujan Ponze de Leon, governor and captain-general of this kingdom and provinces of New Mexico, its new restorer, conqueror at his own expense, reconqueror and settler of the same, castellan of its forces and garrisons, by His Majesty, etc.,

"The Thanos Indians, of the pueblo of San Lazaro, having by virtue of my order and direction, as expressed in the same and forwarded for its due execution on the twentieth of March last of this present year to my lieutenant-governor and captain-general, Colonel Luis Granillo, as it appears in the proceedings which by virtue of the said order were had, and the said Indians having consulted with their governors and asked me for the grant of the tract of the Cañada de Chimayo and left to me the said pueblos of San Lazaro and San Cristoval, and I having succeeded in having that of San Lazaro vacated in order to employ and occupy it with the families which his excellency the viceroy, the Conde de Galve, has sent for the settlement of this said kingdom of New Mexico, and they having arrived on the twenty-third of June of the past year one thousand six hundred and ninety-four, their number being in accordance with their list and muster roll, in order that they might be supported and lodged until said kingdom was safe, and they came into this said city to the number of sixty-six and one-half families, and in order that they may be together without the intrusion of any others, in view of their union, and in order that they may be contented, they having come from one place and country to this said city, I placed them in the first grade, and I designate the said pueblo, its dwelling houses, its cleared agricultural lands, drains, irrigation ditches, and dam or dams which the said native Indians had and did have for irrigation and the security of raising their crops, and I also designate and grant, in the name of His Majesty, the dams which they may leave open and those which they may open, and the woods, pastures, and valley which the said natives had and enjoyed, without prejudice to the farms and ranches which lie within its limits and district, and all that which it covers and may contain as far as the pueblos of Nambé, Pojoaque, Jacona, San Ildefonso, Santa Clara, and San Juan de los Caballeros, giving these as the boundaries of the tract which the said settlement shall enjoy, hold, and have, and which I make a seat and town, and also possession of the houses which may be given or assigned to them in person; and furthermore, the honorary

title of 'Villa Nueva de Santa Cruz de Españoles Mexicanos del Rey Nuestro Señor Carlos Segundo,' which, in the name of His Majesty, I give to the said settlement, and as such it shall enjoy priority of settlement, with the understanding that that of this city of Santa Fe is the first, and in it only shall be held the election of the members of the illustrious council, but each shall have its civil authority, which shall be composed of an alcalde mayor and war captain and lieutenant, with the title of captain of militia, alférez, and sergeant, the said settlement being limited to four squad corporals and alguacil de guerra, who shall go out on scouting expeditions with the said captain of militia and other officers, alternating every month, and they shall have this style and form of government because of being on the frontier, and in order that the said Spanish Mexicans may be informed of the grant of the said Villa Nueva made to them, I direct that the same shall be published in the said form, in order that they may acknowledge in due form that I, the said governor and captain-general, have them in this said kingdom and that I have favored them in proportion to my respectful appreciation of the promise contained in the proclamation ordered to be published by his excellency the said viceroy, the Conde de Galve, as in it he promised them and directed that I should be ordered to give them lands on which to settle, and I give them all with appreciable improvements, since I have given them cleared and broken lands and of known fertility, with their drains and irrigation ditches and dams in good condition and with the irrigation secured, and also new houses, because the said pueblo is new, and they have nothing to do but to go and live in them and to make use of the lands which I will designate for them, granting ranches and farms to those who may prefer the same, in order to allow the more room and allow for other settlers who may come in, and which the King our master may be pleased to send, and also those which I, the said governor and captain-general, may deem it proper to send to settle there, and this will also be done with people who may voluntarily ask for a grant, and who may be designated as settlers of the said town, in order that they may enjoy the privileges and rights of the same; and in order that it may so appear and that they may be ready to leave this city of Santa Fe I appoint Thursday, at ten o'clock in the morning, and I will then have in the plaza of this city the pack mules which I now have, and I will also furnish some horses to mount, in part, those who may need them, and I will aid them in all things, assuring them that a ration of beef and corn shall not be wanting, as well as half a fanega of corn to each family for planting which I promise to give them, and also implements, such as picks, shovels, hoes, and axes, until those ordered by his excellency the viceroy from the contractors shall arrive, and there shall also be forwarded to their alcalde mayor and war captain, who may be appointed, a supply of firearms, powder, and ball, in order that they may be provided with all that is necessary; and in order that this

said proclamation and that which is set forth in it may serve them as a foundation and sufficient title, I order that it be published in military style, with music by the band, and in the presence of the leaders and officers and my lieutenant-governor and captain-general, and also that part of the illustrious council which is in this city, and its notary, and of my civil and military secretary, and that it be published in the inner and the outer plazas; and I signed it in this city of Santa Fe on the nineteenth day of the month of April, one thousand six hundred and ninety-five.

Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

“By order of the governor and captain-general:

“Alphonso Rael de Aguilar [rubric]

“Civil and Military Secretary

“In this city of Santa Fe, on the nineteenth day of the month of April of the year one thousand six hundred and ninety-five, I, Captain Alphonso Rael de Aguilar, civil and military secretary, certify that on this day this said proclamation was published in the two public plazas of this city in the presence of a large concourse of people in the same and in a loud and intelligible voice by Sebastian Rodriguez, negro drummer, and in order that it may so appear I signed it.

“Alphonso Rael de Aguilar [rubric]

“ Civil and Military Secretary.”

Two days later General De Vargas accompanied by the new settlers left the capital for the new settlement of Santa Cruz, where they arrived on the following day, as appears from the official record, in which appears in detail all the ceremonies which at that time were deemed necessary in the founding of a Villa, as follows:

“On the twenty-second day of the month of April of the said date and year, I, the said governor and captain-general, Don Diego de Vargas Zapata Lujan Ponze de Leon, of this Kingdom and Provinces of New Mexico, by His Majesty, arrived at this Villa de Santa Cruz de los Mexicanos Españoles del Rey Señor Nuestro Don Carlos Segundo, so named and placed by me the said governor and captain-general, its site and settlement having been vacated by my order by the Thanos tribe, formerly of the pueblo of San Lazaro, and having given it the title and placed it under the protection of the Holy Cross, and they having already arrived with their alcalde mayor and war captain appointed, and the other officers named in the said proclamation, and with the title of Villa published in the same, and ordered to be published on the nineteenth day of the present month and year, and they being drawn up in line with their said captain and other officers designated and appointed, and they were at the entrance of the plaza of the said Villa, and dismounting there near the chapel which served as a church for the natives of the said pueblo, and having ordered the settlers to form in a half circle at my side, the royal alferez being in front with the royal standard with my lieutenant-governor and my

civil and military secretary, I directed the said alcalde mayor and war captain, Major Antonio Jorge, his lieutenant and captain of militia, Sergeant Nicolas Ortiz, and his ensign, Joseph Valdez, and Sergeant Manuel Ballejo and Antonio Godinez, Alguacil de Guerra and the four squad corporals, Joseph del Balle, Sebastian de Salas, Miguel Fajardo, and Bustos, to step forward from the said line, all of whom were appointed as the government political and military the said Villa being on the frontier, by me, the said governor and captain-general.

“And I required and directed that they should make the usual oath accepting the said place and settlement, the Nueva Villa of their own nation of the Mexicanos Españoles del Rey Nuestro Señor Don Carlos Segundo, and as loyal vassals to maintain and preserve it, even at the expense of their lives, to which they responded under said oath that they accepted the same and that they would obey and keep the same; and I again made them the grant under the said acceptance and oath, revalidating to them their lands which belong to them and the boundaries set forth, and which limit the pueblos mentioned in the said proclamations of jurisdiction without prejudice to the boundaries of the lands which belong to each one; and also, in order to encourage them, I made them a grant of all the minerals which might be found in the Chimayo mountain range according as they might discover them and that I would carry out and observe the royal ordinances of His Majesty, and that they be of good heart and keep up their courage and that on my part I would assist them; and there being present the reverend father Fray Francisco de Vargas, ecclesiastical judge in capite of this kingdom and its custodia and concourse, and having in his company the reverend father preacher missionary, Fray Antonio Moreno, whom he had chosen as guardian and minister, I, the said governor and captain-general, said to the said settlers that he being the chaplain of His Majesty appointed and named him as their guardian and as such I gave him possession of the said chapel in order that until they rebuilt their church it might serve them as such, and thus I gave possession of the same to the said reverend father, leading him into the same by the hand, and he arranged the altar, going in and out; and for the greater formality and force of the said possession and oath made in regard to the said Villa, I left my said place with my said royal alférez and my lieutenant, directing my royal alférez to place himself in the centre of the plaza, together with my civil and military secretary, in order that he might proclaim that he defended and sustained the possession given by favor of His Majesty at the said granted place and tract with the limits and boundaries given and granted by me, the said governor and captain-general, in the said royal name, to the said settlers with the honorary title of Villa Nueva de los Españoles Mexicanos del Rey Nuestro Señor Don Carlos Segundo; that he came out to defend it as he would defend it with his life, and thus with his drawn sword in his hand he would sustain and did sustain it against all who might oppose it;

and I, the said governor and captain-general, with all present, cried out all together, as loyal vassals of His Majesty, saying, 'Long live the King our Lord, whom may God preserve, the Señor Don Carlos II, King of the Spaniards, and all of this New World and this new town of the Mexicans and Spaniards, and which in his royal name was founded with the title of Villa Nueva de los Mexicanos Españoles, and increased, founded, and settled in the interest of his Royal Crown, may he live for many years and reign over greater domains and monarchies'; and having repeated the said acclamation three times, throwing up our hats, three volleys were fired at the same time, in congratulation upon the installation of the said settlers with such honor and demonstrations of appreciation and jubilee; and they asked me as a favor that I would give them a certified copy and that I would order that they be given the same of the possession as well of the proclamation and the quality of the title specified in the same in order that they might hold the same as such for the said Villa; and in order that it may so appear, they signed it with me the aforesaid, together with my lieutenant-governor and captain-general and my civil and military secretary.

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

"Luis Granillo [rubric]

"Sergeant Manl. Ballejo [rubric]

"Antonio Balverde de Cossio [rubric]

"The Alférez Real: Antonio Jorge [rubric]

"Before me:

Alphonso Rael de Aguilar

"Civil and Military Secretary."

"In this city of Santa Fe, on the twenty-third day of the month of April of the year one thousand six hundred and ninety-five, I, the said governor and captain-general, my personal presence being necessary in the city of Santa Fe, and I having to go to the pueblos of San Cristoval and Nambé, I order and leave orders with my lieutenant-governor and captain-general that the separate lands of the district and limits of the said Villa Nueva de Santa Cruz, the settlers having been assembled and it having been ascertained which of them have received and have been favored with grants of the tracts and ranches already surveyed, to those to whom such grants have not been made the said separate lands shall be given, marking off for each settler and his family that which may be found to be sufficient for the planting one one-half a fanega of maize, and in it he may plant such other seed as he may have, and the said partition shall be made in such manner as to satisfy the said settlers, and of the lands that may be left over an account shall be made to me, and in order

that the said order may appear in this said decree I made it a part of the proceedings, and I signed it, with my civil and military secretary.

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

"Before me:

"Alphonso Rael de Aguilar [rubric]
"Civil and Military Secretary."

"And immediately thereafter, on the said day, month, and year of the date, I, the said governor and captain-general, having repeated to the said Spanish Mexicans of the said Villa Nueva de Santa Cruz the said order, I bade them good-bye and proceeded to the said pueblo of San Cristoval, in the plaza of which place all its people were assembled, together with those who had been settled at the said Villa Nueva, and I confirmed the grant which I had made to them in giving permission to pass this summer on the same and to plant their crops on its lands, and required of them that the crops which God our Lord might be pleased to permit them to gather they should at once carry to the new pueblo, which during this summer they would have to rebuild, since in the month of October they would have to occupy it, leaving that of San Cristoval vacant in order that I might settle it with Spaniards, as I had already informed them, and they replied that they would so do; and I having again confirmed the grant made in their favor of the said tract of Chimayo, I bade them good-bye, leaving them happy; and in order that it may appear of record I made it a part of the proceedings, and I signed it, with my civil and military secretary.

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

"Before me:

"Alphonso Rael de Aguilar [rubric]
"Civil and Military Secretary."

"On the said day, the twenty-third of April, of the said year, I, the said governor and captain-general, the very reverend father custodian, Fray Francisco de Vargas, having appointed as minister doctrinarian to the mission of the Teguas of the pueblo of Nambé, proceeded with him to give him the possession, and, having entered the said pueblo, its people were assembled to receive me with all politeness, and they being in front of the principal site where they had the chapel and the house adjoining the same for the said minister, I dismounted, and, through the interpreter, I told them that I had come to install the father who was to aid them and administer the holy sacraments, he being the reverend father preacher, Antonio de Acevedo, and in the said form I gave him possession of the said chapel and house, and in testimony of the same I directed that the doxology, etc., be prayed and sung three times, and I ordered the said

Indians to aid him in all things and to fulfill their obligations as Christians and to fail in nothing; and in order that the said possession and the reply of the said natives that they would comply with and obey all that I had ordered might appear of record, I signed it with my civil and military secretary.

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

"Before me:

"Alphonso Rael de Aguilar [rubric]

"Civil and Military Secretary."

Arrival of the families which by order of His Excellency the Conde de Galve were procured and obtained by Captain Juan Paez Hurtado, chief commissioner, appointed by me, the said governor and captain-general.

"In this city of Santa Fe, the capital of this kingdom and provinces of New Mexico, on the ninth day of the month of May of the present year of one thousand six hundred and ninety-five, there arrived at this city of Santa Fe, capital which it is of this kingdom and provinces of New Mexico, the families which by order of his excellency the viceroy, the Conde de Galve, with the approval of the general committee of the ministers of the royal treasury and war, in March of the past year of one thousand six hundred and ninety-four, ordered me, the said governor and captain-general of this kingdom, to send a chief commissioner possessing my confidence, to be appointed by me, and Captain Juan Paez Hurtado possessing the same, I gave him the commission and appointment in order that he might carry out the said orders of his excellency the said viceroy, and he proceeded to the kingdom of Galicia and the Real de Zacatecas and other places and the families which he procured were forty-four, according to the list made of the same and which I, the said governor and captain-general, received in person, and in the presence of the said captain chief commissioner I gave them lodgings in the said city in the houses which the settlers now at the Villa Nueva de Santa Cruz had occupied, and in order that the said arrival may appear of record I signed it, with the said captain chief commissioner and my civil and military secretary.

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

"Before me:

"Alphonso Rael de Aguilar [rubric]

"Civil and Military Secretary."

Act of Transmittal.

"In this said city of Santa Fe, on the said day of the date May nine and year one thousand six hundred and ninety-five, I, the said governor and captain-general, Don Diego de Vargas Zapata Lujan Ponze de Leon, having examined these proceedings, in order that his

excellency the viceroy, Conde de Galve, which he is of all this kingdom of New Spain, may be informed of what has been done in this said kingdom in the royal service, in which I, the said governor and captain-general have devoted the care and attention necessary for his satisfaction, and in order to make transmittal of the same I directed my civil and military secretary to make a literal copy of the said proceedings, as well as of the letter of transmittal with this said decree, in order that being copied and compared in due form the same transmitted and forwarded to his excellency the said viceroy, and more particularly because the courier dispatched on the fourteenth of January of the present year has not returned and the cause of his delay is not known. And I signed it in this said city of Santa Fe on the said day, month, and year, with my civil and military secretary.

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

"Before me:

"Alphonso Rael de Aguilar [rubric]
"Civil and Military Secretary."

"Most Excellent Sir:

"Sir: Captain Juan Paez Hurtado, chief commissioner appointed by me to bring the families which by order of your excellency he procured and obtained in the city of Zacatecas, having arrived at this city of Santa Fe and having entered the plaza of the same to the number of forty-four families, which I received and inspected personally, I going to the said plaza for the purpose, and also to lodge them in the houses which were vacated by the sixty Mexican families which your excellency also sent for the settlement of this kingdom, and having succeeded in all that which I might and could desire for the royal service of His Majesty in the Villa Nueva de Santa Cruz de los Vecinos Mexicanos del Rey Nuestro Señor Don Carlos Segundo in a pueblo which the rebels of the Thanos tribe had newly founded on land which had belonged to Spaniards, and by the means of which I have devised for the accomplishment of this difficult enterprise I succeeded as will be shown by the orders and proceedings had of which I forward a certified copy to your excellency and this, upon examination and consideration, will prove to your excellency that I have been successful, and that I have secured at a short distance another larger town of the said tribe which is vacant and free and I have secured it for the month of October, when, God willing, I will found and settle another town with these said families which we have received and lodged today in this city of Santa Fe, and I will see that both shall plant crops in order that they may be relieved from receiving rations as at present and living on the generosity and magnificence of your excellency, and it is very true that the transportation of maize to this city has caused me much trouble because of the distance of the kingdom of New Biscay and of there being no resources any nearer.

"I am anxious and troubled because the courier whom I dispatched on the fourteenth of January of the present year to your excellency has not returned, and this also induces me to send this dispatch, in order that I may ascertain the reason of his delay or know whether he has been robbed or murdered; and I beg that your excellency will send me duplicates of the orders and dispatches which your excellency may have been pleased to forward to me by the said courier in order that I may on my part duly execute the same; and I also hope that your excellency has received the order that with the same your excellency may decide upon the reply to my letters of consultation forwarded by your excellency to the supreme and royal council of the Indies, as in this expectation I have delayed the said letters in order that through its means they may be assured of their establishment; and two missions have also been established, Nambé and the said Villa Nueva, the doctrinal father serving the united pueblo of the said Thanos.

"While I was absent from this city there arrived a band of Apaches from the east, who are called Chiyenes, and they told in the town at which they arrived which is of the Picuriés tribe, how some men, white and lighthaired, had destroyed a very large tribe of the Apaches Conejeros, living much further inland than their own. The Chiyenes then returned whence they came. This was told me by the alcalde mayor and the father minister, who came to see me, and I having asked the alcalde mayor why he had not detained them, he replied that the leader of the band had said he would return with all his people in September, and if God will permit me to live until his return I will hear what he has to say and judge of it accordingly, and I did not wish to omit to give your excellency this information, together with the above, as I desire to serve your excellency in all things; and may God preserve your excellency for many happy years. Done in Santa Fe, on the ninth day of the month of May, one thousand and six hundred and ninety-five.

"Most excellent sir, etc.,

"Don Diego de Vargas Zapata Lujan Ponze de Leon
[rubric]

The official action of De Vargas by which these Indians were thus dispossessed of these fertile lands caused a great deal of trouble, and brought on the revolt, in large degree, the year following.

At the time of the re-conquest, in 1693, there returned from El Paso, not more than one half of the Spaniards who had been driven out thirteen years before, as, all told, in 1693, soldiers and settlers with De Vargas did not exceed eight hundred souls.

Of those who came as settlers, and were given lands at Santa Cruz, we have an accurate physical description of each, and as it may be of more than passing interest to their descendants, now living in various parts of New Mexico, particularly in Santa Cruz and vicinity and in Santa Fe, it has been thought worth while to give the de-

scriptive list. Their names and description, and the place from whence each came, are as follows:

Simon de Molina, son of Thomás, a native of Mexico, at San Juan, forty years of age, more or less, medium height, pock-marked, large eyes and rather thick nose.

Micaela de Medina, wife of the above, daughter of Cristobal, native of San Juan, thirty years of age, able bodied, aquiline face, large eyes.

Nicolas Francisco de Molina, son of the aforesaid, native of Mexico, of the same quarter (San Juan), one year old, white and fair, large eyes.

Maria Teresa de Molina, also child of the above mentioned, native of Mexico, same quarter, four years old, broad face, swarthy color, large eyes, thick nose.

Paula Antonio de Molina, daughter and sister of the aforesaid, native of Mexico, same quarter, three years old, round face, swarthy color, large eyes, and thick nose.

Andrés de Bettancos, widower, son of Dn.Geronimo, native of Mexico, San Augustine, forty years, medium height, round face, bald, large eyes, and Greek nose.

Francisco de Bettancos, son of the above named, native of Mexico, San Francisco, twenty years, able-bodied, aquiline face, broad forehead, and rather thick nose.

Santiago de Bettancos, son and brother of the above mentioned, native of Mexico, aged nineteen, able bodied, chestnut hair, small nose, and a mole on the cheek.

Antonio de Moya, son of Juan, native of Mexico, at Santa Teresa's, twenty-one years of age, broad face, large eyes and forehead, rather wide nose.

Francisca de Morales, wife of the above mentioned, daughter of Juan, native of Mexico, at the Little Stairs (a las escalerillas), seventeen years of age, able-bodied, round face, large eyes.

Manual Rodriguez, son of Juan, native of Mexico, Calle de Velos, twenty-seven year old, tall, round face, large eyes, and sharp nose.

Maria de la Incarnacion, wife of the above, native of Lameda (?), daughter of Antonio de Palacios, medium height, large face pock-marked, circles under eyes, and swarthy color.

Joseph de Atienza, Sevillian, son of the same, native of Mexico, at the Arch of San Augustine, seventeen years of age, medium height, aquiline face, white, and a mole on the left cheek.

(Of) the family Trujillo, wife of the above, daughter of Nicolas, native of Mexico, Calle Real, seventeen years of age, able-bodied, round face, large eyes, and small nose.

Joseph Damian Trujillo, brother of the foregoing, native of Mexico, same quarter, seven years of age, fat face, large eyes.

- Juan Fernandez de Atienza Ladron de Guebara**, son of the same, native of Puebla, twenty-five years of age, able bodied, aquiline face, large eyes and forehead.
- Teresa Fernandez**, wife of the above, daughter of Martin, native of Puebla, twenty-two years of age, round face, large forehead and eyes, thick nose.
- Santiago Manuel Fernandez de Atienza**, son of the foregoing, native of Mexico, at Orbillo (?), four years of age, aquiline face, large eyes, and broad nose.
- Maria de Ribera**, widow, mother of the said Teresa, native of Puebla, forty years of age, tall, large eyes.
- Francisco de la Rosa**, son of Don Antonio, native of Guejocingo, twenty-six years of age, able bodied, swarthy, large forehead and eyes, rather thick nose.
- Antonio de la Zerna**, native of Mexico, in the street of Don Antonio de la Verara, twenty-four years of age, able bodied, large eyes.
- Antonio Sayago**, son of Juan, native of Mexico, twenty-five years of age, aquiline face, swarthy color, large forehead and eyes.
- Maria Samorra**, wife of the above, daughter of Don Bartolomé, native of Mexico, thirty years of age, medium height, broad face, mole on the right cheek.
- Santiago de Arroyo**, son of Simon, husband of the said Maria's first marriage, Calle de Merced, nine years of age, red-skinned, large eyes and small nose.
- Juan de Sayago**, nephew of the said Antonio de Sayago, and Maria Samorra, native of Tezcucu, four years of age, swarthy, and marked with smallpox.
- Nicolas Jiron**, called Jeda, son of Thomas, native of Mexico, in the street of the Ropemakers, fifteen years of age, able bodied, round face, white, and some moles on the face.
- Joseph Sedano**, wife of the above, daughter of Pedro, native of Queretaro, thirteen years of age, medium height, aquiline face, white and fair, large eyes.
- Thomas de Itta (Zita?)**, son of Nicolas, native of Mexico, at Carmen, twenty-four years old, tall, dark hair, large eyes, and in the chin on the right side the mark of a wound.
- Antonnia Gutierrez**, wife of the above, daughter of Mateo, native of Mexico, sixteen years of age, tall, broad face, brown hair and eyes.
- Santiago Jiron de Tejeda**, son of the same, native of Mexico, twenty-six years of age, swarthy, large forehead and eyes, rather snub nose.
- Maria de Mendoza**, wife of the above, daughter of Graviel, native of Mexico, twenty-two years of age, able bodied, broad face, large forehead and eyes.
- Jose Jiron**, called Jeda, child of the before mentioned, native of Mexico, two years of age, white and reddish, large gray eyes.

- Gertrudes Jiron de Tejada**, daughter and sister of the above named, native of Mexico, four years of age, broad face, swarthy, large black eyes, and small nose.
- José Jaramillo Negrette**, son of Nicolás, native of Mexico, thirty-eight years old, able bodied, aquiline face, broad forehead, and a mole on the left side.
- Maria de Sotomayor**, wife of the above, daughter of Mateo, native of Mexico, thirty years of age, able bodied, large eyes, and a mole on the left eye-brow.
- Pedro José de Jaramillo Negrette**, child of the same, native of Mexico, six years of age, white, drak hair, forehead and nose small, eyes large.
- Maria de Anttonia Jaramillo Negrette**, child of the above named, three years of age, aquiline face, large eyes, and small nose.
- Antonio de Ysassi y Aguilera**, son of Mateo, native of Mexico, thirty-eight years of age, medium height, large eyes and a mole on the nose.
- Gertrudes Hernandez**, wife of the above, daughter of Mateo, native of Mexico, twenty-eight years of age, medium height, round face, swarthy color.
- José Benito Ysassi y Aguilera**, the supposed child of the above named, native of Mexico, three years of age, round face, small eyes, and rather flat-nosed.
- Antonio Rincon de Guemes**, son of Don Andrés, native of Mexico, thirty-six years of age, tall, aquiline face, large eyes swarthy color.
- Antonia Valenzuela**, wife of the above, daughter of Juan, native of Mexico, twenty-eight years of age, able bodied, aquiline face, and sharp nose.
- José Rincon**, child of the above named, native of Mexico, eight years of age, round, reddish face, large eyes, and broad nose.
- Maria Rincon**, child of the above, native of Mexico, five years of age, round face, large eyes and forehead.
- Manuel Rincon**, child of the above, native of Mexico, one year old, swarthy, forehead and eyes large, nose small.
- José Velasquez Cortez**, son of Antonio, native of Seville, thirty-six years of age, tall, broad face, marked with smallpox, broad forehead, and deepset eyes.
- Juana de Garas**, wife of the above, daughter of Francisco, native of Puebla, thirty years old, medium height, broad swarthy face, large eyes.
- Maria Velasquez Cortez**, child of the above, native of Guamantla, three years old, round face, small eyes and nose.
- José Mascareñas**, son of Felipe, native of Mexico, twenty-six years of age, medium height, large eyes, and on the eyebrow and moustache the make of a wound.

- Maria de Acosta**, wife of the above, daughter of Nicolás, native of Mexico, eighteen years of age, medium height, swarthy, large eyes, and small nose.
- Josepha Melchora Mascareñas**, child of the aforesaid, native of Mexico, eight years of age, broad face, large eyes, and thick nose.
- Christobal Marzelino**, son of Bartolomé de Guerra, native of Usuña (?), in the kingdom of Castile, eighteen years of age, able bodied, round face, forehead and nose large.
- Juana de Gongora**, wife of the above, daughter of Juan, native of Mexico, fourteen years old, medium height, aquiline face, and large eyes.
- José del Valle**, son of Juan, native of Seville, thirty-eight years of age, able bodied, aquiline face, forehead, eye and nose large.
- Ana de Ribera**, wife of the above, daughter of Layga, native of Tezcuco, twenty-eight years of age, able bodied, broad face, large eyes, and on the left side of the nose a mole.
- Bernardino del Valle**, reputed son of the above named,, native of Mexico, nine years of age, round and swarthy face, large eyes, and thick nose.
- Francisco de Lima**, bachelor, miner and quicksilver smelter by trade, son of Antonio, native of Villafranca, fifty years of age, able bodied, broad face, narrow forehead, and grizzled hair.
- Petronila de la Cueva**, widow of Juan de Gongora, daughter of Lorenzo, native of Mexico, thirty-three years of age, medium height, aquiline face, large eyes, and on the lower part of the left cheek a scar.
- Christobal de Gongora**, son of the above named, native of Mexico, twenty years of age, white, marked around the eyes by smallpox, three moles on the left cheek.
- Maria Gertrudes de Gongora**, daughter of the same, native of Mexico, eight years of age, broad face, large eyes and forehead.
- Francisca de Gongora**, daughter of the same, sister of the above named, native of Mexico, six years of age, aquiline face, large eyes, and thick nose.
- Gregoria de Gongora**, sister of the above named, native of Mexico, three years of age, white, ruddy, large black eyes.
- Juan de Gongora**, son and brother of those above named, native of Mexico, one year old, white and ruddy, large gray eyes.
- Sebastian de Salas**, son of Bernardino de Salas, native of Sma. (Salamanca), twenty-five years old, medium height, swarthy, large eyes, and mark of a wound on the forehead.
- Maria Garcia**, wife of the above, daughter of Nicolás, native of Puebla, twenty-three years of age, able bodied, white, small nose, rather deepset eyes.
- José Cortez**, son of Pedro, native of Puebla, forty years of age, medium height, aquiline face, large eyes and forehead, and under the nose a scar.

- Maria de Carbajal**, wife of the above, daughter of Ygnacio, native of Queretaro, twenty-one years of age, able bodied, broad face, white, large eyes.
- Rafaela Cortéz**, child of the above, native of Mexico, large eyes and forehead.
- Antonio Godines**, son of Don Francisco, native of Mexico, thirty-three years of age, medium height, eyebrows joined, narrow forehead, large eyes.
- Maria Luisa Godines**, daughter of the same, native of Mexico, fourteen years of age, able bodied, round face, large forehead and eyes.
- José Nuñez**, son of Nicolás, native of Mexico, twenty-two years of age, round face, a mole on the chin.
- Gertrudes de la Cónde de Jariagerrera**, wife of the above, daughter of Thomás, native of Zelaya, twelve years of age, medium height, swarthy, marked with smallpox, large eyes.
- José Rodriguez**, son of Juan, native of Santa Maria Real de Nicua (?), forty years of age, medium height, round face, broad nose, and a large number of moles on the face.
- Maria de Sarrano**, wife of the above, daughter of Juan, native of Mexico, twenty-eight years of age, medium height, swarthy, large eyes, small sharp nose.
- Gertrudes Rodriguez**, daughter of the above named, native of Mexico, six years of age, large eyes and forehead, small nose, and chestnut hair.
- Juan Antonio Rodriguez**, son of the same, native of Mexico, four years of age, round reddish face, large eyes, and small nose.
- Juana Rodriguez**, daughter of the above named, native of Mexico, two years old, round and reddish face, large eyes, small nose.
- Manuel Vallejo Gonzales**, son of Juan, native of Acazingo, thirty-three years of age, tall, swarthy, bald, large eyes.
- Maria Lopez de Arteaga**, wife of the above, daughter of Bernabe, native of Tacubaia, thirty-one years of age, medium height, black hair, white, large eyes and forehead.
- Angela Teresa Vallejo Gonzales**, daughter of the first marriage of the said Manuel Vallejo, native of Mexico, seven years old, swarthy, large eyes and forehead, thick nose.
- Francisco de Porras**, son of Juan, native of Madrid, forty years of age, able bodied, broad forehead, and blind in right eye.
- Doña Ana Gonzales**, wife of the above, daughter of Santiago, native of Mexico, thirty years of age, able bodied, aquiline face, high forehead, and broad nose.
- Maria de Porras**, daughter of the above, native of Mexico, thirteen years of age, able bodied, broad face.
- Juan de Medina**, son of Melchor, native of Mexico, twenty years of age, able bodied, tall, long face, large eyes, and thick nose, scar on the left cheek.

- Juana Marquez**, wife of the above, twenty-six years of age, medium height, aquiline face, swarthy color, large eyes.
- Nicolas Trujillo**, son of Antonio, native of Cuba, forty years of age, strong, growing gray, large forehead, and somewhat deepset eyes.
- Maria Ruiz de Aguilar**, native of Mexico, wife of the same, daughter of Nicolás, thirty-four years of age, able bodied, large eyes, and eyebrows joined.
- Maria de Guadalupe**, daughter of the same, native of Mexico, thirteen years of age, medium size, aquiline face, swarthy color.
- Juana Teresa Trujillo**, daughter of the above named, native of Mexico, seven years of age, round face, rather flat nose, and a scar on the forehead.
- Micaela Antonia Trujillo**, daughter of the same, native of Mexico, two years old, broad face, small broad nose, and high forehead.
- Pedro de Aguilera**, son of Rodrigo, native of Mexico, twenty-seven years of age, able bodied, white, large nose, small eyes.
- Juana de Torres**, wife of the above, daughter of Francisco, native of Mexico, twenty-eight years of age, able bodied, round face, high forehead, and small nose.
- Rodrigo de Aguilera**, son of the aforesaid, native of Mexico, six years old, broad face, eyes large and rather deepset, flat nose.
- Maria Casimira de Aguilera**, child of the above, native of Mexico, eleven years of age, medium size, aquiline face, gray eyes, and small nose.
- Mariana de Aguilera**, daughter of the same, native of Mexico, five years of age, round face, white, high forehead, small eyes.
- José Maria de Aguilera**, son of the same, native of Mexico, one year and a half old, high forehead, large eyes, and small forehead [evidently meant for "nose".]
- Santiago Marquez de Aguila**, son of Don Juan, native of Zelaya, nineteen years of age, able bodied, aquiline face, large eyes, the left one rather dark.
- Maria de Palacios**, wife of the above, daughter of Antonio, native of Vera Cruz, fifteen years of age, able bodied, round face, white, and large eyes.
- Juan de Medina**, son of José, native of Mexico, twenty years of age, medium height, eyebrows meeting, eyes and nose large.
- Antonia Sedano**, wife of the above, daughter of Pedro, native of Queretaro, fourteen years of age, able bodied, white, pitted with small-pox, and on the left eyebrow a scar.
- Francisco de Espinosa**, son of Don Antonio, native of Genoa, forty-seven years of age, tall, red-faced, low forehead, a mole on the left side of the throat.
- Maria de las Heras**, wife of the above, daughter of Don Andrés, native of Tenango, in the Valley, thirty-five years of age, able bodied, aquiline face, broad forehead, small nose.

- Catarina de Espinosa**, daughter of the above named, native of Mexico, thirteen years old, white and fair, large eyes.
- María Magdalena Espinosa**, daughter of the above, native of Mexico, ten years of age, round face, rather broad and flat nose, large eyes and forehead.
- Juana Antonia Espinosa**, daughter of the above named,, native of Zacatecas, eight years of age, aquiline face, white and fair, eyes and forehead large.
- Antonio de Silva**, son of Salvador, native of Queretaro, twenty years of age, able bodied, round face, swarthy color, large eyes, sharp nose.
- Gregoria Ruiz**, wife of the above, daughter of Juan, native of Mexico, twenty-two years of age, able bodied, broad face, pockmarked.
- Gertrudes de Silva**, daughter of the above named, native of Mexico, three years of age, round face, large eyes, and small nose.
- Gabriel de Ansuers**, son of the same, native of Puebla, thirty-eight years of age, able bodied, aquiline face, large eyes, rather deepset.
- Phelipa de Villa Vincencio Perez Lachuga**, wife of the above, daughter of Domingo, native of Mexico, twenty-one years of age, able bodied, round face, large eyes and forehead, small nose.
- José de Ansuers**, child of the above (Gavriel) by second marriage, nineteen years of age, tall, native of the city of Oaxaca, round face, swarthy, meeting eyebrows, and low forehead.
- Maria de Ansuers**, child of the above named, native of Mexico, nine years old, white, freckled, eyes and forehead large.
- Nicolás Ortiz**, son of the same, native of Mexico, forty years old, medium height, sharp nose, large eyes and bald.
- Mariana Coronado**, wife of the above, daughter of Francisco Hernandez, native of Jimiquilpa, twenty-eight years of age, able bodied, broad face, and a mole on the cheek.
- Josepha Ortiz**, child of the above named, native of Pachuca, fourteen years of age, aquiline face, swarthy color, high forehead, sharp nose.
- Manuela Ortiz**, child of the above, native of Mexico, three years of age, aquiline face, ruddy, black eyes, and small nose.
- Nicolás Ortiz**, child of the same, native of Mexico, ten years of age, aquiline face, freckled, high forehead, and broad nose.
- Antonio Ortiz**, child of the above named, native of Mexico, eight years old, bright, reddish color, and rather thick nose, large eyes.
- Louis Ortiz**, child of the above named, native of Mexico, six years of age, bright red color, large eyes, small flat nose.
- Francisco Ortiz**, child of the above named, native of Mexico, one year old aquiline face, white and ruddy, large eyes.
- Miguel de Figueroa Nuñez de Chavez**, son of Santiago, native of Puebla, thirty-six years of age, medium height, broad face, large eyes and forehead, thick nose, and on the left cheek a mole.

- María de Mirabal**, wife of the above, daughter of Juan, native of Mexico, fifteen years of age, able bodied, aquiline face, white and fair, large eyes, and sharp nose.
- Antonia de Torrezillas**, widow of Juan Lopez de Mirabal and mother of the above named María de Mirabal, native of Mexico, thirty-six years of age, able bodied, broad face, large eyes and forehead, sharp nose.
- José de Mirabal**, child of the said Juan Lopez de Mirabal and the said Antonia de Torrezillas, native of Mexico, ten years of age, aquiline face, white and red, large eyes and forehead.
- Manuel de Cervantes**, son of the same, native of Mexico, eighteen years of age, able bodied, round face, and on the right side of the chin a scar.
- Francisca Rodriguez**, wife of the above, daughter of Juan, native of Mexico, fifteen years of age, medium size, aquiline face, and on the right side of the forehead a mole.
- Miguel de la Vega y Coca**, son of Christobal de la Vega, native of Mexico, sixteen years of age, able bodied, aquiline face, white, eyes small.
- Manuela de Medina**, wife of the above, daughter of Alonzo, native of Mexico, sixteen years of age, able bodied, swarthy color, large eyes, and rather thick nose.
- Josepha de Cabrera**, widow of Alonzo de Medina, mother of the said Manuela, native of Mexico, thirty years old, aquiline face, large eyes, and small nose.
- Manuela Martinez de Gamboa**, son of Nicolás, native of Mexico, eighteen years of age, able bodied, round face, and on the right side of the forehead and the left side of the head a scar.
- Ysabel Cabo Montesuma**, wife of the above, daughter of Don Manuel de Proenza, native of Mexico, sixteen years of age, able bodied, large eyes, sharp nose.
- Miguel de Quintana**, son of José, native of Mexico, twenty-two years old, able bodied, round face, small forehead, large eyes, and a mole in the chin.
- Gertrudes de Trujillo**, wife of the above, daughter of Nicolás, native of Mexico, fifteen years of age, medium height, aquiline face, large eyes, and small nose.
- Juan Manuel Martinez de Cervantes**, son of the same, native of Mexico, twenty-seven year of age, round face, swarthy, large eyes, and broad nose.
- Catarina de Los Angeles**, wife of the above, daughter of Francisco Collacos, native of Mexico, twenty-four years of age, aquiline face, large eyes and forehead.
- Azalia de la Cruz**, servant of the above, thirty-six years of age, able bodied, broad face, large and sharp nose, swarthy color.
- José Sanchez**, son of Lucas, native of Mexico, tall, round face, meeting eyebrows, rather flat nose, twenty-six years of age.

- Josepha Gomez de Ribera**, wife of the above, daughter of Alonzo, native of Mexico, thirty-two years of age, middle height, aquiline face, and on left cheek two moles.
- Ygnacio de Aragon**, son of Juan, native of Mexico, thirty-two years of age, middle height, aquiline face, high forehead, and small sunken eyes.
- Sebastiana Ortiz**, wife of the above, daughter of Nicolás, native of Mexico, twenty-seven years old, aquiline face, large eyes and forehead, small sharp nose.
- Maria de Aragon**, daughter of the above, native of Mexico, eight years of age, aquiline face, high forehead, black eyes, and small nose.
- Juan Antonio de Esquibel**, son of Francisco, native of Mexico, thirty years old, broad face, swarthy, and between the brows a scar.
- Maria de San Nicolás**, wife of the above, daughter of Francisco Vangel, native of Mexico, twenty-one years old, swarthy color, large eyes and forehead, and sharp nose.
- Magdalena de Esquibel**, child of the above named, native of Mexico, twelve years of age, round face, pockmarked, and swarthy.
- José Garcia Jurado**, son of Fernando, native of Mexico, forty years of age, tall, broad forehead and nose, small deepset eyes.
- Josepha de Herrera**, wife of the above, daughter of Augustin Mazin, native of Oricana, thirty years of age middle height, large eyes, low forehead, and heavy eyebrows.
- Antonio Garcia Jurado**, son of the said Jose Jurado, native of Puebla, seventeen years of age, able bodied, high forehead, small eyes, scar below the chin.
- Ramon Garcia Jurado**, brother of the aforesaid, native of Puebla, thirteen years of age, broad face,, large eyes, small nose, and on left cheek a scar.
- Andrés de Cardena**, son of the church, native of Puebla, forty-six years of age, able bodied, swarthy, high forehead, small eyes, and a scar on the upper part of the forehead.
- Juana de Avalos**, wife of the above, daughter of Nicolás, native of Mexico, thirty years of age, right eye sightless.
- Petrona Maria de Cardenas**, daughter of the above named, native of Mexico, eleven years of age, swarthy, and on the left cheek a mole.
- Maria Teresa de Cardenas**, sister of the above described in the preceding paragraph, native of Mexico, two years old, aquiline face, and high forehead.
- Juan de Gamboa**, son of Santiago, native of Puebla, thirty-four years old, able bodied, small eyes, sharp nose, and pockmarked.
- Maria de Zepidia**, wife of the above, daughter of the church, native of Mexico, thirty years old, middle height, aquiline face, high forehead, small deep-set eyes.
- Juan de Gamboa**, child of the above named, native of Mexico, eleven years of age, swarthy, high forehead, small nose.

- Juana de Gamboa**, daughter of the aforesaid, native of Mexico, eight years of age, swarthy, aquiline face, and three moles on the face.
- Catarina de Gamboa**, sister of the foregoing, native of Mexico, one year old, swarthy, large eyes, small nose.
- Juan Lujan**, son of Estevan Barba, native of the Province of New Mexico, thirty-four years of age, able bodied, swarthy, rather deep-set eyes, and under the left eye a scar.
- Petrona Ramirez**, wife of the above, daughter of Isidor, native of Parral, thirty years of age, reddish skin, round face, large eyes.
- Juan Lujan**, son of the above, native of the town of Parral, four years old, red skin, and round face.
- Juan Ruiz Cordero**, son of Geronimo, native of Medina Sidonia, twenty-two years old, swarthy, and a scar on the left side.
- Maria Nicolasa Carillo**, wife of the above, daughter of Nicolás, native of Mexico, twenty years old, middle height, swarthy, large eyes, rather flat nose, and large mouth.
- Miguel Geronimo del Aguila**, son of Nicolás, native of Caeza, thirty years old, able bodied, large eyes, sharp nose, and a scar at one side of the right eye.
- Geronima Dias Florida**, wife of the above, daughter of Ignacio, native of Mexico, twenty-three years old, able bodied, large eyes, two moles on the face.
- Josepha Antonia de Aguila**, daughter of the above named, native of Mexico, Calle Virtud, ten years of age, pockmarked, and large eyes.
- Juan Cortéz**, son of Don Fernando, native of Mexico, at San Lorenzo, thirty-six years of age, medium height, swarthy, sharp nose, rather sunken eyes.
- Maria de Ribera**, wife of the above, daughter of Juan, native of the town of Los Angeles, thirty years old, small, freckled, small nose, and large eyes.
- Andrea Cortéz**, daughter of the aforesaid, native of Mexico, at Santa Clara, rather broad nose.
- Santiago Cortéz**, child of the above named, native of Mexico, at Santo Domingo, twelve years of age, chestnut hair, white, large eyes.
- Juana Cortéz**, also child of the above named, native of Mexico, at Santa Clara, eleven years of age, broad face, flat nose, and pockmarked.
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- Joaquín Cortéz**, son and brother of the above named, native of Mexico, three years of age, white, and bright red complexion, and large eyes.
- Tomas Palomino**, son of Fernando, native of the port of Santa Maria, twenty-six years old, middle height, white, pockmarked.
- Gertrudes Bautista Olivares**, wife of the above, native of Mexico, Calle de Veloz, twenty years of age, daughter of Martin Bautista, medium height, aquiline face, high forehead, and small nose.

- Manuel Palomino**, son of the above, native of Mexico, fourteen years of age, white, large eyes, nose rather broad.
- Bartolomé de Luna**, nephew of the above named (Gertrudes), son of Tomás, native of San Juan Teoteguacan, eighteen years of age, swarthy, narrow forehead, broad nose, and pockmarked.
- Juan de Paz Bustillos**, son of Francisco, native of Mexico, Calle de Vergara, twenty-nine years of age, medium height, high forehead, deep-set eyes, and sharp nose.
- Manuela Antonia de Alamias**, wife of the above, daughter of José, native of Istlehuaca, twenty-eight years of age, medium height, aquiline face, scar on forehead.
- Josepha Antonia de la Paz Bustillos**, daughter of the above named, native of Mexico, Calle de Alameda, nine years of age, round, rather muddy face, and flat nose.
- Antonia de la Paz Bustillos**, son of Javier, brother of the above named, seven years of age, native of Mexico, Calle de Veloz, round face, large black eyes, and thick nose.
- Santiago de Salas**, son of Antonio, native of Mexico, at San Francisco, nineteen years of age, able bodied, round face, swarthy color, and mole on the right cheek.
- Maria Luisa de Senorga**, wife of the above, daughter of Santiago, native of Mexico, at Santa Catalina Martyr, fifteen years of age, medium size, large eyes and forehead, sharp nose.
- Santiago Senorga**, son of the same, and brother of the above mentioned (Maria), native of Mexico, seventeen years of age, middle height, high forehead, small eyes.
- Cristobal de Valverde**, son of Juan, native of Mexico, a La Merced, nineteen years of age, able bodied, swarthy, large eyes, broad nose, three moles on the right side of nose.
- Ynez de Aspina**, wife of the above, daughter of Bartolomé, native of Mexico, at Santa Catalina, seventeen years of age, able bodied, swarthy, large eyes, and sharp nose.
- Miguel Ruiz**, brother of the aforesaid, Cristobal, native of Mexico, ten years of age, curly hair, large eyes.
- Teresa Maria**, daughter of the above named couple, two years of age, native of Mexico, white, black hair, eyes, and eyebrows."

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