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SPANISH
GOVERNMENT
IN
NEW MEXICO

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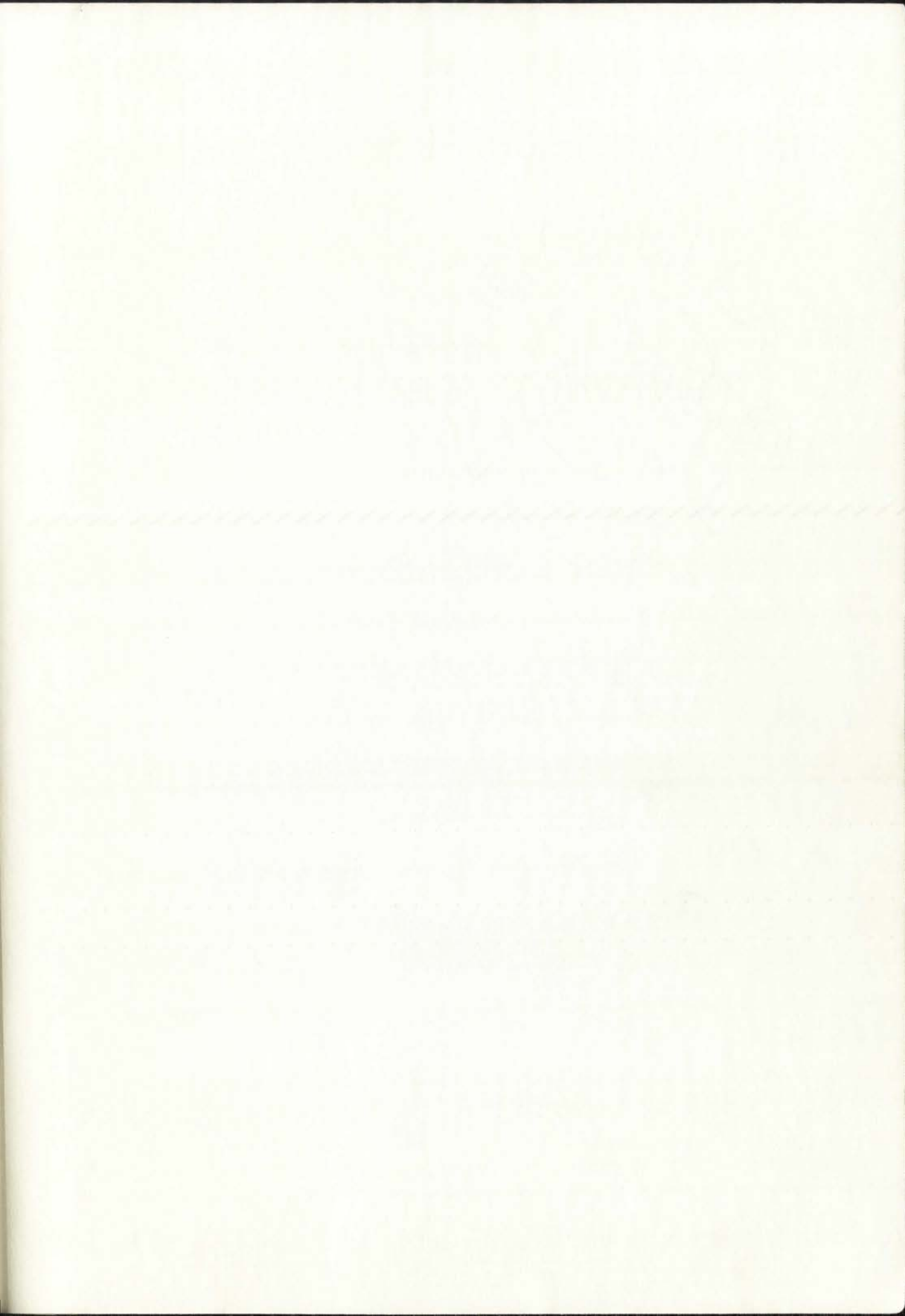
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SPANISH GOVERNMENT IN NEW MEXICO AT THE END OF
THE COLONIAL PERIOD

By

Marc Simmons

A Dissertation

Submitted in Partial Fulfillment of the
Requirements for the Degree of
Doctor of Philosophy in History

The University of New Mexico

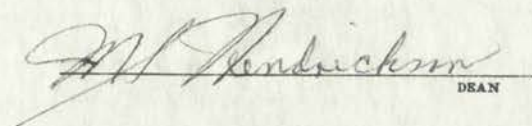
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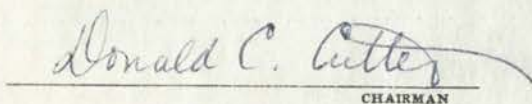
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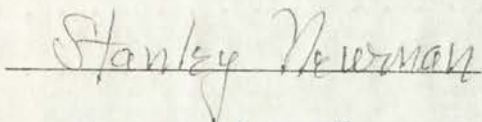
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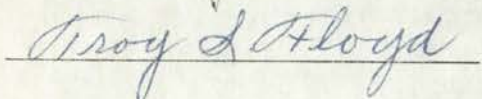
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Introduction

Three years ago when this study was initiated, the intent was to describe the nature of political government in New Mexico during the Mexican period, 1821-1846. This task had been undertaken by Lansing B. Bloom almost fifty years previously and the results published in the journal Old Santa Fe. Much new material had since come to light, however, and it was felt that an entirely new appraisal of this era was in order. As research progressed, it became more and more obvious that no adequate treatment of the Mexican period could be attempted until a full understanding of government toward the end of colonial rule was achieved, since many Spanish institutions and practices were continued after independence. A survey of the available documents in the Santa Fe archives revealed a wealth of information relating to governmental administration in the late colonial years. The problem, then, became one of reconstructing a picture of this administration from the records remaining to us. The task assumed such proportions that all consideration of the Mexican period was abandoned.

New Mexico's civil government in the seventeenth century has been expertly described by France V. Scholes, as may be observed by references to his work later in the

present study. Because the population of the province was relatively small and the number of settlements few, the organs of political administration remained essentially simple. Even in the first half of the eighteenth century, government in New Mexico was characterized by its lack of complexity. This situation was fundamentally altered, however, during the last fifty years of the colonial regime. Reforms emanating from Spain touched the farthest reaches of the empire, even the remote province of New Mexico. New legislation worked changes in all areas of political administration, as did the turbulent sequence of events in Spain during the early nineteenth century.

Such basic documents as the Order of Intendants and the Spanish Constitution of 1812 have been familiar to historians for some time, but in relation to the New Mexico story, they have been used imperfectly or not at all. Other important pieces of legislation, as those concerned with creation and administration of the commandancy system, and the vital presidial Reglamento of 1772, have been unknown to or neglected by most New Mexican writers. All of these materials, in addition to others of greater or lesser merit, have been drawn upon extensively in the present study. A brief commentary on sources appears at the beginning of the Bibliography. Note should be taken also of the list of

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abbreviations which follows this introduction.

The primary objective of this study is to set forth a description of political government in New Mexico during the last fifty years of its existence as a province of Spain. The central theme is the expansion and elaboration of the administrative system, the overriding characteristic of political activity in New Mexico.

Many topics presented here--the organization of the Santa Fe presidio and the urban militia, the postal system, the administration of the tobacco monopoly, and the judicial procedure, to name only a few--have, hitherto, received little or no attention in the general histories. All areas of government are explored in some depth with the exception of affairs concerned with the Church. Ecclesiastical matters, nevertheless, do figure in some measure in the analysis of related subjects.

In a project of this scope, deficiencies within some areas are bound to appear. Additional years could have been well spent in combing through archival collections in search of additional material, and a fuller and more authoritative account of government would have been the result. Alternately, concentration on a single topic, as military organization or the alcalde system, would have

permitted a definitive essay within a limited field.

The present approach was adopted because a larger survey appears the most logical, especially since all spheres of government within the Spanish system are, to some degree, interdependent, and one facet of administration may not be comprehended without reference to the others. Enough documents were viewed, it is felt, to establish the general pattern, and while some particulars may, no doubt, be added or corrected in the future, the basic structure should stand as here described.

The chapters which follow are arraigned in three parts. Part One describes New Mexico's relationship to the immediately superior government, i.e., the commandancy general. Chapter I is concerned with the origins of the reforms instituted in northern New Spain, and Chapter II deals with the circumstances occasioning creation and organization of the commandancy general. The third chapter analyzes the operation of this government in the years 1776 to 1792. The following chapter discusses the intendency system and its connection with New Mexico, while Chapter V recounts the developments within the commandancy system from 1792 to independence.

The intent in these five chapters is to picture in precise terms the manner in which New Mexican officialdom

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was dependent upon the authorities to the south. Abundant consideration is given to the question of succession in the office of commandant general. This has never been clearly presented and consequently it has remained impossible in a number of cases to ascertain exactly to whom the governors of New Mexico were responsible.

Part Two deals with New Mexico's provincial government. In Chapter VI the office of governor is examined to show the manifold powers and duties connected with it. The next chapter probes the financial affairs of the province, while Chapter VIII surveys the military organization.

The concern of Part Three is with the district and municipal government in New Mexico. Chapter IX discusses the alcaldes mayores and their assistants, the teniente alcaldes, and the authority which they exercised over district affairs. Then follows a chapter on the nature and extent of municipal government in the later colonial period. Finally, Chapter XI offers a few brief conclusions which appear warranted from the material presented.

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LIST OF ABBREVIATIONS USED IN FOOTNOTE CITATIONS

AGI	Archivo General de Indias, Sevilla.
Guadalajara	Sección de Audiencia de Guadalajara.
México	Sección de Audiencia de México.
AGN	Archivo General de la Nación, México.
Historia	Ramo de Historia.
Prov. Int.	Ramo de Provincias Internas.
BSCEH	<u>Boletín de la sociedad Chihuahuense de estudios históricos.</u>
NMHR	<u>New Mexico Historical Review.</u>
SANM	Spanish Archives of New Mexico, Santa Fe.

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PART I

CHAPTER I: ORIGINS OF REFORM

Political administration in northern New Spain during the eighteenth century was closely linked to frontier defense and military organization. Hostile Indians assailed the European establishments almost at will, the situation growing particularly acute after 1750. Spain's inability to check these raiders rendered the future of the frontier uncertain and exposed an inherent flaw in the over-all political and military structure of the Empire.

Decay of the Spanish realm had reached an advanced stage in the seventeenth century, and only the fortuitous arrival of the Bourbons on the throne in 1700 reversed the trend away from complete stagnation of political and economic life. The new ruling family, however, was only partially successful in its effort to revitalize the old framework. Under its aegis Spain blundered into the Seven Years War, suffering bitter humiliation at the hands of her old rival England. The cessation of hostilities in 1763 prompted a bit of introspection, especially with regard to economic and defense policies at home and in the colonies.

CHAPTER II: ORIGINS OF MERCANTILISM

Political administration in sixteenth century Europe during the sixteenth century was almost entirely limited to royal domains and military administration. Mercantile systems prevailed in the European countries almost as well, the situation growing particularly acute after 1550. Spain's inability to check these trends rendered the future of the kingdom uncertain and exposed to internal civil war in the over-all political and military structure of the Empire.

Depth of the Spanish crisis had reached an advanced stage in the seventeenth century, and only the restoration of the Bourbons on the throne in 1763 reversed the trend away from complete separation of political and economic life. The new ruling family, however, was only partially successful in its effort to revitalize the old framework. Under its reign Spain plunged into the Seven Years War, entering bitter humiliation at the hands of her old rival England. The cessation of hostilities in 1763 presented a bit of introspection, especially with regard to economic and domestic policies at home and in the colonies.

Overseas, Don Pedro de Rivera had made a detailed report of the northern outposts of New Spain in the years 1728 to 1730, but since that time no comprehensive inspection had been ordered by the government.¹ The result was an inevitable decrease in efficiency and an increase in corruption on the part of presidial commanders who were in the habit of charging exorbitant prices for commodities sold to their troops. In 1763 a hard look at reality showed northern New Spain to be defended by a handful of ragged and ill-equipped presidial soldiers whose few successes in encounters with the Indians over the years had invariably proved ephemeral.

The need for a new and general inspection of presidios had been recognized for some time, but it was not until August, 1765 that the king issued orders for an investigation to be conducted by the Marqués de Rubí. He was commissioned "to report on the status of each presidio, its

¹The results of the Rivera inspection are embodied in his report: Vito Allesio Robles, ed., Diario y derrotero de lo caminado, visto y observado en la visita que hizo a los presidios de la Nueva España septentrional el Brigadier Pedro de Rivera (Mexico, 1946). His finding resulted in the formation of the first Regulation of Presidios which prevailed until the Reglamento of 1772. On Rivera see also, Ted. J. Warner, "The Career of Don Felix Martínez de Torrelaguna" (unpublished Ph. D. dissertation, University of New Mexico, 1963), chap. VII.

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Werner, "The Career of..."
(published by...)
1963), cap. VII.

location, condition of its garrison, the price of commodities . . . , and to make suitable recommendations."² Arriving in Mexico early in 1766, Rubí conferred with the Viceroy, then left the capital to begin his review of government affairs from Texas to California. The set of formal instructions he carried included particular provisions for New Mexico. The administration of Governor Tomás Vélez Cachupín was to be investigated with special reference to his Indian policies, and information was to be assembled on the condition of the garrisons at El Paso and Santa Fe.

On July 14, Rubí and his party reached Carrizal, the southernmost outpost of the jurisdiction of New Mexico, having traveled by way of Zacatecas, Durango, and Chihuahua. Here was stationed a detachment from the El Paso presidio consisting of an officer and ten men whose duty was to afford protection to the small settlement and to travelers along the Chihuahua road. Moving north the inspector reached the Rio Grande at El Paso and ascended its valley to Albuquerque and Santa Fe. In the capital he surveyed the town and its garrison of eighty men,³ then retraced

²Carlos E. Castañeda, Our Catholic Heritage in Texas (7 vols.; Austin, 1936-1958), IV, 223.

³Before the inspection of Rivera in 1726, the Santa Fe troop had numbered one hundred men, but upon his recommendation, it was reduced to eighty. Frank D. Reeve, History of New Mexico (3 vols.; New York, 1961), I, 384.

his route to Carrizal to continue his task in the remaining provinces.

The activities of the Marqués de Rubí were to have far-reaching consequences for the future development of the northern frontier. Highly critical of existing conditions, he singled out the presidial commanders, accusing them of contributing to the misery of the soldiers by cheating on supplies and illegally employing the men for duties as escorts for merchants of the Chihuahua trade. The twenty-four presidios were scattered haphazardly across the landscape with no thought given to a coordinated defense program utilizing mutual support. Morale among the soldiers was low, owing to the injustices committed by their commanders, and because there were no regulations governing term of enlistment or providing pensions and rewards.

Among recommendations looking toward stabilization of the frontier, Rubí proposed reduction of the northern outposts to fifteen, along a line drawn from the coast of the Gulf of California to the mouth of the Guadalupe River in Texas, following the thirtieth parallel.⁴ An exception had to be made in the case of New Mexico which jutted far to the north. The Santa Fe presidio was to remain, and the

⁴Castañeda, Our Catholic Heritage in Texas, IV, 244.

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founding of a new garrison was recommended for Robledo, a point twenty leagues north of El Paso. Urged also was the removal of the El Paso presidio southward to the vicinity of Carrizal, Rubí believing that the five thousand inhabitants at this point on the Rio Grande were capable of defending themselves. Further, he suggested a tightening of Indian policy which would necessitate exercising a skeptical attitude whenever the savages made peaceful overtures. A new Reglamento é instrucción para los presidios, proclaimed in a royal cédula of September 10, 1772, was an outgrowth of these enlightened proposals conceived by the Marqués.⁵

At the same time that Rubí was inspecting the military organization of the frontier provinces, the king dispatched the Visitor General José de Gálvez to New Spain with

⁵The full title was Reglamento é instrucción para los presidios que se han de formar en la linea de frontera de la Nueva España. The copy consulted by the present writer was printed in Mexico in 1834 and is located in the Bancroft Library. For complete bibliographical data, consult H. R. Wagner, The Spanish Southwest, 1542-1794 (2 vols.; Albuquerque, 1937), II, 467-70. While this paper was in progress, a copy of the original appeared and was placed on loan to the State Archives by Mr. and Mrs. Ted Otero of Santa Fe. According to Wagner, only four other copies of the original 1772 printing are known to exist in the United States. A translation of the document has recently been made and published. John Galvin, ed., The Coming of Justice to California: Three Documents (San Francisco, 1963), pp. 2-47.

authority to implement sweeping reforms in administrative and financial affairs of the viceroyalty. Although the missions of these two men were essentially independent, each performing his particular function within the general framework of the reform program, it is clear that Gálvez carried secret instructions to inform himself of military matters, and this he proceeded to do in his capacity as Intendente del Ejército.⁶ The all-embracing problem of the Apache barrier was indeed of such magnitude that the crown was contemplating a drastic overhaul of the administrative as well as military structure of the entire northern periphery. The powers of so exalted an official as the visitador general necessarily extended to some consideration of this latter question.

In the course of his investigation, Gálvez formulated the details for two great administrative reforms. One was the establishment of the comandancia general, or frontier military district, and the other was the organization of the intendency system. The plan for the latter was approved by the king in August, 1769, with the proviso that it would

⁶María del Carmen Velázquez, El Estado de guerra en Nueva España, 1760-1808 (Mexico, 1950), p. 85.

authority to implement sweeping reforms in administrative and financial affairs of the viceroys. Although the situation of these two men were essentially independent, each viceroy had his particular function within the general framework of the reform program, it is clear that given certain access instructions to take on himself of military matters and this he proceeded to do in his capacity as president of the Real Audiencia. The all-encompassing process of the Spanish Reforms was indeed of such magnitude that the crown was contemplating a drastic overhaul of the administrative as well as military structure of the entire northern periphery. The power of so-called an official as the viceroys general necessarily extended to some consideration of the latter question.

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² Historia del Organismo Viceroyal, El Estado de guerra en Nueva España, 1763-1808 (Mexico, 1938), p. 33.

be well to allow sufficient time for the choice of suitable men in whom to entrust the new administrative positions. Sufficient obstacles arose to delay actual establishment until 1786. The case of the commandancy general is somewhat different, for by late 1776, the motions were underway to put this measure into operation. And it is this phase of Bourbon reform that bears most heavily on the subsequent history of New Mexico.

A preliminary step was the appointment of a commandant inspector to direct and coordinate military affairs.⁷ He held the rank of colonel at least, he was a direct subordinate of the viceroy, and when the king should see fit to appoint a commandant general for the internal provinces as recommended by Gálvez, the inspector was to come under his authority. This officer was to establish his residence at whatever place seemed most convenient for carrying out his responsibilities. He was prohibited from holding a governorship or the captaincy of a presidio within his jurisdiction (the commandancia inspección), since this might interfere with his other obligations. To aid him, two assistant

⁷The title of commandant inspector actually was in use in the northern provinces prior to 1772.

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(the governancia insular), since this might interfere

with his other obligations. To his two assistants

⁷The title of commandant inspector actually was in use

in the northern provinces prior to 1773.

inspectors (ayudantes inspectores) were designated, each with the rank of at least captain and an annual salary of three thousand pesos. The comandante inspector received eight thousand pesos yearly. The duties of the inspector were broad in scope, enabling him to exercise direct and forceful supervision in all military and related matters. He was enjoined to implement the specific articles of the Reglamento which looked to amelioration of conditions within the presidios of his jurisdiction. His authority extended over instruction and discipline of troops, and over financial expenditures including supply and maintenance of garrisons and pay of soldiers.

Presidios were to be visited annually by either the comandante inspector or by one of his two assistants. Special inquiry was to be made into the conduct and affairs of presidial officers, especially the commandant of the garrison, and any irregularities were to be reported to the viceroy. This regularization of inspections was intended to mitigate the abuses that the Marqués de Rubí had found prevalent among these officials.

In his capacity as commandant of all presidios, the inspector was empowered to determine the number, objective, and time of patrols and to plot the routes of detachments

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Provision was to be visited annually by either the commandant inspector or by one of his two assistants. Special industry was to be made into the command and articles of general officer, especially the commandant of the garrison, and any irregularities were to be reported to the vicinity. This regularization of inspectors was intended to mitigate the abuses that the mandarins had found prevalent among these officials.

In his capacity as commandant of all precincts, the inspector was expected to determine the number, quality and size of troops and to put the location of barracks

that were to operate in the spaces between garrisons. When some beleaguered outpost called for aid, or when it became necessary to take the field and attack the Indians in their rancherías, he was to unite the detachments into one or more divisions and outline the strategy of the campaign. In addition, he was authorized to suspend hostilities against the enemy if they sought a truce, and to begin preliminary peace negotiations. On such occasions, he was to make clear to the chiefs that arrangements must receive the confirmation and approval of the viceroy. Prisoners were to be treated kindly and any officers, soldiers, or civilians who abused them were to be severely punished.⁸

To put into effect the new regulations, the king appointed Don Hugo O'Conor Commandant Inspector of Presidios. O'Conor had served as a sergeant major on the Texas frontier, and the energy and ability he displayed in dealing with the Indians had made him a likely candidate for the new office. Antonio Bonilla and Roque de Medina

⁸Reglamento para los presidios, título 15. The title of "commandant of presidios" mentioned above antedated that of commandant inspector. The former was created by a real orden of August 7, 1765, and was first extended to the Marqués de Rubí. Brigadier Hugo O'Conor acquired it in 1770, and retained the designation when he became comandant inspector in 1772. Francisco R. Almada, "Los Apaches," Boletín de la sociedad Chihuahuense de estudios históricos, II (1939), 7.

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dealing with the Indians and made him a likely candidate
for the new office. Antonio Ballein and Juan de

⁸ Reglamento para los presidios, libro 12, folio 12. The title
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order of August 7, 1762, and was first extended to the
Marques de San Carlos. Brigadier Diego O'Conor acquired it in
1770, and retained the designation when he became command
inspector in 1772. Francisco R. Alvares, "Los Asesinos,"
Boletín de la Sociedad Mexicana de Estudios Históricos,

were named ayudante inspectores.

With alacrity O'Conor set about to secure a more efficient military service and to fashion the new cordon of presidios. Viceroy Bucareli ordered the governors of the several northern provinces to furnish the Comandante with whatever assistance he might seek.

By 1776 the revised presidial line was established, and the Indians had felt the sting of Spanish resistance. Nevertheless, the fundamental difficulties remained and no final solution to the defensive problem was in sight. Presidial commanders were roaming farther afield with their troops, but this left the settlements near the presidios more exposed. Small war parties continually swept away the horse herds, leaving the garrisons afoot. This problem was so acute in New Mexico that the royal treasury was forced to appropriate money for 1,500 horses to replace those stolen from the citizenry and soldiers.⁹ Well-trained officers remained scarce, and the troops, in spite of reinforcements, never reached the number necessary to provide continual and effective policing of the vast region. Although much graft and corruption had been eliminated, allowing

⁹Viceroy Bucareli to Julian Arriaga, November 26, 1775, in R. Velasco Ceballos, La administracion de D. Frey Antonio Maria de Bucareli y Ursua (2 vols.; Mexico, 1936), I, 283.

were named Spanish inspectors.
The 1875 law also provided for the creation of a

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Provincial governments were created rather than with their
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2. Historia de Mexico, to Julian Carrasco, November 28, 1875,
in A. Vazquez Cabrera, La independencia de D. Felix de Arce
de la guerra y guerra (Mexico, 1938), I, 281.

supplies to flow more freely, the difficulty of the terrain and the isolation of many of the outposts hindered efficient distribution of vital weapons, powder, and ammunition.

11

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CHAPTER II: THE COMMANDANCY GENERAL ESTABLISHED

Militarily speaking, the commandancy general was a direct outcome of the recommendations made by José de Gálvez. Eight years elapsed, however, before Gálvez was in a position of power that permitted him to see personally to the implementation of his plan. In January of 1776 Julián de Arriaga died, and his place as Minister General of the Indies--the highest office in Spain responsible for overseas affairs--was soon afterward granted to José de Gálvez, now the Marqués de Sonora, who at once set about to erect the commandancy general of New Spain's interior provinces.¹

Considerable optimism on the part of the Spanish government greeted the creation of the new military department, for it was fervently hoped that this effort would at last bring some measure of peace to the troubled frontier. In such event this colonial problem-child could be made secure and significant economic development could get

¹Charles E. Chapman, A History of California: The Spanish Period (New York, 1921), p. 319. The term "internal" or "interior" provinces was commonly used from the early eighteenth century to refer to the northern provinces, because they were interior with reference to the capital of New Spain. H. H. Bancroft, History of the North Mexican States and Texas (2 vols.; San Francisco, 1884), I, 636.

Initially speaking, the new military general was a direct outcome of the reorganization made by the government. Eight years elapsed, however, before Gálvez was in a position of power that permitted him to see personally to the implementation of his plan. In January of 1777 Gálvez was named as Minister General of the Indies--the highest office in Spain responsible for overseas affairs--and soon afterward granted to José de Gálvez, now the Marqués de San Carlos, the rank of general and the commandancy general of New Spain's thirteen provinces.

Constitutional opinions on the part of the Spanish government greeted the creation of the new military district, for it was generally held that this effort would at last bring some measure of peace to the colonial situation. In such events this colonial problem might be made secure and significant economic development could be

¹ Charles E. Chapman, A History of California: the Spanish Period (New York, 1921), p. 318. The term "interior" or "interior" provinces was commonly used in the early eighteenth century to refer to the northwestern provinces, because they were interior with reference to the capital of New Spain. M. E. Howard, History of the United Mexican States and Mexico (2 vols.: San Francisco, 1887), I, 626.

underway. Spain would be released, at least partially, from the terrible burden of defending the area, and the provinces could assume the responsibility of paying a share of their own expenses.

It might be supposed that the viceroy of New Spain would resent the reduction of his jurisdiction and powers which the new scheme entailed. Thomas, indeed, implies that maladministration of the frontier by Viceroy Bucareli was a prime factor animating the crown in its course of action.² If such was the case, the viceroy must have harbored considerable displeasure at the turn of events, for these could only reflect upon his competence and reputation in the eyes of the crown. Bernard E. Bobb, in the absence of documentary evidence, dismisses the supposition that any failure on the part of Bucareli influenced the royal decision to separate the interior provinces.³ The fact remains, nevertheless, that almost from the onset Bucareli and Teodoro de Croix, the first commandant general, found themselves on unfriendly terms, and more than one viceroy in subsequent

²Alfred Barnaby Thomas, Teodoro de Croix and the Northern Frontier of New Spain, 1776-1783 (Norman, Okla., 1941), p. 16.

³The Viceregency of Antonio María Bucareli in New Spain, 1771-1779 (Austin, 1962), p. 146.

underway. It would be interesting to know particularly how
 the terrible burden of determining the truth, and the possibility
 could assume the responsibility of seeing a short or long
 own expenses.

It might be supposed that the victory of the Spaniards
 would reverse the reduction of his jurisdiction and power
 which the new scheme enabled. Thomas, indeed, replied
 that maintenance of the frontier by a heavy subsidy
 was a price which entailed the crown in the course of
 action. If such was the case, the victory must have had

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¹ Bartholomew Thomas, Pedro de Cruz and the
Northern Frontier of New Spain, 1570-1573 (London, 1911), p. 10.

² The Vicereignty of Antonio de Sucerell in New
Spain, 1571-1573 (London, 1922), p. 102.

years discovered opportunities to criticize the existence of a separate northern jurisdiction.⁴

Organization. The commandant general was the highest royal official in the Provincias Internas. He communicated directly with the king through the Minister of the Indies (por la vía reservada). He was virtually independent of the Viceroy of New Spain, except that he was required to keep that officer abreast of developments in the North so that the viceroy might offer the proper assistance when the circumstances required.⁵ The annual salary of the comandante was set at twenty thousand pesos, a sum deemed sufficient to permit him to maintain himself properly.⁶

The title comandante general indicated that military duties were the uppermost consideration. The comandante inspector and his two adjutants (ayudantes inspectores)

⁴ See for example Conde de Rivilla Gigedo, II, Instrucción reservada que dió a su sucesor en el mando, Marqués de Branciforte sobre el gobierno de éste continente en el tiempo que fué su virrey (Mexico, 1831), art. 720.

⁵ Instrucciones a Teodoro de Croix, AGN, Prov. Int., 241, art. 2; and also printed in Velasco Ceballos, La Administración de Bucareli, pp. 332-42. As will be noted shortly, in the matter of finances, the commandancy was subject to the accounting office in Mexico City.

⁶ Ibid., art. 7.

retained the duties delegated to them by the Reglamento of 1772, but these were now performed under immediate supervision of the commandant general. Below the inspectors were the governors of the several provinces who acted as military commanders in their respective districts. With the appointment in 1776 of the commandant general, who was designated simultaneously captain-general, the governors lost this latter title which they had previously held. The governors usually corresponded directly with the comandante general, their only relations with the inspectors occurring when one or the other of these directed a military campaign or conducted an inspection within their jurisdiction. The more important provinces, New Mexico excluded, often had an official called the comandante de armas who served under the governor and relieved him of the more burdensome military matters.

Military. The military forces of the commandancy general included the presidial garrisons, the mobile companies which patrolled the more remote areas, a citizens' militia, and special companies of Indian auxiliaries.⁷ Over these was the

⁷Ibid., art. 13. Of the Indian troops, the Ópatas were regarded as the bravest and most loyal. A number of them served in campaigns against the Apaches in southwestern New Mexico.

comandante general, who spent much time in the field, particularly in the first years, attending personally to the direction of military matters. For this he had a personal guard of twenty men. Periodically he dispatched to Spain reports and memorials to keep the king and his minister informed of frontier activities and to seek advice on problems of great moment.

Beyond this a host of prosaic duties under the heading of military responsibility fell to the commandant general. Supply and maintenance of troops was a constant worry, and the comandantes in the course of time experimented with several methods in an effort to devise an efficient system. Soldiers were paid through the various treasury offices within the internal provinces, but the commandant general was ultimately responsible for disbursement of salaries through the supplymasters of the various companies. Further, the comandante was the final arbiter in granting or disallowing pensions to widows, orphans, the disabled, and retired soldiers, and rewards for special or lengthy service. Moreover, he made all military appointments and promotions for lesser offices, usually acting upon recommendation of the governors or presidial commanders. He himself suggested to the king candidates for the more important positions for

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which the crown reserved right of appointment.

Civil Government. Administrative concerns the comandante general left, as much as possible, in the hands of local officials and his own staff of assistants. In practice this was not always feasible since the structure and character of Spanish government discouraged initiative and independent action on the part of lesser functionaries. The peculiar exigencies of frontier command, however, permitted a wider latitude of movement among officers than in most other areas of the realm.

An especially cumbersome duty for the commandant general was the direction of affairs of the royal treasury or real hacienda. As superintendent general of financial matters, he kept watch over the several treasury offices (cajas reales), the most important of which, initially at least, was that of Arizpe, Sonora. In this city the commandant maintained his headquarters. Croix's instructions enjoined him to construct there a royal mint (casa de moneda) to remedy the shortage of coin which was injuring commerce.⁸ With transfer of the capital of the commandancy to Chihuahua in 1792, Arizpe lost its fiscal preëminence. The town continued, however, in possession of the mint, its

⁸Art. 12.

which the crown reserved right of appointment
Civil Government
commander general left, as well as the
of local officials and his own state
practice was not always strictly followed
and character of Spanish government
and independent action on the part
The political organization of these
particular other factors of national
in most other areas of the world
An especially important question
general was the discussion of the
of rail building. As regards
matters, he kept watch over the
(great realities), the most
fact, was that of Alaska, some
commander maintained his
tions enjoined him to consider
(roads) to remedy the shortage
commerce. With transfer of the
to Chile in 1833, the
The town included, however, it

treasury office, and the pagaduría, or head paymaster's office. The commandant general, as a matter of course, came to rely upon the caja real of Chihuahua and the new mint which was placed in that city.

As superintendent general the comandante regulated the conduct of affairs within the real hacienda and its various ramos, or branches. His powers in this regard were defined broadly as supervisory, and actual details of administration were handled by regular agents of the colonial exchequer. There was no separate accountant's office for the Provincias Internas, so all books were audited by the contador of the tribunal of accounts (tribunal de cuentas) in Mexico City. This tribunal, which had been established in New Spain in 1605, was the final court of audit where all the oficiales reales of New Spain received their quittance. The commandant general was required to submit a statement of the financial conditions of his jurisdiction to the king every six months, and to see that all accounts of the various treasury branches were properly and promptly submitted at the end of each year to the tribunal de cuentas. With proclamation of the Order of Intendants, in 1786, significant modifications were interposed in this system, but withal,

the commandant remained the crown's chief fiscal agent in the northern provinces.

It had been intended that administrative reorganization of the frontier provinces would lead to their financial independence from the Viceroyalty of New Spain. Unfortunately, the recurring Indian problem which necessitated increasing military expenditures and which hindered economic development precluded realization of this goal. A treasurer's report prepared at Arizpe in January, 1784 may be taken as fairly typical of the financial situation which prevailed throughout the period. The report indicated that a shortage of 135,130 pesos would have to be remedied so that the treasury of that city could meet its obligations for the coming year. Figures showed a similar deficit existed at the same time for the caja real of Chihuahua.⁹

The major disbursements of the several treasury offices throughout the commandancy general were for administrative and military expenses and for salaries of the missionaries (sínodos). Chihuahua's caja real, for example, provided the support for the presidios of Nueva Vizcaya and New Mexico, the salaries for officers and men of the several mobile companies, the salary of the governor at Santa Fe and the

⁹AGN, Prov. Int., 78.

The Commission has reviewed the Commission's report in

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prepared at Mexico in January, 1763 may be taken as fairly

typical of the financial situation which prevailed throughout

the period. The report indicated that a shortage of 1,250,000

pesos would have to be resorted to for the treasury of that

city could meet its obligations for the coming year. Mexico

showed a similar deficit which at the same time for the

entire year or otherwise.²

The major instruments of the central treasury system

throughout the colonial period were the administrative

and military expenses and for salaries of the administrators

(*gubernos*). Columbus's early work, for example, provided the

support for the creation of New Mexico and New Mexico,

the salaries for officers and men of the royal militia

companies, the salary of the governor and his council and the

² See, for example, Vol. 1.

lieutenant governor stationed at El Paso, and the sínodos of the friars in New Mexico and northern Nueva Vizcaya. Moreover, the responsibility of paying the commandant general and his subordinates soon devolved upon it, as did the duty of supplying the funds for pensions of retired and disabled soldiers and of widows and orphans.¹⁰ Other expenses included support, after 1791, of the Hospital Real Militar in Chihuahua, administrative costs of the treasury itself, and various extraordinary expenses.

The sources of revenue which supplied the real hacienda with funds were numerous, the people of New Spain paying some forty-odd varieties of taxes. Many of these were not collected in the frontier provinces because of the poverty of the region. Even so, as Priestley points out,

the intervention of the royal treasury in every phase of life of the individual was incessant. It made the old colonial régime so odious that law breaking became the usual practice. . . . The burden was not that taxes were unbearably high . . . but that they were so multifarious and so visible.¹¹

¹⁰ Report of the Treasury Office of Chihuahua, October 10, 1788, AGN, Prov. Int., 46.

¹¹ The Coming of the White Man (New York, 1929), p. 190.

lieutenant governor exercised an office, and the number
 of the latter in New Mexico and northern New Mexico
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¹⁰ Report of the Treasury Office of California, October
 10, 1782, MSS. Prov. Ind., etc.

¹¹ The Conquest of the West (New York, 1907), p.
 190.

Many of the special taxes were administered by the treasury proper. Others formed separate branches or ramos within the real hacienda, with their own sets of officials who were responsible for collection of a particular revenue. Prior to the visita of Galvez, the tendency had been to farm out tax collection to individuals or to the governments of leading cities who then took it upon themselves to assemble the revenues for a share of the proceeds. After 1768 the job was largely taken over by regular treasury officers, and direct government administration continued to the end of the colonial period.

A major source of wealth for the cajas reales of the internal provinces were the various duties attached to the mining and working of precious metals. Levying of these taxes was normally in the hands of an assayer (ensayador).

Indian tribute, which elsewhere in New Spain produced considerable income for the king, was practically non-existent on the frontier. Humboldt commented at the beginning of the nineteenth century that in the provinces of Nueva Vizcaya and New Mexico, not a single tributary individual could be found.¹²

¹²Alexander von Humboldt, Ensayo político sobre el reino de la Nueva España (4 vols.; Mexico, 1941-1947), II, 321.

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 nineteenth century that in the provinces where tribute
 and law existed, not a single tributary individual could be

found. 13

13 Alexander von Humboldt, Essays for the History of Nature, II, 321.
Essays for the History of Nature (4 vols., Mexico, 1845-1847), II,

The alcabala or sales tax was levied on most articles at both first and later sales. Invariably freedom for a term of years from the alcabala was included among the privileges conceded to newly-established colonies or to those which maintained a precarious existence. Among items exempted from this tax were bread, coin, books, horses, and weapons.¹³ In spite of this, the measure bore heaviest upon the citizenry, and was the most detested of all taxes. The rate of the alcabala varied from two to fourteen per cent on goods sold or exchanged, but in the troubled northern provinces of New Spain it remained fixed at two per cent.¹⁴

The crown reserved for itself control of a number of industries as monopolies through which it realized a handsome profit. The most lucrative of these in the Provincias Internas were the monopolies of tobacco, salt, gunpowder, ~~quicksilver~~, playing cards, and stamped paper.¹⁵

The tobacco monopoly, established by the visitador José de Gálvez, involved closing out all private interest in

¹³C. H. Haring, The Spanish Empire in America (New York, 1947), pp. 287-89.

¹⁴Juan N. Rodríguez de San Miguel, Pandectas Hispano-Megicanas (2 vols.; Mexico, 1852), II, 192.

¹⁵Treasurer's Report, Durango, November 19, 1794, AGN, Prov. Int., 12.

The passage on which the law was based was that article
 at which time the law was passed. The law was passed for a
 term of years and the law was passed during the
 period which was to be limited to a certain number of years
 those which contained a provision for a certain number of years
 excepted from this law were books, coal, books, papers, and
 weapons.¹⁰ In case of this, the law was passed during the
 the country, and was the law passed on all cases. The
 case of the alcohol which was to be passed but was not
 goods sold or exchanged, but in the case of northern

provisions of New Spain is contained in two parts.
 The law reserved for Spain's control of a number of
 industries all monopolies through which it received a large
 some profits. The most lucrative of these in the provinces
 interest were the monopolies of tobacco, salt, gunpowder,
 quicksilver, mining, cattle, and sugar.¹¹

The tobacco monopoly, established by the visitador
 José de Oñate, involved closing out all private interests in

¹⁰ C. E. Harris, The Spanish Empire in America (New
 York, 1907), pp. 267-73.

¹¹ Juan B. Rodríguez de San Miguel, Principales Leyes de
 Indulgencia (2 vols.; Mexico, 1873), II, 125.

¹² Investigator's Report, Mexico, November 1, 1763,
 AGN, Prov. Ind., 12.

the manufacture, sale, and production of this commodity except in certain favored districts where the government bought the entire crop. Sale of tobacco emerged as one of the richest sources of public income in America, and produced between 1765 and 1809, 120 million pesos revenue.¹⁶ The regard with which this branch of the treasury was viewed is perhaps indicated by the fact that among the many titles of the commandant general, that of Superintendent of the Ramo de Tabaco was given a prominent place. Monopolies of lesser commodities, as, for example, snow, were maintained by the crown in the more important northern provinces, but not in such places as New Mexico.

Other sources which provided treasury receipts of some significance were the cruzada (sale of indulgences) and the tithes, both ecclesiastical revenues. The bulk of this income always went for religious purposes, so that the real hacienda was not appreciably benefited.¹⁷

Another method employed for extracting money for the treasury was the media anata, or payment representing usually half of the first year's salary of newly-appointed officials. By a special decree in 1791, the comandante general was

¹⁶Herbert Ingram Priestley, José de Gálvez, Visitor-General of New Spain, 1771-1779 (Berkeley, 1916), pp. 142-55.

¹⁷Haring, The Spanish Empire in America, p. 285.

the number of... and production of this commodity
 except in certain favored districts where the government
 bought the entire crop. Sale of produce averaged a one per
 cent the highest sources of public funds in America, and
 produced between 1785 and 1808, 100 million pesos annually.
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 is perhaps indicated by the fact that among the many titles
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 Banco de Espana was given a prominent place. Knowledge of
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¹⁶ General of New Spain, 1770-1779 (Mexico, 1914), pp. 120-21.
¹⁷ Mexico, The Spanish Empire in America, p. 385.

exempted from paying this tax.¹⁸

As implied by the deficits in the Arizpe and Chihuahua cajas referred to above, the revenues, as a rule, were insufficient to meet the financial obligations of the commandancy general, hence the internal provinces continued their dependence upon the viceroyalty. The caja real of Guanajuato, made rich by the mines in its area, supplied funds for a number of years to the treasury offices in Durango, Chihuahua, and Arizpe. Before 1793 this amounted to 240 thousand pesos annually to Chihuahua alone.¹⁹ As late as 1814, the viceroy ordered the intendant of San Luis Potosí to permit the treasury officials in the Provincias Internas to make withdrawals against the caja real of his district whenever the need arose and funds on hand would permit.²⁰ The large sums were transported northward by mule trains every three, four, or six months, under heavy military escort.

¹⁸AGN, Prov. Int., 157. Although other sources of revenue may be noted in the Provincias Internas, only those which had special significance, as indicated by the treasury reports, have been cited here.

¹⁹Pedro de Nava to Viceroy Revilla Gigedo, II, Chihuahua, November 7, 1793, AGN, Prov. Int., 12.

²⁰Manuel de Acevedo to Viceroy Calleja, San Luis Potosí, May 23, 1814, AGN, Prov. Int., 129.

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A set of treasury officials (oficiales reales) administered the affairs of each caja. Chihuahua possessed a director of the treasury who accepted an annual salary of two thousand pesos. He was assisted by a senior and a junior officer (oficial mayor and oficial segundo) and by an officer of the mint (ensayador).²¹ After introduction of the intendancy system in 1786, a treasury minister subordinate to the intendant of Durango was placed at Chihuahua.²²

Judiciary. Superior justice in the Provincias Internas was in the hands of the Audiencia of Guadalajara. This court of law possessed jurisdiction in most of western and northern New Spain. As its principal duty, it heard and decided appeals from inferior judges and tribunals within this area. When plans were being formulated in 1760 for the erection of a separate viceroyalty, it was proposed that the new government be composed of the provinces within the jurisdiction of the Audiencia of Guadalajara. For practical and economic reasons, the idea of a military department which contained only the northern periphery prevailed. Notwithstanding, the

²¹Report of the Treasury Office of Chihuahua, 1788.

²²Priestley, José de Gálvez, p. 295.

A set of Treasury warrants (official warrants) was issued to the holder of such a set. The holder of such a set was the director of the Treasury and was authorized to issue such a set of two thousand warrants. He was assisted by a secretary (official officer) and a clerk (official officer). The holder of such a set of Treasury warrants was subordinate to the incumbent of the office of the Treasury and was subordinate to the incumbent of the office of the Treasury.

Chihuahua 21

Justice. Superior Justice by the President of the Republic was in the hands of the Auditor of the Republic. The office of law possessed jurisdiction in order to hear and render judgment in New Spain. As the judicial duty, it heard and rendered judgment in the first instance judges and officials. When there was being formulated in New Spain the judicial system a separate judiciary, it was proposed that the judicial system must be composed of the provinces which the judicial system of the Republic of the United States. The practical and effective results, the idea of a military department which would be only the northern territory provided, the judicial system.

Report of the Treasury Office of the United States, 1850.
Secretary, John A. Dix, p. 11.

commandancy after 1776 continued to be thought of as a preliminary step in establishing a viceroyalty which would include the audiencia. The idea was not abandoned until the introduction of the intendancies ten years later.

The Audiencia of Guadalajara, with so many provinces under its jurisdiction, encountered considerable difficulty in fulfilling its obligations. It was suggested by Viceroy Marqués de Croix (uncle of Teodoro de Croix) and by Gálvez himself in 1767 that either a separate chamber to hear criminal cases (sala del crimen) or two more judges (oidores) be added to the Audiencia.

For a brief period before the commandancy was inaugurated, Gálvez appears to have assumed that an entirely new audiencia would be created within its boundaries.²³ Although this failed to materialize in 1776, other prominent individuals urged in subsequent years that this measure be undertaken, both to relieve the court in Guadalajara and to expedite judicial proceedings in the northern provinces. Felipe de Neve, who became commandant general in 1783, and his successor, Jacobo Ugarte y Loyola, strongly urged the creation of a

²³ (José de Gálvez), Informe general que entregó el Señor Marqués de Sonora al Virrey D. Antonio Bucareli y Ursua, December 31, 1771 (Mexico, 1867), p. 11.

separate audiencia. Ugarte frequently mentioned this pressing need and submitted to the crown on one occasion a plan for establishing an estanco del aguardiente mescal, or brandy monopoly, which could provide the sums needed for operating expenses of the proposed court.²⁴ That the urgings of these and other officers had no effect is evidenced by the fact that New Mexico's representative to the Spanish Cortes in 1812, Pedro Bautista Pino, in the report on conditions in his province, was compelled to continue the old argument for placing an audiencia in Chihuahua.²⁵

Below the Audiencia of Guadalajara the machinery of justice was subdivided to an extraordinary degree. Broadly speaking, two channels of judicial procedure lay open: one, the justicia ordinaria, or the regularly established courts; and the other, the justicia privilegiada, or special courts operating under their own fueros. At the head of the former stood the Audiencia of Guadalajara with final jurisdiction in all criminal cases and in all but the most important civil suits which could be reappealed to Spain. Below this

²⁴Brief on the State of the Provincias Internas, Ugarte y Loyola to Viceroy Flores, Arizpe, December 10, 1787, AGN, Prov. Int., 253.

²⁵Pedro Bautista Pino, Exposición sucinta y sencilla de la provincia del Nuevo México (Cádiz, 1812), p. 28 [reproduced in H. Bailey Carroll and J. Villasana Haggard, trs., Three New Mexico Chronicles (Albuquerque, 1942), pp. 211-261.]

court were the various inferior magistrates as the governors and alcaldes, and after 1786 the intendants and their subdelegados. In minor cases the alcaldes acted as judges of first instance (jueces de primera instancia) and the governors as judges of second instance (jueces de segunda instancia). Theoretically appeal was possible, thereafter, to the audiencia, but in practice, it seldom occurred. In important cases the alcalde referred matters directly to the governor who served as judge of first instance, and who was required to permit appeals to the audiencia which served as the court of second and usual final instance.²⁶ When the intendants were named to office, they assumed the administration of justice in the first instance for important cases since they replaced the governors in Sonora, Nueva Vizcaya, and elsewhere. In the few areas which remained outside the mainstream of the intendancy system, as New Mexico, the governors and alcaldes continued to function as before.

The workings of the various fueros, or privileged courts, were extremely complex, and there existed frequent conflict of jurisdiction with the ordinary tribunals. The most important fueros were those belonging to the military,

²⁶ Croix to Anza, February 21, 1782, Spanish Archives of New Mexico, Santa Fe, document 837. These numbers follow those of Ralph Emerson Twitchell, The Spanish Archives of New Mexico (2 vols.; Cedar Rapids, Iowa, 1914), Vol. II.

the Church, and the real hacienda. In addition, certain occupations possessed the fuero in civil suits pertaining to their sphere of administration, or to which their officials or employees were a party. Among these were the merchant's, miner's, and grazer's guilds, and the medical profession.²⁷ Only the fuero militar and the fuero eclesiástico ultimately had any significant bearing on events in New Mexico, hence description here will be confined to these two.

The military fuero granted persons who came within its jurisdiction--the regular troops and, with certain limitations, the militia--the privilege of recourse to their own courts. This prerogative often extended to both civil and criminal actions. Only after 1763 did the military magistracy constitute a significant part of the legal structure of New Spain, for prior to that time, regular troops were few in number and the militia was in an early stage of development.²⁸ Rapidly, thereafter, the fuero assumed such magnitude that the astute Viceroy Revilla Gigedo, II was led boldly to express his dissatisfaction and warn of its

²⁷Haring, The Spanish Empire in America, p. 133.

²⁸Lyle N. McAlister, The "Fuero Militar" in New Spain, 1764-1800 (Gainesville, Fla., 1957), pp. 7-10.

dangers.²⁹

The commandant general of the interior provinces constituted the court of first instance for most cases arising under the fuero in the northern district and involving the regular troops. In actual practice such cases were adjudicated by the auditor de guerra, owing to his superior knowledge of judicial affairs. For the provincial militia the court of primary jurisdiction was formed by the commander of the local unit.³⁰ This officer was to have a legal assistant to advise him in the manner of the auditor de guerra, but on the remote frontier, such a lawyer was seldom available.³¹ Appeals by militiamen were taken to the commandant general via the governor who might append his dictamen, or opinion.

The Catholic clergy had a special legal institution of their own under the canonical law with church tribunals and class privileges. As Revilla Gigedo, II observed, the ecclesiastical fuero was at one time the most extensive in New Spain.³² Toward the end of the colonial period, however,

²⁹Instrucción reservada, arts. 92, 117.

³⁰McAlister, The "Fuero Militar," p. 9.

³¹The nature of the office of the auditor will be described below.

³²Instrucción reservada, art. 94.

it was gradually limited by the establishment of competency of crown courts in all cases under criminal law, and with the declaration that cognizance of those cases involving pious funds and foundations for support of clergymen should be taken into the secular courts.³³ Apart from the fuero, the Holy Office of the Inquisition possessed judicial authority through New Spain in matters of faith and morals.

Finally, in the administration of justice, another court of general jurisdiction whose authority included the internal provinces should be mentioned. This was the acordada, at once a rural police force and a tribunal whose purpose was to deal with cases of highway robbery in outlying districts.³⁴ Audiencias were often far removed from these sources of trouble, so to combat banditry promptly and effectively, the acordada was brought forth as an independent sphere of criminal jurisdiction.

Patronage. The patronato real, or royal patronage, was vested in the commandant general by the instructions of 1776. This privilege consisted of the rights which the sovereigns of Spain possessed over the Church in America and which

³³ Priestley, José de Gálvez, p. 65.

³⁴ Francisco Banegas Galván, Historia de México (3 vols.; Mexico, 1938-1940), I, 33-34.

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derived from papal grants of the early sixteenth century. The concession of the tithes and the right to nominate all ecclesiastical officials had been obtained by the crown so that in a very real sense, the Church became another branch ~~of~~ of the royal government.

The commandant general, as vice-patron, was empowered to nominate persons for vacant curacies and benefices, and these were to be approved by the respective diocesan prelates, or in their absence, by the church cabildos. Moreover, he was conceded permission to delegate this function to provincial governors so that ecclesiastical affairs might be expedited. His authority in these matters was to extend over both the secular and regular clergy.³⁵

Actual administration of Church affairs, particularly on purely religious matters, lay with the bishops and other religious officers in the Provincias Internas. The jurisdiction of the Bishop of Durango extended to all of Nueva Vizcaya and New Mexico. In the latter province, continued hopes for the founding of a bishopric at Santa Fe were not realized until 1853, although, like the erection of an

³⁵ Instrucciones a Teodoro de Croix, art. 4; also Irving Berdine Richman, California under Spain and Mexico, 1535-1847 (Boston, 1911), p. 432.

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audiencia at Chihuahua, it was proposed on several occasions.³⁶

Administrative Assistants of the Commandant General. To support the comandante general in performing military tasks, a core of officers from the commandant inspector to the local presidial commanders existed, as has been described. In the sphere of civil government, the commandant enjoyed the services of a small staff of administrative officials who acted as advisers and who relieved him of many petty and burdensome chores. The most important of these were the asesor general and the secretary of the commandancy, both of whom received their appointments directly from the king.

The asesor was a man trained in law (a letrado) who acted as the legal adviser of the commandant general. Strictly speaking, an asesor handled matters relating to civil and criminal cases, and a separate functionary, the auditor de guerra, had jurisdiction over military cases.³⁷ Both offices, however, were often combined in a single person within the internal provinces. Pedro Galindo Navarro was designated by the king as the first asesor and auditor de guerra to assist

³⁶AGI, Guadalajara, leg. 561.

³⁷For a discussion of the distinct nature of these two officials, see Manuel Josef de Ayala, Diccionario de gobierno y legislación de Indias (2 vols.; Madrid, 1929), I, 350.

admission at the time, it was proposed on several

occasions.

Administrative Position of the Commandant General.

During the commandant general's performance of his duties, a core of officials from the commandant general's staff provided continuous assistance in his work. In the sphere of civil government, the commandant general enjoyed the services of a small staff of administrative officials who acted as advisers and who relieved him of many petty and burdensome duties. The most important of these were the general counsel and the secretary of the commandant, both of whom received their appointments directly from the king.

The secretary was a man trained in law (L. J. J. J.) who

acted as the legal adviser of the commandant general. Entirely speaking, an adviser handled matters relating to civil and criminal cases and a separate adviser, the adviser de guerre, had jurisdiction over military cases.³⁷ Both offices,

however, were often combined in a single person within the internal provinces. Pedro Galindo Barrios was designated by the king as the adviser de guerra and adviser de guerra to assist

³⁷For a discussion of the details of these two offices, see Galindo Barrios, op. cit., p. 100.

³⁸For a discussion of the details of these two offices, see Galindo Barrios, op. cit., p. 100.

Teodoro de Croix.³⁸ His salary was set at three thousand pesos yearly.³⁹

While the asesor acted chiefly in an advisory capacity, he seems to have served as something of a judge in civil and criminal cases arising within his immediate district. When the commandant general received the proceedings in a case from a subordinate jurisdiction, as New Mexico, these were customarily submitted to the asesor for an opinion (dictamen) before being passed on to the Audiencia at Guadalajara. With cases involving the military fuero in which the comandante had final jurisdiction, he relied heavily upon the advice of the asesor acting in his capacity as auditor de guerra. In areas of the comandancy which lacked an asesor, or someone versed in legal matters to advise the provincial authorities, recourse was had to the asesor general, who freely gave assistance through formal dictámenes. In 1805, for example, the asesor submitted to the governor in Santa Fe a dictamen prescribing proper legal procedure for judicial matters in New Mexico.⁴⁰

³⁸Bancroft, North Mexican States, I, 638-42. Navarro served until 1790 when he was transferred to the asesoría general of Mexico.

³⁹Report of the Treasury Office of Chihuahua, 1788.

⁴⁰Trial of Three Indians and a Genízaro for Sedition, SANM, doc. 1931.

Working closely with the commandant general was his secretary with the title of secretario de cámara y gobierno who was employed in writing the letters, dispatches, and periodical reports relating to government business and in preparing and certifying the official records. Captain Antonio Bonilla, former adjutant inspector of presidios under O'Connor, was the first appointee to hold this office in the new administration. He continued with the same salary of three thousand pesos, which he drew in conformity with the Reglamento.⁴¹ Bonilla's experience in frontier affairs added to his competence and usefulness to the comandante, and among other achievements, he was credited with organizing the archives of the commandancy general in Sevilla.⁴²

Several other assistants of lesser stature were attached to the commandancy, but their titles and functions, as well as salaries, were altered from time to time. Originally two notaries had been named to the staff, but in 1788, there was only one.⁴³ By this date also appeared

⁴¹Instrucciones a Teodoro de Croix, art. 10; and Viceroy to Real Audiencia de Guadalajara, Mexico, February 24, 1777, AGN, Prov. Int., 74.

⁴²Alfred Barnaby Thomas, "Antonio de Bonilla and Spanish Plans for the Defense of New Mexico, 1772-1778," in New Spain and the Anglo-American West (2 vols.; Lancaster, Pa., 1932), I, 190.

⁴³Instrucciones a Teodoro de Croix, art. 10; and Report of the Treasury Office of Chihuahua, 1788.

three officers known as the oficial mayor, the oficial segundo, and the oficial tercero. The first enjoyed an annual salary of one thousand pesos, the latter two hundred pesos. The exact nature of their duties is unknown. A report of 1795 observed that the skeleton staff of the commandant general could not fulfill the many clerical tasks assigned to it with the result that the comandante himself was called upon to assist, his attention thereby being diverted from more urgent matters.⁴⁴

The Capital of the Provincias Internas. An early plan for the commandancy general proposed Durango as the site for the capital. This location José de Gálvez judged to be too far from the Indian frontier and from the new settlements in California which were his primary concern. As a consequence, the capital came to be at Arizpe, Sonora, because that post lay midway between Nueva Vizcaya and the Californias, though far to the west of the geographical center of the new commandancy.⁴⁵ The designation of Arizpe as provisional headquarters was embodied in the original instructions to Teodoro de Croix and was confirmed by a royal order dated

⁴⁴Report on Conditions in the Provincias Internas, Governor Fernando de la Concha to the Viceroy Marqués de Branciforte, Mexico, January 20, 1795, AGN, Prov. Int., 15.

⁴⁵Chapman, History of California, p. 319. Caborca mission also was briefly considered for the site of the capital. Richman, California under Spain and Mexico, p. 122.

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 Report of 1775 observed that the location of the
 commandant general could not be fixed, the only official
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 diverted from more urgent matters.

The capital of the Provincias Internas. In early times
 for the commandant general proposed San Diego as the site for
 the capital. This location was not chosen because it was too
 far from the Indian frontier and from the new settlements in
 California which were the primary object. As a consequence,
 the capital was to be at San Diego, because that spot
 lay midway between Mexico and the California coast, though
 far to the west of the geographical center of the new
 country. The destination of San Diego as provisional
 headquarters was approved in the original instructions to
 Pedro de Cevallos and was confirmed by a royal order dated

Report on Conditions in the Provincias Internas,
 Gobierno Veneciano de la América, to the Viceroy, Mexico, 1775, p. 18.
 "Compendio, Historia de California, p. 118. California
 also was initially considered for the site of the
 capital. Historia de California, p. 118.

February 12, 1782. Nevertheless, some writers have mistakenly assumed that this officer had no fixed residence in the first years but traveled around from place to place.⁴⁶ The itinerant nature of his military duties perhaps created this erroneous impression. A cédula of 1782 raised the town of Arizpe to the status of a ciudad and announced that a new bishopric for Sonora would be located there.⁴⁷

In subsequent years the commandants general became dissatisfied with their location at Arizpe and petitioned the crown for a change.⁴⁸ The reasons for this attitude are not altogether clear, but in part it must reflect upon the fact that the Indian problem, centered in Nueva Vizcaya and New Mexico, assumed greater relative importance than the threat of European interlopers in California. Arizpe may have been considered somewhat removed from the main field of activity. In 1787 the comandante general suggested that the capital be transferred to Ures, a point south of Arizpe. In the same year, however, the viceroy sent instructions from the king to the effect that the commandant was to have

⁴⁶Mathew G. Reynolds, Spanish and Mexican Land Laws, New Spain and Mexico (St. Louis, 1895), p. 28.

⁴⁷Bando of Teodoro de Croix, June 15, 1783, SANM, doc. 864.

⁴⁸Brief on the State of the Provincias Internas, 1787,

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Dear Mr. [Name]
I have your letter of January 28, 1953, regarding the
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[Action] the [Topic] as soon as possible.

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in [Action] the [Topic] as soon as possible.

Very truly yours,
[Signature]
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no fixed residence but was to move about visiting towns and outposts where his services were most needed.⁴⁹

In spite of this provision, Commandant General Ugarte y Loyola informed the governor of New Mexico in 1788 that the state of affairs in Nueva Vizcaya was forcing him to establish his residence in the Villa of Chihuahua.⁵⁰ This town, thereafter, served more as a base of operations, the comandante actually passing most of his time in the field. A royal order of 1792 returned officially to the idea of a permanent capital, designating in this case the Villa of Chihuahua, a declaration which legalized a fait accompli.⁵¹ For seven years after 1813, the capital existed at Durango, but in the year before independence, it was returned to Chihuahua.

⁴⁹Decree of Flores, Mexico, December 3, 1787, AGN, Prov. Int., 160.

⁵⁰Ugarte to the Governor of New Mexico, Arizpe, January 23, 1788, SANM, doc. 995.

⁵¹Real Órden, November 23, 1792, AGN, Prov. Int., 241.

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CHAPTER III: THE PROVINCIAS INTERNAS, FIRST PHASE

On May 16, 1776, Charles III appointed Teodoro de Croix, nephew of the former viceroy, the Marqués de Croix, as the first comandante general of the Provincias Internas. The provinces of Coahuila, Texas, Sonora, Sinaloa, Nueva Vizcaya, New Mexico, and the Californias, to which were later added Nuevo Santander and Nuevo León, were detached from the viceroyalty and placed under Croix's jurisdiction by a royal cédula of August 22, 1776. Instructions to the new comandante, issued on the same date, conferred upon him practically viceregal powers--direct dependence upon the king, authority over the political governors, treasury officers, and judicial authorities, and exercise of the royal patronage.¹ Withal, as Bancroft observes, Croix's command was to be preëminently a military one. His first duty was to systematize the frontier defenses and to wage war on savage foes.

The creation of the commandancy general of the internal provinces in 1776 was clearly an experimental measure and it is not surprising that it underwent a number of successive changes. Alterations in administrative structure and policy were invariably designed to bolster

¹Thomas, Teodoro de Croix, p. 18.

gaps which appeared in the over-all defense system. The frequency of these suggested that no real panacea for the problems of the frontier had been devised--instead, stop-gap measures were employed as momentary expedients to be abandoned when they proved useless or whenever some seemingly more efficient technique or method appeared.

In spite of the Reglamento on presidios and the efforts by Hugo O'Connor to implement reform, Teodoro de Croix, upon assuming his post as commandant general, observed that weaknesses remained in the presidial cordon. His energies, thereafter, were concentrated on eliminating these and strengthening the provinces in general. In conceiving a policy of action, his aims came to be centered on

(1) rearranging the cordon to render the presidios more effective; (2) buttressing it with a secondary line of frontier settlements from which militia could be drawn to support military campaigns and provide supplies for the presidios; (3) protecting the presidial horseherds from Indian raids; and (4) introducing needed reforms in the internal administration of the presidios.²

In late 1777 and well into 1778, Croix proceeded upon a comprehensive inspection tour of much of his new

²Thomas, Teodoro de Croix, pp. 47-48.

jurisdiction. In the process he promoted three councils of war which helped to crystallize in his mind the aims adverted to above. Moreover, a general policy was evolved which indicated that flexibility was to be the keynote of Spanish action. As described by Bobb, "alliance, war, and peace with various Indian groups were all to be part of the Spanish method, both as coexisting and sequential policies."³

Although Croix was vigorous in his approach, like O'Connor before him, he enjoyed only partial success. In the years before 1781, significant achievements were registered, including several notable victories against the Indians and the successful promotion of local militia units. A massacre of a Spanish garrison by the Yumas and complaints against Croix by absentee hacendados who held lands around Saltillo and Parras, tended to mar his record in the final years he served as commandant general.

On the purely administrative level, Croix's years in office were singularly free of friction with subordinate officials. He had been admonished to adopt a conciliatory attitude toward non-military individuals and to consult freely and in a friendly manner with civil and ecclesiastical officers. In June, 1778, he wrote to Minister José de

³The Viceregency of Bucareli, p. 153.

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²The University of Toronto, p. 133.

Gálvez from Chihuahua recommending division of the Provincias Internas into two distinct and independent jurisdictions. The eastern sector was to include Coahuila, the districts of Parras and Saltillo, Texas, Nuevo León, and Nuevo Santander, while the remaining provinces were to compose the western. Croix reasoned that it was nearly as impracticable to direct the affairs of Texas and Nuevo Santander from Arizpe as from Mexico.⁴ His suggestion, nonetheless, was not immediately followed.

Croix served at his post until 1783 when Charles III rewarded him with the choicest office in the overseas empire--that of Viceroy of Perú. Felipe de Neve, formerly governor of the Californias, had been named commandant inspector in the previous year, and with Croix's departure, he became commandant general by a royal order of February 15, 1783.⁵ Although in delicate health, Neve continued to carry the war to troublesome Indians. A campaign to the Río Gila, in which he and the two ayudante inspectores participated, produced a number of successful skirmishes.⁶ Neve

⁴Bancroft, North Mexican States, I, 639; Decree of Flores, 1787.

⁵AGN, Prov. Int., 77. Neve's elevation to the superior office was officially proclaimed in Santa Fe on March 6, 1784, SANM, doc. 857a.

⁶Alfred Barnaby Thomas, Forgotten Frontiers (Norman, Okla., 1932), pp. 244-56.

served only a short while before he died on August 21, 1784.⁷ His successor was José Antonio Rengel, the comandante inspector who assumed charge ad interim under the supervision of Audiencia of Mexico which was ruling because of the sudden death of Viceroy Matías de Gálvez.⁸

By a real cédula of October 6, 1785, the king appointed Jacobo Ugarte y Loyola, then governor of Puebla, to the office of comandante general.⁹ Ugarte was a reasonable choice in view of his wide experience in frontier matters, having earlier been governor first of Coahuila and then of Sonora.¹⁰ By this time, however, the crown was moving toward a revamping of the governmental structure of the internal provinces. The welter of administrative changes which ensued provides a complex and often confusing history, offering further indication that Spain possessed no frontier policy with a predetermined coherence.

In 1785, Bernardo de Gálvez, nephew of José de Gálvez and son of Matías de Gálvez, Viceroy of New Spain, succeeded to the viceregal office upon the death of his father.

⁷AGN, Prov. Int., 46.

⁸Rengel to the Governor of New Mexico, Chihuahua, November 30, 1784, SANM, doc. 898.

⁹SANM, doc. 936.

¹⁰For a brief biographical sketch of Ugarte y Loyola, see Thomas, Forgotten Frontiers, p. 384n.

Because of the special competence of Bernardo in frontier matters--he had previously been a military commandant in Coahuila and governor of Louisiana--his authority was extended over the Provincias Internas. His new relationship with the commandant general was detailed in an Instrucción sent to Ugarte y Loyola August 26, 1786.¹¹ The commander of the internal provinces was to continue in use of the ample powers conceded to his predecessors, but with the understanding that he was now immediately subordinate to the orders of the viceroy. Since the defense and tranquility of the provinces were to be the preferred objects of his attention, Ugarte was cautioned to concentrate on operations of war and to leave judicial details entirely to the governors, sub-delegating to them in the same manner the powers of the patronato.

Remembering the complaint of Croix that the provinces were too large for one man to govern, and his own experiences assuring him of the need of a split command, Gálvez provided Ugarte with two officer assistants. Juan Ugalde, colonel of infantry, was assigned military jurisdiction over the eastern

¹¹Donald E. Worcester, ed., Instructions for Governing the Interior Provinces of New Spain, 1786 (Berkeley, 1951). An original copy of this document may be found in AGN, Prov. Int., 129.

provinces. José Rengel, reappointed comandante inspector after having served briefly as provisional commandant general, was placed in charge of the central provinces of Nueva Vizcaya and New Mexico. Ugarte y Loyola retained direct management of the remaining western provinces of Sonora and the Californias. The two aides were still under orders from the commandant general, but they were permitted to correspond directly with the viceroy. Article 13 of the Instrucción provided that they should act freely in whatever concerned operations against the enemy and peace with those who asked for it. Specifically they were required to obey the commandant general's orders insofar as they did not oppose those given them directly by the viceroy.

José Rengel, although he now had a new facet added to his military duties, continued to act as inspector of all the troops of the commandancy general. Whenever the demands of this office compelled him to be absent from Nueva Vizcaya, he was instructed to leave the interim military command of the province to the officer enjoying his greatest confidence, devolving it, if possible, upon the one of highest grade and most service in rank. Regarding matters strictly relating to the inspección, Rengel was ordered to deal directly with the commandant general and to correspond with the viceroy only

through this official. Because of the inaccessibility of New Mexico, the governor of that province carried on as sub-inspector of the troops within his district in order to avoid, whenever possible, visits by the commander inspector and his aides.¹²

This new form for the internal provinces was not precisely in keeping with the earlier recommendations of Croix. The government essentially was still a single unit under the commandant general and a sizeable chunk of the northern frontier persisted in demanding his attention. Moreover, friction developed between Ugarte and Ugalde on a number of issues, and when appeal was made by both to the viceroy, that official became involved as the third member in a contentious triangle. Further, the division of the commandancy into three departments precipitated rather than solved difficulties in dealing with the Indians.

Bernardo de Gálvez succumbed suddenly to a fever in 1786 and the Provincias Internas briefly enjoyed their old independence in the short interval which elapsed before the

¹²Ibid., pp. 30-33. As may be adduced from what has been said, the ramo de inspección was that branch of the military concerned with administration, supply, and discipline.

appointment of another viceroy. In March, 1787, the authority of the new viceroy, Manuel Antonio Flores, over the commandant general was declared by a royal cédula to be the same as that of his predecessor.¹³

Affairs stood thus until December 3, 1787, when Flores under royal authorization issued a decree abolishing the three separate commands and consolidating the northern jurisdiction into two independent commandancies general as per the original suggestion of Croix.¹⁴ The Provincias Internas del Poniente, or western provinces, remained under Ugarte y Loyola and included the Californias, Sonora, Nueva Vizcaya, and New Mexico. The jurisdiction of José Rengel as comandante inspector was restricted to the latter three provinces, and two of the ayudante inspectores, of which there were now three, were assigned to the same area. Once again, therefore, Rengel found himself subordinate in all matters to the commandant general.

¹³Herbert E. Bolton, Guide to Materials for the History of the United States in the Principal Archives of Mexico (Washington, D. C., 1913), p. 76.

¹⁴Decree of Flores, 1787. The governor of New Mexico was notified of the change by Ugarte in a letter of January 23, 1788, SANM, doc. 996.

The provincias Internas del Oriente, or eastern provinces, were organized anew under Juan Ugalde, who was elevated to the rank of commandant general with an annual salary of six thousand pesos. This office, in view of the restrictions imposed by the crown, was practically devoid of political responsibility. Ugalde was explicitly admonished to devote himself to purely military matters, using as his guide the presidial Reglamento of 1772.¹⁵

As noted, the limited authority of Viceroy Flores was extended over the commandancy in the manner prescribed in the Gálvez instructions of 1786. Rather quickly, however, this order was superseded by a new cédula of March 11, 1788 which restored full vice-regal authority.¹⁶ Following close upon this mandate was a real orden of May 15 which combined the offices of commandant general of the West and commandant inspector.¹⁷ With the reduced load carried by the former, it was probably concluded that he could perform with ease the functions of inspector. In reality, logic should have dictated even earlier the practicability of such a measure.

¹⁵Decree of Flores, 1787, art. 12.

¹⁶Bolton, Guide, p. 76.

¹⁷Ugarte y Loyola to the Governor of New Mexico, September 2, 1788, SANM, doc. 1017.

José Rengel, since his post was being absorbed by Ugarte, was transferred to Sonora where he became comandante de armas.¹⁸

Ugarte y Loyola was promoted to the intendency of Guadalajara in 1790, leaving Colonel Antonio Cordero as interim commander. Brigadier General Pedro de Nava subsequently received the permanent appointment as commandant general of the western provinces on March 7, 1791. Ugalde at the same time, broken down by years of hard service, was relieved of the eastern jurisdiction and returned to Spain. Nava temporarily assumed control of these provinces until Ramón de Castro was appointed to serve as Ugalde's replacement.¹⁹

As the final act in the first historical phase of the commandancy system, the king issued orders on November 22, 1792 reuniting the Provincias Internas and placing them, as originally provided in 1776, under a single commandant. This directive was in opposition to the recommendation of Viceroy Revilla Gigedo, II who had forcefully argued, after making a

¹⁸Comandante de armas appears to have been the title denoting the ranking military commander in a province where the political and military powers were separated.

¹⁹Carroll and Haggard, Three New Mexico Chronicles, p. 171n.

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visita of the area concerned, for the full extension of his power over the northern region.²⁰ By the November 22 ruling, Pedro de Nava was confirmed as comandante over the "restored" internal provinces at a yearly salary of fifteen thousand pesos. A jurisdictional provision separated the Californias, Nuevo León, and Nuevo Santander, attaching them to the viceroyalty. The Provincias Internas, in revised form, were composed of the five provinces of Sonora, Nueva Vizcaya, New Mexico, Texas, and Coahuila.²¹

With the attaining of independence by Nava from the viceroy, the office of commandant general regained the civil and administrative functions originally conceded to it, and of which it had been deprived in successive stages. With this event the pendulum had traced and retraced its crescent within a span of seventeen years. At the beginning the commandant was virtually a viceroy in all but name. From this lofty position, he had been reduced by 1785 to a command which, in truth, included no more than Sonora and the Californias. Officers who ruled the central and eastern

²⁰Instrucción reservada, art. 719; Donald E. Smith, The Viceroy of New Spain (Berkeley, 1913), p. 155.

²¹Conde del Campo de Alange to the Viceroy of New Spain, San Lorenzo, Spain, November 23, 1792, AGN, Prov. Int., 241.

provinces were only nominally subordinate to him. At the lowest ebb, he became completely subject to the viceroy in 1788.

The circumstances which encouraged this indecision and vacillation of the crown may be suggested in no more than the broadest terms. A meticulous study of the Provincias Internas' sections of the Spanish and Mexican archives at some future date will be necessary to reveal the frequently occult motives which influenced the Spanish government in its course of action.

The opening lines of the Gálvez instructions to Ugarte indicate that the king was fully aware of the persistence of fundamental weaknesses affecting this far corner of his realm. It was declared bluntly: "The unhappy state of the Provincias Internas is well known." [The reasons as set forth lay in the rigors of war, pestilence, and hunger which neither the zeal of the comandantes nor increases of troops and presidio equipment could alleviate.] To these expected sources of trouble were added the dissensions among the officers who constantly jockeyed for added power and prestige. A particularly critical state was reached in 1789 with a vigorous attempt by the commandant to make himself independent of the viceroy. This circumstance was a major factor

in arousing the ire of Revilla Gigedo, II, as adverted to previously. The sum total of these and other problems not yet fully understood served to confuse the crown, promote discord in colonial offices, and defeat the original intent of the commandancy general.

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MEMPHIS

CHAPTER IV: THE INTENDANCY SYSTEM

Establishment and Organization. [The reforming zeal of the Spanish Bourbons resulted in the comparatively bold innovation of the commandancy system.] A more sweeping reform, to which reference has already been made, was the Ordinance of Intendants for New Spain implemented in 1786.¹

[Designed to curb rampant corruption, to halt lax obedience to royal and vice-regal orders, and to promote greater administrative efficiency,] this measure came to have a profound effect on local political affairs. With the announced purpose of improving fiscal administration and augmenting royal revenues, the Order swept away the governors, alcaldes mayores, and other civil officers whose peculations had imposed a serious drain on the treasury. In their place were appointed twelve governor-intendants to manage the newly created intendancies or districts of New Spain. These officials were selected by the king, and their powers extended to the departments of justice, general administration (policia), finance, and war. Within the area presided over

¹A translation of this Order may be found in Lillian Estelle Fisher, The Intendant System in Spanish America (Berkeley, 1929).

THE NATIONAL ARCHIVES
COLLECTIONS

The National Archives and Records Administration is pleased to announce the release of a new collection of documents from the [illegible] period. This collection includes a wide range of materials, including letters, reports, and official correspondence, which provide valuable insight into the [illegible] of the [illegible] era. The documents are organized into several series, each focusing on a different aspect of the [illegible] process. The [illegible] series contains a wealth of information regarding the [illegible] of the [illegible] government, while the [illegible] series provides a detailed look at the [illegible] of the [illegible] administration. The [illegible] series includes a comprehensive set of [illegible] documents, and the [illegible] series offers a unique perspective on the [illegible] of the [illegible] period. The [illegible] series contains a wealth of information regarding the [illegible] of the [illegible] government, while the [illegible] series provides a detailed look at the [illegible] of the [illegible] administration. The [illegible] series includes a comprehensive set of [illegible] documents, and the [illegible] series offers a unique perspective on the [illegible] of the [illegible] period.

For more information, please contact the National Archives at [illegible] or visit our website at [illegible].

by the intendente, divisions known as partidos were made and placed in charge of subdelegados who were nominated by the intendants but appointed by the viceroy. This regularization of provincial government greatly reduced the total number of officials, lowered expenses, increased royal revenues through more efficient collection, and relieved the viceroy and the commandant general of a portion of their multitudinous duties by virtually creating a separate financial department.

In the north, the Intendancies of Durango and Sonora were entirely within the jurisdiction of the commandancy general and that of San Luis Potosí partially so. The Intendancy of Sonora had actually been created during the time of Viceroy Bucareli when it was thought that the exceptional mineral wealth and revenues from tribute of that province could be more effectively handled by an intendente. Although Sonora endured for a number of years prior to 1786 as the only intendancy in New Spain, for several reasons it was not successful.² Teodoro de Croix, nonetheless, in his Informe general of 1781, proposed the appointment of an intendant for Nueva Vizcaya who, being "skillful, disinterested, zealous, and loyal, might arrange the political

²Luis Navarro García, Intendencias en Indias (Sevilla, 1959), pp. 53-54.

and economic government of the pueblos. . . ." ³ With promulgation of the Order of Intendants, Sonora remained as an independent jurisdiction, and Nueva Vizcaya was set up as an intendancy with its capital at Durango. In all, New Spain was divided into twelve intendancies plus the separate department of the Californias administered by the commandant general.

The duties of the new intendants extended to collection of revenues, civil administration and cases of justice, and all economic matters. In these areas they served as assistants of the viceroy or commandant general to whom they were directly subordinate. These two superior officers experienced at the onset a curtailment of their powers in fiscal matters by the appointment of an intendant general (superintendente general de real hacienda) who resided in Mexico City and through his agents, the intendants, took full cognizance of financial affairs. As Smith has observed:

A new council, officially termed the junta general de real hacienda, was established at the capital with the superintendent-general as its president. This new chief of the financial end of the government became, not an official subordinate to the viceroy, but

³Thomas, Teodoro de Croix, p. 131.

The general government of the United States is a federal republic, and the powers of the government are divided among three branches: the legislative, the executive, and the judicial. The legislative branch is composed of the House of Representatives and the Senate. The executive branch is headed by the President, and the judicial branch is headed by the Supreme Court.

The purpose of this document is to provide information regarding the various departments and agencies of the United States government. This information is intended to help the public understand the structure and functions of the federal government. The following is a list of the major departments and agencies of the United States government:

- Department of State
- Department of Defense
- Department of Justice
- Department of Education
- Department of Health and Human Services
- Department of Agriculture
- Department of Commerce
- Department of Labor
- Department of Housing and Urban Development
- Department of Transportation
- Department of Energy
- Department of the Interior
- Department of Veterans Affairs
- Department of Social Security Administration
- Department of Environmental Protection
- Department of Homeland Security

This document is intended to provide a general overview of the United States government and its various departments and agencies. It is not intended to provide a detailed description of the functions of each department or agency. For more information, please contact the appropriate department or agency.

a co-ordinate ruler over what was in some ways the most important branch of government.⁴

The intendancies, however, had only been fairly established when the viceroy was himself made superintendent general and hence had all his old powers returned to him.⁵

In the Provincias Internas the intendants of Sonora and Durango were under immediate direction of the commandant general in all military matters, and he as subdelegado of the real hacienda was their supervising agent in fiscal affairs. In the departments of justice and general administration, the two intendants were under authority of the Audiencia of Guadalajara.⁶ In actual practice they enjoyed considerable freedom of action, particularly since their immediate superior, the commandante general, concentrated his attention on military business. Although the intendants possessed military functions within their so-called war department or causa de guerra, these were in effect limited to the maintenance and provisioning of provincial troops in peace and war, and to a monthly review of soldiers stationed

⁴The Viceroy of New Spain, p. 117.

⁵Ibid., p. 272.

⁶Navarro Garcia, Intendencias en Indias, p. 71.

within their respective provinces.⁷

The Intendancy System and New Mexico. Lansing B.

Bloom once wrote that the intendancy system need not concern students of New Mexico history directly since this province never was erected as a separate intendancy.⁸ One need only peruse the Order of 1786 and it will become readily evident that this statement is misleading. Although it must be admitted that New Mexico never became a co-equal unit within the new machinery of government, it should be recognized that the Order contained many general provisions, especially as regards the functioning of local or municipal government, applicable to all New Spain. Moreover, the role of New Mexico as a military province attached to the intendancy system is clearly set forth in Article 10 within the Order, and this must necessarily be absorbed into any account of provincial government in the late colonial period. Furthermore, random pieces of correspondence which survive in the Spanish archives at Santa Fe suggest that some tenuous though very real and, heretofore, undescribed relationship existed between the governor of New Mexico and the intendant of Durango.

⁷Fisher, The Intendant System, p. 297.

⁸New Mexico History and Civics (Albuquerque, 1933), pp. 140-41.

Although writers in the past have concluded that Upper California, Lower California, and New Mexico remained outside the intendency system as separate military systems, this was not true for New Mexico.⁹ Article 1 of the Order of Intendants states unequivocally, "In order that my will may have its prompt and proper effect, I command that the territory of that empire [New Spain], exclusive of the Californias,¹⁰ shall be divided for the present into twelve intendancies."¹¹ Absence of reference to New Mexico here is conspicuous.

Further insight is provided by Article 10, the first paragraph of which reads as follows:

The political and military administrations of Yucatán, Tabasco, Vera Cruz, Acapulco, the New Kingdom of León, Nuevo Santander, Coahuila, Texas, and New Mexico shall continue. Consequently they must keep the divisions of justice and general administration united to the military authority in their respective territories or districts, except the branch belonging to municipal finance and to community funds of the towns, which must be [under] the exclusive power of the intendants, with subordination to the junta superior de hacienda.¹²

⁹See e.g. Fisher, The Intendant System, p. 26; Haring, The Spanish Empire in America; Twitchell, The Spanish Archives, II, 258.

¹⁰The italics are inserted by this writer.

¹¹Fisher, The Intendant System, p. 98.

¹²Ibid., p. 105.

It is clear from this that New Mexico was to be regarded in a similar manner as a number of other frontier or exposed provinces, all of which heretofore have been considered as loose appendages of one or another intendancy. The Californias are not mentioned because they were completely divorced from association with any intendente. The provinces just named were made practically independent by virtue of their particular military missions. Only with regard to municipal funds might the intendant interpose his authority, and in the case of New Mexico where the poverty of most citizens spelled the almost total absence of community revenues, even this avenue of action was closed. This is not to say, however, that New Mexico was entirely freed from the hand of the intendant of Durango. While this province had never been an integral part of Nueva Vizcaya, it was, nonetheless, joined in close association, and though not incorporated officially into the new government, the intendente of Durango seems to have regarded New Mexico as belonging to his jurisdiction within certain shadowy and ill-defined limits.

The governor of New Mexico was both the chief military and civil officer of his jurisdiction, with emphasis

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definitely on the first of these responsibilities. Practically all matters in either sphere might be construed as of ultimate military significance since whatever promoted the welfare of the province served to shore up its capacity to resist enemies. At the same time, civil administration existed as a sub-stratum of government directed, likewise, by the governor who united in his person the divisions of justice and general administration with the military authority.

The fact is that there was not a great deal of difference between the new intendant governor of Durango and the governor of New Mexico. The former enjoyed greater stature, having come from Spain and ruling over a larger and more important area, but both were in charge of general administration and justice within their respective districts and both exercised the vice-patronage of the Church. The intendant had little jurisdiction in matters of war since the interior of his province was relatively tranquil, and in the north where agitation was prevalent, the commandant general was on hand to subdue tumult. While matters of defense preoccupied the governor of New Mexico, he had, in contrast to the intendente, few financial responsibilities since his area was not a producer of significant revenues.

The commandant at Chihuahua frequently addressed general orders to "the intendants and governors of the Provincias Internas," indicating that each was roughly co-equal within his appropriate sphere of jurisdiction.¹³

That the intendente of Durango possessed some superiority over New Mexico's governor, at least in the conduct of certain financial business, is indicated by two official letters in the Spanish Archives at Santa Fe. The first, from the Intendant Bernardo Bonavia and dated January 29, 1798, is a notice addressed to the Gobernador del Nuevo Mexico informing him of a real provisión¹⁴ issued by the Audiencia of Guadalajara which contained a royal cédula annulling all exemptions from tithe payments, including those made previously to clerics and soldiers. In closing, Bonavia states that his assistant legal adviser (teniente letrado y asesor) in an official dictamen reported his opinion as to how the measure should be applied. This was sent to the

¹³See e.g. Bando of Commandant General Nemesio Salcedo, Chihuahua, April 10, 1804, SANM, doc. 1716.

¹⁴The term real provisión could apply to a cédula from Spain, or to a decree of the viceroy or audiencia proclaimed in the king's name.

governor, and the intendant requested that its receipt be acknowledged.¹⁵ The second piece of correspondence was penned by Governor Real Alencaster on April 1, 1806, and is a reply to an earlier official letter from the intendant. Alencaster reports that there is no real estate (fincas urbanas ni rústicas) in the hands of benevolent organizations within his area.¹⁶

It was the duty of the intendants to enforce royal decrees relative to finances, and the two instances just cited indicate that the power of the intendant of Durango extended in such matters to the province of New Mexico. Beyond this he probably held jurisdiction in certain cases involving public revenues. Suits and legal cases connected with the monopolies of tobacco, the alcabala, pulque, gun powder, and playing cards were decided in the first instance by the intendant or one of his subdelegados, and it may be assumed that if any such proceedings arose in New Mexico, they were carried to Durango.¹⁷ It is certain that various criminal and civil cases originating in New Mexico found their

¹⁵SANM, doc. 1414. It was recommended in 1789 that the asesoria of Durango be abolished as its expense was an excessive burden on the treasury. Apparently this suggestion was not carried out. Intendant of Durango to the Viceroy, October, 1789, AGN, Prov. Int., 26.

¹⁶SANM, doc. 1982.

¹⁷Fisher, The Intendant System, p. 45.

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way into the hands of the intendant's asesor.¹⁸ By Article 15 of the Order of 1786, this lawyer was made ordinary asesor in all business of the intendency.¹⁹ Since New Mexico in the late colonial period was chronically short of letrados, cases which were appealed from the local courts to the Audiencia in Guadalajara frequently went via the asesor in Durango so that he might have an opportunity to attach his dictamen. Thus, another real, albeit inconspicuous, example is provided of New Mexico's limited dependence on the Intendency of Durango.

Fisher suggests that initially it was the crown's intention to bring most of the military provinces, which had been set aside originally as military departments and which included New Mexico, into full participation in the intendant system.²⁰ Within a brief time after creation of the new frame of government, this actually occurred in the eastern interior provinces which were effectively incorporated into the Intendency of San Luis Potosí, though remaining under the military

¹⁸See e.g. Isidro Rey to Governor Alencaster, El Paso, July 21, 1805, SANM, doc. 1862.

¹⁹Fisher, The Intendant System, p. 111.

²⁰Ibid., p. 29.

control of the commandancy.²¹ This left New Mexico, since the Californias are excluded, as the only remaining military department in the north, and suggests why some writers have mistakenly concluded that this was the situation embodied in the original plan.

At the beginning of the nineteenth century, Baron von Humboldt expressed surprise that after two centuries of colonization, New Mexico was not yet considered ready for annexation by the intendency of Nueva Vizcaya (Durango).²² The answer resided in the fact that disruptions produced by pillaging Indians demanded the presence of a military governor who could act swiftly and decisively in hours of emergency. Also, because of its geographical isolation imposed by intervening deserts and waste land, inconvenience and confusion could have been the only outcome if a sub-delegate dependent on the intendant had been imposed upon New Mexico.

²¹ Navarro García, Intendencias en Indias, p. 119n. The suppression of the separate Gobierno de Texas took place in 1768, and presumably similar action ensued in Coahuila, Nuevo León, and Nuevo Santander at approximately the same time.

²² Ensayo político, II, 331.

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Last Years of the Intendant System. A number of problems arose with regard to the new intendancies, so that early expectations came to be only partially realized. Designed to regularize political government in New Spain, the system fell short of its goal when at the onset certain districts had to be kept separate as military departments. Moreover, there existed an obvious lack of uniformity among the intendancies--comparison of area and population showed considerable variance. Viceroy Revilla Gigedo, II was particularly critical on this account, and he further complained that men of inferior caliber had been appointed to office.²³

If the intent of the measure was to secure a more efficient government for the colonies and to improve conditions of life there for all classes of the inhabitants, then it was misdirected. But by and large, the aim of the Order of Intendants was not oriented toward fundamental reform which would serve the interests of the colonists. Benefits accruing to them were always incidental to the increment of Spain's greatness and financial prosperity. Here perhaps lay the key which will explain in general terms the failures in Spanish overseas policy.

²³Instrucción reservada, arts. 835, 836.

Foreign wars and exigencies at home required the crown to economize after the launching of the intendency project, thus frustrating efforts by qualified persons on the scene to have some of the larger jurisdictions divided into smaller units under a sufficient number of properly paid officials. Revilla Gigedo, II argued without avail in 1790 for creation of a new intendency to comprise the eastern Provincias Internas.²⁴ The politically astute and ambitious Miguel Ramos Arizpe raised the demand again before the Spanish Cortes in 1813, but his efforts were equally unsuccessful.²⁵ Although some alterations were made in the over-all system from time to time, as for example in an Ordenanza of 1803, these had little or no effect on conditions in New Mexico.

With the liberal reforms in Spain in 1812 and 1813 resulting in the appointment of a Minister of Interior and the founding of political governments and provincial deputations, the intendant's powers were reduced to those relating to the treasury. The skeleton of the intendency structure,

²⁴Letter of the Viceroy to Valdés, Mexico, March 31, 1790, cited by Navarro García, Intendencias en Indias, p. 124.

²⁵Ibid., p. 141.

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however, persisted for three years after the independence of Mexico, not being finally abolished until September of 1824.²⁶

²⁶Rodríguez de S. Miguel, Pandectas, II, 219.

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CHAPTER V: THE PROVINCIAS INTERNAS, SECOND PHASE

Pedro de Nava was succeeded as comandante by General Nemesio Salcedo y Salcedo, who received his appointment by an order dated August 26, 1800.¹ The original commission instructed the new commandant general to take the oath of office from the viceroy of New Spain, and it declared that the king would order the appropriate intendant immediately to begin paying him his salary of fifteen thousand pesos a year. Salcedo was delayed in assuming control until November 4, 1802.² From then on he continued to serve at his post until he was relieved in 1813, thereby remaining in office longer than any other commandant.³

¹Royal Cédula of Charles IV: Commission to Brigadier Salcedo, SANM, doc. 1499a.

²Bancroft, and others following him, have apparently been confused about the order of succession at this time. Salcedo was in his jurisdiction by the date just noted as he addressed a letter on that day to Governor Fernando de Chacón in Santa Fe, announcing his induction into office. SANM, doc. 1625.

³According to Bancroft, Nava retained charge until 1804 when he gave way to Colonel Pedro Grimarest, who in turn was shortly replaced by Salcedo. General Salcedo, he states, held office until 1812 when Alejo García Conde assumed charge. North Mexican States, II, 581-82. See also Bolton, Guide, p. 76. Some of these changes appear actually to have been ordered in regulations which provided for territorial reorganization of the internal provinces in 1804 and 1811.

EXHIBIT

CHAPTER I. THE EARLY HISTORY OF THE UNITED STATES.

It is a well known fact that the first settlers of the United States were the Pilgrims who landed at Plymouth in 1620. They were followed by the Puritans who came to the Massachusetts Bay in 1630. The first permanent English settlement was founded at Jamestown in 1607. The first permanent Spanish settlement was founded at St. Augustine in 1565. The first permanent French settlement was founded at Quebec in 1608. The first permanent Dutch settlement was founded at New Amsterdam in 1614. The first permanent Swedish settlement was founded at Fort Christina in 1638. The first permanent German settlement was founded at Germantown in 1681. The first permanent Irish settlement was founded at New York in 1685. The first permanent Italian settlement was founded at New York in 1685. The first permanent Polish settlement was founded at New York in 1685. The first permanent Jewish settlement was founded at New York in 1685. The first permanent African settlement was founded at New York in 1685. The first permanent Native American settlement was founded at New York in 1685.

The first permanent settlement of the United States was founded at Jamestown in 1607. The first permanent Spanish settlement was founded at St. Augustine in 1565. The first permanent French settlement was founded at Quebec in 1608. The first permanent Dutch settlement was founded at New Amsterdam in 1614. The first permanent Swedish settlement was founded at Fort Christina in 1638. The first permanent German settlement was founded at Germantown in 1681. The first permanent Irish settlement was founded at New York in 1685. The first permanent Italian settlement was founded at New York in 1685. The first permanent Polish settlement was founded at New York in 1685. The first permanent Jewish settlement was founded at New York in 1685. The first permanent African settlement was founded at New York in 1685. The first permanent Native American settlement was founded at New York in 1685.

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The relatively long administration of Salcedo was crowded with events of great moment. In the spring of 1804, the crown became convinced anew that the combined Provincias Internas were too large and unwieldy for a single executive to administer efficiently. Accordingly, a real órden of May 30 proclaimed a return to the system of 1787, whereby the area was partitioned into two divisions, each ruled by a separate commandant general. The fulfillment of this mandate was delayed for more than eight years because of the political upheavals in Spain occasioned by the Napoleonic War and the ensuing independence movements which burst upon the colonies. In the meantime, Salcedo continued to govern the united provinces.

The administrative modifications made in 1804 were revived on May 1, 1811 and confirmed by a real órden on July 24, 1812.⁴ The regency which was governing Spain at

Though such may have been the case, they never took effect, for Salcedo, as indicated by extensive correspondence in the Santa Fe Archives, was continuously at his job until 1813. His last known letter to the governor of New Mexico was dated from Chihuahua on June 28 of that year. SANM, doc. 2501.

⁴ AGN, Prov. Int., 129; and Bancroft, North Mexican States, II, 582n.

The political organization of the United States
grew with the growth of the territory. In the year 1790
the crown lands were divided into three parts
Indiana was one part and Kentucky and Tennessee
to another. Kentucky, Tennessee, and
May 30 proclaimed a system of land grants
the area was partitioned into two parts, one
a separate commonwealth. The territory of
Indiana was divided into two parts, one
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war and the resulting independence which
the territory. In the month of July 1800
the United States.

The administrative organization of the United States
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July 24, 1800. The territory was organized as follows

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Sara F. Johnson, was mentioned in the
His first and last letter to the President of the United States
dated 23rd Christmas in 1800 at the year 1800.

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this time in the name of the king provided for two commandancies of equal rank, dependent upon the viceroy and designated as oriente and occidente. To head the western provinces, the council of regents named Brigadier Bernardo Bonavia y Zapata, who, since 1796, had been serving as governor-intendant of Durango. Alejo García Conde, then intendant of Sonora and Sinaloa, was ordered to Durango to fill the post vacated by Bonavia.⁵ In the east, command was first bestowed upon Colonel Simón de Herrera, who was subsequently slain by filibusters in Texas. Field Marshall Felix Calleja, later made viceroy, was offered the position, but he declined to accept, and it was finally given to Colonel Joaquín de Arredondo.⁶

General Salcedo must have greeted the news of Bonavia's appointment with some relief for he himself was in declining health and desirous of returning to Spain.⁷ In July of 1813,

⁵Salcedo to the Viceroy, Chihuahua, May 31, 1813, AGN, Prov. Int., 129.

⁶Carroll and Haggard, Three New Mexico Chronicles, p. 171. With regard to some points, these authors are confused on the order of succession. See also Humboldt, Ensayo politico, II, 422-23.

⁷Salcedo to the Viceroy, Chihuahua, September 10, 1812, AGN, Prov. Int., 129.

This also in the year 1848, the first of the
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Joseph de Arce, who, in the year 1848,
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² Garcia de la Victoria, California, 1848, 1849.
AGE, Prov. Inc., 1848.

³ Garcia de la Victoria, California, 1848, 1849.
AGE, Prov. Inc., 1848.

⁴ Garcia de la Victoria, California, 1848, 1849.
AGE, Prov. Inc., 1848.

Bonavia reported that the superior office had been turned over to him and he was in full command.⁸

The new commandant general experienced some immediate frustration. His appointment had originated with the order of May 1, 1811, but beyond this there seemed to be no instructions to guide him. With the relinquishing of power by Salcedo, the provinces assumed their new status as appendages of the viceroyalty, but the specific relationship between the two commandancies and Mexico City remained unclear. Bonavia sought information by posing the following questions: 1) Which provinces were under his jurisdiction?; 2) In precisely what manner was he dependent upon the viceroy? With regard to the first, he noted that the order of May 11 had made reference to ten provinces, but he contended that ten could not even be counted for both the eastern and western divisions. As for the matter of his relation to the viceroy, Bonavia explained that this needed to be spelled out in exact terms so that he would not exceed his authority or neglect duties which rightfully belonged to him.⁹

⁸Bonavia to the Viceroy, Durango, July 26, 1813, AGN, Prov. Int., 129.

⁹Ibid.

Apparently Colonel Arredondo in the east was as bewildered as his fellow comandante. Late in 1814, the viceroy addressed to him a set of instructions outlining in detail the commandant's duties and powers.¹⁰ Presumably a similar document was dispatched to Bonavia, for the revised arrangement, when clarified, showed that he had within his jurisdiction the four provinces of Sonora, Sinaloa, Nueva Vizcaya, and New Mexico. The western internal provinces retained the old secretariat, auditor, and other administrative officers, while a new corps of civil servants was created for the eastern.¹¹

The confusion produced by the initial lack of instructions to the commandant general did lead to one problem which was not resolved during Bonavia's years in office. This concerned the location of the capital of the western provinces. As remarked earlier, the capital came to be placed permanently in the city of Chihuahua, although the commandant was frequently absent from his place of residence attending to affairs elsewhere.

¹⁰ Arredondo to the Viceroy, Monterrey, February 28, 1815, AGN, Prov. Int., 129.

¹¹ Viceroy to the Minister of War, Mexico, July 31, 1819, AGN, Prov. Int., 129.

When Bonavia came to office, he apparently felt very comfortable in Durango where he had served for so many years as intendant. In the absence of any special directive ordering his removal to Chihuahua and feeling no inclination to effect the transfer on his own initiative, he settled down to administer his new command from Durango. A cry was raised by the indignant municipal officers of Chihuahua's ayuntamiento who lodged a vigorous protest with the viceroy.

In a formal denunciation of Bonavia's inaction, they declared:

The residence of the commandant general of these provinces, established unofficially in Durango, is a subject of such importance and gravity that the ayuntamiento feels compelled to make known the incalculable injuries which will be the result. . . .¹²

The aggrieved parties went on to point out that Durango's geographical position in the extreme south was distant from Chihuahua 170 leagues and from the capital of New Mexico, the most northern outpost of the command, by 450 leagues. The commandant, they argued, could not hope to direct the defense of the area since he was so far removed from the

¹²Ayuntamiento of Chihuahua to Viceroy Calleja, October 12, 1813, AGN, Prov. Int., 186, Nueva Vizcaya, Misc. Papers. See also José M. Ponce de León, Reseñas históricas del estado de Chihuahua (Chihuahua, 1913), pp. 104-16.

scene of action. In all events, the viceroy was reminded that the royal order fixing the residence in Chihuahua was still in force, and Bonavia should be ordered to comply with it.

The viceroy was sympathetic with the remonstrances and early in 1814 wrote to the commandant general at some length, ordering him to proceed with his staff to Chihuahua as soon as possible. This decision was based upon the following reasons: 1) this was the law under the existing reales órdenes; 2) Chihuahua was about equidistant from the other provincial capitals; 3) from there he could better direct policy against the (barbarous Indians); and 4) he would be closer to the affairs of New Mexico which should command his particular attention since the United States had designs on the province.¹³

The municipal council in Chihuahua expressed its pleasure at the viceregal order which it felt was essential to the city's welfare and prestige.¹⁴ General Bonavia, however, was a man of some determination. In a message to Viceroy Calleja, he manifested his disinclination to comply

¹³Viceroy Calleja to Bonavia, Mexico, February 14, 1814, AGN, Prov. Int., 186, Nueva Vizcaya, Misc. Papers.

¹⁴Ayuntamiento of Chihuahua to the Viceroy, April 26, 1814, ibid.

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with the superior demand. In defense of his position, he noted that in spite of Durango's southern location, he had not been prevented from traveling widely within the Provincias Internas in attending to affairs of state. Moreover, his situation in the south rendered communication with the viceroy and with the commandancy of the east easier and more rapid.¹⁵

In mid-1815, García Conde, the new intendant at Durango, complained to Viceroy Calleja that Bonavía was giving no sign of departing. The tone of his letter suggests that the commandant was becoming a nuisance by interfering in the affairs of the intendency.¹⁶ In spite of this remonstrance, General Bonavía succeeded, by one means or another, in maintaining his position at Durango until he went out of office in 1817.

While the commandant general continued to rule from the southern city, the two ayudantes inspectores who remained to him, the third one having gone to the eastern provinces, were placed over the northern presidios--one directing those in Sonora and Sinaloa, and the other those in Nueva Vizcaya and New Mexico from a seat in Chihuahua.

¹⁵Bonavía to the Viceroy, Durango, April 13, 1814, ibid.

¹⁶García Conde to the Viceroy, Durango, August 19, 1815, ibid.

These inspectors were directly over the presidial commanders in their respective districts and were responsible for seeing that the orders of the commandant general were carried out.¹⁷

The governor of New Mexico continued to communicate directly with the commandant, but in business relating to the military inspección, he customarily went through the ayudante in Chihuahua, who served as something of an intermediary. The ayudante inspector supervised the release of funds from the caja real to presidial commandants and troop captains or their representatives, the supplymasters. This duty ordinarily belonged to the commandant inspector who, after 1788, was the commandant general. But with Bonavia remaining in Durango, the ayudante assumed immediate direction of this and other functions pertaining to maintenance of frontier forces.¹⁸ On November 28, 1817, Bernardo Bonavia relinquished his office to return to Spain and his

¹⁷ Circular to the Ayudantes Inspectores from Bonavia, Durango, October 9, 1815, SANM, doc. 2632.

¹⁸ Bonavia to the Governor of New Mexico, Durango, December 12, 1815, SANM, doc. 2632. The "circular" referred to in the previous citation is contained within this document. See also Governor Allande to the Ayudante Inspector de Presidios de Nueva Vizcaya, Santa Fe, April 10-May 13, 1818, SANM, doc. 2718.

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COTTON-CONFIDENTIAL

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place was assumed by the intendant Garcia Conde who held the post until independence.¹⁹

The Commandancy General and Independence. In 1818 a royal order provided for the final major administrative alteration of the commandancy system by the Spanish government. The two commandant generals were deprived of what special functions remained to them and were reduced to the level of any other provincial military commander.²⁰ Some duties of civil government they retained, but these were to be no greater than those which belonged to other governors.²¹ Again in this instance, the royal directive failed to be explicit and the commandants experienced the usual confusion regarding their new status.

In military matters they were subject to the sub-inspector general in Mexico City, but otherwise to the

¹⁹The transition between the administrations of Bonavía and García Conde is somewhat confusing. Francisco R. Almada, in "La Comandancia General de Provincias Internas," *BSECH*, I (1938), p. 40, states that the transfer of power occurred on November 28 as above noted. Other sources indicate that Colonel Antonio Cordero served briefly as commandant general ad interim in 1818. See e.g. Alfred B. Thomas, "An Anonymous Description of New Mexico, 1818," *Southwestern Historical Quarterly*, XXXIII (1929), p. 50.

²⁰Real Orden, Madrid, October 16, 1818, AGN, Prov. Int., 129.

²¹Officials of the Audiencia of Guadalajara to the Viceroy, November 29, 1819, *ibid.*

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viceroy. No explanation was made as to the future position of the ayudantes inspectores. Were they to continue as subordinates of the commandants, or were they now subject directly to the sub-inspector general as well? Further, were the commandant generals to retain their old secretariats, or were these to be abolished?²² The viceroy himself could not provide answers to these and other questions, hence information was sought from Spain.²³

It seems certain that the order of 1818 was never fully implemented. Alejo García Conde, on becoming commandant general, continued to direct the western provinces from Durango, though he spent much time in the field, particularly in Sonora. Late in 1819 he transmitted to the governor of New Mexico a dispatch from the sub-inspector general of the troops of New Spain,²⁴ indicating that at least the portion of the new ruling which placed the commandant under that superior military official was carried into practice. The governor of New Mexico, thereby, became subordinate in his

²²Arredondo to the Viceroy, Monterrey, April 7, 1819, ibid.

²³Viceroy to the Minister of War, Mexico, July 31, 1819, ibid.

²⁴García Conde to Melgares, Durango, November 24, 1819, SANM, doc. 2860.

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military capacity indirectly to the sub-inspector general, but all correspondence continued through the commandant general.²⁵ At the same time, the ayudante inspector continued in charge at Chihuahua, fulfilling his assigned duties as described above.²⁶

When Alejo Garcia Conde succeeded Bernardo Bonavia as commandant general, he had surrendered the office of intendant to his brother Diego Garcia Conde. This individual managed civil affairs until 1821 with the title of Brigadier of the National Armies and Political Chief and Intendant of Nueva Vizcaya.²⁷ In 1820 he acted as president of a special council (junta preparatoria) which was convened in Durango for the purpose of formulating the procedure by which elections for new deputies to the Spanish Cortes of 1820 and

²⁵Garcia Conde to Melgares, Durango, June 27, 1820, SANM, doc. 2899.

²⁶Melgares to the Commandant at Chihuahua, Santa Fe, January 3, 1820, SANM, doc. 2874.

²⁷Bando of Garcia Conde, Durango, July 5, 1820, SANM, doc. 2904. The title of political chief (jefe politico) was commonly held by the governors of New Mexico after independence, but that it was used to designate them as early as 1820 is indicated by such a reference in this document. Bancroft, in North Mexican States, II, 587, declares that Antonio Cordero ruled Durango as civil and military governor for three years previous to independence. I find nothing to substantiate this statement, whereas the document just cited clearly indicates that Diego Garcia Conde was in control of civil matters.

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1821 would take place. The set of voting instructions drawn up by the junta applied to the four western internal provinces--Nueva Vizcaya, Sonora, Sinaloa, and New Mexico.²⁸ The council's action was of scant importance since the winds of revolution soon swept down upon the internal provinces.

The liberal resurgence in Spain in 1820 aroused the powerful conservative factions in Mexico. Fearing for the preservation of their privileges, they cast their lot with Agustín Iturbide, a dissident officer in the royal army, who formalized his separatist intentions in the Plan of Iguala, proclaimed to the country at large on February 24, 1821.

The Plan provided a scheme whereby all the inhabitants of New Spain could unite, on a basis of mutual toleration, in establishing their political independence. Embodied within the document were three principal provisions guaranteeing 1) the Catholic religion and clerical privileges, 2) absolute independence, and 3) racial equality.²⁹ These became known as the Three Guarantees, and to them rallied all insurgent elements. Iturbide rapidly gained

²⁸Junta Preparatoria, Instructions, Durango, July 5, 1820, SANM, doc. 2903.

²⁹Herbert Ingram Priestler, The Mexican Nation (New York, 1924), pp. 247-48.

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strength as royalist commanders declared in favor of his leadership, and soon most of the interior was in his hands.

A new viceroy, Juan O'Donojú, arrived from Spain in July of 1821, and shortly thereafter signed the Treaty of Córdoba with the rebel leader, which incorporated the Plan of Iguala and recognized the independence of New Spain. Iturbide, upon whom a grateful populous had bestowed the title of El Libertador, then proceeded to organize a government by forming a regency and convoking a constitutional congress. In the meanwhile, the Spanish Constitution of 1812, with certain modifications, continued in force.

At Chihuahua Commandant General Alejo García Conde, no doubt lukewarm to the independence movement in its initial stages, soon fell into line and by a decree of August 27, addressed to all the people of the Provincias Internas de Occidente, called upon them to swear allegiance to the Plan of Iguala.³⁰ On the same day, he commanded the ayuntamiento of Chihuahua to declare its fidelity to the

³⁰ García Conde apparently transferred himself and his staff from Durango sometime around the beginning of 1821, for the first letter from the Commandant General written in Chihuahua and found in the Santa Fe Archives is dated January 18 of that year. SANM, doc. 2959.

system of Iturbide, and it promptly did so.³¹

Historians hitherto have concluded that the struggle for independence made little impression on the people of New Mexico.³² This view, however, appears extreme, since it is certain that the small rico or wealthy class kept fully abreast of developments to the south and was more than passingly concerned with the outcome of events. Notice of important decrees and other actions reached the governor regularly, and these were conveyed to local officials. Copies of the Treaty of Córdoba, for example, were distributed to the alcaldes of thirteen towns in the province, and it would have been strange, indeed, if such news did not evoke considerable discussion.

³¹Ponce de León, Reseñas históricas, 147-48; and Papers of the War for Independence, March 3-September 13, 1821, SANM, doc. 2970. The assertion by Bancroft in North Mexican States, II, 586, that García Conde was removed as commandant general because he delayed in supporting independence is completely erroneous. He seems not to have realized that there were two García Condes, and in this case, he may have confused Alejo with Diego.

³²Hubert Howe Bancroft, Arizona and New Mexico, 1530-1888 (San Francisco, 1888), p. 308; and Ralph Emerson Twitchell, The Leading Facts of New Mexican History (5 vols.; Cedar Rapids, Iowa, 1811-1917), I, 480.

On December 26th, word reached Santa Fe of Iturbide's triumphal entry into Mexico City, which signaled the consummation of independence. The news produced the following display, according to the New Mexican governor: "Vivas resounded on all sides, patriotic harangues were heard, and never had such delight and satisfaction reigned."³³

³³"La gaceta imperial," March 23-26, 1822, quoted by Ralph Emerson Twitchell, Old Santa Fe (Santa Fe, 1925), p. 179.

On October 19, 1944, the following was received from the
Principal Army Air Base, England, regarding the
construction of a new runway. The new runway is to be
10,000 feet long, 150 feet wide, and 12 feet deep.
The runway is to be constructed on a site which is
located on the left side of the runway, and is to be
used for the landing and take-off of aircraft.

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PART II

CHAPTER VI: THE OFFICE OF GOVERNOR

Civil and military authority in New Mexico was vested in a governor who directed affairs of the province with the aid of his agents, the *alcaldes mayores*. It is difficult for the modern student to appreciate properly the complexity and enormity of the problems which beset Spain's officers in this farthest corner of the empire. The tribes which invested the frontiers on all sides engaged in alternate trade and war with the Spaniards and Pueblo Indians, exacting during times of hostility a considerable toll in human lives and suffering. The economy of the region developed slowly, because of the defense effort. The general feeling of crises promoted by the uncertainty of life and limb was intensified by the poverty of the people. With hardship a salient characteristic of life in New Mexico, the office of governor needed to be occupied by a man of considerable fortitude and intelligence.

It may fairly be reckoned that the governors coming from Spain and Mexico, especially in the eighteenth century when raiders from the plains had accelerated their activities, looked with considerable misgivings upon their assignment to New Mexico. Some, such as Pedro Fermín de Mendinueta and

Juan Bautista de Anza, were men of exceptional vigor who met considerable success in defeating or bargaining with the Indians. Others displayed less forceful traits of character, and some were blatantly weak and dishonest. As Scholes has succinctly remarked, "A governor's powers were wide enough to permit an honest and energetic man to maintain discipline and secure justice, or to make it possible for a self-seeking official to become a local tyrant."¹

In theory, the governor headed a battery of lesser officials who assisted in the conduct of provincial business. These included a lieutenant governor, the members of the cabildo of Santa Fe, a secretary of government who served as the notary as well as personal adviser to the governor, and a clerk. Administering the separate districts or rural subdivisions into which the region was divided were the alcaldes mayores, together with their subordinate lieutenants and an assortment of petty magistrates among the Pueblo Indians. In actual practice, the eighteenth century witnessed a decline in the number of functionaries, mainly, it seems, because of the dearth of qualified candidates to fill the various offices.

¹France V. Scholes, "Civil Government in New Mexico," NMHR, X (1935), 75.

The following information was obtained from the records of the
Department of the Interior, Bureau of Land Management, and
the Bureau of Reclamation, and is being furnished to you for
your information. It is to be understood that this information
is being furnished to you in confidence and is not to be
disclosed to the public.

The following information was obtained from the records of the
Department of the Interior, Bureau of Land Management, and
the Bureau of Reclamation, and is being furnished to you for
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is being furnished to you in confidence and is not to be
disclosed to the public.

Toward the end of the century, for example, the governor was without the services of a secretary and a notary, and several districts lacked for a time an alcalde mayor. Moreover, the lieutenant governor was far to the south, administering the district of El Paso, and the cabildo, or municipal council, of Santa Fe, which traditionally had aided the governor in the direction of provincial affairs, had ceased to exist sometime before mid-century. As a consequence, the governor came to rely, as will be shown, upon the advice and assistance of the officers of the capital's presidial garrison.

The governor's duties encompassed directly or indirectly all affairs within his jurisdiction. As a military ruler, he was responsible for maintenance of the peace, the most demanding of all tasks. Tied to this obligation was the supply, training, and command of the regular presidial troops and the citizens' militia. Moreover, his constant dealings with the native inhabitants, both peaceful and hostile, made him, in effect, the Indian agent for the district--the personal liaison between the Spanish government and these subjects.

Outside of the city of Santa Fe, few local administrative duties were in the hands of the governor since these he

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delegated to his agents, the *alcaldes mayores*. They, in addition, dispensed justice on the local level, the governor retaining supervision over their activities and sitting as a court of appeal from their decisions. Generally, his sphere of action included both civil and criminal cases and litigation involving the military *fuero*.

In absence of a treasury office in New Mexico, the governor was concerned with the collection of taxes and promotion of such meager crown revenues as existed. Similarly, he encouraged the economy of the country whenever possible, although this and the administration of finances remained minor phases of his total activity.

The governor, as vice-patron of the Church, was responsible for maintenance and welfare of the entire missionary program. The work of conversion, however, was weakened after the Pueblo revolt of the late seventeenth century, and it never recovered its early vigor.

Beyond these specific obligations, the governor was impelled to foster the general welfare of his province. This implied a wide range of authority, and, in fact, empowered him to perform whatever acts were necessary to insure the proper functioning of the governmental machinery, subject

always, of course, to the approval of his immediate superiors. The governor could issue appropriate ordinances and decrees; he arranged for division of the province into lesser administrative districts; he appointed civil officials on the local level and nominated persons for military positions; he supervised the founding of new settlements, the concentration of the population for defensive purposes, and the taking of a periodic census; he controlled the assignment of land and water rights outside the Villa of Santa Fe; and he regulated public travel within the province.

The governor was empowered to maintain public buildings, including the casa real, the cuartel or installations and barracks of the presidial troops, frontier outposts, supply depots, roads and communications. To insure his familiarity with the province he was expected to conduct a general inspection (visita) of his jurisdiction, seeking out and remedying injustices and providing necessary changes in the local administration. To all of this was added an inordinate amount of paper work, the governor being required to compose a host of reports throughout the year to be submitted in duplicate or triplicate to the central authorities.²

²On the general character of the governor's office, see: Priestley, Jóse de Gálvez, p. 60; and Scholes, "Civil Government in New Mexico," p. 76.

Appointment and Term. Appointments to the governorship of New Mexico in the eighteenth century were made directly by the king, upon recommendations of the viceroy or commandant general, submitted through the Council of the Indies.³ If the appointee was in Spain, he took his oath of office before the Council.⁴ If in the New World, it was administered to him in the presence of the Audiencia of Mexico and the viceroy until the separation of the Provincias Internas in 1776; after that the duty devolved upon the commandant general and the Audiencia of Guadalajara. Frequently the commandant general alone received the oath from the new governor, especially if the latter was already in the northern provinces, since a journey to Guadalajara would have occasioned excessive delay.

A formal title of appointment, prepared for each new governor, outlined his obligations to the crown, fixed his

³The governors were named by viceregal appointment in the seventeenth century. A curious note by Twitchell, Leading Facts, I, 480, provides an insight into the selection of governors just prior to independence. He states, "In the official newspaper of the City of Mexico, of March 7, 1819, the office of governor of New Mexico was declared vacant, and aspirants were notified to send in their petitions. . . ."

⁴Real Alencaster to the Audiencia of Guadalajara, Santa Fe, March 31, 1805, SANM, doc. 1802.

salary and term of office, and commanded the appropriate officials to accord him all honors, benefits, rights, immunities, and prerogatives of his office.⁵

The first governor of New Mexico, Juan de Oñate, received a lifetime appointment as governor and captain general. When he resigned his office in 1607, however, the contract into which he had entered with the crown was nullified. Thereafter, the term of the governor was regulated by prevailing colonial policy rather than by a particular contract.⁶

The normal term of office for a governor in the seventeenth century seems to have been about three years, though one official served for seven years while another remained in office only six months.⁷ In the following century, five years became the general rule, though a number of men served for briefer or longer periods.⁸ The royal

⁵Thomas, Forgotten Frontiers, pp. 115-16.

⁶George P. Hammond and Agapito Rey, eds., Don Juan de Oñate, Colonizer of New Mexico, 1595-1628 (2 vols.; Albuquerque, 1953), I, 48.

⁷Recopilación de leyes de los reynos de las Indias (4 vols.; Madrid, 1681), lib. v, tit. 1, ley 10; and Scholes, "Civil Government in New Mexico," p. 74.

⁸The list of Spanish governors and their terms of office may be found in Lansing B. Bloom, "The Governors of New Mexico," NMHR, X (1935), 154-56. This compilation is more authoritative than earlier ones by Bancroft, Twitchell, and others.

title of appointment conferred upon Governor Anza in 1777, for instance, specifically limited his term to "five years more or less."⁹ The term itself actually began when the new governor arrived in Santa Fe and received the bastón of office from his predecessor or from the person who had been serving in the interval.¹⁰ Often the retiring officer left a set of instructions to guide his successor and acquaint him with the affairs of the province.

The governor's office became vacant with the expiration of its occupant's term, or through the governor's removal for misconduct or other causes, or through his resignation or death. On occasion, an executive who became ill or otherwise incapacitated petitioned the king for permission to retire. Such an instance arose in 1803 when Governor Fernando de Chacón was relieved of his office by order of the crown.¹¹

Salary. The presidial Reglamento of 1772 provided that the salary of the governor, combined with that of his position

⁹Thomas, Forgotten Frontiers, p. 117.

¹⁰Scholes, "Civil Government in New Mexico," p. 75.

¹¹Order of Charles IV, August 25, 1803, SANM, doc. 1704. Chacón had been injured several times in battle and in falls from his horse.

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as commandant of the presidial garrison should be four thousand pesos annually. Earlier the governor had received only two thousand pesos, but then the position of presidial commandant had been held by a separate individual.¹²

Scholes notes that in the seventeenth century the governor's yearly salary commenced with the date of his departure for Santa Fe from Mexico City.¹³ Governor Anza, however, by the royal order referred to above, began receiving his pay on the day that he took office.¹⁴ Customarily the salary ended with the date of transfer of authority to a successor in Santa Fe.

The governor's salary for the first year was taxed through the media anata or half-annate. This tax, as noted in a previous chapter, consisted of one-half of a royal officer's regular pay earned during the initial year of his term. In 1632 a schedule had been established regulating

¹²Anza's title of appointment issued in 1777 assigns him only the two thousand pesos designated for the governor's job, suggesting that the royal officers who prepared the document overlooked the appropriate provision in the new Reglamento regarding this. Thomas, Forgotten Frontiers, p. 116.

¹³"Civil Government in New Mexico," p. 75.

¹⁴Thomas, Forgotten Frontiers, p. 116.

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the media anata and providing that half of the sum due the crown be paid prior to the receipt of the commission and the other half be paid in the first month of the second year after assuming office.¹⁵

A report of the accounting office in Mexico, prepared in 1777, indicates that the only official in New Mexico affected by the media anata was the governor, who was required to pay one thousand pesos.¹⁶ This means that the tax was being collected only on what he was earning as political chief, his salary of two thousand additional pesos as military commander remaining exempt.¹⁷ This custom was formalized in a royal decree of August 21, 1799.¹⁸ Commandant General Teodoro de Croix in 1778 had been confused on this question, as other royal officers must have been before and after. It

¹⁵Warner, "The Career of Martínez de Torrelaguna," p. 35n.

¹⁶Ecclesiastics in New Spain for a while were subject to the media anata, but this seems not to have applied to the friars in New Mexico. Priestley, José de Galvez, p. 334; and Croix to Anza, Arizpe, January 23, 1783, SANM, doc. 851. Alcaldes ordinarios and other elective municipal officers of the Provincias Internas were formally exempted from the tax in 1796, though probably few had been paying it before this time. Nava to the Governor of New Mexico, Chihuahua, October 11, 1796, SANM, doc. 1372.

¹⁷State of the Media Anata in the Provinces, January 30, 1777, AGN, Prov. Int., 74.

¹⁸Salcedo to the Governor of New Mexico, Chihuahua, March 14, 1803, SANM, doc. 1646; and Real Cédula, December 24, 1799, SANM, doc. 1472a.

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is to be presumed, however, that the order of 1799 settled the matter, although the governor of New Mexico was not notified of the king's action until 1803.¹⁹

Sometime in the early 1790's, the king issued a reglamento which required the treasury agent at Chihuahua to withhold a fifth of the New Mexico governor's salary each year.²⁰ It was intended that the money would serve to pay any judicial fines levied at the time of his residencia. Governor Chacón petitioned the king in 1794 to revoke the decree, arguing that the withholding of such funds caused him excessive hardship.²¹ Governor Real Alencaster made a similar plea in 1805.²²

Considering the personal expenses of a governor, traveling costs to and from New Mexico, and the media anata tax, the salary delivered to him was scarcely adequate. Moreover, several governors in the seventeenth and early

¹⁹Governor of New Mexico to Salcedo, Santa Fe, August 29, 1803, SANM, doc. 1672(3).

²⁰Until the creation of the treasury branch in the northern provinces, the governor's salary had come directly from the royal exchequer in Mexico City. SANM, doc. 1795.

²¹Petition, November 18, 1794, SANM, doc. 1298a. Governor Alencaster in 1805 asked that a bond be substituted for the twenty per cent salary discount, SANM, doc. 1795.

²²SANM, doc. 1795.

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eighteenth centuries actually bought their offices from the crown. The Marqués de la Peñuela paid four thousand pesos for the position in 1705, and was obligated to pay, in addition, the *media anata*.²³ This represented a considerable initial outlay, and it is clear that the men who thus purchased their offices expected to profit through illegal activities open to them.

The Governor as Military Commandant. The military capabilities of the governor of New Mexico were perhaps his most important assets. Officials devoted to self-aggrandizement might shirk their responsibilities in defending the province, but those who conscientiously strove to protect the citizenry and the interests of the crown often placed themselves in a hazardous position when personally leading campaigns against the enemy. Service records, which are available for a number of the governors, indicate that most came to New Mexico with a background of considerable experience in soldiering.

From the founding of New Mexico until 1768, the governor held the military title of captain-general.²⁴ On February 24,

²³Warner, "The Career of Martinez de Torrelaguna," p. 35.

²⁴Hammond and Rey, Don Juan de Oñate, I, 48.

1768, the crown, upon the advice of the Council of the Indies, determined to reserve the title to the viceroy of New Spain, designating the governor simply as commander of the armed forces of New Mexico. Some time apparently elapsed before the order went into effect, for Governor Mendinueta, who left his chair in 1777, is mentioned as the last occupant who bore the rank of captain general.²⁵

The governor's principal duties as military commander revolved around defense of the province. The troops available were 1) the royal or veteran troops stationed in Santa Fe, 2) the citizens' militia, and 3) the Indian auxiliaries.

The governor directed the operations of war freely within his province, either leading punitive expeditions himself or delegating the task to a trusted subordinate. Occasionally a combination of troop movements with forces from Nueva Vizcaya and Sonora was arranged in which case the governor acted in concert with the campaign commander designated by the commandant general.

The operation of the presidial garrison at Santa Fe demanded close attention. The governor, through his subordinate officers, saw to the direction, quartering, and

²⁵Twitchell, Leading Facts, I, 447; Thomas, Forgotten Frontiers, p. 115.

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provisioning of the royal troops. Earlier his authority in these matters had permitted him to reap considerable profit through manipulation of company funds, but beginning with the Rivera inspection, successive modifications were introduced that limited his power and deprived him of opportunities for speculation.

Soldiers were detached from time to time to serve at strategic outposts on the Indian frontier, from whence they made frequent reports to their commander. Besides deploying the troops, the governor was responsible for assigning soldiers to escort duty with the supply trains going south or with the entourages of visiting church dignitaries. He could also make recommendations concerning the establishment of new presidios.

The governor, as captain of the regular troops, submitted nominations for commissioned and non-commissioned officers to the commandant general.²⁶ These were listed in order of the governor's preference, and the service records of each man were attached to the correspondence. By law three names were offered for each vacancy, the commandant

²⁶Prior to 1788, the nominations were required to go through the commandant inspector, but in that year, it will be remembered, the inspector's office was absorbed by the commandant general.

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general selecting the most qualified candidate. In reality, the governor often experienced difficulty in finding worthy soldiers among the few in his charge to fill the available offices, and he customarily made only a single nomination. Occasionally he could encounter no one who was suitable, in which case he advised the commandant general. This officer then sought out some meritorious soldier from the garrisons of Nueva Vizcaya and dispatched him to New Mexico to fill the vacant rank. All appointments by the commandant general were subject to royal confirmation. The governor as presidial commander was permitted to name corporals on his own authority.²⁷

In a similar manner the governor recommended to commandancy headquarters persons for service awards, retirement certificates, and pensions. Appropriate papers prepared by the Santa Fe officials were filed with the secretariat in Chihuahua outlining each case and submitting evidence supporting the recommendation. The governor was notified by the commandant general as to which of the awards had been approved.

²⁷Reglamento para los presidios, tit. 8. Also Salcedo to Chacón, Chihuahua, December 29, 1802, SANM, doc. 1637; and Salcedo to Real Alencaster, Chihuahua, September 4, 1806, SANM, doc. 2015.

He was obligated to inspect the troops monthly and to prepare an extract indicating the condition and strength of the company. The original extract remained on file at the presidio while two copies were forwarded to the commandant inspector.

The governor, because of his remote position, exercised the duties of sub-inspector. This was intended to relieve the commandant inspector and his assistants of the necessity of frequent inspection tours of the province.²⁸ The most notable visit by a commandant inspector occurred in October and November of 1787 when Don José Antonio Rengel conducted a review of the Santa Fe presidial company and then led a successful campaign against troublesome Apaches. So far as is known, no commandant general ever paid an official visit to New Mexico.

The Residencia. The residencia was a judicial inquiry into the conduct of a royal officer taken at the conclusion of his term of administration. It was a means of holding civil servants who had completed a definite term responsible

²⁸Ugarte y Loyola to Viceroy Flores, Chihuahua, July 3, 1788, AGN, Prov. Int. 65. Under orders of the commandant general, the Ayudante Inspector Antonio García Texeda was instructed in 1805 to review the Santa Fe garrison in order to acquaint himself with the military affairs of that distant province. Salcedo to Real Alencaster, Chihuahua, February 17, 1805, SANM, doc. 1796.

The first part of the report deals with the general situation in the country and the progress of the work of the Government. It also mentions the various committees and commissions which have been set up to deal with the different aspects of the problem. The second part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The third part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The fourth part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The fifth part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The sixth part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The seventh part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The eighth part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The ninth part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures. The tenth part of the report deals with the work of the Government during the year. It mentions the various measures which have been taken to deal with the problem and the results of these measures.

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for their official acts. The procedure in judgments of residencia was laid down in the Recopilación de leyes de las Indias in the seventeenth century²⁹ and was enlarged upon and somewhat modified by a real cédula of August 24, 1799.³⁰

In New Mexico it was the duty of each governor to act as juez de residencia in taking the judgment of his predecessor. The residencia was usually begun soon after the new governor assumed office, since the retiring official was not permitted to leave the province until the inquiry was completed. If investigation showed that he was guilty of malfeasance in office, he faced a fine or in severe cases banishment or imprisonment according to the nature of the offense.³¹

The residencia came as a matter of routine and was made whether the individual concerned had compiled a good or bad record. Persons of all stations were invited to appear before the juez and offer testimony. More often

²⁹Lib. v, tit. 15.

³⁰SANM, doc. 1460.

³¹The character of the residencia in New Mexico in the seventeenth century has been revealed through the studies of France V. Scholes. See especially his Troublous Times in New Mexico (Hist. Soc. of N. M. Publ. in History; Santa Fe, 1942), chap. III, passim.

than not, it could be shown in the case of the New Mexico governors that royal orders had been violated, powers abused, and subjects, particularly the Indians, mistreated. When such was made known to the juez de residencia, however, the guilty officer was usually successful in thwarting justice by bribing the judge.³²

In the eighteenth century the records which are presently available indicate that some modifications were introduced in the system of residencias in New Mexico. Chief among these was the "pernicious practice" whereby governors occasionally were granted licenses by the vice-regal authorities permitting them to leave the province prior to the residencia. This usually resulted in the governor escaping penalties, although he was required to leave behind an attorney to settle complaints.³³

In another innovation, jueces de residencia were sometimes named independently; that is, the new governors were not conceded investigatory authority over their predecessors, this power being delegated instead to a royal appointee sent from the South. Captain Don Antonio Bezerra

³²Scholes, "Civil Government in New Mexico," p. 87.

³³Warner, "The Career of Martínez de Torrelaguna," p. 132.

Spain now, for the first time in the history of the world, is
governed by a woman, and she is a woman of the highest
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Nieto, commander of the royal presidio at Janos, for example, was appointed in 1722 to conduct the residencias of former governors Valverde and Martínez.³⁴ Judges of this kind were often accused by the friars not only of accepting bribes but also of exploiting the local Indians for whatever profits could be gained.³⁵ Citizens, too, became skeptical of some of the jueces. A number of New Mexicans, for instance, journeyed to Chihuahua in 1794 to render complaints directly to the commandant general against former Governor Fernando de la Concha.³⁶ It is difficult to believe that such a measure would have been taken had the citizens placed any faith in the normal judicial process.

It will be remembered that the Spanish king in the 1790's ordered that a fifth of the governor's salary be withheld each year so that funds would be on hand to pay the judicial fines assessed at the time of the residencia. Presumably the balance remaining after penalties were exacted was delivered over to the retiring officer.

³⁴Ibid., p. 133.

³⁵Charles W. Hackett, ed., Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773 (3 vols.; Washington, 1923-1927), III, 429.

³⁶Nava to Chacón, Chihuahua, September 12, 1794, SANM, doc. 1295.

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It seems that investigation into the conduct of a retiring governor was often extended to include the activities of his immediate subordinates. This was the common practice in New Spain and was carried over, at least in the seventeenth century, to New Mexico.³⁷ The juez looked into the affairs especially of the alcaldes mayores who were appointees of the governor and who might be suspected of entering into illegal schemes with him to enrich themselves. In the 1600's, the governors upon assuming office usually preferred to replace the hold-over alcaldes with their own favorites, thus wedding these men to their interests. The trend in the following century, particularly in the later period, was for a new governor to retain the alcaldes of his predecessor with the result that a number of men held these offices for life. Nevertheless, some alcaldes from time to time underwent a judgment of residencia along with the governor, as indicated by a document of 1750.³⁸

The cédula of 1799 adverted to above was received by the governor of New Mexico in July of 1800.³⁹ Several of its provisions are worth noting since they shed light upon

³⁷Priestley, José de Gálvez, p. 113.

³⁸Hackett, Historical Documents, III, 429.

³⁹SANM, doc. 1495.

EXHIBIT

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procedures followed in the residencia on the provincial level.

The testimony and papers collected by the juez in the case of a political and military governor were to be remitted to the Council of the Indies in Spain for final judgment.⁴⁰ Those of the alcaldes mayores were to pass to the appropriate audiencia, in the case of New Mexico that of Guadalajara, for review. The activities of the governor's asesor were to come under scrutiny during the official residencia, though as future recital will show, the governor of New Mexico in the later colonial years never enjoyed the services of such a legal adviser. By other articles of the cédula, alcaldes ordinarios, regidores, scribes (escribanos), and similar minor political officers were exempted from the residencia.

The civil attorney (fiscal civil) of the audiencia composed a questionnaire and a book of rules and instructions for use of the jueces de residencia. When an investigation was concluded, the Council or audiencia, depending upon which had ultimate jurisdiction, issued a certificate of good conduct to the official involved or imposed the appropriate penalties if infractions of the law had been

⁴⁰The same line was followed for viceroys, audiencia presidents, and intendants.

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proven. Without this certificate an individual was ineligible to hold future offices.⁴¹

Just how these regulations and those compiled in the Recopilación were brought to bear on New Mexico officialdom in the eighteenth and early nineteenth centuries must be the subject of future archival investigation. Records of many of the residencias taken in this province, doubtless, are extant in documentary collections in Mexico and Spain, and a close study of these will be needed to determine better the nature of this facet of Spanish government.

The Visita. The visita or formal inspection of a specific area was a regular feature of Spanish colonial administration. It was designed to control the actions of distant officials who were constantly tempted to indulge in abuse of their powers. Frequent reference has already been made to José de Gálvez who came to New Spain as visitador-general in the 1760's. His inspection, though conducted with certain objectives in view, was all-embracing in that Gálvez arrived vested with powers permitting him to examine any phase of government.

⁴¹Royal Cédula on Residencia Procedure, August 24, 1799, SANM, doc. 1460.

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Visitas were conducted in New Mexico by the governor. By law he was strictly limited to a single general inspection (visita general) during his term of office unless otherwise ordered by his superiors.⁴² If urgency demanded another visita, appeal could be made to the commandant general who authorized the investigation. The governor from time to time seems to have designated one of his subordinates to conduct a limited visita in some restricted area.⁴³ A full report of the inquiry was returned to the governor, or if he himself undertook a general visita, he submitted the account to the commandant general.⁴⁴

According to law, the jail in Santa Fe ought to have been visited weekly by a local official. In other provinces this petty function was delegated to the alcaldes, but in New Mexico's capital the governor frequently performed the duty.⁴⁵ On occasion the alcalde mayor visited the jail in place of the governor.

⁴²Recopilación, lib. v, tit.2, ley 11. Real Alencaster to Isidro Rey, Santa Fe, June 30, 1807, SANM, doc. 2063.

⁴³See e.g. Warner, "The Career of Martínez de Torre-laguna," p. 34.

⁴⁴Recopilación, lib. v, tit. 2, ley 15.

⁴⁵Hubert Howe Bancroft, California Pastoral, 1769-1848 (San Francisco, 1888), p. 579.

In conducting a general visita, the governor was accompanied by a secretario de visita, who acted as official recorder. Announcement of an official inspection was proclaimed a month or so in advance, in order that the people might become well acquainted with the manner by which it would be pursued and make arrangements, if they desired, to appear before the governor. The party of the inspecting officer passed from one alcaldía to the other, halting in the principal towns or Indian pueblos. At each, the original bando announcing the visita was read, in the native language (voz común) if at an Indian pueblo, after the people had been assembled by the governor's assistants. Those persons who had complaints against their local political officers appeared before the commission to submit evidence and to have their testimony entered in the official record. Often no one had a grievance, in which case an appropriate declaration to that effect was taken by the governor. Besides receiving complaints, the governor held court for the benefit of local citizens who could not travel to Santa Fe to initiate a suit or other legal proceedings.

Besides permitting citizens to confront the governor to express their dissatisfaction, the visita gave that officer opportunity to inspect local defenses and review

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the state of the provincial militia (the revista de armas). In addition the governor was required to compile a census of the places visited. Unfortunately most of the records pertaining to the general inspection have disappeared so that no full treatment of the subject is possible at this time.

The Administration of Justice. In Part 1 of this study reference was made to judicial procedure in the Provincias Internas, which were under the Audiencia of Guadalajara. A detailed examination of the functioning of the courts at the local level will be undertaken in a succeeding chapter, and at that time the role of the governor in the legal process will be developed further. Nevertheless, some general remarks on this subject may be considered here to provide a rounded picture of the governor's office.

The governor sat as the principal civil and criminal magistrate within the province of New Mexico. As such, he was often designated as the justicia mayor or as jefe de alcaldes, indicating that his jurisdiction extended over lesser judges of the district.⁴⁶ In minor cases, he received appeals from the rural courts with the right to render

⁴⁶The general term justicia mayor was also applied on occasion to the alcaldes mayores to distinguish them from their lieutenants.

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⁶⁰The general term provincial judge was also applied on
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judgment in the final instance. In all cases of a serious nature, he served as judge of first instance with appeals being carried to the Audiencia of Guadalajara. Since in the late colonial period he lacked a legal adviser and even a royal notary to assist him, cases which the governor prepared often went to the asesor or auditor de guerra of the commandancy for an opinion (dictamen) before continuing to the superior tribunal.⁴⁷ In all cases involving Indians, the governor held exclusive jurisdiction, as well as the power to appoint defenders (defensores or curadores) in their behalf.⁴⁸ Periodically he reported to the audiencia a list of cases pending and a statement of prisoners held in the jails of Santa Fe and El Paso.

In 1754 Governor Fermín de Mendinueta expressed the opinion that the people of New Mexico as a whole were

⁴⁷Cases were permitted to go direct from New Mexico to the superior tribunal in Guadalajara without the intervention of the asesor, and this, in fact, seems to have been the usual practice. See e.g. Real Alencaster to the Lt. Governor, Santa Fe, September 1, 1805, SANM, doc. 1883(3).

⁴⁸Lansing B. Bloom, ed., "Instrucción a Peralta por vi-rey," NMHR, IV (1929), 181. Detailed instructions by the asesor general on the handling of Indian cases are contained in a trial record for the years 1805 and 1806 in Santa Fe. SANM, doc. 1931.

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⁴⁸ See also B. Dixon, ed., "Instrucciones para el por vi-roy," AGN, IV (1829), 101. Detailed instructions by the asesor general on the handling of Indian cases are contained in a trial record for the years 1805 and 1806 in Santa Fe, AGN, doc. 1806.

"perverse, poor, and lazy" and because of the irregularities in their conduct justice should be meted out rigorously.⁴⁹

Governor Concha almost a half-century later was found to be in general accord with this harsh judgment, and he observed that the people required a stern hand to prevent them from perverting the law to their own advantage. In two matters especially were the residents of the province guilty. The first concerned appeals to Guadalajara. Since it involved great expense to carry a case to the audiencia, parties who considered themselves wronged in some litigation merely awaited the arrival of a new governor. They then renewed their old disputes or petitions in hope that another judgment would be more favorable to their interests. Governor Concha asserted that new governors possessed no legal authority to reopen cases decided by their predecessors, but had only the duty to advise persons of the procedure which they must follow in their appeals.

In the second matter, citizens were accustomed to circumventing their local magistrates to resort directly to the governor, particularly in protesting new edicts. This produced much disorder in the judicial process and

⁴⁹ Alfred B. Thomas, The Plains Indians and New Mexico, 1751-1778 (Albuquerque, 1940), p. 41.

"Political, good, and bad," and because of the irregularities
 in their conduct Justice should be called out as irregular.
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²⁸ David H. Thomas, *The Virgin Islands and the British*,
 1771-1775 (Albany, 1977), p. 41.

forced the governors to insist that litigants observe the required formalities in all legal actions.⁵⁰

Church Patronage. No published comment exists on the powers which the governor of New Mexico exercised as vice-patron of the Church in the late colonial period. There is a dearth of information on the subject; nevertheless, some clues are provided by contemporary documents.

As previous discussion has shown, the original instructions to the first commandant general conferred upon that officer the patronage within his jurisdiction. He was permitted to select from the candidates proposed by the Bishop of Durango, or in case of his death those proposed by the cathedral chapter (cabildo), the priests who should fill vacant curacies and benefices. The commandant was allowed to subdelegate this prerogative to the various governors in the Provincias Internas so that the selection of religious ministers might be expedited.⁵¹ Each new governor of New Mexico at the onset of his term seems to have been dependent upon a formal renewal of the vice-patronage by the commandant general. In short, the latter retained, in theory, the privilege of delegating or

⁵⁰Fernando de la Concha, "Advice on Governing New Mexico, 1794," NMHR, XXIV (1949), 247 (trs. by Donald E. Worcester).

⁵¹This included authority over both secular and regular clergy. Richman, California under Spain and Mexico, p. 432.

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⁵⁰Verdugo de la Cueva, "Advice on Governing New
Mexico, 1754," Annals, XLIV (1949), 247 (trans. by Donald E.
Woodward).

⁵¹It is included in the Historical Documents of the
Bureau of American Republics, Vol. 1, p. 432.

withholding it as he saw fit.

Prior to creation of the commandancy, the Audiencia of Guadalajara held the patronato, appointing and removing religious curates, both secular and regular, in the northern provinces.⁵² Nominations for regular curates, even in the seventeenth century, were made by the bishops, the prelates of the religious orders interposing their authority only in the matter of disciplining their members. The friars in New Spain resented this situation, though the principle that no clergyman might have jurisdiction over secular persons unless he was subject to the episcopal authority had been affirmed by the Council of Trent.⁵³

In 1783 Commandant General Felipe de Neve notified Governor Anza that he was subdelegating the patronato to him by virtue of the authority which derived from instructions

⁵²Governor Mendinueta to the Viceroy, January 20, 1768, SANM, doc. 634. The patronato in the jurisdiction of the Audiencia of Mexico was exercised by the viceroy. Fray Juan Sanz de Lezaun, writing in 1760, noted that the New Mexican governors had usurped some powers related to the vice-patronage which at that time they did not legally possess. Hackett, Historical Documents, III, 476. On the claim of Don Mateo Antonio de Mendoza to powers under the vice-patronage at this same time, see Eleanor B. Adams, ed., Bishop Tamarón's Visitation of New Mexico, 1760 (Hist. Soc. of N. M. Publs. in History, Albuquerque, 1954), p. 32n.

⁵³Haring, The Spanish Empire in America, p. 187.

issued to the first commandant. Neve added that he was informing the cabildo of Durango (the See being vacant) of his action so that it might direct future nominations (propuestas) of curates to the governor.⁵⁴ He further enjoined Anza to keep the office of the commandant advised of all measures undertaken involving the royal patronage.⁵⁵

Neve gave no hint as to how the cabildo selected the friars who were to be nominated, nor does he make any reference to the custodian, the ranking Franciscan prelate in New Mexico, as to whether the governor was to consult him in making the final choice. In 1804,⁵⁶ Real Alencaster advised the commandant that as governor he had removed the friar of Jémez from his post, and in 1810⁵⁷ that he was transferring the priest from Santa Clara Pueblo to the vacant curacy of Zuñi. In both cases the action was taken with

⁵⁴Since New Mexico formed part of the diocese of the Bishop of Durango, the governor exercised authority over temporal Church affairs under this bishop's direction. See e.g. Instructions from the Bishop to the Governor of New Mexico, Durango, January 9, 1806, SANM, doc. 1944.

⁵⁵SANM, doc. 866.

⁵⁶Real Alencaster to Salcedo, Santa Fe, March 28, 1804, SANM, doc. 1714.

⁵⁷Salcedo to Manrique, Chihuahua, December 21, 1810, SANM, doc. 2387.

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²⁵ BNM, doc. 655.

²⁶ Real Cedula to Salcedo, Santa Fe, March 13,
 1804, BNM, doc. 1714.

²⁷ Salcedo to Marquis, Chihuahua, December 31, 1810,
 BNM, doc. 2327.

approval of the custodian. This, no doubt, was merely a courtesy which the governor extended to the prelate, there being no legal impediment which would have hindered him from acting without the friar's sanction. Surprising, indeed, it would have been had not the governor consulted with the custodian of mission affairs as a matter of course.⁵⁸

With regard to the manner in which the bishop or cathedral chapter of Durango obtained the names which it submitted as nominations to the governor of New Mexico, it may be assumed that the Provincial of the Franciscan Order in Mexico City submitted suitable candidates to Durango for the posts to be filled in the northern provinces. In 1806 five mission stations in New Mexico were without the services of a priest. Under the circumstances the governor besought the commandant general to prevail upon the viceroy to

⁵⁸In 1802, the governor and custodian were on unfriendly terms. The prelate had on his own authority ordered the transference of the friar at Isleta Pueblo to the village of Nambé. This was clearly an invasion of the governor's prerogative and he moved to prevent the carrying out of this action. The custodian, thereupon, initiated litigation, the instancias from which were delivered to the asesor of the commandancy who ruled against the churchman. Chacón to Salcedo, Santa Fe, November 19, 1802, SANM, doc. 1629. In reality, there was a long history of friction between the governors and the missionary friars dating back to the seventeenth century.

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request that the Provincial in Mexico provide proper replacements.⁵⁹ This tack by the governor must be regarded as somewhat unusual. At the time, however, the question of the governor's patronage had become embroiled in controversy, and that officer was confused about the authority which actually belonged to him. In 1800, the Audiencia of Guadalajara had challenged the right of the New Mexican governor to exercise the vice-patronato, but upon what legal basis this stand was taken is not clear. Seemingly, the Audiencia, at least in part, was expressing its resentment over having lost the patronato at the time of the creation of the commandancy. In all events, contention and discord between the court and the governor rapidly developed.⁶⁰

⁵⁹ Fray Angélico Chávez notes that the Custody in New Mexico faded away fast in the early nineteenth century through the deaths or departures of old friars and lack of replacements. Archives of the Archdiocese of Santa Fe (Washington, 1958), p. 4.

⁶⁰ Chacón to Salcedo, Santa Fe, March 28, 1804, SANM, doc. 1714; Chacón to Salcedo, Santa Fe, July 26, 1804, SANM, doc. 1746; Real Alencaster to Salcedo, Santa Fe, October 2, 1805, SANM, doc. 1900; Real Alencaster to Salcedo, Santa Fe, May 28, 1806, SANM, doc. 1988. For the Bishop's low opinion of the friars of New Mexico in this period, see Olivares y Benito to Real Alencaster, Durango, January 9, 1806, SANM, doc. 1806.

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⁵³ Chardon to Salcedo, Santa Fe, March 29, 1804, BAMN, Doc. 1714; Chardon to Salcedo, Santa Fe, July 16, 1804, BAMN, Doc. 1715; Neal Alencaster to Salcedo, Santa Fe, October 2, 1805, BAMN, Doc. 1800; Neal Alencaster to Salcedo, Santa Fe, May 28, 1806, BAMN, Doc. 1858. For the bishop's free opinion of the status of the patronage in this period, see Oliveras y Benito to Neal Alencaster, Panama, January 9, 1805, BAMN, Doc. 1808.

Explanation and understanding of the conflict, however, must await further archival research.

In summary it may be stated that the governors soon after 1776 began to be granted the vice-patronage of the Church upon assumption of office. The powers inherent in this privilege, which had been spelled out in previous colonial legislation and in Article 4 of the Croix instructions, permitted them to appoint the curates whose names had been advanced by the episcopacy in Durango and to transfer or remove friars from their posts in New Mexico. They were required to submit every two years a complete statement of the condition of New Mexican missions.⁶¹ Although the rights regarding appointment and removal appear to have been in abeyance for a brief period after the turn of the nineteenth century, they were returned to the governor at least by 1810 and were probably held thereafter until the end of the colonial period.⁶²

⁶¹The document was to include a census of the pueblos apart from the yearly tabulation compiled for the entire province. Salcedo to the Governor of New Mexico, Chihuahua, January 18, 1806, SANM, doc. 1957.

⁶²On the nonexistence of the vice-patronato in New Mexico in 1806, see Real Alencaster to Salcedo, Santa Fe, April 1, 1805, SANM, doc. 1979(10).

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Economic Development. It was the duty of the governor to foster the economic stability and prosperity of New Mexico in all fields. The occupations outside of government service open to native citizens were limited, for the most part, to agriculture, stock raising, and commerce, since manufacturing, logging, mining, and similar enterprises showed little development. The lack of local capital, or in its place government support, the dearth of readily accessible mineral resources, the relative scarcity of hard money, and most of all, the disastrous raiding and pillaging of the countryside by enemy Indians all retarded economic growth.

With his multitude of burdensome duties, the governor customarily had little time left to devote to expansion of the provincial economy, although there is record of at least one such official in the late eighteenth century journeying to Mexico with the object of obtaining funds for the promotion of mining.⁶³ There is considerable evidence to indicate that after the turn of the nineteenth century, the government began to display increasing concern for the economic backwardness not only of New Mexico but also of all the Provincias Internas.

⁶³ Benjamin M. Read, Illustrated History of New Mexico (Santa Fe, 1912), p. 345.

Economic Development It was the duty of the government to foster the economic stability and prosperity of New Mexico in all fields. The occupations outside of government service open to native citizens were limited, for the most part, to agriculture, stock raising, and commerce, since manufacturing, logging, mining, and other enterprises showed little development. The lack of local capital or its ill use, government support, the lack of readily accessible mineral resources, the relative scarcity of hard money, and most of all, the disastrous raiding and pillaging of the countryside by enemy Indians all retarded economic growth.

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Continued.

⁸² Juan de los Rios, Illustrated History of New Mexico (Santa Fe, 1913), p. 122.

In 1804 the consulado or merchant's guild in Veracruz submitted to the commandant general a request for specific information on the agriculture, industries, and public works in the internal provinces. The following year the government arranged a contract with the master weaver Ignacio Bazán and his assistants to go to New Mexico and teach their trade. This action resulted in the improvement of local weaving and the production of a higher grade of cotton cloth.⁶⁴ In the summer of that year, the governor called a special junta which met in the palace and was composed of leading men of the province to consider the best measures for development of New Mexico.⁶⁵ At about the same time, the commandant general notified the governor that a new publication entitled Semanario de agricultura y artes was soon to be circulated and that it would contain pertinent data on new techniques and discoveries to aid economic advancement.⁶⁶

It is doubtful that these or similar measures produced any significant improvement in New Mexico's economic system. Pedro Bautista Pino, writing in 1812, presented an altogether

⁶⁴Weaver's Contract, Mexico, September 3, 1805, SANM, doc. 1885.

⁶⁵Economic Junta Report, Santa Fe, June 17, 1805, SANM, doc. 1844.

⁶⁶Salcedo to Real Alencaster, Chihuahua, August 8, 1805, SANM, doc. 1872.

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⁸² Weaver's Contract, Mexico, September 2, 1802, 22901.

doc. 1895.

⁸³ Economic Junta Report, Santa Fe, June 17, 1802.

22901, doc. 1814.

⁸⁴ Circular to Real Alcaide, Oahuapaca, August 27,

1802, 22901, doc. 1822.

dismal picture of conditions in his province. Especially detrimental was the trade deficit with Chihuahua which, he declared, amounted to 52 thousand pesos annually. Specie was extremely scarce, the salaries of the soldiers being one of the few sources of income that kept money in circulation. All areas of economic endeavor, Pino noted, were in need of encouragement and development.⁶⁷

Public works and their maintenance included the construction and care of roads, bridges, and perhaps a few public inns. The camino real or king's highway, beginning in Mexico City, led by way of Durango and Chihuahua to El Paso del Norte and Santa Fe, ending in Taos.⁶⁸ That portion of the road within the boundaries of New Mexico was maintained by the provincial government using citizen or convict labor. Since there was no fund or municipal fees which could be applied to this project, the citizens donated their services

⁶⁷Exposición, pp. 21-22. Pino and several other contemporary writers refer to the absence of hard money in New Mexico. Government reports of the period, however, indicate that more specie circulated than Pino would have us believe, suggesting that his account may be exaggerated in this particular. Further reference to this subject is made in the following chapter.

⁶⁸After independence, the camino real became the camino constitucional.

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Public works and their maintenance included the construction and care of roads, bridges, and canals, a few public lands. The casino tax on King's Highway, beginning in Mexico City, led by way of Durango and Chihuahua to El Paso del Norte and Santa Fe, ending in Texas.⁸⁸ That portion of the road within the boundaries of New Mexico was maintained by the provincial government using militia or convict labor. Since there was no land or municipal fees which could be applied to this project, the citizens donated their services

⁸⁷ Exposition, pp. 21-22. Cinc and several other contemporary writers refer to the absence of hard money in New Mexico. Government reports of the period, however, indicate that some specie circulated. This point would have no believe, suggesting that the account may be exaggerated in this particular. Further reference to this subject is made in the following chapter.

⁸⁸ After independence, the casino tax became the casino constitutional.

in the public interest. Prisoners from the local jails worked under the guard of a corporal or carbineer from the Santa Fe garrison, and were sustained with the aid of small fines levied against other delinquents.⁶⁹ Bridges across the Rio Grande were constructed in the late colonial period at El Paso, Belén, and perhaps other points. Continual repair of these was required since the spring floods caused heavy damage.⁷⁰

For procurement of goods produced outside of the province, New Mexico was almost wholly dependent upon the annual trading fair held each winter in the city of Chihuahua. A caravan (cordón) was formed, usually in November, to attend this event, and merchants and stock raisers to the number of several hundred gathered to take advantage of the safety afforded by a military escort.⁷¹

⁶⁹Concha, "Advice on Governing New Mexico," p. 250. On a petition for road improvements by residents of San José de los Ranchos in the partido of Pajarito in the jurisdiction of Albuquerque in 1813, see SANM, doc. 2505.

⁷⁰Lansing B. Bloom, "Early Bridges in New Mexico," El Palacio, XVIII (1925), 163-82.

⁷¹Referring to the cordón, Bishop Tamarón defined it as "the annual departure to Vizcaya for the purposes of trade and usually comprising five or six hundred men." Adams, Bishop Tamarón's Visitation, p. 92.

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⁶⁹ Concha, "Adviser on Governing New Mexico," p. 250.
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 jurisdiction of Albuquerque in 1813, see IANM, doc. 2802.

⁷⁰ Lemaitre B. Dixon, "Early Bridges in New Mexico,"
El Pájarillo, XVII (1932), 163-65.

⁷¹ Referring to the caravan, Bishop Tambores defined it
 as "the annual departure to Mexico for the purpose of
 trade and usually comprising five or six hundred men."
 Adams, Spain's Task, a Viceroy, p. 31.

In 1805 the viceroy decreed that the annual fair should be held in the Valle de San Bartolomé (today Valle de Allende) far to the south of the city of Chihuahua.⁷² Possibly as a result of this action, New Mexico's governor, in the same year and in accord with the wishes of leading men of the province, urged establishment of an annual fair at the city of El Paso to stimulate the regional economy.⁷³ The commandant general referred the matter to Mexico City for consideration by the junta superior de real hacienda.⁷⁴ Whether this fair was inaugurated before the end of the Spanish regime is uncertain, but that it existed in the Mexican period is evidenced by one observer who credited the feria of Nuestra Señora de Guadalupe at El Paso with surpassing that of San Bartolomé in size and interest.⁷⁵

⁷²Orders and Decrees, II, p. 115 (SANM, doc. 1935). The dates of this fair were set as the 18th to the 23rd of December. Salcedo to the Governor of New Mexico, Chihuahua, March 5, 1806, SANM, doc. 1972.

⁷³Real Alencaster to Salcedo, Santa Fe, October 2, 1805, SANM, doc. 1900(9).

⁷⁴Salcedo to Real Alencaster, Chihuahua, November 14, 1805, SANM, doc. 1919.

⁷⁵Rómulo Escobar, "La feria de Paso del Norte," BSCEH, II (1939), 131-33.

In 1851 the viceroy decreed that the annual fair should be held in the Valle de San Bartolomé (today Valle de Alamos) far to the north of the city of Chihuahua.⁷² Possibly as a result of this action, New Mexico's governor in the same year and in accord with the wishes of leading men of the province, urged establishment of an annual fair at the city of El Paso de Terrell (the regional economy).⁷³ The commandant general referred the matter to Mexico City for consideration by the (then) superior of the Real Hacienda.⁷⁴ Whether this fair was inaugurated before the end of the Spanish regime is uncertain, but that it existed in the Mexican period is evidenced by one observer who credited the fair of Nuestra Señora de Guadalupe at El Paso with suggesting that of San Bartolomé in size and interest.⁷⁵

⁷² Ordery and Deacon, *El Paso* (1932), doc. 1932. The dates of this fair were set as the 18th to the 22nd of December. Salcedo to the Governor of New Mexico, Chihuahua, March 5, 1805, *SNM*, doc. 1975.

⁷³ Real Alamoser to Salcedo, Santa Fe, October 5, 1805, *SNM*, doc. 1905(7).

⁷⁴ Salcedo to Real Alamoser, Chihuahua, November 14, 1805, *SNM*, doc. 1919.

⁷⁵ Antonio Escobar, "La Feria de Paso del Norte," *BOGOM*, XI (1933), 131-33.

The Regulation of Settlements. From the first days of the founding of the province of New Mexico, it was recognized that strength lay in the clinging together of colonists for mutual protection. The natural tendency of the citizens, however, was to disperse over the countryside in pursuit of the few economic activities which were open to them. Viceroy Luis de Velasco observed as early as 1609, "I have been informed that the small population of that country [New Mexico] is very scattered over it so that they are destitute of administration because very few reside in each place and they also are too far apart to be helped and protected."⁷⁶ This situation remained an abiding problem to the end of the colonial period, although special efforts were made in the second half of the eighteenth century to concentrate the people in easily-defended settlements.

The governors were empowered to select sites for new settlements, to make arrangements for and certify their establishment, and to provide the support needed in their earliest stage of development.⁷⁷ Related to this authority, the governors were obliged to see that no settlers abandoned

⁷⁶Bloom, "Instrucción a Peralta por vi-rey," p. 182.

⁷⁷A certificate of the founding of Albuquerque and Galisteo by Governor Cuerve y Valdez in 1706, for example, may be viewed in translation in Hackett, Historical Documents, III, 379.

their communities, or for that matter, left the province without his expressed permission.⁷⁸ Spanish law was explicit in this latter regard. A person who left his place of residence without the proper license might forfeit any offices he held in addition to his house, lands, and other possessions.⁷⁹ The prohibition against traveling without a permit was reiterated specifically for New Mexico in a royal order of 1784 and was proclaimed throughout the area by the *alcaldes mayores* acting under orders of Governor Anza.⁸⁰

Increasing Indian pressure upon the Spanish settlements in the eighteenth century accentuated the need for assembling the people of New Mexico to better resist the enemy. Governor Mendinueta, in 1772, bewailed the fact that among "the Spaniards there is no united settlement, so that to the dispersion of their houses the name of ranches or houses of

⁷⁸Scholes, "Civil Government in New Mexico," p. 76.

⁷⁹Recopilación, lib. v, tit. 1, ley 17.

⁸⁰Order on Public Travel, Santa Fe, April 24, 1784, SANM, doc. 891. Permits were occasionally issued by the governor through the *alcaldes mayores* for individuals to venture out onto the plains to trade with the nomadic Indians or hunt the buffalo. Instances of persons making such journeys illegally were frequent. See e.g. Sanchez Vergara to Governor Manrique, Jemez, January 16, 1811, SANM, doc. 2391.

their operations, on the last matter, left the provinces
 without his expressed permission.⁷⁴ The latter law was explicit
 in this latter regard. A person who sold his piece of land
 demanded without the proper license might forfeit any claims
 he held in addition to his house, lands, and other
 possessions.⁷⁵ The prohibition against traveling without
 a permit was reinforced specifically for the Indians in a
 royal order of 1764 and was proclaimed throughout the area
 by the viceroys upon their taking office as Governor

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⁷⁴ Schuler, "Civil Government in New Mexico," p. 76.

⁷⁵ *Escobedo*, *ibid.*, v. 11, p. 17.

⁸⁰ Order on Public Travel, March 10, April 24, 1764.
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 Vazquez to Governor Mendizábal, Mexico, January 10, 1811.
 BARR, loc. cit.

the field is properly given and not that of villas or villages."⁸¹ Antonio de Bonilla, four years later, echoed the governor's complaint and warned of impending ruin, for "the force of settlers is divided, and they can neither protect themselves nor contribute to the general defense of the country." By contrast he extolled the merits of the Indian pueblos which "are defensible because of their excellent and unified formation." In addition, he supported an earlier proposal by Governor Mendinueta which would have forced the New Mexicans to congregate in well-organized settlements.⁸²

Fray Juan Agustín de Morfi, writing sometime in the 1780's, enumerated the injuries to government and society resulting from the people's careless habits of settlement. Some of these appear as follows: 1) citizens, because of the isolation of their homes, felt free to act with an independence and insolence in a manner which they would not have dared in the presence of the authorities, 2) for the same reason, great crimes were committed since the wrongdoers held little fear of being punished, 3) settlers were deprived of the benefits of the Sacraments since the few

⁸¹Alfred B. Thomas, "Governor Mendinueta's Proposals for the Defense of New Mexico, 1772-1778," NMHR, VI (1931), 27.

⁸²Thomas, "Antonio de Bonilla, Notes," pp. 196-200.

the land is properly given and not that of village or
 village."²¹ According to Hamilton, four years later, he noted
 the governor's complaint and several of his proposals, for
 "the issue of settlers is divided, and they can neither
 protect themselves nor contribute to the general defense
 of the country." By contrast he recalled the words of the
 Indian peoples which "are determined because of their
 excellent and settled formation." In addition, he supported
 an earlier proposal by Governor Ambler which would have
 forced the New Mexicans to contribute in well-organized
 settlements.²²

Gray Juan Aguilar de Huelga, writing sometime in the
 1780's, enumerated the injuries to government and society
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 doors held little fear of being punished, 3) settlers were
 deprived of the benefits of the sacraments since the law

²¹Alfonso P. Torres, "Governor Ambler's Proposals
 for the Defense of New Mexico, 1772-1773," *ESQ.* VI (1951),
 27.

²²Torres, "Aguilar de Huelga, Juan," pp. 195-200.

priests could not reach those in the outlying areas, 4) the men lived so far apart that when the government sounded the call to arms, the enemy had ample time to escape before the militia could assemble to give chase, and 5) since many lived without neighbors to observe them, they were not ashamed to go about nude so that lewdness was seen here more than in the brutes, and the peaceful Indians were scandalized.⁸³

Morfi decried the fact that not a single Spanish town was well organized for defense. In particular he singled out the Villa of Albuquerque, complaining that its inhabitants were distributed for a dozen leagues along the banks of the river. If the people were brought together, a large town would be the result, common defense would be promoted, and abundant lands for cultivation and pasturage could be had by all.⁸⁴

The arrangement of the Villa of Santa Fe appears to have been in similar disarray during the entire colonial period. As early as 1620, there was official concern

⁸³Fr. Juan Agustín de Morfi, *Desórdenes que se advierten en el Nuevo México*, AGN, Historia, 25.

⁸⁴Ibid.

private could not claim them in the village area, (2) the
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 call to work, the army had left them to return to the
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13
 de San Pedro de San Juan, D. O. R. 1520, p. 100.
 de San Pedro de San Juan, D. O. R. 1520, p. 100.

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expressed over the poor defensive qualities of the current site, and a proposal was advanced to move the capital to a more favorable location.⁸⁵ The sacking of the outlying districts of the Villa in the several days preceding its total abandonment by the Spanish during the Pueblo revolt, emphasized the weaknesses inherent in the hapahazard growth hitherto permitted in the Santa Fe municipality. Notwithstanding, the capital was subsequently reconstructed on its former site, and disorderly sprawling over the surrounding countryside was resumed by the colonists.

The sad spectacle of the Santa Fe defensive position again became a subject of concern in the second half of the eighteenth century. Criticism of the capital's condition was implied in the remarks by Mendinueta and Bonilla quoted above. It was during the administration of Governor Anza, however, that overt action on the question appeared imminent. Involved was not only an active proposal to reorganize Santa Fe, but the remaining towns of the province as well. Indian incursions had devastated large areas, so that Miera y Pacheco's map of New Mexico for the year 1780 showed more abandoned settlements than occupied ones.⁸⁶

⁸⁵Lansing B. Bloom, "A Glimpse of New Mexico in 1620," NMHR, III (1928), 369.

⁸⁶Cleve Hallenbeck, Land of the Conquistadores (Caldwell, Idaho, 1950), p. 243.

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abandoned settlements than occupied ones.⁸³

⁸² Jonathan B. Hodge, "A Glimpse of New Mexico in 1830," *MEMOIR, III* (1930), 369.

⁸³ Clive Hulsebeck, *Land of the Condors* (Coldwell, Idaho, 1930), p. 243.

Anza received instructions from the commandant general to devote himself to the task of implementing the ideas originated by his predecessor, Governor Mendinueta, with regard to reform of the settlement patterns adopted by the New Mexicans. Although he set about enthusiastically to fulfill his charge, Anza was able to achieve results which were only partially successful. Albuquerque and Santa Cruz de la Cañada were apparently reduced to some order,⁸⁷ but the citizens of Santa Fe remained adamant in refusing to meet the demands of the governor who was seeking the transfer of the Villa to the south side of the river. Twenty-four of these fled the province without his permission and presented themselves before the commandant general in Arizpe to state their grievances. This bold action won an order restraining the governor from moving the capital until all complaints could be judiciously heard,⁸⁸ and in the final outcome, Santa Fe remained on its original site.

⁸⁷Thomas, Forgotten Frontiers, p. 379.

⁸⁸Fr. Juan Agustín de Morfi, *Descripción geográfica del Nuevo Mexico*, 1782, AGN, Historia, 25 (also translated in Thomas, Forgotten Frontiers, pp. 87-114). In addition to the provision noted above, the commandant general decreed that any citizen who wished to make an appeal to the superior government should not be prevented from leaving the province. This meant the governor could not deny travel permits to those who might want to make representations against his policies or actions.

transferred instructions from the commandant general to favor himself to the loss of maintaining the status originated by his predecessor, Governor Huelinista, with regard to return of the settlement claims subject by the New Mexico. Although he was about enthusiastically to fulfill his charge, there was also to submit reasons which were only partially successful. Alvarado and Santa Cruz de la Calaba were apparently ordered to some order, but the citizens of Santa Fe retained claims in relation to meet the demands of the government in the seeking the transfer of the Villa to the north side of the river. Twenty-four of them filed the petition without his permission and presented themselves before the commandant general in order to state their grievances. This wild action was to make maintaining the government from moving the capital until all complaints could be judicially heard,⁶⁵ and in the final outcome,

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Thomas, Mexican Revolution, p. 177.

⁶⁵ In 1821, Juan Antonio de la Cruz, Comisario general de las Indias, also translated in Thomas, Mexican Revolution, p. 177-178. In addition to the provision noted above, the commandant general decreed that any citizen who wished to take an appeal to the superior government should not be prevented from leaving the province. This meant the government could not deny appeals to those who might want to make representations against his policies or actions.

In 1788 the commandant general approved a project by Governor Concha to reform the Villa of Santa Fe, but this concerned more the construction of a cuartel or presidial barracks rather than an attempt to concentrate the populace. A proposal current at this time, however, did advocate the shifting of the capital to a site near Santo Domingo Pueblo, but the hostile attitude of the citizens of the Villa, not to mention that of the Indians, caused the idea to be hastily abandoned. At this time two thousand pesos was assigned for work on the cuartel to provide badly needed improvements.⁸⁹

Land Grants. The Spanish king was proprietor of all territories conquered in his name and was at liberty to dispose of them as he chose. They were distributed in several ways. Lands were conceded to the support of new towns and their citizens, for Indian pueblos, and to vassals who had served in the conquest of a new territory. Certain property was retained by the crown under the title of "vacant or royal lands." It was these last which were made as grants to individuals, but with the understanding that final title was retained by the king. Grants were made for occupation

⁸⁹Bancroft, Arizona and New Mexico, p. 281. Further information on the cuartel is contained in Chapter 7 of the present study.

In 1753 the commandant general...
 Governor Ochoa to return the...
 concerned more the...
 behavior rather than an...
 A proposal current at this time...
 attitude of the capital...
 but the hostile attitude of the...
 to mention that of the...
 heavily dependent. At this...
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 improvements.

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Land Grants. The...
 territories contained in his...
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 several ways. Lands were...
 towns and their citizens, for...
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 or royal lands. It was...
 to individuals, but with...
 was retained by the king.

Land Grants, Aragon and Navarre, 1700-1710.
 information on the...
 present study.

and use, the subject taking the rents and profits, and normally a time limit was specified. The amount of land given varied according to the needs of the individual.⁹⁰

The governor of New Mexico was empowered to make both Spanish and Indian land grants in the name of the king. Spaniards who desired lands presented a formal petition to the governor who then instituted an investigation to determine if the land requested would produce a conflict with other claims. The *alcaldes mayores* were actually in charge of examining applications which fell within their respective jurisdictions and they placed grantees in possession after the governor had drawn up the appropriate title.⁹¹

A common occurrence in the New Mexico province was the frequent abandonment of settlements and lands under pressure from hostile Indians. Such removal was often hastily taken by terrified colonists without the official sanction required from the governor, who was hard-pressed sometimes to force the people to return to their homes. Governor Vélez Cachupín, for example, declared in February

⁹⁰ Frank W. Blackmar, Spanish Institutions of the Southwest (Baltimore, 1891), p. 319.

⁹¹ Details of Spanish land grant procedure in New Mexico are set forth by Myra Ellen Jenkins, "The Baltazar Baca 'Grant': History of an Encroachment," reprinted from El Palacio, LXI (1961), p. 50.

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A royal ordinance in the New Mexico province was

the first grant of independence of settlements and lands under

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Governor V&oscar Carrizosa, for example, declared in February

³⁰ Historia de la Nueva Espa&oscar, Spanish Regulations of the Southwest (Salinas, 1931), p. 113.

³¹ Details of Spanish land grant procedure in New Mexico are set forth by Mrs. Helen Jenkins, "The Spanish Land Grants: A History of an Institution," reprinted from El Estudiante, XVI (1931), p. 501.

of 1766, that the lands in the region of Ojo Caliente which had recently been abandoned because of the Indian menace had reverted to the crown, and were available to other subjects of the king who might apply for them.⁹²

Pedro Bautista Pino mentions his part in a case involving land distribution.

During the administration of Señor Chacón, I was commissioned to found two settlements and to distribute lands to more than 200 families at Pecos ford. After I concluded this operation, and upon taking leave of them . . . my heart was filled with joy. Parents and little children surrounded me and thanked me with tears in their eyes for the land I had given them for their subsistence.⁹³

Related to the governor's land grant powers was his obligation to protect Indian properties from trespass and encroachment by Europeans. Carefully wrought legislation was designed to safeguard all native land which was actually used or occupied. Unfortunately, as one authority has noted, the laws were honored more in the breach than in the observance.⁹⁴ With increased European population, the eighteenth century was a time of stress for the Indian

⁹²E. Boyd, "Troubles at Ojo Caliente, A Frontier Post," El Palacio, LXIV (1957), 349-50.

⁹³Exposición, p. 5.

⁹⁴Jenkins, "The Baltazar Baca 'Grant,'" p. 53.

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⁸² Don Pedro de Bustos, "Relacion de Ojo Caliente, A Spanish Post,
El Paisano, LXIV (1857), 342-50.

⁸³ Bustos, p. 2.

⁸⁴ Tammes, "The National Archives," p. 37.

communities, as the governors and alcaldes mayores at best ignored the laws while whites impinged upon pueblo lands, and at worst connived openly to exploit the natives.⁹⁵

In 1705 Governor Francisco Cuervo y Valdés had proclaimed an order prohibiting all Spanish citizens from residing in Indian pueblos or even entering them without express permission of the governor.⁹⁶ This was merely a restatement of the law which had long prevailed in New Spain, and though it was reiterated on subsequent occasions in New Mexico, it did little to stem the tide of white encroachment. The aggrieved pueblos might formally petition the governor or they might send representative delegations to appear before him with their complaints, but in the ultimate analysis it was the personal feeling of the governor rather than Spanish law which decided the issue in any given case.⁹⁷

⁹⁵Charges against the civil officials in this regard were leveled by the Franciscan friars. See Hackett, Historical Documents, III, passim, and Morfi's Desórdenes cited above.

⁹⁶Twitchell, The Spanish Archives of New Mexico, I, 397.

⁹⁷It should be observed here that the natives had recourse to an official known as "the protector of the Indians." The function of this individual will be outlined in a later chapter on the alcaldes.

...the government and officials ...
...the laws which ...
...and as ...

In 1708 Governor Francisco ...
...obtained an order ...
...residing in ...
...express permission of the government.

...of the law which had long ...
...Spain, and though it was ...
...in New Mexico, it did ...

...The aggrieved ...
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...to appear before him ...

...of the governor ...
...rather than ...
...given case.

³² Charges against ...
...were leveled by the ...
...Historical ...

³³ ...
...1707.

³⁴ It should be ...
...as the ...
...The ...

Registry of Brands. Governor Juan Bautista de Anza besought the commandant general to prescribe regulations which should prevail in New Mexico regarding the registering of cattle brands, as he had no orders to guide him in the matter.⁹⁸ Croix responded with a set of instructions setting forth the procedure to be followed in future cases.

Cattle owners and raisers were to be allowed to select their own brands. These were to be described in memoriales submitted to the governor who would issue the appropriate permits. For this service, cattlemen were to be charged no more than one peso for paper and clerical expenses.⁹⁹ The governor was to delegate these same powers of issuance to his alcaldes mayores, and he, as well as the local justices, were to record all brands and permits in a special book for that purpose.¹⁰⁰

⁹⁸Bando, Santa Fe, March 13, 1784, SANM, doc. 884.

⁹⁹The usual fee in New Spain for such service was thirty pesos.

¹⁰⁰Croix to Anza, Arizpe, January 15, 1783, SANM, doc. 850. In New Spain proper the sale of branding licenses was in the hands of the treasury officials. The practice for brand registry in early eighteenth-century New Mexico, as suggested by a registro de hierro for Santa Cruz de la Cañada in 1716, SANM, doc. 278, would seem to have been similar to that ordered by Croix in 1783. For some unexplained reason in the fifty or so years which followed, the manner of recording brands appears to have been forgotten.

Paperwork. The clerical work attached to the fulfillment of the governor's official duties often approached enormous proportions. This task weighed heavily upon his time, particularly when he was without the services of a secretary or clerk. When Governor Chacón surrendered his office to his successor in 1805, he passed on an inventory of the many reports, statements, and accounts which had to be prepared periodically for the superior government. This surviving document presents a vivid illustration of the bulk of paperwork which consumed the energies of the governor and diverted his attention from more pressing matters.¹⁰¹

Copies of documents were made in duplicate or triplicate and sent to the commandant general, while the originals remained in the provincial archives. For a time, the governor, in a separate statement, notified the commandant of each document sent or received by him. Since this procedure overworked the officials concerned, the commandant general, in 1803, authorized substitution of cumulative indexes which listed the corresponding papers over a specified period.¹⁰²

¹⁰¹Record of the Transfer of the Governor's Office, Santa Fe, March 27, 1805, SANM, doc. 1800. The actual nature of this paperwork is discussed later in relation to other facets of administration.

¹⁰²Salcedo to the Governor of New Mexico, Chihuahua, February 11, 1803, SANM, doc. 1642.

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 indexes which listed the corresponding papers over a specific

filed period.¹⁰²

¹⁰¹ Record of the transfer of the Governor's Office,
 March 24, March 27, 1887, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890. The actual amount
 of this paperwork is discussed later in relation to other
 factors of administration.

¹⁰² Memoirs to the Governor of New Mexico, Chihuahua,
 February 11, 1883, 2882, 2883, 2884, 2885.

The Lieutenant Governor. The character of the office of lieutenant governor during the seventeenth century has been described briefly by France V. Scholes.¹⁰³ Lieutenant governors were designated from time to time to perform special duties, such as an inspection of the province in the name of the governor, to administer the province during the absence of the governor, or to assume control over some portion of the New Mexican area. There was little regularization of the official's functions until about 1660 onward when it became customary to divide the province into two major subdivisions or administrative districts known as the Rio Arriba and Rio Abajo. The governor commanded the former since it contained the capital of Santa Fe, while the lieutenant governor, acting under his orders, administered the Rio Abajo.

An examination of documents by this writer has disclosed no mention of a lieutenant governor in the early eighteenth century, and the office may well have fallen into disuse during this period. In all events, the formal creation of the office of lieutenant governor was decreed anew by the presidial Reglamento of 1772.

¹⁰³"Civil Government in New Mexico," p. 91.

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By this document a lieutenant governor was to be appointed by the viceroy, he was to be an officer of the army whose conduct was of good repute, and he was to receive an annual salary of one thousand pesos.¹⁰⁴ The official was to be stationed in El Paso where his principal duty would be that of organizing the militia, protecting the settlers and mission establishments, and providing for caravan escorts as far north as the paraje of Robledo.¹⁰⁵ A company of regular troops under a captain had been occupying El Paso. The Reglamento, however, ordered it to Carrizal in the south to act as a guard on the Chihuahua road. The crown deemed the El Paso militia under the direction of the new lieutenant governor sufficiently strong to patrol and protect the stretch of the Rio Grande Valley in that vicinity.¹⁰⁶

¹⁰⁴Pino, in 1812, noted that the salary of the lieutenant governor was two thousand duros. This would be the one thousand assigned to the lieutenant governor by the Reglamento of 1772, plus an additional one thousand which represented his salary as a teniente in the Santa Fe presidial garrison. Carroll and Haggard, Three New Mexico Chronicles, p. 44n.

¹⁰⁵Parajes were official campsites on the Chihuahua trail. They were selected, if possible, where wood, water, and feed for the animals were available.

¹⁰⁶Thomas, "Antonio de Bonilla, Notes," pp. 198-99.

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¹⁰⁴Pinco, in 1812, noted that the salary of the lieutenant governor was two thousand pesos. This would be the one thousand assigned to the lieutenant governor by the Regimiento of 1772, plus an additional one thousand which corresponded to his salary as a lieutenant in the Santa Fe presidial garrison. Carroll and Hagan, Three New Mexico Chronicles, p. 44n.

¹⁰⁵Pinco were official candidates on the Chihuahua trail. They were selected, if possible, where wood, water, and food for the animals were available.

¹⁰⁶Thomas, "Report on Santa Fe, 1812," pp. 133-34.

The official nature of the lieutenant governorship, as spelled out by the Reglamento, was limited to the points noted, but some changes occurred later. Appointment of the lieutenant governor, as stated, was originally in the hands of the viceroy. His selection was, of course, subject to royal confirmation. Rather quickly, with the separation of the Provincias Internas, the appointive power devolved upon the new commandant general who selected the lieutenant governor and delivered his commission of office which was approved by the king.¹⁰⁷

With administrative alterations within the Provincias Internas, the authority to select the El Paso official may have shifted back from time to time to the viceroy. Upon reassertion of the independence of the internal provinces after 1792, this power of a certainty reverted to the commandant general and was held by him at least until 1810 and probably until the final diminution of commandancy power in the following decade.¹⁰⁸

¹⁰⁷Ysidro Rey to Real Alencaster, El Paso, September 26, 1805, SANM, doc. 1893.

¹⁰⁸Carroll and Haggard, Three New Mexico Chronicles, p. 44n. José Agustín de Escudero wrote in 1834 that the lieutenant governor (teniente de gobernador) at El Paso in the Spanish period had been regularly named by the viceroy. Referring to the general situation, this is in error, as the evidence just offered indicates. The viceroy, it seems, did

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¹⁰⁷Yates Bay to Earl Alexander, 21 Feb., 1793.
25, 1802, 1803, Nov. 1807.

¹⁰⁸Control and history, James Fitzpatrick's
g. 4th. Some results of separate work in 1811 and the
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The lieutenant governors were selected as a rule from among the officers of the commandancy who were serving with the presidial garrisons or with the several mobile units.¹⁰⁹ Occasionally the first or second teniente attached to the Santa Fe presidio received the El Paso appointment. The tenientes originally had advanced to their rank through nomination by the governor, as previously described, but the governor had no hand in selection of these or other persons as lieutenant governor since this was expressly forbidden by Spanish law.¹¹⁰

The lieutenant governor at El Paso was, in many respects, independent of Santa Fe. If the governor found it necessary to be absent from New Mexico, which, in fact, occurred on several occasions, the lieutenant did not assume control in his stead, but rather the governor designated an officer in Santa Fe who enjoyed his confidence to rule ad interim. Similarly, if the lieutenant governor was called select the lieutenant governor in the two or three years immediately prior to independence when the authority of the commandancy had been reduced to a shadow of its former self. Noticias estadísticas del estado de Chihuahua (Mexico, 1834), p. 23.

¹⁰⁹ See e.g. the appointment of Ysidro Rey referred to in Real Alencaster to Salcedo, Santa Fe, November 20, 1805, SANM, doc. 1925(14).

¹¹⁰ Ots Capdequí, Instituciones, p. 469.

The lieutenant governors were selected as a rule from among the officers of the corporation who were serving with the principal partners or with the several stockholders. Occasionally the first or second sentence attached to the State law provided that the lieutenant governor should be selected originally but advanced to their rank through nomination by the government, as previously described, but the governor had no hand in selection of these or other persons as lieutenant governor since this was expressly forbidden by Spanish law.¹¹³

The lieutenant governor at El Paso was, in every respect, independent of the State. In the government forms it necessary to be absent from New Mexico, which, in fact, occurred on several occasions, the lieutenant did not assume control in his stead, but rather the governor designated an officer in Santa Fe who enjoyed his confidence to take his place. Similarly, if the lieutenant governor was called upon to leave the State in the two or three years immediately prior to independence and the authority of the commander had been reduced to a shadow of its former self, Noticias estadísticas del estado de Chihuahua (Mexico, 1924), p. 23.

¹¹³ See e.g. the appointment of Valde Ray referred to in Real Cédula to Toledo, June 12, November 20, 1802, ANNA (doc. 1825-1826).
Noticias estadísticas del estado de Chihuahua, p. 23.

out of his jurisdiction, he left in charge some worthy citizen, often the capitán de milicia of El Paso.¹¹¹

The independence of the lieutenant governor was based on expediency rather than upon any well-defined statement of his authority. Since El Paso lay midway between Santa Fe and the commandancy capital at Chihuahua, it was only natural that the lieutenant governor should seek to communicate directly with the commandant general instead of going through his nominal superior, the governor, who resided many leagues to the north. The commandant, for his part, found it convenient to summon the *teniente de gobernador* now and again to Chihuahua to confer on matters of urgency involving the El Paso district.¹¹² At least one governor, Real Alencaster, became surly because the lieutenant governor was not following proper channels in communicating with the commandancy offices. He admonished his subordinate to report to him in the proper manner all matters which belonged within the jurisdiction of the governor and not to trouble the commandant general with affairs outside his sphere.¹¹³

¹¹¹Uranga to Chacón, Chihuahua, May 18, 1791, SANM, doc. 1121.

¹¹²Ysidro Rey to Real Alencaster, El Paso, April 17, 1807, SANM, doc. 2047.

¹¹³Real Alencaster to Ysidro Rey, Santa Fe, July 4, 1805, SANM, doc. 1850.

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¹¹¹ Memo to Chevalier, Chevalier, May 18, 1851, 2007, 2007.
Doc. 111.

¹¹² Letter to Neal Almon, El Paso, April 14,
1851, 2007, 2007.

¹¹³ Neal Almon to Yalton, April 15, 1851,
1851, 2007, 2007.

The lieutenant governor within his own district was charged with both military and civil administration. Although the first demanded his greatest attention, yet much time was passed in the care of civil affairs. In this respect, his functions were similar to the governor's, especially as regards the minor matters of his office. The *teniente de gobernador* formed legal cases (causas or sumarias) in the same manner as the *alcaldes mayores* with whom he was co-equal in judicial concerns. Proceedings were submitted to the governor and from him they followed the normal course of all legal cases. The lieutenant governor issued passports, compiled a census, made economic surveys, and attended to all the numerous details of public administration.

Secretary of Government, Asesor, and Clerks. These officials must be mentioned for their conspicuous absence in the late eighteenth and early nineteenth centuries. The secretary of government and war, as attested by Scholes, was a prominent figure in the seventeenth century.¹¹⁴ He combined in his person the authority of notary and the function of active adviser to the governor. In the former capacity, he certified all official documents and papers issued in the

¹¹⁴"Civil Government in New Mexico," p. 91.

governor's name. In his advisory role, he kept the chief executive informed of administrative details and served as something of a spokesman for colonists who wished to make their wishes known to the governor. The post of secretary often went to a member of one of the older families or some well-known soldier-citizen.

The practice of appointing a secretary continued into the eighteenth century, for we have as evidence the notarization of an official document of 1708 by Gaspar de los Ríos, Secretary of Government and War. At the same time, documents indicate that the cabildo of Santa Fe possessed its own notary (escribano).¹¹⁵ The situation, thereafter, remains hazy. Within a few decades, New Mexico was without the services of a secretary or for that matter, anyone who had sufficient legal training to serve as asesor or legal adviser to the governor and alcaldes mayores. This development adds weight to the view that there was a general decline in governmental efficiency and that in the first three quarters of the eighteenth century, the administrative machinery was progressively simplified.

¹¹⁵ Twitchell, Spanish Archives of New Mexico, II, 143. Generally there were two types of escribanos--ordinary notaries (escribanos públicos) and those attached to the cabildos, government councils, and tribunals (the escribanos de concejo).

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¹¹⁵ Mitchell, Spanish Archives of New Mexico, II, 153. Generally there were two types of notaries--ordinary notaries (secretarios ordinarios) and those attached to the capital, government councils, and tribunals (secretarios de capitulo).

During the second half of the eighteenth and continuing into the nineteenth century, there was difficulty in observing legal forms, owing to the lack of persons trained in law. One of the strongest statements in this respect was made by Governor Fernando de Chacón to the Audiencia of Guadalajara in 1802. He declared,

All my predecessors and I have made known to the audiencia on repeated occasions that in this Province of New Mexico there are no, nor have there ever been, asesores, lawyers, or notaries who can prepare and direct a legal case in the proper manner. . . .¹¹⁶

While Chacón's complaint is somewhat exaggerated, it does demonstrate that New Mexico had been deprived of servants of the law for as far back as men in the governor's day could recall.¹¹⁷ This circumstance was regarded as highly prejudicial to the correct dispensing of justice. In the absence of notaries to certify official papers and court proceedings, the governors were in the habit of naming some

¹¹⁶Chacón to the Audiencia, Santa Fe, March 28, 1802, SANM, doc. 1593.

¹¹⁷This writer finds a single reference to a notario procurador (notary attorney) in Santa Fe in 1764. Further information on this individual has not been discovered. Case Against Juan José Moreno, Santa Fe, January 19, 1764, SANM, doc. 577. A case as early as 1744 refers to the "well known lack of a royal public clerk, there being none in this kingdom of New Mexico." Hackett, Historical Documents, III, 413.

reliable citizen who, albeit deficient in official qualifications, could go through the motions of maintaining legality. The papers in a number of legal cases reveal that documents were customarily signed by two persons, in addition to the judge, who were listed as testigos de asistencia (witnesses in attendance). These presumably functioned in the absence of an official notary and served without salary or other remuneration.

When Pino composed his significant report in 1812, he cited the fact that the governor still did not have an asesor nor even a clerk since neither was available in the entire province.¹¹⁸ This situation probably prevailed until the close of the Spanish period for the first reference to an asesor appears under Mexican administration.¹¹⁹

Since the governor did not have a lawyer to advise him in his own office, he often submitted questions to the asesor of the commandancy and, in some cases, it seems, even to the asesor of the Intendancy of Durango.¹²⁰ These letrados

¹¹⁸Exposición, p. 6.

¹¹⁹Carroll and Haggard, Three New Mexico Chronicles, p. xx.

¹²⁰For examples of the governor's recourse to the asesor of Durango, see: Ysidro Rey to Real Alencaster, El Paso, July 21, 1805, SANM, doc. 1862; and Real Alencaster to the Audiencia, Santa Fe, November 20, 1806, SANM, doc. 2029.

responded with official dictámenes prescribing the lawful procedure the governor or his subordinates should observe. Such a process, merely to secure proper advisement, was unwieldy and time consuming, hence the repeated requests to the superior authorities for qualified persons to fill the offices of notary and asesor.

In lieu of trained legal and clerical assistants, the governor turned increasingly to the officers and in some cases the men of the Santa Fe presidial garrison. As one example, the case of the second teniente Antonio de Arce may be cited. In 1797 he was named by the governor as juez comisionado in a case involving the Indian justicias of the Pueblo of Sandía.¹²¹ We also have the assertion by Pino that a corporal of the company served as the governor's personal secretary for ten years.¹²² The alcalde mayor of Santa Fe also assumed many of the tasks which the governor perforce was required to delegate to a subordinate.

¹²¹Trial Record, August 13-23, 1797, SANM, doc. 1394. The term juez comisionado will be defined fully in a later chapter on the alcalde system.

¹²²Exposición, p. 16.

responded with official dictamenas prescribing the judicial procedure the governor or his subdelegates should observe. Such a process, rarely to secure proper adjustment, was usually and time consuming, hence the repeated requests to the superior authorities for qualified persons to fill the offices of notary and assessor.

In lieu of trained legal and clerical assistants, the governor turned increasingly to the officers and in some cases the men of the ranks for judicial services. An example, the case of the recent teniente Antonio de Saca may be cited. In 1797 he was named by the governor as juez comisionado in a case involving the Indian Justicias of the Pueblo of Santa Fe. We also have the assertion by him that a corporal of the company served as the governor's personal secretary for ten years. The alcalde mayor of Santa Fe also assumed many of the tasks which the governor formerly was required to delegate to a subordinate.

¹²¹ Trial record, August 15-22, 1797, BAMM, doc. 1394. The two juez comisionados will be defined fully in a later chapter on the alcalde system.

¹²² Exposición, p. 45.

CHAPTER VII

COLONIAL ADMINISTRATION OF FINANCES

New Mexico never possessed a treasury office of its own during the colonial period. Aside from an administrator of tobacco and other monopolies, who began to function in the late eighteenth century, and a presidial supplymaster, there were no regular fiscal officers. Instead, what financial concerns existed fell to the care of the governor. It must be admitted that the bulk of these were military in character so they rightfully belonged under his jurisdiction.

As described earlier, the provinces within the commandancy general remained a financial liability to the royal treasury until the end of the colonial period. New Mexico, in particular, forced a heavy drain on the crown's coffers because of the large number of friars who ministered to the Pueblo Indians and of the substantial expenditures necessary for military defense. For maintaining the province during the period 1776 to 1781, the king paid out in salaries for the missionaries alone 51,264 pesos.¹ All expenses taken together, New Mexico was costing the Spanish government about 55 thousand pesos annually in the first years of the

¹Thomas, "Antonio de Bonilla, Notes," p. 202n.

THE POLITICAL ADMINISTRATION OF MEXICO

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nineteenth century.² Pino suggested in 1812 that more enlightened policies might be adopted regarding fiscal administration in New Mexico--he specifically urged the abolition of monopolies--which would result in a rise of prosperity and a concomitant decrease in the outlay forced upon the treasury.³

Fiscal affairs in New Mexico fell into three categories--military, civil, and ecclesiastical. The governor was directly responsible for superintendence of all three, his superior in each case being the commandant general. Under the heading of military, financial direction centered on 1) disbursements for regular troops, which encompassed salaries, pensions, rewards, etc.; 2) the fondo de aliados, or extraordinary expense fund; and 3) the gunpowder fund of the Santa Fe presidial company which for a while was administered as a separate account. These will be described in a subsequent chapter on the military structure. Some reference has already been made to the civil and ecclesiastical finances in the commandancy general. The discussion below will elaborate on the fiscal procedure in these spheres as it applied specifically to New Mexico.

²Economic Report, 1803, Santa Fe, SANM, doc. 1670a.

³Exposición, p. 17.

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² Economic report, 1803, Santa Fe, EAR, Doc. 1670a.

³ Exposición, p. 17.

Concerning administrative details of the financial regimen as a whole, the governor was assigned the role of general supervisor. Besides the supplymaster, the administrator of monopolies and, while they were active, the friars who collected tithes were subject to his direction and intervention. Hard cash was deposited for safe-keeping in a chest with three keys (la caja de tres llaves). One key was held by the governor, another by the supplymaster, and the third by the officer of highest rank who was resident in Santa Fe. All three thus had to be present when the treasury box was opened.⁴

Yearly requests for operating expenses were submitted to the commandant general by the governor. The commandant referred these itemized statements to his auditor and asesor who studied them and made recommendations. After final approval, the commandant ordered the director of the caja to release the prescribed amounts to the supplymaster, who traveled with the annual cordon from Santa Fe. With regard

⁴Real Alencaster to Salcedo, Santa Fe, March 31, 1805, SANM, doc. 1804. It should be noted that the supplymaster of the Santa Fe presidio, under the watchful eye of the governor, not only administered the accounts of the royal troops, but in lieu of an officer of the general treasury, fulfilled certain fiscal functions for the civil and ecclesiastical systems whose monies were customarily deposited in his charge.

Concerning administrative matters of the chamberlain
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 key was held by the governor, another by the chamberlain,
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 in each town. All three keys had to be present when the

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Real Alvarado to Salcedo, Santa Fe, March 31, 1595.
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 ecclesiastical systems when needed were necessarily
 deposited in his charge.

to taxes and the state of finances generally in his province, the governor of New Mexico occasionally had dealings with the junta superior de real hacienda which, as noted earlier, exercised broad supervisory power throughout New Spain. As a rule, the infrequent communications between the two involved matters of general policy established by the fiscal authorities in Spain. Ordinarily, however, such correspondence passed through the office of the commandancy general.

Owing to the prevailing poverty in New Mexico, collection of the usual government taxes was often suspended, or special exemptions were introduced which relieved the citizens of a number of burdens imposed upon their countrymen to the south. The present writer has discovered sufficient information to permit some kind of authoritative comment on the following revenues only: the alcabala, the donativo, and the government monopolies of tobacco, playing cards, gunpowder, and stamped paper. The media anata, a tax collected on the governor's salary, has already been mentioned. Penas de cámaras, or judicial fines, in significant amounts seem to have been received, but each was handled individually according to its own case and by an alcalde who pocketed the revenue, so that no general statement is possible at this time.

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The Alcabala. There has been some question as to whether the alcabala or sales tax was ever collected in New Mexico during the colonial period.⁵ Oñate's contract specifically exempted the province for a period of twenty years and recommended that the privilege be extended for another fifty.⁶ The exemption seems to have been renewed without interruption well into the eighteenth century, applying to goods sold within New Mexico as well as those bartered by local merchants who traveled yearly to Chihuahua.

Early in 1775, the government required the merchandise purchased in Chihuahua and destined for New Mexico be subject to a two per cent excise tax.⁷ The citizens of New Mexico, supported by their governor, Fermín de Mendinueta, petitioned the commandant general for relief from this measure. Collection, they argued, should be suspended for the following reasons: 1) men of the province performed military service without pay; 2) the local economy was retarded, especially

⁵The alcabala was definitely levied by the Mexican government after independence on goods brought over the Santa Fe Trail. Carroll and Haggard, Three New Mexico Chronicles, pp. 64, 109.

⁶Hammond and Rey, Don Juan de Oñate, I, 54.

⁷As stated previously, the usual rate of the alcabala in the poorer northern provinces of New Spain was two per cent, while it was somewhat higher further south.

the alcabala. There has been discussion as to whether the alcabala or sales tax was ever collected in New Mexico during the colonial period. This is certainly specifically exempted the province for a period of twenty years and recommended that the privilege be extended for another fifty.⁶ The exemption seems to have been granted without inspection well into the eighteenth century, owing to goods sold within New Mexico as well as those purchased by local merchants who traveled yearly to Chihuahua. Early in 1772, the government required the merchants purchased in Chihuahua and destined for New Mexico be subject to a two per cent alcabala. The citizens of New Mexico, supported by their governor, petitioned the commander general for relief from this measure. In 1773, they agreed, should be suspended for the following reasons: 1) men of the province performed military service without pay; 2) the local economy was retarded, especially

⁶The alcabala was definitely levied by the Mexican government after independence on goods brought over the border to Spain. Carroll and Hayden, New Mexico Chronicles, pp. 64, 109.

⁷Hammond and Ray, Los Juan de Oñate, I, 29.

⁸An article (previously), the usual rate of the alcabala in the government provinces of New Spain was two per cent, while it was somewhat higher further south.

agriculture and cattle raising, because of Indian depredations; 3) the only real commercial business was transacted once a year when New Mexicans journeyed to Chihuahua City to market their produce and purchase necessary clothing and horses; and 4) until the recent directive, goods had always been free of the imposts of the alcabala.

The asesor of the commandancy received the petition, appended his dictamen in support of the citizens, and submitted it to the commandant general. In his written statement, he noted that the merchants, upon selling their wares in Chihuahua, merely added the amount of the alcabala to their final sale price, thereby placing the burden of the tax upon the consumer. This bore heavily upon the New Mexicans because of the difficulties at home which they had summarized in their petition.⁸ The commandant reviewed the situation and subsequently notified Governor Mendinueta that in conformity with the judgment of the asesor, the tax, as it applied to New Mexico commerce, was being suspended.⁹

⁸Dictamen of Pedro Galindo Navarro, Durango, September 27, 1777, SANM, doc. 706.

⁹Croix to Mendinueta, Durango, September 30, 1777, SANM, doc. 706a.

In February of 1787, Francisco de Guizarnótegui, a private merchant, was awarded a contract to supply the presidios of Nueva Vizcaya and that of New Mexico in Santa Fe.¹⁰ His goods were assembled in Chihuahua, excise taxes were levied against them, and thence they were distributed to the various military establishments. Two years later it was suddenly realized that the merchandise dispatched to New Mexican troops was being illegally taxed since it was not subject to the alcabala. As a result, the commandant general ordered that the individuals of the Santa Fe presidial company be reimbursed for the tax sums which had been withheld from their salaries for the years 1788 and 1789.¹¹

In the Santa Fe Archives, there is a copy of a royal order of October 12, 1795, which freed the products of New Mexico from the alcabala for a period of ten years.¹² Apparently, similar documents had been issued throughout the eighteenth century, but these no longer remain in the

¹⁰The question of presidio supply will be discussed at length in the chapter on the military system.

¹¹Diego de Borica to Governor Concha, March 31, 1789, SANM, doc. 1043a.

¹²Orders and Decrees, I, 99, SANM, doc. 1344a.

In January of 1737, the Spanish government, a
 private business, was awarded a contract to supply the
 provision of New's Viceroy and that of New Mexico in Santa
 Fe.¹⁰ The goods were assembled in Oahuahu, certain cases
 were levied against them, and then they were distributed
 to the various military establishments. Two years later it
 was suddenly realized that the provisions distributed to
 New Mexico troops were being illegally taken since it was
 not subject to the military. As a result, the government
 general ordered that the individual of the Santa Fe
 merchant company be punished for the tax evasion which had
 been withheld from their entries for the years 1738 and

1739.¹¹

In the Santa Fe Archives, there is a copy of a royal
 order of October 12, 1739, which listed the products of New
 Mexico from the Santa Fe for a period of ten years.¹²
 Apparently, similar documents had been issued throughout
 the eighteenth century, but there is no longer trace in the

¹⁰ The question of private supply will be discussed
 at length in the chapter on the military system.

¹¹ Diego de Torres to Governor Conde, Santa Fe, 1739,
 Santa Fe, doc. 1041a.

¹² Torres and Ramirez, I, 93, Santa Fe, doc. 1739.

state archives. Governor Fernando de Chacón, in an economic report prepared in 1803, noted that New Mexico had made no contribution to the royal treasury from the time of the reconquest since the alcabala was not collected.¹³ This supports the conclusion that the tax was not applied within the province during the colonial period.¹⁴

The Donativo. Although the populace of New Mexico was exempt from all but a few specialized taxes, nevertheless, it was subject to not infrequent levies for so-called voluntary contributions or donativos.¹⁵ Such demands often originated with the king who was in need of funds for some extraordinary exigency as that occasioned by war at home or abroad. Religious houses in Spain were accustomed to seek donativos from colonials through regular government channels, and records remain of the modest contributions which New Mexican provided for convents, nunneries, and similar establishments in the mother country.

¹³Chacón Report to the Consulado of Vera Cruz, Santa Fe, August 28, 1803, SANM, doc. 1070a. In the same year the junta superior de real hacienda requested Governor Chacón to prepare a report setting forth the advantages his province derived as a result of its exemption from the alcabala. Salcedo to Chacón, Chihuahua, January 6, 1804, SANM, doc. 1698.

¹⁴For a general summary of the alcabala, see Carroll and Haggard, Three New Mexico Chronicles, p. 183.

¹⁵José María Ots Capdequí acknowledges that some donativos were genuinely voluntarily given, while others were that in name only. Instituciones (Barcelona, 1959), p. 495.

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The people of New Mexico were also assessed from time to time by the provincial governor in Santa Fe for voluntary contributions, usually in kind, to be applied to special purposes of mercy. Specifically, this often involved support in the form of food and clothing to Indian pueblos or Spanish hamlets where the threat of war, famine, or other disaster wrought human misery. The Zuñis, beleaguered by enemies, decimated by smallpox, and faced with starvation in the late eighteenth century, no doubt were spared from extinction by the timely aid provided by such contributions. Money in the form of alms was collected also for the purpose of ransoming captives held by enemy Indians.

A royal cédula of August 17, 1780 is illustrative of the conditions which surrounded a crown assessment for a war fund. It was stipulated that all vassals in the Indies, that is, all adult men who were free, would be required to subscribe to the contribution. Spaniards, including nobles, were to pay two pesos, and Indians and mixed-bloods, one. The commandant general in a communication with the governor of New Mexico specifically relieved the men of the presidial troop from this obligation. He concluded that the soldiers'

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small salary could not be expected to cover extra expenses such as this.¹⁶

With the political turmoil in Spain beginning in 1808, the government found itself in continual need of funds. The demand for donativos was greatly increased and abundant evidence indicates that New Mexicans were expected to contribute their share. A rather extensive list of donativos from the jurisdiction of Alameda in 1809 shows that several hundred citizens contributed in cash and kind 117 pesos, 218 serapes, 149 fanegas of maíz, 49 beeves, 52 tanned skins, 18 ristras of chile, and 32 of garlic, among other items. Eusevio Real of Alameda, for example, donated a serape and nine reales in coin. Juan Felipe, an Indian of San Felipe Pueblo, gave one buffalo hide and one peso in coin. And José Segura of Peña Blanca offered a half fanega of maíz and two reales.¹⁷

Other requests for donativos followed, but apparently the results could not satisfy the pressing needs of the government. In 1813 a bando was issued which levied an

¹⁶Croix to Anza, Arizpe, August 12, 1781, SANM, doc. 827; and Croix to Anza, Arizpe, August 12, 1781, SANM, doc. 828.

¹⁷List of Contributions, San Carlos de la Alameda, April 29, 1809, SANM, doc. 2226.

small salary to be not be expected to cover extra expenses such as this.

With the political turmoil in Spain in 1808, the government found itself in a financial bind. The demand for donations was greatly increased, and abundant evidence indicates that New Mexicans were expected to contribute their share. A rather extensive list of donations from the jurisdiction of Alameda in 1813 shows that several hundred citizens contributed in cash and kind. 17 pesos, 218 reales, 145 reales of silver, 40 reales, 82 reales of silver, 18 reales of silver, and 32 of silver, among other items. Donations from Alameda, for example, included a horse and nine reales in coin. Juan Felipe, an Indian of San Felipe Pueblo, gave one bottle hide and one pair in coin. The José Segura of San Blas offered a half bunch of milk and two reales.

Other requests for donations followed, but apparently the results could not satisfy the pressing needs of the government. In 1813 a bando was issued which invited an

¹⁶ Cofre de Arca, Arizpe, August 13, 1781, BAM, doc. 817; and Cofre de Arca, Arizpe, August 13, 1781, BAM, doc. 818.
¹⁷ List of contributions, San Carlos de la Alameda, April 25, 1813, BAM, doc. 2110.

extraordinary direct contribution on the incomes of all citizens of the realm. Only persons earning less than three hundred pesos a year were exempt, while those earning more were ordered to pay sums in accordance with a fixed schedule. Collection of the "tax" was placed in the hands of local ayuntamientos or alcaldes.¹⁸

On March 15, 1815, the governor of New Mexico convoked a junta in Santa Fe to consider various financial matters which had arisen, including that of donativos destined for Spain. With the governor himself presiding, the junta composed a set of instructions to guide the ayutamientos and alcaldes mayores in transacting current fiscal affairs. All Spanish citizens and Indians were enjoined to pay their due which was to be collected in the cabecera of each district. The money and goods were then to be transported to Santa Fe, the cost of removal to be borne by the donativo itself, and turned over to the supplymaster of the presidial company.

Another matter considered at this time was a request by the royal treasury for a loan of five thousand pesos.

¹⁸Bando and Reglamento, Mexico, December 15, 1813, in Orders and Decrees, II, 175, SANM, doc. 2522.

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The junta assigned various amounts to thirty-six wealthy men of the province, each of whom provided sums ranging from fifteen to one thousand pesos to make the total sought by the exchequer. Further action by this fiscal body resulted in a levy on certain citizens for grain to supply the presidial troops with payment for the produce to be made by the treasury in Chihuahua. Also considered was an official bando which imposed a five per cent tax on agriculture and stock raising for a two-year period.¹⁹

The Tobacco Monopoly. The tobacco monopoly (estanco de tabaco), established in 1764 in New Spain under the direction of José de Gálvez, was a separate branch or ramo of the fiscal government. In New Mexico collection of tobacco revenues was in the hands of the fiel administrador. His activities were directed by an administrador de rentas in Chihuahua, who in turn was subject after 1786 to the intendant of Durango. The commandant general acted in a supervisory capacity as superintendent of the ramo de tabaco in his district.

The tobacco in its various forms was received in an annual shipment at Santa Fe and was lodged in a storehouse

¹⁹Instructions of the Fiscal Junta, Santa Fe, March 5, 1815, SANM, doc. 2583.

The Junta assigned various members to thirty-six wealthy men of the province, each of whom provided some funding for fifteen to one thousand pesos to make the total sought by the enterprise. Further action by this fiscal body consisted

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¹⁹Instructions of the fiscal junta, Santa Fe, March 2, 1815, BAKR, doc. 1581.

(almacén) at the home of the administrator from whence sale or disbursement was made.²⁰ The fiel administrador served as inspector charged with the task of seeking out those who violated the prohibition against local production of the plant. Revenues derived from the sale of government tobacco were lodged for safe-keeping in the almacén or with the supplymaster's office of the presidial company. The supplymaster who accompanied the annual caravan southward conveyed these funds, after release from the administrador, to the offices of the monopoly at Chihuahua.

The officer in charge of the royal tobacco monopoly in New Mexico also had within his jurisdiction the administration of the lesser monopolies of gunpowder and playing cards, and after 1786 that of stamped paper. Although in theory he was allowed to act independently within the confines of the provincial government, he seems, nevertheless, to have been subject to certain supervision by the governor. The exact nature of this supervision was apparently spelled out by Viceroy Antonio Bucareli in a set of instructions dated January 1, 1773. All that is known of their contents, however, is that the governor was enjoined

²⁰The local offices of the tobacco monopoly were variously referred to as estanquillos or fielatos.

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to assist the fiel administrador whenever the occasion should demand it.

The administrator in Santa Fe was nominated for his office by the administrador de rentas in Chihuahua while final selection was made by the commandant general.²¹ All officers of the monopoly enjoyed a special fuero which entitled them to be tried by their own superiors within the ramo for crimes involving misuse of their position.²² All employees at the provincial level were exempt from payment of the media anata.²³

The entire question involving growth and sale of tobacco after creation of the monopoly was a perplexing one for the Spanish government, no less in New Mexico than in the remainder of New Spain. At the onset, a great public clamor resulted over the taking away of the privilege of everyone to roll his puros and cigarillos in the manner which seemed

²¹ Chacón to Nava, Santa Fe, March 29, 1801, SANM, doc. 1533.

²² The administrator in New Mexico, Santiago Abreu, claimed exemption under his fuero from certain enforced contributions levied on him by the governor in 1802. SANM, doc. 1584.

²³ Fabián de Fonseca and Carlos de Urritia, Historia general de real hacienda (5 vols.; Mexico, 1845-1853), II, 394; and Fisher, The Intendant System, p. 158.

to make the first administration whenever the occasion should

demand it.

The administration in fact was nominated for his

office by the administration of course in Chinatown while

final selection was made by the commanding general.²¹

Others of the monopoly enjoyed a special favor which

entitled them to be elected by their own superiors within the

rank for certain involving means of their position.²²

Employed at the provincial level were exempt from payment

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to toll the puerto and carretera in the manner which seemed

²¹ Orden to Mexico, Santa Fe, March 22, 1801, MSS, doc. 1833.

²² The administration in New Mexico, Santiago Arce, claimed exemption under his term from certain articles contraband levied on him by the governor in 1801. MSS, doc. 1884.

²³ Explan de Ponce and Carlos de Urzicel, Historia general de los negocios (2 vols.; Mexico, 1843-1853), II, 194; and Bishop, The Diocese of Mexico, p. 195.

to him best.²⁴ The problem in New Mexico was compounded by the fact that the people were in the habit of raising for their own consumption a poor grade of tobacco known as punche.²⁵

Instructions for establishment of the tobacco monopoly in New Mexico reached Governor Vélez Cachupín in November of 1765, together with a proclamation forbidding all tobacco planting thereafter. The astute Governor demurred in acting, realizing that the measure would upset the local economy and affect relations with the neighboring nomadic Indians who were accustomed to obtain their tobacco from the crop grown by the New Mexicans. In January of the following year, he prepared a report for the viceroy outlining the detrimental effects which would result from the new regulation. In spite of his feeling, the Governor made public the proclamation in the spring and, as expected, a shortage of tobacco developed, arousing discontent among the settlers and Indians. Moreover, the royal treasury benefited little because the people had insufficient funds to buy tobacco from the government and, lacking punche, they turned to the use of mata and

²⁴Smith, The Viceroy of New Spain, p. 151.

²⁵An inquiry into the significance of the term "punche" is made by Leslie A. White, "Punche Tobacco in New Mexico History," NMHR, (1943), 386-93.

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other wild plants.²⁶

The documented details surrounding operation of the ramo de tabaco in New Mexico in the last quarter of the eighteenth century are scant.²⁷ A letter from Governor Chacón to the commandant general, authored on November 16, 1798, demonstrates that in spite of numerous difficulties, the monopoly was continuing in operation.²⁸

In the first decade of the nineteenth century a number of references to tobacco appear in the documents. An economic report drawn up by Governor Chacón in 1803 maintains that "tobacco is grown locally, is widely used even by the padres, and is an article of trade with the Indians."²⁹ In

²⁶The foregoing paragraph is based largely on Lawrence Kinnaird, "The Spanish Tobacco Monopoly in New Mexico, 1766-1767," NMER, XXI (1946), 328-30. See also Marqués de Croix to Mendinueta, Mexico, September 3, 1767, SANM, doc. 622. The use of oja de mata is referred to in Neve to Anza, Arizpe, March 15, 1784, SANM, doc. 884a.

²⁷Bolton, in his Guide, p. 191, cited previously, records the existence of several hundred volumes in the AGN of a section entitled "Tabaco." Among other things these volumes include reports of the factors of the different provinces and accounts of cost of freight on tobacco carried from the local factories. A survey of the material would probably reveal data pertinent to the monopoly in New Mexico.

²⁸SANM, doc. 1429.

²⁹SANM, doc. 1670a. See also White, "Punche Tobacco," p. 391n.

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Company in the early part of the century of the
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²¹The foregoing paragraph is based largely on Lawrence
 Kinsland, "The Spanish Tobacco Monopoly in New Mexico, 1763-
 1767," *AMNH*, LXI (1946), 238-40. See also *Memorias de Don
 de Madrid, Mexico, September 2, 1767*, *BAHA*, doc. 513.
 The use of vin de rata is referred to in letters from
 Arago, March 15, 1754, *BAHA*, doc. 487a.

²²Chalon, in his *Memoria*, p. 191, cited previously,
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²³*BAHA*, doc. 1433.
²⁴*BAHA*, doc. 1070a. See also "Tobacco Tobacco,"
 p. 211a.

this document the governor acknowledges receipt of instructions from his superior which disclosed the procedure to be followed in prosecuting cases of tobacco fraud. He notes that the commandant general specifically exempted from the regulations those areas of the province which raised tobacco for barter with the gentiles or nomadic Indians. As the governor points out, this takes in his entire jurisdiction, as all districts must produce tobacco to meet the need of some nearby tribe.³⁰

The situation then by 1803 is that punche or native tobacco was grown legally throughout the province. Its use was intended exclusively for the Indian trade, but the poorer classes consumed it since their only alternative was to do without. The tobacco of superior quality imported from Mexico was purchased by the rico class and by the presidial soldiers, and it was the revenue from these sales which made up the funds administered by the official of the monopoly in Santa Fe.

Several documents reveal the importance of the sums which were derived by the estanco. The only specific figure

³⁰SANM, doc. 1592.

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which had thus far come to light is that of eight thousand pesos of silver which the fiel administrador deposited with the supplymaster of the presidial company for the year 1806.³¹ This seems a surprisingly large amount considering the professed poverty of New Mexico. The figure is probably accurate, however, as related sources suggest that substantial sums were collected in other years. A set of judicial proceedings for the year 1809 relates how a local citizen robbed the storehouse at the home of the fiel administrador of two thousand pesos. This figure merely adds further proof that large amounts were being collected, but there is no way of knowing the length of the period which the two thousand pesos represents in tobacco receipts.³²

A curious note relating to the tobacco funds is available for the year 1807. Governor Real Alencaster at that time became hard-pressed for money to meet the immediate expenses of the Santa Fe company, the predicament having arisen because of his manipulation of presidial funds. To extricate himself from the tight situation, Alencaster

³¹Real Alencaster to Salcedo, Santa Fe, November 20, 1806, SANM, doc. 2030.

³²Case Against José Ramón Villanueva, Santa Fe, November 7-13, 1809, SANM, doc. 2262.

imposed a levy on Santiago Abréu for the tobacco revenues in the latter's charge which further involved the governor in financial difficulties. The point is, however, that he turned to the tobacco monopoly as a ready source of funds when the pressing need arose.

Throughout all of New Spain persons were engaged in defrauding the monopoly of its rents. This assumed the form of illegal production, of smuggling, and of counterfeiting the stamps placed on all items sold. A governmental instrucción issued in 1777 against such practices apparently had little effect. Subsequent decrees on the same subject were equally impotent, and the crown to the end of the colonial period continued to be deprived of vast amounts of revenue.³³

Gunpowder and Playing Card Monopolies. As observed above, the administrator of the estanco de tabaco in New Mexico included under his jurisdiction the monopolies of gunpowder and playing cards.³⁴ The revenues from these were

³³Bando on the Tobacco Excise, Mexico, November 15, 1813, Orders and Decrees, II, 174, SANM, doc. 2520.

³⁴In New Spain neither of these revenues possessed its own ramo or branch, the receipts of each being deposited in the tobacco treasury. Priestley, José de Gálvez, p. 375.

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³³ Bando on the Tobacco Excise, Mexico, November 15, 1813, Ordaz and Dezares, II, 174, BAHM, box 2820.

³⁴ In New Spain neither of these revenues possessed its own name or brand, the receipts of each being deposited in the tobacco treasury. Arzobispado, José de Alvarado, p. 375.

probably never large, but the exact amounts cannot be determined since no separate records for the accounts have appeared.³⁵

Gunpowder was manufactured in Mexico under close crown supervision. It came in several grades, including fine, which sold in Mexico City for eight reales a pound, and superfine, which sold for ten reales.³⁶ The price in New Mexico must have been substantially more when the cost of transportation and handling was added to the above prices.

The powder monopoly involved sale only for civilian use. Gunpowder for military purposes was provided to the troops through special supply channels. In 1777 the soldiers of the Santa Fe garrison were charged with wasting their powder ration and using it for hunting, which was not considered in the service of the king. They were warned that powder consumed unnecessarily would have to be replaced at their own expense.³⁷

³⁵Pino, in 1812, was highly critical of the management of all government monopolies in New Mexico. Exposición, p. 17.

³⁶Fonseca and Urrutia, Historia general de real hacienda, II, 247.

³⁷Rubio to Mendinueta, Chihuahua, December 21, 1777, SANM, doc. 709.

Purchases by citizens were usually destined for use in firearms or fireworks. The rural folk of New Mexico were generally without firearms, relying for their defense on bows and arrows or lances in the manner of the Indians. The upper classes, however, probably purchased enough powder to bring in a sizeable revenue to the monopoly.

Regarding the sale of playing cards in New Mexico under the government monopoly, little is known. The commandant general in 1807 transmitted a bando to the governor announcing a real órden of October 17, 1804, which reduced the price of playing cards from eight to four reales.³⁸ If figures are ever discovered, it would be interesting to learn what New Mexicans were expending yearly on this diversion.

Stamped Paper. The crown of Spain derived revenue from the sale of paper bearing the royal coat of arms. The use of such paper in all legal transactions became obligatory in the seventeenth century.³⁹ By the Order of Intendants of 1786, the sale of stamped paper at the local level was removed from the hands of the governors and alcaldes mayores,

³⁸ Salcedo to Real Alencaster, Chihuahua, January 28, 1807, SANM, doc. 2040.

³⁹ Fonseca and Urrutia, Historia general de real hacienda, III, 24-31.

who had been responsible directly to the treasury officials, and was placed under control of the administrator of the tobacco rents. For this added duty the official received four per cent of the proceeds.⁴⁰

By 1786 then, a single functionary in New Mexico held charge of the four monopolies: tobacco, powder, playing cards, and stamped paper. Notwithstanding, at the close of each year he had to render and submit entirely separate accounts for each ramo or product. The accounts of the first three went to the respective director of each monopoly via the administrador de rentas in Chihuahua. Handling of the stamped paper revenues on the higher level, however, remained subject to the regular treasury officers, and accounts of this branch passed from Santa Fe to the caja real in Chihuahua. Ultimately, summaries of the accounts of all four reached the tribunal de cuentas in Mexico for final auditing.⁴¹

Stamped paper was always scarce in the provinces of New Spain. This was particularly true in New Mexico where a chronic shortage seemed to exist. Paper came in four

⁴⁰Fisher, The Order of Intendants, p. 208.

⁴¹Ibid., p. 279.

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Approved: _____
 Special Agent in Charge

grades, selling at three pesos, six reales, one real, and one cuartilla (one and one-quarter cents) per pliego (double sheet), depending upon the quality.⁴² The cheaper denominations were employed in New Mexico when available, and when lacking, the governor was required to see that the fees were collected anyway and deposited with the treasury though unmarked paper was used.⁴³

Postal System. The postal service in New Spain was administered, at least after 1766, as a ramo of the royal treasury with its own specially appointed officers subject directly to a superintendent general of posts (superintendente general de correos, postas, y caminos) in Spain.⁴⁴

⁴²Priestley, Jóse de Gálvez, p. 334n.

⁴³Croix to Anza, Chihuahua, January 13, 1783, SANM, doc. 850. The use of unstamped paper is illustrated by a document prepared by Francisco Ortiz of Santa Fe who affixed the following notation as a heading: "Valga por el Sello 3^o cuio valor de dos reales resivi y hare buenos a Real Hacienda en la cuenta de este Ramo año de 1813." SANM, doc. 2505.

⁴⁴A rudimentary mail system had existed from the time of the conquest. It was dependent to a large degree upon the condition of the king's highways or caminos reales which within a short time formed a network throughout the viceroyalty. Transportation of the mails was generally referred to as the real servicio. After independence it became the servicio nacional. Pino to Arce, Laguna, March 5, 1819, SANM, doc. 2798.

Before a royal order of 1763, service in the Mexican area had been in the hands of a private contractor (correo mayor) who purchased his office from the crown. Each of his tenientes had collected the portes or postage revenues from the total of which they remitted part to the correo mayor and kept part for their own salary. Under the new system, the real renta de correos was transformed into a department of the real hacienda and the correo mayor and subordinate administrators became royal appointees with a fixed salary.⁴⁵

The activities of the government postal service were not extended beyond Durango until the time of Teodoro de Croix. On January 10, 1779, the Commandant General issued a bando from Chihuahua creating a system of east-west mail delivery which would serve to tie together his vast jurisdiction.⁴⁶ On the following February 15, he composed a set of instructions governing the establishment and operation of the new service.⁴⁷ Although New Mexico was excluded from

⁴⁵Walter B. L. Bose, "Orígenes del correo terrestre en Mexico," Revista de historia de América, XXIII (1947), 94-95. General regulations concerning the establishment and operation of the postal system may be found in Rodríguez de S. Miguel, Pandectas, I, 685-717.

⁴⁶Fernando B. Sandoval, "El correo en las Provincias Internas," Boletín del archivo general de la nación, XVIII (1948), 334.

⁴⁷Order of the Caballero de Croix, SANM, doc. 752.

Before a formal report of the...
had been in the hands of...
who purchased...
testament had called for...
the total as which they...
and have used for their...
the real value of...
of the total...
administrative...
The activities of the...

not extended beyond...
Coxix, on January 12, 1972...
a bank from...
delivery which...
discrimination...
of instructions...
the new...
the...

en...
94-95...
and...
de...
Inter...
(1983, 1984)

Order of the...

consideration by virtue of its position far to the north of the proposed route, nevertheless, some attention will be given to the provisions of Croix's instructions for they fix a pattern that was extended in part to New Mexico in the following decade.

Post offices (estafetas or cajas) for the handling of ordinary mail had been in operation in Durango, Saltillo, Chihuahua, and the Real de San Antonio de la Huerta⁴⁸ prior to formation of the Croix plan. In the first named there existed an administrador general of posts; in each of the remainder an official called the administrador principal. The new postal route which provided monthly service was to extend from the Bahia de Espiritu Santo on the Texas coast to the commandant's capital at Arizpe. Along this way branch offices were set up at the leading towns under administradores subalternos. These were located at such places as San Antonio, Monclova, Parras, Mapimi, Gallo, and Horcasitas. In addition, the supplymasters of the presidios at intervening points were commissioned to act as postal clerks in the reception, distribution, and dispatching of the mails. They were required to open the mail pouches

⁴⁸A real or real de minas was a mining camp or town.

consideration by virtue of the position that the work of
the proposed route, notwithstanding, some attention will be
given to the provisions of Civil's instructions for they
the a pattern that was extended in part to San Antonio in
the following details.

Post office (regular or daily) for the mailing of
ordinary mail had been in operation in Burnham, California,
and the Post at San Antonio de la Huerta prior
to formation of the Civil plan. In the first named there
existed an administrador general of posts in each of the
remainder an official called the administrador principal.
The new postal route which provided weekly service was to
extend from the Santa de Barbara route on the same coast
to the commandant's capital at Mexico. Along this way
branch offices were set up at the leading towns under
administradores auxiliares. These were located at such
places as San Antonio, Hermosillo, Durango, Toluca, and
Hermosillo. In addition, the responsibility of the president
at intervening points were considered for set as postal
clerks in the reception, distribution, and dispatching of
the mail. They were trained to open the mail packets

⁴⁸ A trail to Santa Fe along with a mining camp or town.

(baliyas) in the presence of the couriers and the captain or other officers of the presidio, or in the absence of the latter before the chaplain of the garrison. The administradores principales were instructed to inform their subalternos and the supplymasters of the presidios within their jurisdiction of the general regulations prescribed for the conduct of postal business.

Each office of the renta de correo possessed its own mail pouch and a postal seal (sello de francatura) which was affixed to letters and pliegos.⁴⁹ Under certain circumstances the postal fees might be paid by the receiver instead of the sender. The commandant general provide, for example, that letters to his office from his own administrative staff, from the commandant inspector, his adjutants (the ayudantes), the provincial governors, and from the commandants and officers of the presidios, mobile companies, and militia units should all be stamped upon receipt to spare his subordinates this burden of expense.⁵⁰ Rates in the Provincias

⁴⁹A pliego was a parcel of letters enclosed in a single cover. The term was also used to mean a single sheet of paper folded once to form a two-page writing folder which was the unit sold as stamped paper.

⁵⁰Until 1777 royal officials were exempt from paying postage on government correspondence. As late as 1783, officers in the Provincias Internas were continuing with this privilege, although it had been abolished elsewhere.

Internas were the same as those prevailing throughout New Spain. A document penned in the late colonial period indicates that New Mexico soldiers were paying three reales per letter which was probably the standard rate charged all citizens.⁵¹

The mails, as Croix organized them, were carried by soldiers of the regular army. Expenses incurred by these postal couriers were met by the renta de correo, as were those costs deriving from the general operation of the service. Any surplus made by the department was remitted to Spain through a postmaster general in Mexico City.⁵²

Mail carriers were strictly forbidden to convey letters outside the mailbags and to carry written messages which had not been registered at a post office even if these had been handed to them by a governor or by local justicias. However, the couriers were permitted to accept mail along the road at haciendas and other points so long as it was delivered over to the first postmaster encountered for processing. Upon

⁵¹Mail List, Santa Fe, September 17, 1819, SANM, doc. 2847.

⁵²This official in the Croix postal instructions of 1779 is referred to as the administrador general de la renta de correos de Nueva España.

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 to the first postmaster encountered for processing. Upon

⁵¹ Mail list, Santa Fe, September 17, 1812, BANC.
 Doc. 1847.

⁵² This official in the Croix postal instructions of
 1775 is referred to as the administrador general de la
 carrera de correo de Nueva España.

arriving at a town, the couriers were obliged to proceed directly to the caja and there relinquish the pouches. Until this had been accomplished, they were not to report to the governor or jefe militar who might be resident in the town, nor were they to linger on the streets giving news to the citizens.

After implementation of the Croix plan, the internal provinces were closely linked to the postal system of the viceroyalty of New Spain. This service was improved further by Viceroy Revilla Gigedo, II after 1789, who established regular weekly deliveries between Mexico City and the intendancy capitals.⁵³

New Mexico Postal Service. The special mail route laid out by Croix in 1779 was modified in the following decade so that El Paso was included in the system.⁵⁴ Santa Fe, however, remained outside this service and continued dependent upon the annual caravan each autumn for carrying both ordinary and official mail. Although

⁵³ Cayetano Alcázar Molino, Los virreinos en el siglo XVIII (Barcelona, 1945), p. 96.

⁵⁴ Sandoval, "El correo en las Provincias Internas," pp. 335-39.

arriving at a point, the ...
directly to the ...
until this had been ...
to the government of ...
the case, but were they to ...
news to the ...
also ...
provinces were closely ...
vicinity of New ...
by ...
regular ...
indemnity ...
New ...
also ...
decide so that ...
General ...
concluded ...
for carrying ...

the governors occasionally used special messengers to convey important dispatches, this method was costly and far from satisfactory or efficient.

The superior authorities tolerated this situation until 1783. In that year the commandant general addressed a letter to Governor Anza outlining steps to be taken in establishing regular mail delivery between Santa Fe and El Paso, thus linking the provincial capital with the postal service of the interior provinces.⁵⁵ The remoteness of the Villa of Santa Fe and the dangers prevalent on the long road north of El Paso were quoted as the reasons which had precluded extension of the servicio de correos in the past. The commandant general observed that news of happenings in New Mexico often reached his attention a year late. Conversely, he could not keep the governor properly informed of developments growing out of new orders of the king which related to the general regimen of war and government.

Governor Anza was directed to investigate the means whereby a regularly scheduled mail service might be inaugurated between his capital and El Paso. While the final decision as

⁵⁵ Neve to Anza, Arizpe, December 18, 1783, SANM, doc. 873.

to mode of organization was left to him, the commandant general tendered the following suggestions: 1) every two, three, or four months a detachment composed of soldiers from the Santa Fe presidio and of private citizens might escort the mail as far as El Paso; 2) alternately it might prove more feasible to have the task performed by two or three men who would raise no dust on the trail nor leave tracks, and who could more easily hide from the enemy; 3) whatever form the mail escort assumed, the governor should designate the exact route to be followed and prescribe the method to be used in the nightly marches and the precautions to be taken; 4) no definite times should be set for dispatching of the mail lest the hostile Indians divine the pattern and lay in ambush for the escort; and 5) advantage should be taken of troop detachments which passed between Santa Fe and El Paso periodically on other business to carry extraordinary posts outside the regular system. Beyond the presentation of these points for consideration, the commandant general explicitly ordered that neither cattle nor merchants with their wares were to be permitted to travel with the escolta de correos as this would hinder the march and serve to arouse the enemy.

The suggestions enumerated above were apparently incorporated into the system set up by Anza. The new mail service provided closer connection not only with the commandancy but also with the southern extremity of the New Mexico jurisdiction around El Paso. The lieutenant governor at that town appears to have been responsible for supervision of postal business and an estanquillo, or branch office, was maintained. Postal affairs were also conducted at the estafeta of San Eleceario a few miles downstream.⁵⁶ The lieutenant governor was advised by the governor to make regular reports on affairs of administration, sending them to Santa Fe by the official postal couriers.⁵⁷

⁵⁶San Eleceario was set up as a presidio (originally under the name of Guajoquilla) by the presidial Reglamento of 1772. It was sometimes located on the north side of the Rio Grande, sometimes on the south side, and occasionally on an island in the middle, depending upon the erratic course of the river at that point. Although territorially within the jurisdiction of New Mexico, the presidio was attached for administrative purposes to the province of Nueva Vizcaya. If the garrison possessed a supplymaster, which is not altogether certain, he probably handled the local postal business. The regular troops there usually averaged only fifteen men, although for a time a mobile company from Nueva Vizcaya was stationed at this small outpost.

⁵⁷Real Alencaster to Ysidro Rey, Santa Fe, July 1, 1805, SANM, doc. 1850.

The suggestion... incorporated into the... service provided... community... New Mexico... governor... acquisition of... office... at the... The... regular reports... to Santa Fe by the...

San Ildefonso... under the name of... of 1873... Rio Grande... on an island... course of the river... within the jurisdiction... attached for administrative purposes... Nueva Vizcaya... which is now... local postal... averaged only... company from Nueva Vizcaya was... output.

Local... 1901...

Documentation is scant on the functioning of the courier system after its organization in New Mexico in 1783. Whether the supplymaster of the Santa Fe presidial company acted as postmaster or whether an administrador was appointed immediately is not known. By 1799, however, it is recorded that one Miguel Ortiz was serving as administrador de correos in the provincial capital.⁵⁸ The appointment of this official was made by the administrador principal in Chihuahua, acting upon recommendation of the New Mexico governor.⁵⁹ A document of 1819 indicates that the postmaster put up a bond before assuming his duties.⁶⁰

In 1804 the administrador in Santa Fe informed the commandant general that it had become the practice for him to open the balija or mail pouch in the house of the governor. The commandant responded with an order prohibiting this procedure since his asesor had declared that it was contrary to Articles 15 and 16 of the general ordinance governing the post office department. Presumably the mail

⁵⁸Chacón to Nava, Santa Fe, November 18, 1799, SANM, doc. 1471.

⁵⁹Salcedo to Chacón, Chihuahua, September 19, 1804, SANM, doc. 1757.

⁶⁰Oniego to Melgares, Chihuahua, May 6, 1819, SANM, doc. 2813.

should have been opened in the estafeta under surveillance of the proper witnesses.⁶¹

By 1805, the mail service was operating on a fairly regular schedule. Governor Chacón in that year listed the postal departures as follows: the first of April; the first of July; the first of September; and in November with the annual caravan.⁶² A later description is available showing the manner in which the couriers were functioning. A mail escort composed of a lieutenant and ten men of the regular troops, together with two militia captains commanding a detachment of twenty citizens from the jurisdictions of Albuquerque and Alameda, transported the mail pouches as far as the paraje of Fray Cristobal. At that point a contingent from San Eleceario was waiting, the bags were exchanged, and the party from up river returned to deliver the mail from the south.⁶³ In addition to the regular service, however, the use of extraordinary couriers to

⁶¹Order of Nemesio Salcedo, Chihuahua, November 13, 1804, SANM, doc. 1770(3).

⁶²Instructions to Real Alencaster, Santa Fe, March 27, 1805, SANM, doc. 1800.

⁶³Manrique to Salcedo, Santa Fe, March 31, 1810, SANM, doc. 2311. This particular mail delivery is cited by Max L. Moorhead, New Mexico's Royal Road (Norman, Okla., 1958), p. 46. Ordinarily, as noted, the mail was conveyed

should have been opened in the winter under surveillance
of the proper witnesses.⁶¹

In 1808, the mail service was organized on a fairly
regular schedule. Governor Claiborne in that year listed the
usual departures as follows: the first of April; the first
of July; the first of September; and in November with the
annual caravan.⁶² A later description is available showing
the routes in which the couriers were functioning. A mail
route composed of a lieutenant and ten men of the regular
troop, together with two militia captains commanding a
detachment of twenty citizens from the jurisdiction of
Albuquerque and Alameda, transported the mail packages as
far as the parish of Progreso. At that point a
contingent from San Antonio was waiting, the bags were
exchanged, and the party then returned to deliver
the mail from the north.⁶³ In addition to the regular

service, however, the use of extraordinary couriers to

⁶¹ Order of Mexico to Santa Fe, October 13, 1804, MSS, doc. 1770(3).

⁶² Instructions to San Antonio, Santa Fe, March 27, 1808, MSS, doc. 1800.

⁶³ Instructions to Santa Fe, Santa Fe, March 27, 1810, MSS, doc. 1811. This particular mail delivery is cited by Max J. Lowenthal, New Mexico's Early Days (Norman, Okla., 1928), p. 48. Ordinarily, as noted, the mail was conveyed

carry urgent news continued.

During the summer of 1815, the acting governor, Alberto Maynez, announced to the alcaldes of his jurisdiction that under orders of the commandant general a monthly postal service would be organized to carry both public and official mail to El Paso. The first departure would be from Santa Fe at ten o'clock in the morning on the following September 18. The alcaldes were advised to inform their citizens of the new arrangement so that all who wished might take advantage of the improved service.⁶⁴ This suggests that there existed some form of intra-provincial postal delivery, a supposition which is supported by a letter from the alcalde of Laguna to Teniente José María de Arce at Santa Fe in 1819 which was folded into a small packet, addressed on the cover, and labeled real servicio.⁶⁵

by the New Mexican dispatch riders to El Paso, so that this transfer of pouches at Fray Cristobal may have been an unusual circumstance. In the early Mexican period, this transfer was usually made at the Rancho del Bracito twenty-eight miles north of El Paso.

⁶⁴Maynez to the Alcalde of Abiquiu, Santa Fe, July 11, 1815, SANM, doc. 2605. Also, Charles F. Coan, A Shorter History of New Mexico (2 parts; Ann Arbor, Mich., 1928), I, 145.

⁶⁵Pino to Arce, Laguna, March 5, 1819, SANM, doc. 2798. A number of other pieces of correspondence in the archives display this same characteristic. Under orders of the governor, the alcaldes mayores and the tenientes

carry...
during the...
Alfredo...
also...
postal...
official...
from...
the...
circumstances...
cases...
that...
delivery...
the...
State...
admitted...

by the...
transfer...
eight...

History...
1811...
143.

of the...
3735...
of the...

Further details on such service, however, are lacking.

Ecclesiastical Order of Finances. The intimate association of Church and State inextricably tied the financial administration of the ecclesiastical establishment to the colonial exchequer. New Mexico's religious affairs in the first years were controlled by the Franciscan friars who received an allowance (sinodos) annually from the royal treasury. In the eighteenth century this amounted to 330 pesos per religious year.⁶⁶ The treasury office of Chihuahua in 1788 recorded that it was paying out 9,800 pesos each year in sinodos for the thirty friars in New Mexico.⁶⁷

There were three types of charges met by citizens on behalf of the Church. These were tithes (diezmos), obventions (obvenciones) and first fruits (primicias).

Regarding collection of tithes in New Mexico in the
named persons in their districts to serve as mail carriers.
 Manuel Rubí to Maynez, Pajarito, April 14, 1815, SANM, doc. 2588.

⁶⁶Bancroft, Arizona and New Mexico, p. 271n. These stipends were considered to belong to the priests individually and not to the mission or province. Bucareli to the Governor of New Mexico, Mexico, June 8, 1774, SANM, doc. 676.

⁶⁷Report of the Real Caja of Chihuahua, October 10, 1788, AGN, Prov. Int. 46.

Further details on each service, however, are lacking.

Ecological Order of Liturgy. The last

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financial administration of the ecclesiastical establish-
ment to the colonial monarch. New Mexico's religious
affairs in the first years were controlled by the Spanish
canon law and received an allowance (stipend) annually
from the royal treasury. In the eighteenth century this
amounted to 300 pesos per religious year.⁶⁶ The treasury
office of Chihuahua in 1788 reported that it was paying out
3,000 pesos each year in stipends for the thirty orders in

New Mexico.⁶⁷

There were three types of charges set by citizens on
behalf of the Church. These were tithes (diezmos),
obventions (obsequios) and first fruits (primicias).

Regarding collection of tithes in New Mexico in the
named persons in their districts to serve as toll carriers.
Annual list to Mexico, Mexico, April 14, 1815, AMN,
doc. 2558.

⁶⁶Barroff, Religion and the People, p. 271n. These
stipends were considered to belong to the priests individually
and not to the bishop or province. Buzarkil to the Governor
of New Mexico, Mexico, June 8, 1775, AMN, doc. 570.

⁶⁷Report of the Real C. of Chihuahua, October 15,
1788, AMN, Proc. Int. 98.

eighteenth century, scholars recognize that the matter is not entirely clear.⁶⁸ As a general rule, the tithe amounted to a ten per cent income tax collected at the source on agricultural and pastoral industries.⁶⁹ In theory the money obtained in this manner belonged to the crown, but since the sovereign was responsible for financial support of the Church, the funds were directed almost wholly to that end. Moreover, the royal treasury made up the difference when the tithes were insufficient to cover ecclesiastical operating expenses.

Collection in the first part of the eighteenth century was in the hands of clerics who functioned under government lease. The inefficiency of this system prompted the crown to issue a royal *cédula* on October 19, 1772, which took from the churchmen in the colonies the collection of tithes and reserved to itself the faculty of nominating collectors of this revenue.⁷⁰ Some time elapsed, however, before this

⁶⁸Fr. Francisco Atanasio Domínguez, The Missions of New Mexico, 1776, tr. by Eleanor B. Adams and Fr. Angélico Chavez (Albuquerque, 1956), p. 29.

⁶⁹Haring, The Spanish Empire in America, p. 190.

⁷⁰Priestley, José de Gálvez, p. 353. In seventeenth-century New Mexico, the custodian of the Franciscan Order collected the tithes. France V. Scholes, "Problems in the Early Ecclesiastical History of New Mexico," reprinted from NMHR, VII, (1932), 43. For the system of tithe payment in that century, see Hackett, Historical Documents, III, 112-13.

eighteenth century, about the middle of the century it
 not entirely clear.⁶⁷ In the early part of the century
 to a far greater extent than at present. It is not only
 agricultural and pastoral industry.⁶⁸ In the early part of the century
 obtained in this manner belonged to the crown, but since the
 sovereignty was transferred to the lords, the extent of the crown's
 the funds were directed almost wholly to their use. However,
 the royal treasury rose up to the difficulties which the crown
 were insufficient to cover extraordinary and pressing expenses.
 Collection in the first part of the eighteenth century

was in the hands of clerics and remained so as a general
 loss. The insufficiency of this system prompted the crown
 to issue a royal cedula on October 17, 1763, which took away
 the churches in the colonies the collection of tithes and
 reserved to itself the faculty of resuming collection in
 this revenue.⁶⁹ Some time elapsed, however, before this

⁶⁷ Historia de las Indias de España, tomo III, p. 100.
Historia de España, tomo VII, p. 100.

⁶⁸ Historia de España, tomo VII, p. 100.
Historia de España, tomo VII, p. 100.

measure went into effect in the farthest parts of the realm.

In 1760 Fray Juan Sanz de Lezaún observed that for thirty years the governors of New Mexico had collected the tithes. He complained that the Indians brought their contributions all the way from their pueblos to Santa Fe.⁷¹ This statement is exceedingly confusing because 1) as noted above, collection should have been in the charge of a clerical lessee rather than the governor, 2) the Indians were usually exempt from tithes, and 3) it was customary for persons to carry their tithes to the place of payment, and thus the friar had no just complaint on this point.

This priest obviously held a partisan view and was endeavoring by all means possible, as the remainder of his report indicates, to discredit the civil authorities. It may be that the Indians were bringing to Santa Fe their first fruits, though they seldom paid these, or some other special contribution. Fray Domínguez, who visited New Mexico in 1776, mentioned that collection of tithes was in the custody of a religious.⁷² Since this was the prevailing

⁷¹Hackett, Historical Documents, III, 470.

⁷²The Missions of New Mexico, p. 296.

practice in New Spain up to approximately this time, we may assume that this had been the situation all along.

Shortly afterward, however, the governor of New Mexico did take charge of tithe collection everywhere but in El Paso under lease from the three jueces acreedores in Durango.⁷³ At least by 1788, he held this function and possibly earlier.⁷⁴ A cédula of October 17, 1800 provided that the citizens of the Villa of Santa Fe should be exempt from the levies of tithes and first fruits.⁷⁵ The remainder of the province, nevertheless, continued subject to such payments.

The governor did not long remain a diezmero or title^h collector for other qualified solicitors submitted yearly bids to the jueces acreedores of the cathedral of Durango and won the right to collect and convert the tithes of New Mexico. Usually the lessees sent southward about two-thirds of the tithes which were owed by the province of New Mexico. The remaining one-third they kept to meet their own expenses and as profit. The Hazards and difficulties attached to

⁷³Jueces acreedores were officials who administered the funds pertaining to a bishopric. In the documents, the term occasionally appears as jueces hacedores.

⁷⁴Concha to the Jueces Acreedores, Santa Fe, May 6, 1794, SANM, doc. 1287.

⁷⁵Real Alencaster to Salcedo, Santa Fe, January 4, 1806, SANM, doc. 1942(3).

practice in the United States, we say
assume that this has been the practice
shortly afterwards, however, that the practice
did take charge of the collection...
Pass under lease...
At least by 1888, he had this...
A decree of October 13, 1800...
Villa of Mexico...
and the...
less, organized subject to such...
The government did not long...
collector for...
bids to the...
and won the right to collect...
Mexico. Usually the...
of the cities which were...
The remaining one-third they...
and as profit. The...
The lands pertaining to a...
the term occasionally...
1784, 2887, Dec. 1807.
1805, 2887, Dec. 1807 (3).

collection coupled with the fact that all losses had to be borne by the lessee meant that results were apt to be uncertain for the speculator who assumed the job.⁷⁶ The diezmero on occasion called upon the civil authorities to force reluctant citizens to pay their tithes. There is recorded at least one instance in which the governor ordered out a detachment of militia to arrest a certain individual who had been remiss in meeting his obligations.⁷⁷

The rate of collection in New Mexico, as elsewhere, was ten per cent of all harvests and of the annual increase in livestock.⁷⁸ Customarily the collector accepted the tax in kind, converting it to cash and dispatching the predetermined sum to Durango. Citizens paid in such products as grain, garden produce, wool, native tobacco (punche), chickens, and livestock.

The total amount collected yearly in New Mexico tended to vary, but the sum was always substantial, considering that the province was not regarded as particularly wealthy.

⁷⁶Carroll and Haggard, Three New Mexico Chronicles, pp. 39-40.

⁷⁷Proceedings in the Case of Francisco Chávez, Santa Fe, June 4-10, 1820, SANM, doc. 2892.

⁷⁸Melgares to the Alcalde of Las Truchas, Santa Fe, May 21, 1821, SANM, doc. 2980.

Pino wrote in 1812 that New Mexico paid from nine to ten thousand duros annually in tithes.⁷⁹ Earlier, Father Morfi recorded that 11,285 pesos had been collected for a single year in the 1780's.⁸⁰ These figures apparently excluded the El Paso district since settlements in that area were subject to a different contractor. In the 1770's, it was reported that El Paso was producing 1,600 pesos in tithes, but there was some confusion in the method of collection. Morfi observed later that there had been no tax gatherer there for two years and urged that the employment be given over to the captain of the San Eleceario presidio down river.⁸¹

Obventions and first-fruits are the two remaining church revenues. The first constituted the fees for baptisms, marriages, funerals, etc. levied in accordance with a fixed schedule, with one at a lower rate for the Indians. The first-fruits were an offering from the first produce of the harvests and herds, which the Indians seldom paid. Bishop Tamarón in 1760 discovered that the missionaries were

⁷⁹ Carroll and Haggard, Three New Mexico Chronicles, p. 3.

⁸⁰ Desórdenes, no. 25.

⁸¹ Ibid., no. 23.

collecting obventions and primicias from the Spanish citizens in their parishes and enjoyed them in addition to the annual amount granted by the crown for support of each friar.⁸²

Pino more than fifty years later declared that all the missionaries and the priests (there were two secular priests, one at Santa Fe and another in the El Paso district) received an income from the treasury, excepting those of the villas of Albuquerque, Santa Cruz de la Cañada, and the capital, who had no income other than the offerings at the altar.⁸³

In 1793 a special tax of half a fanega of corn or its equivalent of twelve reales was ordered levied annually on each adult Pueblo Indian male under the age of fifty. The grain or money was to be delivered to the Indian's priest (puesta en su casa) for his use. No other tax was to be made upon these people by the religious under any pretext.⁸⁴ Demands for personal services were prohibited in accordance with old and established laws on the subject.⁸⁵

⁸²Adams, Bishop Tamarón's Visitation of New Mexico, p. 28.

⁸³Exposición, p. 7.

⁸⁴SANM, doc. 1457.

⁸⁵Nava to Concha, Chihuahua, October 19, 1793, SANM, doc. 1263.

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Regarding the sale of indulgences (bulas de santa cruzada) in New Mexico, evidence is scarce. A bando ordering publication of a Bull of the Crusade reached New Mexico in 1785 and was circulated among the superior alcaldes of the jurisdiction.⁸⁶ Stray reports in the papers of the Ramo de Provincias Internas indicate that New Mexico made a yearly remittance to the ramo de bulas, but this writer has discovered no specific figures on these returns.⁸⁷

What has been set forth in this chapter will convey some notion of the scope of colonial financial affairs. Many of the topics, presented here only in their broader outlines, are worthy of intensive investigation, and as increased understanding of this facet of government is achieved, new light, doubtless, will be shed on the subjects of economic and social history.

⁸⁶SANM, doc. 918.

⁸⁷Priestley asserts that sale of the dispensations or indulgences in the later colonial period was in the hands of the local tobacco administrator. José de Gálvez, p. 379. If this was indeed the case, it was contrary to the earlier practice whereby local business of the cruzada was in the hands of subdelegates and lay treasurers.

CHAPTER VIII

MILITARY ORGANIZATION

New Mexico, from its first settlement to the end of Spanish domination, was under a strict military rule. In the seventeenth century, the formal military establishment was small and loosely organized, there being no regular presidio or paid garrison. Defense of the province was entrusted to a handful of encomenderos, about thirty-five in number, who served as citizen-soldiers without salary. They performed escort duty, acted as guards in their own towns, and in times of emergency they assumed command of citizen levies called out for campaigns against the enemy. The governor, as chief military officer, exercised direct control and planned offensive and defensive strategy. He also appointed officers among the encomenderos, many of whom received the rank of captain or higher.¹

The general Indian uprising of 1680 underscored the need for a permanent military establishment. With the reconquest, defense was placed upon a firmer footing by the

¹Scholes, "Civil Government in New Mexico," pp. 78-79.

MILITARY ORGANIZATION

New Mexico, from its first settlement to the present day, has been a part of the Spanish domain, and under a certain military rule. In the seventeenth century, the formal military establishment was small and, as a rule, there being no regular garrisons or paid garrison. Defense of the province was entrusted to a handful of volunteers, about thirty-five in number, who served as citizen-soldiers without salary. They purchased their own arms, acted as guards in their own towns, and in times of emergency they received treatment of citizen forces called out for campaigns against the enemy. The governor, as chief military officer, exercised direct control and planned offensive and defensive strategy. He also appointed officers among the volunteers, many of whom received the rank of captain or higher.

The general militia system of 1830 introduced the need for a permanent military establishment. With this reorganization, defense was placed upon a firmer footing by the

¹ "Civilians," *Civil Government in New Mexico*, pp. 73-74.

creation of two regular presidios or garrisons--one at El Paso in 1683 and the other at Santa Fe in 1693. While the presence of these posts served to shore up New Mexico's capacity to resist Indian onslaughts, they provided no real solution for effecting a final peace. Military personnel were never sufficient in number or adequately equipped to deal properly with the Indians in the field or to garrison additional presidios. In the late 1720's, the Santa Fe troops numbered eighty men and that of El Paso only fifty. On repeated occasions governors called for soldier reinforcements and new outposts to distribute the burden of defense. Unfortunately for the tranquility of the province, their pleas went largely unanswered.

Attention has already been directed to the crown effort in the second half of the eighteenth century to stabilize the northern frontier of New Spain. This increasing concern for military affairs was reflected in a wealth of new legislation--the Reglamento of 1772 and the subsequent creation of the commandancy general standing as only the most conspicuous examples. Reports and memorials from local officers defined the problems which were answered by cédulas and decrees from the central authorities.

attention of two regular sessions of Parliament in 1881
 and 1882 and the other at least in 1883. Within the
 presence of these posts added to those of the
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 and decrees from the central authorities.

In this sphere of government as in others, then, the last half-century of Spanish rule witnessed an expansion of existing programs, an elaboration of the administrative machinery, and a proliferation of new laws affecting all phases of the military organization. How these developments applied to the situation in New Mexico is the subject of this chapter.

The King's Presidios and Soldiers

The Santa Fe presidio, known officially as "El Real Presidio de Nuestra Señora de los Remedios y la Exaltación de la Santa Cruz," loomed as the province's principal bulwark against Indian invaders. By the Reglamento of 1772, the old El Paso presidio was abandoned and its garrison moved south to the village of Carrizal in the jurisdiction of Nueva Vizcaya. This transfer was undertaken 1) so that the new post would conform to the presidial line erected by the Reglamento, and 2) because the five thousand or so inhabitants of the El Paso district were deemed capable of defending themselves. The new military code provided for a presidio at Robledo on the southern end of the Jornada del Muerto, but for various reasons it was never established.²

²This matter is discussed in Croix to Anza, Chihuahua, March 20, 1779, SANM, doc. 756. See also Faige W. Christiansen, "The Myth of Robledo," El Palacio, LXXI (1964), 30-34.

The need for additional presidios called forth much comment. Settlers drafted into service for extended campaigns, merchants with caravans needing escorts, and the heavily burdened troops in Santa Fe all desired an increase in the number of outposts and presidial soldiers.³ Governor Mendinueta in 1777 recommended new posts at the old pueblo of Socorro in the south and at Taos in the north.⁴ In 1796 Governor Chacón again argued for a presidio at Socorro, and for another at a site on the Pecos River, but nothing was done.⁵ Pino in 1812 presented an elaborate plan to the Spanish Cortes calling for five new presidios in New Mexico and outlining how these might be financed without injury to the treasury.⁶ Notwithstanding, these and other representations from private citizens and government officials alike went unheeded by the central authorities, and the colonial years closed with New Mexico only in possession of the single presidio in Santa Fe.

³Warner, "The Career of Martínez de Torrelaguna," p. 11.

⁴Thomas, "Governor Mendinueta's Proposals," pp. 30-36. On the reasons for the failure to establish the Taos post, see Thomas, "Antonio de Bonilla, Notes," p. 206.

⁵Coan, Shorter History of New Mexico, I, 125. The commandant general in 1797 notified the governor that the royal treasury could not stand the expense of the two presidios requested. Nava to Chacón, Chihuahua, January 7, 1797, SANM, doc. 1375a.

⁶Exposición, p. 21.

This presidio in the first half of the colonial period formed part of the royal quadrangle or provincial government buildings with the governor's palace on the south side facing the main plaza. From an early eighteenth-century description, we learn that the quadrangle itself included an inner plaza enclosed by buildings several stories high and containing quarters for one hundred soldiers and their families.⁷

Through neglect, some governors allowed the buildings to fall into ruin, so that from time to time in the eighteenth century efforts had to be exerted to repair and remodel them.⁸ In 1780 the king authorized construction of a new cuartel or barracks for the Santa Fe company with two thousand pesos being assigned for the work.⁹ The following year construction was begun using paid citizen labor which had been recruited throughout the province.¹⁰ Funds were soon exhausted and a temporary loan from the

⁷ Twitchell, Spanish Archives of New Mexico, II, 117-21.

⁸ Twitchell, Old Santa Fe, p. 55.

⁹ Bancroft, Arizona and New Mexico, p. 281. The barracks were the main military buildings. There was really no fortress as such, according to Tamarón, in 1760. Adams, Bishop Tamarón's Visitation, p. 47.

¹⁰ Bando of Governor Concha, Santa Fe, March 27, 1789, SANM, doc. 1042.

mustering-out reserve (fondo de retención) had to be made. In the end the governor and officers of the company made a donation of 538 pesos of their own so that the work could be completed in 1791.¹¹

Although the presidial garrison in El Paso was removed after 1772, references to the cuartel there continue to appear. This indicates that the barracks at least were maintained to serve the militia when it was active and to house regular troops when they passed through on campaigns, courier missions, and so forth.

As mentioned, the number of troops comprising the Santa Fe garrison was eighty. The Reglamento listed them with their corresponding annual salaries as follows:

Two lieutenants	...	700 pesos each
One sub-lieutenant (alférez)	...	500 pesos
Two sergeants	...	350 pesos each
Six corporals	...	300 pesos each
Sixty-eight soldiers	...	290 pesos each

Not figured among the eighty was the governor who served as captain of the presidio at a combined salary of four thousand pesos. Also there was an army chaplain who received 480 pesos yearly. In addition, one thousand pesos were

¹¹Nava to Concha, Chihuahua, December 11, 1791, SANM, doc. 1174.

earmarked in the military budget for the lieutenant governor serving at El Paso. Since this individual was often the first teniente of the Santa Fe company, he received the salaries of both his political and military offices.

The pay scale just noted did not remain constant. A record of the accounts of the Santa Fe company in 1794 shows that an adjustment had been made in the salaries of most of the men. In this document, too, provision is made for the extra pay of an armorer (armero), a drummer (tambor), and six carabineros, all of whom were drawn from among the enlisted men of the garrison.¹²

The governor customarily possessed the title of teniente coronel graduado or brevet lieutenant colonel, though the actual rank for which he received pay was that of captain. Similarly, the first lieutenant (teniente primero) often had the breveted title of captain.¹³ Beyond the graduados, other special classifications might include the cadetes, distinguidos, and the reformados. Cadetes were young men, usually sons of officers, who received their appointments directly from the viceroy or commandant

¹²Santa Fe Company Accounts in the Royal Treasury, Chihuahua, April 22, 1794, SANM, doc. 1283.

¹³Santa Fe Company Records, Santa Fe, January 1, 1800, SANM, doc. 1476a.

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general. Though serving in the ranks, they did not live with the soldiers, but associated with the officers. Receiving only soldier's pay, they were obliged to have an independent income to permit them to live and dress fashionably, and promotion for them was directly to the rank of *alférez*. Service records disclose that many officers serving in Santa Fe began their careers as cadetes.¹⁴

A soldado distinguido was mustered into the service in the same manner as other soldiers. On demonstrating evidence of genteel birth, however, he was enrolled as a *distinguido* and permitted to add the prefix Don to his Christian name. He lived in the barracks and did military duty but was exempt from all menial tasks. *Reformados* were men who, though not on active duty, received salary as regular presidial soldiers. These might be serving as *alcalde mayor* in some district, or in another capacity close to the governor. Also this term referred to officers retired with half pay as a *capitán* or *teniente reformado*.¹⁵

¹⁴Nava to Chacón, Chihuahua, April 5, 1802, SANM, doc. 1596; and Bancroft, California Pastoral, p. 395.

¹⁵Warner, "The Career of Martínez de Torrelaguna," p. 171. The rank of Spanish officers in descending order was as follows: captain general; lieutenant general; mariscal de campo (major general or field marshal); colonel; lieutenant colonel; sargento mayor (major); captain; ayudante (adjutant); lieutenant; and *alférez* (sub-lieutenant).

general. Though serving in the ranks, they did not live with the soldiers, but associated with the officers. Receiving only soldier's pay, they were obliged to have an independent income to provide them to live and dress fashionably, and promotion for them was directly to the rank of officer. Service records disclose that many officers serving in ranks began their careers as cadets.¹⁴

A soldier's distinction was measured into the service in the same manner as other soldiers. On deserting evidence of general rank, however, he was enrolled as a distinguished and permitted to add the prefix Don to his Christian name. He lived in the barracks and did military duty but was exempt from all military tasks. Honorariums were not given though not on active duty, received salary as regular presidential soldiers. There might be serving as soldiers major in some district, or in another capacity close to the governor. Also this rank referred to districts related with half pay as a sign of honorable retirement.¹⁵

¹⁴ Have to check, Christian, April 5, 1881, 2AMK, doc. 1595; and Historia, Geografía y Estadística, p. 397.

¹⁵ However, "the Order of Merit de Fortificación," p. 171. The rank of general officers in descending order was as follows: capitán general; lieutenant general; mariscal de campo (or) general de field marshal; colonel; lieutenant colonel; coronel mayor (major); captain; ayudante (adjutant); lieutenant; and alférez (sub-lieutenant).

In November of 1777, the New Mexican governor petitioned his superior in Chihuahua for a troop increase in Santa Fe. The commandant general responded by raising the garrison strength to a total of 120 men. The new soldiers were designated as tropas ligeras (light troops) and included a second alférez, a second sergeant, and thirty-eight enlisted men.¹⁶ The number of men fluctuated somewhat, thereafter--the company muster rolls in 1815 showed 126--but the total never ranged far above or below the 120 mark.¹⁷

The men of the presidial company were designated as tropas veteranas (the veteran troop) to distinguish them from the militia. Within the company a division was made between the tropa de cuera (leather-jacketed troops) and the tropa ligera mentioned above.¹⁸ The former wore stout skin jackets; carried shields; had six horses, a colt, and a mule for each man; and received the salaries previously indicated.¹⁹ The tropa ligera had no leather armor or

¹⁶Croix to Mendinueta, Valle de Santa Rosa, February 10, 1778, SANM, doc. 719. Apparently the governor had sought an increase of 150 men. Thomas, The Plains Indians and New Mexico, p. 212.

¹⁷SANM, doc. 2638.

¹⁸Muster Rolls, Santa Fe, October 1, 1779, SANM, doc. 780a; and Thomas, Teodoro de Croix, p. 119.

¹⁹Reglamento para los presidios, tit. 4.

shields, was assigned only three horses and a pack mule per man, and received lesser pay. The men of this classification, however, were exempt from some duties as, for example, guarding the company horseherd.²⁰ Croix indicates the following salary index for light troops: second alférez, 450 pesos; second sergeant, 320 pesos; and soldiers, 216 pesos.²¹ Officers of the Santa Fe company were termed oficiales, while the enlisted men, including sergeants, were referred to as plazas.

Promotions to the rank of lieutenant or alférez were initiated by the governor. He proposed three individuals for the vacant office to the commandant general, submitting his recommendations and the service record (hoja de servicio) of each man in triplicate. He might draw upon the names of meritorious personnel of his own troop or those of other

²⁰Teodoro de Croix criticized the use of the heavy, long, four or six-ply coats used to fend off Indian arrows. He claimed that as protection they were ineffectual and served only to hinder the soldier's movements. He favored instead the tropa ligera because of its superior mobility. Thomas, Teodoro de Croix, pp. 56-57. Later the light troops seem to have been used exclusively, but this practice must have come more as an economizing move since they received less pay than the tropa de cuera.

²¹Croix to Mendinueta, Valle de Santa Rosa, February 10, 1778, SANM, doc. 719.

which was made only three hours and a half
 per man, and received lesser pay. The men of this class
 however, were exempt from some duties as, for
 example, guarding the company headquarters.²⁰ Croix indicates
 the following salary rates for light troops: second
 sergeant, 450 pesos; second sergeant, 312 pesos; and soldiers,
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 Thomas, *Tratado de Croix*, pp. 22-23. Later the light troops
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 have come more as an economy measure since they received
 less pay than the trope de guerra.

²¹ Croix to Mendinueta, Valle de Santa Rosa, February
 10, 1776, BAHN, box 719.

presidios, militia companies, and mobile companies within the Provincias Internas. The commandant general considered the nominations, selected one to fill the vacant post, and informed the king or viceroy, depending upon to which of these he was immediately subordinate, so that final royal confirmation might be obtained (via a real despacho).

Sergeants were to be chosen in a similar manner, and every effort was to be made to select persons for this category who could read and write. Corporals were named by the governor on his own initiative.²² According to the instructions issued by Viceroy Bernardo de Gálvez in 1786, neither dark color nor circumstances of birth were to stand as obstacles to advancement for sergeants or officers who had merit, courage, wisdom, experience, aptitude for warfare, and the ability to take command.²³

Most of the soldiers made the army a life-long career, but since enlistments were for a specific period, they could seek a discharge at the end of their term by applying to the

²²Nava to Chacón, Chihuahua, July 29, 1801, SANM, doc. 1553; Chacón to Salcedo, Santa Fe, March 30, 1803, SANM, doc. 1651; and Reglamento para los presidios, tit. 8.

²³Worcester, Instructions for Governing the Interior Provinces, p. 54.

commandant general through the governor.²⁴ Every effort was made, however, to encourage reenlistment. Commandant General Salcedo, for example, authorized presidial captains to offer special inducements, as one and two-month furloughs, to men who would reenlist.²⁵ The crown itself endeavored to make military service more attractive by granting special rewards (premios) and creating welfare funds to benefit soldiers and their families. The privileged military fuero, highly esteemed by the men and mentioned in an earlier chapter, also contributed to this end.

Premios. On October 4, 1877, the king through his Secretaria de Estado y del Despacho de la Guerra issued a real ordenanza on the presentation of cedulas de premios or service awards to deserving soldiers.²⁶ According to the original decree, infantrymen who completed three periods (tiempos) of enlistment of five years each and cavalrymen or dragoons who served for three tiempos of six years each were to be awarded an increase in salary of six reales per

²⁴Real Alencaster to Salcedo, Santa Fe, June 10, 1807, SANM, doc. 2054.

²⁵Salcedo to Real Alencaster, Chihuahua, February 14, 1806, SANM, doc. 1969.

²⁶The commandant general in 1795 dispatched the decree on premios to the governor of New Mexico with instructions to file it in the provincial archives. It is this copy which is quoted here. Nava to the Governor, Chihuahua, January 22, 1795, SANM, doc. 1307.

month.²⁷ Whoever completed four tiempos was to receive nine reales, and those completing five might retire with the rank of sergeant (sargento graduado) and with a stipend of ninety reales per month. Those who completed thirty-five years, at least five of which had been served with the rank of sergeant, could retire as an alférez with a monthly pension award of 135 pesos.

Only enlisted men (the decree lists sergeants, corporals, privates, and drummers) were entitled to receive cédulas de premios. To qualify, soldiers had to serve the required number of tiempos continuously and honorably. Recipients of premios, beyond their monetary rewards, were to be exempted from menial tasks, such as wood and water hauling, and were to receive preferential assignments on campaign duty. Persons on the retired or disabled list received their extra premiums in addition to their regular pensions.²⁸ After the initial legislation on this subject was issued in 1766, successive royal decrees modified some features of the program, but only to a minor degree.²⁹

²⁷The original document states seis reales de vellón.

²⁸Real Ordenanza, San Ildefonso, October 4, 1766, SANM, doc. 1307.

²⁹Reales órdenes on premios, for example, were proclaimed on August 20, 1773 and December 3, 1804. Bancroft notes that veterans who had rendered honorable service from

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In Santa Fe the governor as commander of the presidial garrison made premium recommendations for deserving soldiers. These were submitted in triplicate to the commandant general's office with the governor's yearly military report.³⁰ In Chihuahua the recommendations passed to the auditor for a legal opinion and then to the commandant general for approval or disallowance. Final confirmation rested with the king whose secretary authorized the issuance of the *cédula de premio*. With this, the commandant general ordered the royal treasurer in Chihuahua to release the appropriate funds to the supplymaster of the Santa Fe company, and the governor was advised to inform the fortunate individual of his award.³¹

A standing privilege enjoyed by regular army men and their dependents and which further contributed to making service more attractive was the system of preeminencias.

30 to 40 years as privates and corporals, on their retirement, were granted the honorary rank of *alférez* for 30, and lieutenant for 40, years--besides their regular pensions. They could wear the uniform of such rank. California Pastoral, p. 295.

³⁰Chacón Documents, Santa Fe, March 27, 1805, SANM, doc. 1800.

³¹Order of the Secretario de Estado, San Ildefonso, August 13, 1800, SANM, doc. 1568; and Report of Governor Allande, Santa Fe, September 30, 1813, AGN, Prov. Int. 253. An excellent chart for the enlisted men of the Santa Fe company, May 12, 1795, showing the time credited to each toward *premios*, is found in SANM, doc. 1235.

These were immunities reserved exclusively for the military. Soldiers could not be forced to assume municipal offices, they were exempt from servicios (money aids to the crown), and they could not be imprisoned for debt. Moreover, those who retired honorably from the service received cédulas de preeminencias entitling them to such privileges for life and to the military fuero with certain limitations.³² These cédulas in the internal provinces were issued by the commandant general.³³

Pensions. Before the last quarter of the eighteenth century, retired and disabled soldiers were of only minor concern to the government they served. In late 1772, however, the viceroy of New Spain prepared a Reglamento de inválidos designed to provide for inform and old veterans and based upon a similar practice instituted in Spain in 1761.³⁴ The king approved this measure by a real orden of June 13, 1773, but it apparently did not become effective until 1775.³⁵

³²McAlister, The "Fuero Militar," p. 8.

³³AGN, Prov. Int. 129, p. 6.

³⁴Croix to Mendinueta, Chihuahua, March 30, 1778, SANM, doc. 759. It should be noted that as early as 1717 the law provided a modest stipend for retired officers.

³⁵SANM, doc. 759; and Bancroft, History of Mexico, III, 423.

These were furnished reserved exclusively for the military.
 Soldiers could not be forced to accept municipal offices,
 they were exempt from taxes (except aids to the crown),
 and they could not be imprisoned for debt. Moreover, those
 who retired honorably from the service received benefits as
 recompense entitling them to such privileges for life and
 to the military lands with certain limitations. These

benefits in the inland provinces were issued by the
 commander general.²²

Finally, before the last quarter of the eighteenth
 century, retired and disabled soldiers were of only minor
 account to the government they served. In fact 1775, how-
 ever, the victory of Las Espas prepared a Revolution in
 America destined to provide for future and old veterans
 and based upon a similar practice introduced in Spain in
 1764. The king approved this measure by a royal order of
 June 12, 1775, and it operated for the first time effective
 until 1775.²³

²² Historia de España, Vol. 11, p. 6.

²³ Historia de España, Vol. 11, p. 6.

²⁴ Historia de España, Vol. 11, p. 6. It should be noted that in 1775
 the law provided a modest pension for retired officers.

²⁵ Historia de España, Vol. 11, p. 6. Historia de España,
 Vol. 11, p. 6.

According to the new measure, a cuerno de inválidos was created and included officers and men of the regular troops. A deduction of eight maravedís de plata was made from the monthly pay and extra allowances of all soldiers in actual service and constituted the fondo de inválidos from which pensions were drawn. The pension scale as established by the Reglamento stood as follows: officers upon retirement were to receive two-thirds of the salary enjoyed while on active duty; sergeants were to be paid ten pesos per month, and corporals, soldiers, and drummers eight.³⁶ Bobb declares that before these amounts were delivered, deductions were made for food and clothing. In this way the veteran's maintenance was assured, and he was not given the opportunity to spend his entire allotment on riotous living.³⁷ This practice may have been employed initially in Santa Fe, but in 1805 the ayudante inspector directed that inválidos attached to the company be paid their salaries and premios in reales efectivos on the first of each month and be permitted to make purchases at the presidial warehouse (almacén).³⁸ To receive his retirement pay, a

³⁶Ibid.

³⁷The Viceregency of Bucareli, p. 103.

³⁸Instruction on Supply Distribution, Santa Fe, April 17, 1805, SANM, doc. 1812.

According to the report, a copy of the list was made and included officers and men of the regular troops. A selection of eight regulars was made from the monthly pay and extra allowances of all soldiers in actual service and commuted the regulars from which pensions were drawn. The pension scale as established by the Regiment is as follows: officers, one-half; sergeants, one-third; privates, one-fourth. The salary enjoyed while on active duty; regulars were to be paid, but those for months, and corporals, soldiers, and drummers of the 1st. Bobb declares that before these amounts were delivered, deductions were made for food and clothing. In this way the veteran's maintenance was assured, and he was not given the opportunity to spend his entire allowance on tobacco. This practice may not have been employed initially in Santa Fe, but in 1893 the syndicate manager directed that inventories attached to the company be paid their value and regulars in regulars on the first of each month and be permitted to make purchases at the post.

To receive his retirement pay, regulars (Lindsay).

38
 37
 The Viceregency of Buenos Aires, 1810.
 36
 Investigation on supply districts, Santa Fe, 1810.
 17, 1805, 1806, 1811.

soldier was required to maintain his residence in the same jurisdiction as the presidio last served, since his records continued to be kept by the company supplymaster.³⁹

Persons disabled in the line of duty were also eligible for awards under the Reglamento de inválidos. Those receiving permanent injury to their health were retired with the appropriate pensions noted above, while those regarded as inválidos interinos were granted inválido certificates and were expected to return to active service as speedily as possible.

Inválido certificates were issued by the same procedure as previously described for the premio awards. A document of 1799 demonstrates that on occasion the commandant general could initiate action in inválido cases. In this instance, he observed that two New Mexican soldiers who had arrived in Chihuahua as part of an escort for the annual caravan were in ill-health and should be transferred from the active to the retired list. This command was conveyed to the governor in Santa Fe for his attention.⁴⁰ When the office of the commandant general came to be located in Durango for

³⁹Bonavia to Maynez, Durango, December 27, 1815, SANM, doc. 2632.

⁴⁰Nava to Chacón, Chihuahua, January 16, 1799, SANM, doc. 1441.

NOTION CONTENT

The following is a list of the contents of the report, which is divided into two parts, the first part being a general description of the work done, and the second part being a detailed account of the results obtained.

The first part of the report is devoted to a description of the apparatus used, and to a statement of the methods employed in the investigation.

The second part of the report contains a detailed account of the results obtained, and is divided into two sections, the first section being devoted to a description of the results obtained in the investigation of the first part, and the second section being devoted to a description of the results obtained in the investigation of the second part.

The results obtained in the investigation of the first part are as follows:

1. The results obtained in the investigation of the first part are as follows:

2. The results obtained in the investigation of the second part are as follows:

3. The results obtained in the investigation of the third part are as follows:

4. The results obtained in the investigation of the fourth part are as follows:

5. The results obtained in the investigation of the fifth part are as follows:

6. The results obtained in the investigation of the sixth part are as follows:

7. The results obtained in the investigation of the seventh part are as follows:

8. The results obtained in the investigation of the eighth part are as follows:

9. The results obtained in the investigation of the ninth part are as follows:

10. The results obtained in the investigation of the tenth part are as follows:

a brief period after 1814, all certificates passed through the hands of the ayudante inspector who remained in Chihuahua.⁴¹

Commandant General Teodoro de Croix concluded in 1778 that the pension scale fixed by the Reglamento was insufficient to meet the needs of soldiers in the interior provinces since the cost of living here was much higher than in New Spain generally. Accordingly, he recommended substantial increases in monthly payments, although it is not certain if any immediate action was taken.⁴² Subsequent legislation added further provisions to or modified practices of the pension plan,⁴³ and in 1816 a Reglamento de sueldos established a uniform schedule for all of Spain's new world colonies.⁴⁴

⁴¹Alejo García Conde to the Governor of New Mexico, December 19, 1817, SANM, doc. 2689.

⁴²Croix to Mendinueta, Chihuahua, March 30, 1778, SANM, doc. 759.

⁴³A real órden of June 8, 1813, for example, stipulated that only soldiers disabled in the line of duty were entitled to inválido certificates. Other royal ordinances pertaining to this subject were issued on the following dates: September 17, 1788; December 12, 1789; November 22, 1799; June 8, 1803; and October 30, 1816. Accounts of the Santa Fe Company, January 1, 1821, SANM, doc. 2952.

⁴⁴Reglamento de sueldos para los oficiales y demas clases del ejército de América que se retiran del servicio (Mexico, 1817). Copy from the Bancroft Library.

Another important fund was the fondo de retención. This was formed by a sum retained from each private soldier of the Santa Fe company. The total of such retention, at first of fifty pesos, and later of one hundred pesos, was preserved by the presidial supplymaster and did not go into the royal treasury. Instead the above amount was reimbursed to the soldier as mustering-out pay at the completion of this term of service.⁴⁵

Finally, a pension fund for the widows and orphans of the officers dying in the service known as the monte-pio militar was introduced into New Spain in 1765.⁴⁶ This fund was supported by the mesada or a month's pay retained once, and 2 1/2 per cent withheld thereafter from the running pay, and by an annual subsidy of two thousand pesos. On the death of an officer, his widow or children, under normal circumstances, received annually one-fourth of the salary he had at the time of his demise.⁴⁷ A number of reglamentos

⁴⁵Bancroft, California Pastoral, p. 298; and Reglamento para los presidios, tit. 5.

⁴⁶There was also a separate monte-pio for certain civil officers.

⁴⁷Revilla Ggedo, Instrucción reservada, art. 734; and Bancroft, History of Mexico, III, 422-23.

Another important fact was the fact that the
 This was noted by a witness who had been present
 of the same to company. The fact of the presence
 first of Miss [Name] and later of the [Name] was
 grasped by the president [Name] and did not go into
 the total [Name]. Instead the [Name] was [Name]
 to the soldier as [Name] of [Name] of [Name] of
 this time of service.

Finally, a pension was for the widow and orphan of
 the officer dying in the service known as the [Name]
 [Name] was introduced into law again in 1862. This law
 was supported by the [Name] of a woman's day related [Name]
 and 1/2 per cent without [Name] from the [Name] [Name]
 and by an annual subsidy of two thousand [Name] for the
 death of an officer, his widow or children, under normal
 circumstances, received annually [Name] of the [Name]
 he had at the time of his death. [Name] a number of [Name]

⁴⁵ Bancroft, California Pioneers, p. 222; and [Name]
 [Name] [Name] [Name] [Name]

⁴⁶ There are also a separate [Name] for certain
 civil officers.

⁴⁷ [Name] [Name] [Name] [Name] [Name] [Name]
 and Bancroft, History of Mexico, III, 22-23.

and reales órdenes governing administration of the monte-pio appeared after 1765 and were filed by the governor in the Santa Fe archives.⁴⁸

It should be borne in mind that officers and soldiers could not marry without first obtaining the consent of the king. Such license was not given to anyone below the rank of captain, unless he could produce evidence of having an income of his own separate from his pay.⁴⁹ This explains, in part perhaps, why no fund equivalent to the monte-pio was provided for enlisted men.

Troop Duties. The Reglamento para los presidios of 1772 set forth in general terms the powers and functions of the men of a presidial company, but the documents themselves permit us to see precise examples of the way in which the soldiers fulfilled their duties.

The prime function of the Santa Fe garrison, of course, was providing for the military defense of the province. This was accomplished through military campaigns, regular patrols, and the guarding of selected strategic sites. In

⁴⁸See, e. g., Governor of New Mexico to Nava, Santa Fe, May 14, 1798, SANM, doc. 1419(6); and Correspondence of Salcedo to the Governor in SANM, docs. 1725, 1726, and 1770.

⁴⁹Bancroft, California Pastoral, p. 298.

reality protracted campaigns were infrequent and when they did occur it was usually during the four months of summer. At other periods the official duties of the men tended to be rather light, leaving them a measure of spare time to devote to their personal affairs.

Governor Concha in 1794 noted that the presidials should be kept occupied in useful tasks to prevent them from living in enervating idleness. The guarding of the company horseherd (caballada) he foresaw as the chief activity engaging the men in winter.⁵⁰ An earlier proposal by Teodoro de Croix to stable and feed the company mounts for security reasons had never been implemented in New Mexico, and, hence protection of the horses and mules held on pasturage remained of continuing concern.⁵¹

The caballada of the Santa Fe company often numbered upward of a thousand horses and mules. Under certain conditions, citizens might pasture their mounts with this herd to take advantage of the added protection, but this significantly increased the burdens of the guard.⁵² Moreover, all

⁵⁰Concha, "Advice on Governing New Mexico," p. 253.

⁵¹Thomas, Teodoro de Croix, p. 55.

⁵²Instructions from the Ayudante Inspector to the Governor of New Mexico, Santa Fe, April 15, 1805, SANM, doc. 1812, art. 11. Mares under no circumstances were to be pastured with the military horses.

other livestock maintained by the company as a food source--cattle and sheep--were customarily herded adjacent to the caballada, and the guards were held responsible for the loss of any animals. Since the total number of all these might exceed two thousand, the need for finding adequate pasturage posed a serious problem. The stock was occasionally driven north to the area around Cuyamengue and Poajoague, but more commonly the Galisteo Basin and the valley of the Pecos River provided the needed grass.

As a rule the horse guard numbered thirty men. Most of these, however, were armed citizens who had been drafted to serve a specific number of days.⁵³ Commanding the detachment was a sergeant--the three sergeants of the garrison served alternately--and assisting him directly were several corporals and privates.⁵⁴ Whoever served in charge of the guard was addressed as comandante.⁵⁵

Another duty consuming the soldier's time was the frequent patrol and reconnaissance missions called for by the superior authorities. The governor, whenever possible,

⁵³Full details of these citizen levies will be presented below.

⁵⁴Concha, "Advice on Governing New Mexico," p. 253.

⁵⁵Instructions issued to a comandante of the caballada by the governor on November 1, 1807 are contained in SANM, doc. 2085.

led these parties personally, but more frequently they were conducted by subordinate officers, sergeants, or even corporals, each of whom, when in command of a detachment, bore the title of comandante. The commandant general demanded that all frontier zones subject to Indian incursions be kept under constant surveillance by patrols except during periods of excessive rain or snow.⁵⁶ The person in command received from the governor before departure a set of instructions which cited the objective of the mission, outlined the route to be followed, and enjoined the exercising of vigilance and prudence. Routine patrols were to be composed of only the number of men deemed necessary to insure safety of the unit.⁵⁷ At the conclusion of the reconnaissance, the commander submitted a full report (diario de novedades) to his superior.

The garrisoning of temporary outposts formed an additional task engaging the Santa Fe troops. This work, likewise, was confined largely to the summer months. A report of 1808 shows a detachment (destacamento) of eight soldiers at Sevilleta and contingents of three each at the following

⁵⁶Nava to Chacón, Chihuahua, March 23, 1795, SANM, doc. 1318.

⁵⁷Instruction on Patrols and Campaigns Against the Enemy, Pedro de Nava, Chihuahua, November 24, 1791, SANM, doc. 1171.

places: Carnue and Abó, San Pedro, Galisteo, Pecos del Bado, Laguna, and Zuñi. Most of these were under the charge of a corporal and included, in addition to the troops named, citizen-levies drawn from throughout the province.⁵⁸

Other places from time to time also enjoyed the protection of similar military detachments. Among these were the highly vulnerable villages of Ojo Caliente and Taos in the north. Governor Concha in 1794 mentioned the existence of a unit composed of fifteen Queres Indians, a resident of Vallecito or of la Cañada who alternated, and a carbineer of the Santa Fe presidial company who commanded the whole group. This body patrolled along the foot of the Sierra de San Pedro (Jémez Mountains?) to cover the entrance of the Apaches into the territory. Unfortunately, as Concha noted, this effort was largely ineffective.⁵⁹

It will be recalled that Taos had been recommended more than once as a possible site for a new presidio. While this was never realized, the inroads of hostile Indians in that vicinity and the presence of an annual trading fair in the summer months often forced the governor to assign a

⁵⁸Governor Maynez to the Alcaldes Mayores, Santa Fe, June 14, 1808, SANM, doc. 2114.

⁵⁹Concha, "Advice on Governing New Mexico," p. 245.

plans, and the... of a... citizen-level...

Other plans... protection of... were the... too in the... existence of... resident of... decision of... the whole... story to... of the... noted. It will...

more than... this was... this... the...

Government... 20, June... 2000...

sizeable detachment to the several villages making up the larger Taos community. In 1810 the military body there was composed of twenty troops from Santa Fe commanded by the company's second teniente. A diario de novedades submitted by this officer to the governor for the month of August reveals that the men of the detachment were performing these duties: guarding the horseherd (guards were relieved every four days), participating in weekly patrols under a corporal comandante, and acting as couriers to carry important news whenever it arose and to bring a copy of the diario de novedades every month to the capital. Moreover, the men underwent an arms and clothing inspection once a week.⁶⁰

The forming of an effective guard for the annual trading caravan to Chihuahua served as an additional function of the Santa Fe troop. In the fall of the year the merchants and ranchers of New Mexico assembled at the paraje of Sevilleta with their goods and livestock. Here they awaited the arrival of the protective military detachment (escolta de cordón) from Santa Fe and the citizen-guards

⁶⁰Record of Events, Taos, August 1810, SANM, doc. 2345. Upon receipt of this document, the governor ordered his lieutenant not to reduce his strength by using soldiers as couriers, but to employ Indians instead. Manrique to Gonzales, Santa Fe, August 2, 1810, SANM, doc. 2346.

who were to reinforce it.⁶¹ In 1817 the soldiers numbered twenty and were led by a lieutenant who was in charge of organizing the order of march and the necessary precautionary measures.⁶² The officer in command acted under explicit instructions supplied him by the governor.⁶³

Other duties of the soldiers included serving as mail couriers, escorting important persons or extraordinary caravans along the camino real, and standing guard over the military buildings in Santa Fe. In addition, they maintained and cleaned their barracks and hauled wood and water for their own needs. After all these tasks had been performed, the men were allowed the use of whatever free time remained.

There were a number of individuals employed in specialized work who should receive separate mention; to wit, the armorer, the surgeon, the military chaplain, and the Indian interpreters and scouts. The post of armorer had existed as early as the seventeenth century when he was the only paid military functionary besides the governor. The

⁶¹Twitchell, Old Santa Fe, p. 158.

⁶²The details of caravan organization are succinctly outlined by Moorhead, New Mexico's Royal Road, pp. 45-48. He states that escorts on occasion number upward of forty troops.

⁶³Instructions on the Forming of the Cordon, Santa Fe, November 20, 1817, SANM, doc. 2703.

who were to accompany it. In 1817 the soldiers numbered twenty and were led by a lieutenant who was in charge of organizing the order of march and the necessary protection-ary measures.⁶¹ The officer in command acted under explicit instructions supplied him by the governor.⁶²

Other duties of the soldiers included serving as mail carriers, reporting important persons as extraordinary arrivals along the coast, and standing guard over the military buildings in Santa Fe. In addition, they maintained and cleaned their barracks and hauled wood and water for their own needs. After all these tasks had been performed, the men were allowed the use of whatever free time remained. There were a number of individuals employed in special-ized work who should receive separate mention: so also, the mason, the dyer, the military chaplain, and the Indian interpreters and nurses. The post of mason had existed as early as the seventeenth century when he was the only paid military functionary besides the governor. The

⁶¹ Wislizenus, *Col. Santa Fe*, p. 158.

⁶² The details of certain excursions are minutely outlined by Wislizenus, *New Mexico's Royal Road*, pp. 42-43. He notes that escorts on occasion number upward of forty troops.

⁶³ In Wislizenus on the history of the Caribon, Santa Fe, November 17, 1817, *MS.A. 10.1*.

Reglamento of 1772 provided that one soldier in each presidial garrison should serve in this capacity and that he should be freed of all other duties except in time of war.⁶⁴ The armorer's job consisted of maintaining and repairing the weapons of his company.⁶⁵

The treasury made no provision for the salary of a surgeon at Santa Fe and when one was employed he was supported by the soldiers themselves. There existed no other doctor in the province, so citizens sought out the services of the presidial surgeon when he was available.⁶⁶ This physician was in charge of periodic vaccination programs ordered by the commandant general after 1804, and for this service he received one real for each inoculation.⁶⁷ By and large, New Mexicans depended upon their own skill in treating sickness with the many medicinal herbs abounding in the province.

⁶⁴Tit. 4.

⁶⁵Nava to Chacón, Chihuahua, January 7, 1797, SANM, doc. 1375a.

⁶⁶Pino, Exposición, p. 19.

⁶⁷Record of Vaccinations in the Province of New Mexico, May 24, 1805, SANM, doc. 1833. See also Lansing B. Bloom, "Early Vaccinations in New Mexico," Hist. Soc. of New Mexico, Publ. 27 (1924), 4.

The primary cause of the epidemic is the
 spread of the virus from the infected
 individuals. The virus is highly
 contagious and can be transmitted
 through direct contact with the
 infected person or through the
 air. The incubation period is
 usually between 1 and 2 weeks.
 The symptoms are similar to those
 of the common cold, but the
 illness is more severe and
 can lead to complications.
 The mortality rate is high,
 especially in young children
 and the elderly. The disease
 is preventable by vaccination
 and strict hygiene measures.
 The World Health Organization
 has declared this a global
 health emergency.

Report of the
 World Health Organization
 on the epidemic of
 the disease in
 the region of
 the world.
 May 24, 1951, WHO, Geneva.
 "Early vaccination in the
 epidemic of the disease in
 the region of the world."
 WHO, Geneva, 1951.

Whenever the Santa Fe presidio was lacking a doctor, wounded or ailing soldiers were forced to journey to Chihuahua for treatment. Ordinarily they accompanied the annual caravan which afforded the most comfortable means of travel. In the spring of 1790, construction on a hospital militar was begun in the city of Chihuahua.⁶⁸ For upkeep of this establishment, a deduction was made against the soldiers' salaries in Nueva Vizcaya. Men of the New Mexico troop might seek medical care at this hospital, but they were charged for all services and the bills were entered against their future salaries by the treasury officials. If there was no prospect of a recovery sufficient to permit a return to active duty, the Santa Fe soldier might request a discharge (licencia absoluta) directly from the commandant general.⁶⁹

If the crown displayed only minor concern for the physical welfare of its soldiers, it endeavored to compensate by careful attention to their spiritual state. From the earliest days, a military chapel was maintained in the southeast tower of the governor's palace. Perhaps by 1717,

⁶⁸Revilla Ggedo, II, Instrucción reservada, art. 684.

⁶⁹Allande to Arce, Santa Fe, November 20, 1817, SANM, doc. 2703. Also see Report of Expenses of the Intendant of Durango, 1791, AGN, Prov. Int., 12.

However, the same is true in the case of the
 wounded or dying soldiers were found to have
 Chinese for treatment. Undoubtedly they accompanied the
 annual caravan which attended the east coast
 of travel. In the spring of 1911, transportation to a hospital
 Miller was taken in the city of Chongking.⁶¹ The opening of
 this establishment, a deduction was made against the soldiers,
 situated in the vicinity of the New Service Camp at the
 each medical care at this hospital and they were placed in
 all services and the bills were entered against their families
 salaries by the treasury officials. If there was no prospect
 of a recovery sufficient to permit a return to active duty,

the bills for soldiers at the hospital at Chongking (Chongking)
 (Chongking) directly from the treasury general.⁶²

If the cases displayed only minor symptoms for the
 physical welfare of the soldiers, it endeavored to con-
 sider by careful attention to their spiritual needs. From
 the earliest days, a military hospital was maintained in the
 southeast corner of the governor's palace. Perhaps by 1911,

⁶¹ Journal of the American Oriental Society, vol. 31, p. 115.
⁶² Journal of the American Oriental Society, vol. 31, p. 115.
 1911, p. 115. Also see report of the Insular of
 Bureau, vol. 1, p. 115.

services for the troops were transferred across the plaza to a new military church commonly called the castrense. Later this edifice was completely rebuilt and dedicated anew in May of 1761.⁷⁰

By the Reglamento of 1772, a chaplain with an annual salary of 480 pesos paid by the royal treasury was provided for frontier garrisons.⁷¹ He was to be nominated for his curacy by the governor and selected via the same procedure as specified for officers.⁷² His obligations as outlined by the royal regulations were extensive. He administered the sacraments, consoled the sick and wounded among the officers and men, and offered reprimands to those who mistreated their families. The policing of the troop's morals also fell to the chaplain, and he reported all instances of illicit or scandalous conduct to the garrison commander.

In possession of this priest was a libro de registro in which were recorded all baptisms, confirmations, marriages, and deaths, not only of the soldiers but of all civilians attached to the presidio who came under his jurisdiction.

⁷⁰A. von Wuthenau, "The Spanish Military Chapels in Santa Fe and the Reredos of Our Lady of Light," NMHR, X (1935), 176, 181, 189.

⁷¹Tit. 2.

⁷²Ibid., tit. 8.

In addition, he issued birth, marriage, and death certificates to the individuals or families concerned.⁷³ The possessions of soldiers dying without families and wills were disposed of by the chaplain. He accompanied military expeditions whenever required by the commander and ministered to troops in the field.⁷⁴

Requiring special explanation is the jurisdicción (or fuero) eclesiástica castrense or the military-ecclesiastical privilege. As the principal feature of this jurisdiction, the vicar general of the armies (vicario general de los ejércitos), who was also patriarch of the Indies residing at court in Spain, took cognizance of civil and criminal cases under the ecclesiastical fuero in which persons were involved who came under the military fuero. Further, this special jurisdiction held the exclusive power to administer and promote the temporal and spiritual welfare of all military forces throughout the empire. This privilege was deemed necessary to insure uniform treatment in ecclesiastical matters to all troops and their dependents wherever

⁷³Examples of death certificates for the Santa Fe company may be seen in Report of Anza, Santa Fe, December 11, 1785, SANM, doc. 927.

⁷⁴Reglamento para los presidios, tit. 13.

In addition, a separate report was submitted to the Commission
to the effect that the Commission had received information
of various kinds which indicated that the Commission
of by the Commission, the Commission was not
whenever required by the Commission, the Commission
in the field.

Regarding special operations in the field
(or force) advised the Commission of the military
operational policies, as the Commission knows of this
jurisdiction, and that control of the matter (which)
general of the situation, and was also reported of that
India residing in court in India, and some of which
and certain cases under the Commission, there in which
persons were involved the case under the military force.
Further, the special jurisdiction is the exclusive power
to administer and process the national and military
of all military forces throughout the region. The
was deemed necessary to have military personnel in
local matters to all troops and their operations.

¹Receipts of health certificates for the
country may be seen in Report of the
All India, India, Dec. 1955.

²Information for the Commission, Dec. 1955.

they might be serving.⁷⁵

According to the practice established by this fuero, special dispensations from certain ecclesiastical obligations were arranged for the king's soldiers, their families, employees, or servants, owing to the peculiar hardships the men were forced to undergo in defense of the realm. In one particular instance on the frontier of New Spain, permission was given soldiers to eat meat on those days when the Church ordinarily prohibited it.⁷⁶ The Bishop of Durango in an auto directed to the Santa Fe garrison decreed that invalid and retired soldiers were not to be included within the military-ecclesiastical jurisdiction except for any brief periods when they might return to active duty as guarding of the company horseherds, joining campaigns against the enemy, or garrisoning of plazas.⁷⁷

⁷⁵Bancroft, History of Mexico, III, 423-24. The legal basis for the jurisdicción eclesiástica castrense resided in a breve of Pope Clement XIII issued in 1762. Further papal briefs were forthcoming in 1803 and 1807, and an edict of the patriarch was proclaimed in February of 1779 on this subject. See Joaquin Escriche, Diccionario razonado de legislación y jurisprudencia (Paris [1834]), pp. 1123-24.

⁷⁶Order of the Vicario General, certified copy, Chihuahua, February 20, 1785, fragment from the Janos Archives. Photograph copy in the Schroeder Collection, State Records Center and Archives, Santa Fe.

⁷⁷Order of Bishop Olivares y Benito, Durango, January 7, 1799, SANM, doc. 1440.

The bishop in this case was acting in his capacity as teniente vicario general or subdelegate of the patriarch. He exercised jurisdiction over the chaplain of the Santa Fe company (the cura castrense), but in matters involving the military-ecclesiastical fuero he communicated with him through the offices of the commandant general and the governor.

The final group of persons to be accorded special mention here are the Indian scouts (indios exploradores) and the interpreters. The Reglamento provided that frontier garrisons should possess the services of scouts who were to be paid one real per day and were to receive rations to sustain themselves and their families.⁷⁸ Moreover, they were entitled to the use of a pistol, shield, and lance in addition to their own bows and arrows and were to be furnished saddle horses and pack mules.⁷⁹

Governor Fernando de la Concha in his report of 1794 informs us of the number and activities of the Indian interpreters. Four of these for the Comanche tribe were salaried

⁷⁸Teodoro de Croix determined that the exploradores attached to the mobile companies of Nueva Vizcaya should be paid three reales per day. Instructive Paper, Croix to Oconor, July 22, 1777, Biblioteca Nacional, MSS, legajo 57, expediente xv.

⁷⁹Reglamento para los presidios, tits. 4-5.

The history in 1871 was... as general... He exercised... He occupied... the military... through the office of the... governor.

The local... section... and the... questions... to be held... certain... were entitled... in addition... furnished...

Governor... factors... present...

...to... be... to...

...

by the king. One resided in Taos, and two more in Santa Fe, and the fourth lived among the Indians "in order to observe them and to give an account of their movements." For the Navajos, two interpreters were supported by the crown, and they alternated between the capital and residence with the tribe.⁸⁰ All six of these men were formally attached to the presidial company, received their salaries from the supplymaster, and were allotted seven horses and a pack mule each, the same number as enlisted men.⁸¹ For the other Indian groups, Concha noted that private individuals served as interpreters and were rewarded with fifty pesos annually from the province's extraordinary fund. Genizaros were employed in this fashion to translate for the Utes and the several Apache tribes, except the Jicarillas who possessed a fair knowledge of Spanish.⁸²

Reference at this point might be made to a schoolmaster who seems to have been hired by the presidial garrison. As early as 1721, according to one writer, the crown directed that "free schools" be established in the

⁸⁰Concha, "Advice on Governing New Mexico," p. 240.

⁸¹Accounts of the Santa Fe Company, 1804, SANM, doc. 1808.

⁸²Worcester, "Advice on Governing New Mexico," p. 241. The term genizaro will be discussed at some length below.

New Mexican settlements.⁸³ The lack of funds, however, precluded organization of such institutions, and Pino observed in 1812 that only children whose parents could contribute to the salary of a teacher were receiving a primary education.⁸⁴ This statement is open to question for records reveal that in the city of El Paso, 584 children were attending school in 1806 and 460 in 1807.⁸⁵ Further, in a letter of 1808 the commandant general commended the governor of New Mexico for his action in the care and development of public schools.⁸⁶

Whatever the general conditions, it is certain that in the nineteenth century a primary school was attached to the Santa Fe presidio for attendance rolls are included among the garrison records. In this period, Ramos de Arizpe refers to schools in the eastern interior provinces and the conditions there were, doubtless, similar to those prevailing in New Mexico. He declared:

⁸³Hallenbeck, Land of the Conquistadores, p. 213.

⁸⁴Exposición, p. 18.

⁸⁵Bancroft, Arizona and New Mexico, p. 304n.

⁸⁶Salcedo to Mañez, Chihuahua, August 10, 1808, SANM, doc. 2144.

The military posts and larger towns with donations from the garrisons and voluntary contributions support some inept persons of bad conduct who bear the title of teachers. These teachers as a rule waste their time in teaching the Christian doctrine badly, for they are usually incapable of imparting the fundamentals of a common public education.⁸⁷

A summary for 1818 shows that in Santa Fe a schoolmaster was being maintained and that 76 children were receiving instruction. Fourteen of these were offspring of the soldiers while the remainder were of civilians. Subjects taught, in addition to religion, included writing, reading, and mathematics.⁸⁸

Administration and Supply

As commandant of the Santa Fe presidio and sub-inspector of the New Mexican province, the governor had immediate charge of company administration and supply. In cases of his absence or illness, a junior officer of the garrison served as commandant ad interim, often with the title of adjutant (ayudante).⁸⁹

⁸⁷ Nettie Lee Benson, tr., Report that Dr. Miguel Ramos de Arizpe . . . Presents to the August Congress (Austin, 1950), p. 18.

⁸⁸ Santa Fe Presidial Records, August 1, 1818, SANM, doc. 2708.

⁸⁹ See e.g. Santa Fe Company Returns, 1821, SANM, doc. 2952.

General instructions for fostering the good government and welfare of the troops were frequently passed to the governor. He was required to familiarize himself thoroughly with the abilities and weaknesses of his officers and men; to keep a strict accounting of company funds; to review frequently the mounts, arms, and supplies on hand; and to promote efficient operation of the garrison as a whole. Since all these matters pertained to the ramo de inspección, the ayudante inspector of the commandancy assisted the governor whenever possible.⁹⁰ Other related affairs handled by the governor included the issuing of marriage permits to soldiers and the processing of cases under the military fuero, as, for example, instances regarding desertion.⁹¹

Monthly inspections were called for by the presidial Reglamento and from the records it is clear that these were held in Santa Fe on the first of each month with only slight

⁹⁰Instructive Paper, issued by Pedro de Nava, Chihuahua, November 24, 1791, SANM, doc. 1171; also Nava to the Governor, Chihuahua, March 10, 1795, SANM, doc. 1316.

⁹¹Bolton, Guide, p. 189. The king often granted a general pardon to deserters on the occasion of a birth or marriage in the royal family. See e.g. Real Orden, December 5, 1804, SANM, doc. 1864.

variations from the form prescribed by law.⁹² At the review, the governor surveyed the condition of officers and men, their arms and equipment, and the state of the garrison's caballada. At such times the sick and disabled might be observed and placed on the inactive list.

At the conclusion of each review, the Reglamento stipulated the form to be followed in preparing the extracto de revista and the lista de revista (muster rolls). The names of all officers and men were to be entered and beside each should be inserted a P if he was present, the explanation of his whereabouts (destino) if on a mission, an A (ausente) if he was simply absent, and a V if the rank was vacant. Other brief statements were to be made regarding the number of men on the inactive list, the quantity of arms on hand, the status of the horseherd, the list of interpreters, promotions and demotions (altas y bajas) and so forth.⁹³

⁹²Tit. 9. Teodoro de Croix in 1781 mentions that he composed "methodical rules to bring out clearly in the reviews of inspection the actual condition of the presidio and companies for the purpose of finding ways to improve them. . . ." Thomas, Teodoro de Croix, p. 117.

⁹³The term *alta* might also mean the returns of the effective men of a company, or alternately a certificate of discharge from a hospital. A *baja* could be a list of casualties in a muster roll or places vacant in a military company. In addition, *altas* and *bajas* frequently referred to additions and diminutions of company personnel strength.

variations from the form prescribed by law. At the review,

the Governor surveyed the condition of officers and men,

their arms and equipment, and the state of the garrison's

casarates. At such times the work and discipline should be

observed and noted on the inactive list.

At the conclusion of each review, the Regiments

submitted the form to be followed in preparing the rapports

de revues and the liste de revues (active rolls). The

names of all officers and men were to be entered and beside

each should be inserted a 2 if he was present, the expres-

sion of his whereabouts (quartier) if on a station, an A

(absent) if he was totally absent, and a V if the rank was

vacant. Other brief statements were to be made regarding

the number of men on the inactive list, the quantity of arms

on hand, the status of the household, the list of inspectors,

promotions and demotions (avis y relatif) and so forth.⁸²

⁸²Art. 2. Section de Croix in 1781 mentions that he

computed "technical rules to bring out clearly in the

reviews of inspection the actual condition of the presidio

and companies for the purpose of finding ways to improve

them. . . . Thomas, Región de Croix, p. 117.

⁸³The term avis might also mean the returns of the

effective men of a company, or alternately a certificate of

discharge from a hospital. A rapa could be a list of

casarates in a water roll or pieces vacant in a military

company. In addition, avis and avis frequently referred

to additions and dismissions of company personnel strength.

Two copies of the extracto were dispatched to the commandant inspector who, as remarked earlier, was the commandant general after 1788, while the original, signed by the governor and his subordinate officers, remained in the provincial archives.⁹⁴

According to the Reglamento, the two copies destined for the commandancy were to be sent monthly if possible. By 1805, however, the collected returns were being forwarded only every three months.⁹⁵ Beyond the thirty-day lists, an extracto general de revista was filed by the governor at the end of each year. This was a summary of the twelve one-month reports and included further data on condition of the garrison.⁹⁶

A number of other documents relating to presidial administration were prepared periodically by the governor. Quarterly a summary of events (diario de novedades) which listed all major actions as well as incidents of garrison

⁹⁴A fine example of an extracto de revista for August 1, 1818 is found in SANM, doc. 2708. One of the two copies received by the commandant was conveyed to Spain. Salcedo to the Governor, Chihuahua, December 24, 1812, SANM, doc. 2470.

⁹⁵Chacón Documents, Santa Fe, April 27, 1805, SANM, doc. 1800.

⁹⁶Salcedo to the Governor, Chihuahua, May 21, 1801, SANM, doc. 1728.

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Inspector who, as required...
General after 1870...
and his subordinates...
archives.

According to the regulations...
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doc. 1778.

life was submitted to the superior government. So, too, every six months was a report of the several company expense funds (*fondos*) to be discussed below. Once a year a description of each enlisted man--his physical description, native country, religion, marital state, past services, ability to read or write, etc.--was forwarded to the commandancy. This information was drawn from the company roster called the libro de filiaciones.⁹⁷ Similarly, service records of officers (hojas de servicios) were included in the yearly accounting.

Troop Supply. The financing of the frontier presidios was carried out through the ramo de guerra, a branch within the royal treasury. As illustrated in Part 1 of this study, funds destined for New Mexico were released by the royal exchequer in Chihuahua and averaged about 35 thousand pesos yearly. This sum included, in addition to military expenditures, the *sinodos* or salaries of the missionaries whose fiscal affairs were administered by the *ramo de guerra*.

Reference has been made as well to the difficulties relating to presidial supply in the early eighteenth century. As other writers have adequately covered this topic elsewhere,

⁹⁷The *filiaciones* are filed separately in the Spanish Archives at Santa Fe, being listed as Enlistment Papers, 1732-1820.

only summary mention need be included here.⁹⁸ Initially, the soldiers had been paid their entire salaries in cash from which amounts they were obliged to provide for themselves and their families. Forced to buy from unscrupulous merchants, they found themselves continually in debt. Later the power to purchase supplies was centralized in the presidial captains who, it was felt, could bargain with the merchants more effectively than individual soldiers.⁹⁹ The nefarious practices of these supply officers created new scandals and did nothing to alleviate the precarious financial position of the troops. For a while, the salaries of the men were paid in provisions rather than cash (the factoría system), but in spite of fixed price ceilings, frauds continued.¹⁰⁰

The viceroy in 1768 ordered that presidial soldiers once again should be paid in cash. The governor of New

⁹⁸On presidial supply, consult the following: Warner, "The Career of Martínez de Torrelaguna," chap. 1; Max L. Moorhead, "The Private Contract System of Presidio Supply in Northern New Spain," Hispanic American Historical Review, XLI (1961), 31-54; and Max L. Moorhead, "The Presidio Supply Problem of New Mexico in the Eighteenth Century," NMHR, XXXVI (1961), 210-30.

⁹⁹Moorhead, "The Presidio Supply Problem of New Mexico," p. 210.

¹⁰⁰Warner, "The Career of Martínez de Torrelaguna," p. 123.

Mexico, however, appealed for exemption from this requirement on the ground that there was never sufficient specie in his province to meet the pay roll.¹⁰¹ The viceroy was convinced and a dispensation was extended in the following year.¹⁰²

As a result of the Marqués de Rubí's report, the Reglamento of 1772 was issued, as we have seen, to reorganize and stabilize the entire presidial system. A portion of this new instrument was dedicated to reforming the method of supply. Commanders of garrisons, under penalty of removal from office and denial of further employment in the royal service, were divorced entirely from the purchasing of provisions for their companies. This function, along with that of paying the troops, was now vested in an officer, the oficial habilitado or supplymaster, who was to obtain the goods needed and sell them to the soldiers at cost plus only two per cent, an amount regarded as sufficient to cover his expenses.¹⁰³

¹⁰¹Moorhead, "The Presidio Supply Problem of New Mexico," p. 214.

¹⁰²Apparently this shortage of coined money continued for some time. According to one source in 1790, the number of silver coins circulating in the internal provinces was small, and in New Mexico practically nil. Letter of Revilla Gigedo, II, Mexico, March 27, 1790, translated in J. Villasana Haggard, Handbook for Translators of Spanish Historical Documents (Austin, 1941), pp. 88-94.

¹⁰³Moorhead, "The Private Contract System," pp. 33-34.

The regulations governing selection and operation of the *habilitado* were precise. When it came time to choose a *supplymaster*, the presidial commander ordered the corporals and privates to assemble in the quarters of the sergeants for the purpose of naming a representative (apoderado) from among their number. As soon as this was accomplished, the governor speedily convoked in his own house a meeting attended by the officers, the chaplain, and the *apoderado*. This group named one of the junior officers (subalterno) as *habilitado* to serve for a term of three years.

Owing to the small number of officers eligible to act as the *habilitado*, reelection for an indefinite period was provided. If no one in the company appeared suitable for the post, the superior authorities reserved the right to appoint an individual from some other company and transfer him to the new assignment.¹⁰⁴ In any event, confirmation of the elected officer was made by the commandant inspector.¹⁰⁵

¹⁰⁴Reglamento para los presidios, tit. 14. Governor Concha in 1794 warned his successor of the disordered activities of the then current paymaster, but noted that no other officer was fit for the responsibility. Concha, "Advice on Governing New Mexico," p. 252.

¹⁰⁵"On this day of the 12 of November, a meeting of officers was called to elect a paymaster for the coming year of 1807, and the first *alférez* Don Josef Tapia having been elected, I advise Your Excellency with the hope that he merits your approbation." Governor Real Alencaster to the Commandant General, Santa Fe, November 20, 1806, SANM, doc. 2030 (1).

The technical governing selection and operation of the hacienda were provided. When it was clear that the hacienda was profitable, the presidential commander ordered the corporation and private to remain in the hands of the corporation for the purpose of making a representative (corporation) first among their number. As soon as this was accomplished, the governor quickly convened in his own house a meeting attended by the officials, the capitalists, and the hacendados. This group named one of the senior officials (corporation) as hacendado to serve for a term of three years.

Going to the small number of officials eligible to act as the hacendado, resolution for an indefinite period was provided. If no one in the category appeared suitable for the post, the superior authorities received the right to appoint an individual from some other company and transfer him to the new assignment. In any event, continuation

of the elected officer was made by the commanding inspector. 102

104 Assignment was for officials, etc. M. Governor
 Conde in 1857 was the president of the 1857-1860 revolution. He was elected to the then current position, but noted that no other officer was fit for the responsibility. Conde, "Notes on Government of Mexico," p. 252.

105 On the day of the 12 of November, a meeting of officers was called to elect a governor for the coming year of 1867, and the first officer was José María de Urquiza. I advise your Excellency with the hope that he merits your recommendation. Governor José Anastasio de la Cueva, General, Santa Fe, November 23, 1866, S.M.M. Doc. 2010(1).

The specific duties of the habilitado were twofold: he served as the accounting officer of the company charged with the management of general fiscal affairs, and with power of attorney conveyed by his election, he represented the officers and men of the garrison in Chihuahua where he drew their salaries (situados) against the caja real and made purchases of needed supplies.

Estimates of the coming year's expenses were submitted by the governor to the commandant general who authorized the approved or adjusted amount to be released by the treasury officials. The supplymaster traveled to the caja in Chihuahua twice yearly to make his withdrawals.¹⁰⁶ One of his trips usually coincided with departure of the caravan in the fall, and he served as military commander of the protective unit. Often his buying tours on behalf of the Santa Fe company led him to Durango and other places, so that he might be gone from his headquarters three to six months of the year. At least part of the time in the late colonial years, an assistant to the habilitado (a cashier) functioned in Santa Fe to maintain the accounts until his return.¹⁰⁷

¹⁰⁶The treasury officials were authorized to release presidential funds in late December and on or about July 1. Reglamento para los presidios, tit. 1.

¹⁰⁷Commandant General Croix in 1782 recommended creation of formal adjutant supplymasters, but it is doubtful if any action was taken by the government. Thomas, Teodoro de Croix, p. 58.

ERASE

OPTION COUNTY

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do hereby certify that _____

is the true and correct copy of _____

as the same appears in the _____

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The fact that the junior officers elected to the supply-master's job had little or no experience in accounting caused considerable confusion in the keeping of financial records. Likewise, they were often ignorant of purchasing practices and fell victim to merchants who artificially advanced prices. Such problems were common to all presidios along the northern frontier.

As a result, beginning in the early 1780's a new system was instituted whereby private contractors were given the exclusive right to supply the presidios for a specified term. Francisco de Guizarnótegui, a member of the merchant guild of Chihuahua, received a contract covering the military establishments in Nueva Vizcaya and New Mexico. He was to transport all supplies directly to the presidios, except in the case of Santa Fe. The *habilitado* of this post was to receive deliveries at Chihuahua as had been the custom in the past.¹⁰⁸ For several reasons operation of the private supply system was not successful, and later we find, at least in New Mexico, that the supplymaster returned to the earlier practice of purchasing directly from merchants who

¹⁰⁸Moorhead, "The Presidio Supply Problem," pp. 218-19. See also related documents in AGN, Prov. Int. 13 which includes a copy of the contract between the commandant general and Guizarnótegui.

could offer the best prices.¹⁰⁹

Although all but the simplest manufactured commodities had to be purchased in Chihuahua or other supply centers, there were many items, particularly foodstuffs, which could be conveniently secured in New Mexico itself. Apparently these goods were paid for in specie, a practice which argues against the emphatic statement often repeated that little or no coin circulated in the late colonial period.¹¹⁰ Grain, beans, and other agricultural products were bought from both the Spanish citizens and the Pueblo Indians.¹¹¹ Governor Mendinueta in 1773 called attention to the bounty of the Pueblo harvests which kept the storehouses full and noted that frequent purchases were made, at prices established

¹⁰⁹See e.g. receipts of goods purchased by the supplymaster in Chihuahua, January-December, 1818, SANM, doc. 2708. Apparently on February 27, 1805, the commandant general issued an Instrucción which defined how the supplymaster's office of the Santa Fe company should be managed. Unfortunately since this document does not remain in the archives, we cannot know if it contained provisions on the method of supply. A later reference mentions that Article 14 of the Instrucción forbade the habilitado to lend out money in his keeping on promissory notes during the course of the year. Salcedo to Real Alencaster, October 7, 1807, SANM, doc. 2081.

¹¹⁰See note 102 above.

¹¹¹Circular of Governor Maynez to the Alcaldes, Santa Fe, July 1, 1808, SANM, doc. 2132.

throughout the province, to supply the royal troops with maize and other grains.¹¹²

Regarding distribution of salaries, the presidential Reglamento stipulated that corporals and privates should receive directly a prest (daily pay) of two reales to cover their own personal expenses and those of their families. The remainder of their due was to be retained and administered by the habilitado, and against it were to be charged their food, clothing, arms, and horses.¹¹³ Individual discounts were also made for pension and retirement funds, hospital bills originating in Chihuahua, and for special charges as those made for salary advances.¹¹⁴

No mention of the method of salary distribution to officers and sergeants is made by the Reglamento, but in the early nineteenth century, they were paid in reales on the seventh of each month and were permitted to purchase their own necessities at the company supply depot (almacen).¹¹⁵ Probably this system or a similar one had prevailed for some time.

¹¹²Pedro Fermin de Mendinueta, Indian and Mission Affairs in New Mexico, 1773, trs. by Marc Simmons (Santa Fe, 1965), p. 16.

¹¹³Tit. 5.

¹¹⁴Fisher, Order of Intendants, p. 300.

¹¹⁵Instruction on Economic Management, Ayudante Inspeccion, Anteio Garcia de Tejada, Santa Fe, April 17, 1805,

Each soldier estimated his own needs in material goods and submitted it to the presidial commander for approval. The cost of provisions requested was not to exceed the man's income except by special arrangement. After approval the list was then passed to the supplymaster who acted upon it in the course of his next buying tour.¹¹⁶ In transacting the affairs of the individual troops, the supplymaster kept two records. One consisted of the soldier's accounts into which was entered the amount of his salary, the sums paid out, a list of debts, and the balance on hand.¹¹⁷ The other was the account book (cuaderno) in which was set down the purchases made by the officers and men through the supplymaster.¹¹⁸

A schedule for the year 1805 shows that enlisted men drew their rations on the 7th and 16th of each month. The standard withdrawal for a married man included the following basic items and amounts: eight almudes of maize, one almod of beans, soap worth three reales, four reales worth of smoking tobacco, and one real of salt. Bachelors received

¹¹⁶Reglamento para los presidios, tit. 6.

¹¹⁷Santa Fe Company Accounts, June, 1816, SANM, doc. 2638.

¹¹⁸A fine example of such a cuaderno for the year 1820 is contained in SANM, doc. 2902.

and exhibited it to the President for approval.

The cost of production reported in the report was to exceed the known amount by several hundred dollars. After approval the bill was then passed to the Department who acted upon it in the course of the next business day. In the meantime the records of the individual cases, the assignment report two records. One consisted of the soldier's account book which was prepared by the agent of the Army, the other part, a list of bills, and the balance on hand. The other was the account book (ledger) in which was set down the purchases made by the officers and men through the supply center.

A schedule for the year 1900 shows that enclosed are five their ration on the 1st and 15th of each month. The schedule withdrawal for a month was divided into following items: beans and potatoes, eight pounds of water, one pound of beans, soup with three vegetables, four times worth of smoking tobacco, and one roll of soap. Tobacco received

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similar articles, but in smaller quantities.¹¹⁹

Soldiers were required to be uniformed and to wear the following articles: a short jacket (chupa corta) of wool shag (tripe) or blue cloth (pañó azul) with a red collar (collarín encarnado), blue wool trousers (calzon de tripe azul), a blue cape, a cartridge pouch (cartuchera), a cross belt (bandolera) on which was to be embroidered the name of the presidio, a black tie, hat, shoes, and leggings (botines).¹²⁰

Various reports made after reviews of the Santa Fe company indicate that the troops here, as elsewhere on the frontier, conformed in some measure to this pattern of dress. The adherence to a common standard in attire, no doubt, increased troop morale and enhanced prestige of the company in the eyes of civilians.

The armament of the presidial soldiers was to consist of a wide sword, a lance, shield, musket, and a brace of pistols.¹²¹ A list of weapons held by the men in Santa Fe for 1816 shows that they did not possess a full complement of arms since most of the enlisted men had only a single pistol and no sword.¹²²

¹¹⁹SANM, doc. 1812.

¹²⁰Reglamento para los presidios, tit. 3.

¹²¹Ibid., tit. 4.

¹²²Report of the Santa Fe Presidial Company, SANM, doc. 2638.

The supplymaster secured firearms, cartridges, powder, and flints from the commandancy headquarters in Chihuahua and deposited them in the company armory in Santa Fe. One hundred muskets and a like number of pistols were always to be held in reserve at the armory, but often this was not possible.¹²³ At times stores of weapons were maintained at strategic locations outside Santa Fe for use by the citizens in emergencies or during campaigns, but ordinarily it was the civilian rather than the military which bore the cost of these.¹²⁴ Consignments of firearms were also made from time to time by the *habilitado* directly to militia captains or *alcaldes*.¹²⁵

Gunpowder was administered through a separate account by the office of the supplymaster under the governor's supervision. The company's yearly allotment was stored in

¹²³A relación de armamento prepared by the governor at Santa Fe in 1804 showed, for example, that the company held only 64 muskets and 88 pistols in reserve. SANM, doc. 1789.

¹²⁴Governor Mendinueta declared in 1775 that "the resident population is not so bad off in regard to arms which number about 600 guns and 150 braces of pistols in fair condition in the whole kingdom." Frank D. Reeve, "Navajo-Spanish Diplomacy, 1770-1790," NMHR, XXXV (1960), 211. See also Nava to the Governor of New Mexico, Chihuahua, January 7, 1795, SANM, doc. 1375a.

¹²⁵List of Receipts for Weapons and Supplies, 1818, SANM, doc. 2708.

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the powder magazine within the armory and was secured by a lock with two keys. One of these was in the possession of the governor and the other was held by the supplymaster. The presence of both was thus required for any removal, and jointly they maintained a record in a special cuaderno of all withdrawals. By the Reglamento of 1772, each soldier was allotted three pounds of gunpowder yearly. An exception was made for revruits who were issued six pounds, the extra amount to be used in practice. Indian scouts attached to the company received one pound annually.¹²⁶

The manufacture of gunpowder was a monopoly reserved to the crown, and in the reales fábricas of New Spain several grades were produced. The two most common powders were designated as regular (ordinaria) and fine (fina). In 1777 the former grade was commonly used on the frontier, but since it was considered much inferior, occasioning great danger in time of war, a suggestion was made that a presidio's ration be half and half--the regular to be used for practice, the fine for campaigns.¹²⁷ A report on the powder fund prepared for the Santa Fe company in 1791 suggests that this procedure

¹²⁶Tit. 7.

¹²⁷Viceroy to Croix, Mexico, February 22, 1777, AGN, Prov. Int., 74.

the powder negative within the factory and was secured by a
 lock with two keys. One of these was in the possession of
 the government and the other was held by the manufacturer.
 The presence of both was this required for any removal, and
 jointly they maintained a record in a special magazine of
 all shipments. By the beginning of 1932, each shipment
 was allowed three days of powder yearly. An exception
 was made for revolvers who were issued six pounds, the extra
 amount to be used in practice. Indian agents attached to the
 company received one pound annually.

The manufacture of gunpowder was a monopoly reserved
 to the crown, and in the region of New Spain several
 grades were produced. The two most common grades were
 distinguished as regular (ordinaria) and fine (fina). In 1777
 the former grade was commonly used on the frontier, but since
 it was considered much inferior, occasioning great danger in
 time of war, a suggestion was made that a presidio's ration
 be half and half—the regular to be used for practice, the
 fine for combat.¹²⁷ A report on the powder fund prepared
 for the king in 1781 suggests that this procedure

¹²⁷ *Informe*, p. 7.
¹²⁸ *Informe* to the King, Madrid, February 22, 1777, AGN, P. 10, l. 14.

had been adopted, for part of the supply on hand is listed as fina and part as ordinaria.¹²⁸ In 1804, however, the records reveal that only the superior grade was being used.¹²⁹

Gunpowder was consumed in practice exercises, in target shooting, and in war operations. Also it appears that considerable amounts were wasted. When artillery was added to the Santa Fe company, it, likewise, consumed its share of powder.¹³⁰ A certain quantity, in addition, was presented to allied Indians who seemed to have been well supplied with firearms. At first, powder given to peaceful tribes was charged to a fondo de pólvora, but this was ordered extinguished in 1805, and thereafter such expense was borne by the special company fund (fondo de gratificación).¹³¹ The

¹²⁸Accounts of Gunpowder, Santa Fe, October 31, 1791, SANM, doc. 1162.

¹²⁹Accounts of Gunpowder, Santa Fe, December 31, 1804, SANM, doc. 1786.

¹³⁰A record of the accounts of the Santa Fe company shows that in 1815 gun carriages were made for the cañones de artillería. Report of the Supplymaster, Santa Fe, November 18, 1816, SANM, doc. 2638(14). The cannons were four four-pounders (cañones de a quatro) and were stored in the company almacén. Two years later the cannon numbered six pieces. Thomas, "Anonymous Description of New Mexico," p. 58. In the years just before independence, three artillerymen from Durango served in Santa Fe and acted as instructors for eight men of the local garrison. SANM, doc. 2782.

¹³¹Salcedo to the Governor of New Mexico, Chihuahua, December 19, 1805, SANM, doc. 1936; and Real Alencaster to the Commandant General, Santa Fe, April 1, 1806, SANM, doc. 1979(14).

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special fondo de pólvora was formed by the governor in 1802 and represented the funds acquired through sale of powder to civilians.¹³²

On the frontier with its formidable distances, the horses of the Santa Fe garrison were of extreme importance. In an earlier chapter, mention has been made of the frequent raids on presidial horseherds, and the concern over this matter expressed by Teodoro de Croix when he became commandant general. According to the Reglamento, each soldier was to possess seven horses and a pack mulf, together with the appropriate saddle and pack equipage. One of the horses was to be picketed close-by at all times and ready for instant use.¹³³ The eight animals belonging to individual soldiers were personal property purchased, Governor Concha notes in 1794, at an average cost of eight pesos apiece.¹³⁴ In addition to the private horses and mules, a certain number of animals were listed as belonging to the king and included replacement stock and an atajo of mules for use in campaigns.

¹³²Salcedo to the Governor of New Mexico, Chihuahua, April 23, 1803, SANM, doc. 1653.

¹³³Tit. 4.

¹³⁴Concha, "Advice on Governing New Mexico," p. 251.

Special Order No. 100, issued by the Secretary of War, April 22, 1902, and approved by the War Department, provides for the sale of horses to civilians. In the transfer with the National Government, the horses of the Bureau for the purpose of the National Government. In an earlier chapter, mention has been made of the transfer of the horses to the National Government, and the same was done with the horses. According to the regulations, each soldier was to possess seven horses and a pack trail, together with the appropriate outfit and pack equipment. Use of the horses was to be restricted closely to all other uses. The above animals belonging to the National Government were personal property of the National Government. In 1902, an average of eight horses per soldier. In addition to the private horses and mules, a certain number of animals were listed as belonging to the National Government. Included equipment stock and an outfit or mule for use in campaigns.

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A chart showing the strength of the Santa Fe company herd for the year 1816 indicates the following: the governor and first lieutenant each owned six horses and four mules, the remaining officers and the sergeants three horses and one mule each.¹³⁵ Earlier records note that the mounts held by the company frequently did not reach the total specified by the regulations, suggesting that depletion of the herds by raiding Indians was a continuing problem. Remounts were obtained when possible within the province by the *habilitado*. At other times he procured them in Chihuahua, or when this was difficult, the superior authorities would approve the commission of a sergeant or junior officer to go on a buying tour seeking replacements for the New Mexican presidio.¹³⁶

Company Fondos. To meet emergency expenses of the Santa Fe troop, there existed two general funds, one the officer's reserve or special fund (*fondo de gratificación*), and the other the common fund of the enlisted men (*fondo común*). The *fondo de gratificación*, by the Reglamento of

¹³⁵List of Livestock, Santa Fe, March 18, 1816, SANM, doc. 2638(5).

¹³⁶Salcedo to Sergeant Miguel Portillo, Instructions, copy made in Santa Fe, July 20, 1805, SANM, doc. 1860.

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1772, amounted to 680 pesos annually for Santa Fe,¹³⁷ but toward the end of the century it had been reduced to 450 pesos.¹³⁸ This was a catch-all fund to provide for any financial crises arising during the course of the year. Whatever sums were not spent were carried over to the following year, and the fund might grow rather large during prolonged periods when no major demands were made upon it. A summary of the fondo prepared on November 18, 1816, reveals that in the year just ending, 2,576 pesos were in the account against which a total of only 135 pesos had been charged.¹³⁹ At other times, the fondo de gratificación might be exhausted as when extensive repairs were made on the company buildings. Beyond various incidental expenses, the fund sustained the cost of feeding prisoners and paying new recruits whose salaries had not been included in the year's estimate.

The fondo común of the enlisted men has been alluded to previously. This was the amount retained from each soldier's pay which served to supply, arm, and mount him. Articles

¹³⁷Tit. 2.

¹³⁸Santa Fe Company Accounts, Royal Treasury, Chihuahua, January 20, 1798, SANM, doc. 1413a.

¹³⁹SANM, doc. 2836.

purchased with this money were lodged in the company storehouse or almacén de la tropa over which a constant guard was maintained. To this fund were charged expenses common to the men as a whole, and also the cost of any animals lost or strayed from the company herd.

Every six months the governor submitted a record of these two accounts to the commandant general as the former was responsible for the correct investment of such finances. These and other funds pertaining to the military were deposited in a triple-locked chest with one key each in the possession of the governor, the first teniente, and the company supplymaster.

Another account which has never been fully explained is the fondo de aliados, called also the fondo de paz y guerra, or occasionally the fondo extraordinario. This was a special fund employed to supply gifts and rations to nomadic Indians who had made peace and to feed them whenever they appeared in Santa Fe for talks. Behind this seemingly simple presentation of goods to friendly tribes lay a devious motive which seems to have been part of Spanish thinking from the earliest days of conquest in the New World. When force of arms failed to overcome enemy Indians, a second more effective plan could be adopted. No less an exalted

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person than Viceroy Bernardo de Gálvez expressed it thus in the year 1786:

The interest in commerce binds and narrows the desires of man; and it is my wish to establish trade with the Indians. . . . They should be made accustomed to the use of our foods, drinks, arms, and clothing, and they should become greedy for the possession of land. Even if in the beginning we are not successful in achieving these ends, as they require much time, this course will put us on the path to eventual success.¹⁴⁰

By this strategem the Indians could be made economically dependent upon the Spaniards and would be forced to live in peace since war would cut off the supply of goods which for them had become a necessity. The first stage of this long-range plan as it was envisioned for New Mexico involved the delivery of gifts through the fondo de aliados to those tribesmen who sought to establish amiable relations. From the first, this was intended to be a temporary expedient. As the commandant general himself informed the New Mexican governor in 1788, "once the Indians become accustomed to the use of our goods and to living by our system we may reduce the gifts to them without risk until the practice has been entirely ended and the treasury relieved."¹⁴¹ Given the

¹⁴⁰ Worcester, Instructions for Governing the Interior Provinces, p. 42.

¹⁴¹ Ugarte y Loyola to Concha, Arizpe, January 23, 1788, SANM, doc. 994.

immensity of the task, this observation was overly optimistic. The fondo de aliados remained in existence to 1821, was inherited by the Mexican government, and continued to function long after independence.

This fondo possessed, too, other related objectives though of a briefer scope. When the Indians ventured into the settlements to receive their presents, it was felt they would observe the benefits of permanent residence enjoyed by the Spanish citizens and Pueblo Indians and would be more inclined to abandon their nomadic ways.¹⁴² Moreover, the distribution of gifts was customarily accompanied by prodigious feasts. When the governor honored the leading men of the pagan tribes (naciones gentiles) at his banquet table and held them under the influence of good food and wine, he sought to ascertain their views on current affairs and to fathom the key to their peculiar way of thinking. The clever Spaniard thus pressed every advantage in an effort to gain mastery over the native inhabitants.¹⁴³

¹⁴²Regarding the long-standing Spanish policy of instructing wild Indians by example, see Marc Simmons, "Tlascalans in the Spanish Borderlands," NMHR, XXXIX (1964), 101-110.

¹⁴³Chacón to Salcedo, Santa Fe, November 19, 1802, SANM, doc. 1629.

essentially of the kind, this observation was merely optimistic.
 The funds available remained in existence to 1831, and
 inherited by the Mexican Government, and continued to exist
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 The clever Spanish thus pressed every advantage in an
 effort to gain mastery over the native inhabitants.¹⁴³

¹⁴² Regarding the long-standing Spanish policy of
 interacting with Indians by example, see Marc Simon, "The
 Indians in the Spanish Borderlands," XXXIX (1964),
 101-110.

¹⁴³ Thanks to Elicio, Santa Fe, November 23, 1891.
 BAHN, vol. 103.

Indians initially became recipients of Spanish goods upon signing a treaty of peace. Viceroy Gálvez in 1786 authorized a regular allotment of food rations to such peoples, the cost to be borne by whatever fund existed in the presidio concerned. Separate legal accounts of such business were to be kept so that a reimbursement of the company fund might be made by the royal treasury.¹⁴⁴ Rather quickly, however, a formal fondo de aliados came to be organized, at least in Santa Fe, to meet expenses of treating the Indians.

In the year 1788, we find that only the small sum of sixty pesos was directly set aside for Indian expenses in New Mexico.¹⁴⁵ At this time, however, supply of such goods was in the hands of the private contractor Guizarnótegui, and in his accounts were figured the manufactured articles destined for the natives in this province.¹⁴⁶ Within a brief time after this date, the contract was terminated and in 1790, we find the king himself authorizing release of 4,000 pesos for extraordinary expenses de paz y guerra

¹⁴⁴Worcester, Instructions for Governing the Interior Provinces, pp. 50-51.

¹⁴⁵Ugarte y Loyola to Concha, Arizpe, January 23, 1788, SANM, doc. 994.

¹⁴⁶Cueva to Concha, Chihuahua, February 23, 1788, SANM, doc. 1002a.

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in New Mexico. This meant that gifts were now to be procured directly by the presidial supplymaster.¹⁴⁷

From this time onward, the fondo de aliados was administered as an individual branch or ramo of presidial financial affairs. Monthly lists were kept of the articles furnished the Indians, and these were included in a yearly cuenta de aliados or summary of the ramo carried in duplicate from Santa Fe to the commandancy general. A final audit of these accounts was undertaken by the tribunal de cuentas in Mexico City.¹⁴⁸

In the governor's annual financial report, he showed the sum credited or owed to the ramo de aliados and estimated the needs for the coming year.¹⁴⁹ The commandant general, whose action was subject to royal confirmation, then instructed the treasurer in Chihuahua to release the approved amount to the Santa Fe supplymaster. Goods were purchased by the supplymaster in the same manner as those for supply of the presidial garrison. The accounts of these two, however, were maintained separately, and in Santa Fe the Indian

¹⁴⁷Ugarte y Loyola to Concha, Chihuahua, June 18, 1790, SANM, doc. 1084.

¹⁴⁸Arce to the Treasurer, Santa Fe, June 18, 1799, SANM, doc. 1453a.

¹⁴⁹An excellent example of such a statement for the year 1804 may be found in SANM, doc. 1769.

In New Mexico. This means that there were now to be provided

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directly by the territorial government.

From this time onward, the funds for salaries were

administered as an individual branch of the territorial

financial affairs. Monthly lists were kept of the salaries

paid, and these were included in a yearly

statement of affairs of the year carried in duplicate

from Santa Fe to the commanding general. A final bill of

these accounts was submitted by the territorial treasurer

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in Mexico City.

In the governor's annual financial report, he showed

the sum credited or owed to the year of affairs and estimated

the needs for the coming year. The commanding general,

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whose action was subject to royal confirmation, then trans-

mitted the treasurer to distribute to release the approved

amount to the Santa Fe employment. Goods were purchased

by the government in the same manner as those for supply

of the territorial garrison. The accounts of these two, how-

ever, were maintained separately, and in Santa Fe the latter

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Uyru y Loyola to Concha, Chihuahua, June 18, 1790.

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Letter to the treasurer, Santa Fe, June 18, 1790.

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An excellent example of such a statement for the

year 1804 may be found in MS. A. 1. 1. 1. 1. 1.

provisions were lodged in a special warehouse, the almacén de aliados. Whenever possible, the products for the indios gentiles, especially the foodstuffs, were acquired in New Mexico, and since amounts ranging from two thousand to four thousand pesos annually were designated for this purpose, the conduct of such business must have served to stimulate the local economy.

Gifts were distributed at formal treaty conferences, and subsequently on all occasions when the Indians should appear in Santa Fe. On these later visits, the governor met them in a friendly manner, ordered the killing of a beef or sheep to provide an abundant feast, and supervised the presentation of gifts. The amount of ceremony in these instances was dependent upon the prestige of the tribe involved--the Comanches, for example, merited considerable attention, while the remnants of the Jicarilla Apaches who clung to the Spanish settlements for protection received little.¹⁵⁰

Provisions given to the Indians included jerked meat, salt, metal wares, cloth, shoes, hats, jackets, lump sugar,

¹⁵⁰Instructions from the Governor to Ysidro Rey, Santa Fe, May 31, 1810, SANM, doc. 2323, art. 13.

gunpowder, tobacco, abalone, livestock, mirrors, buttons, and so forth. On occasion the Spanish citizens were called upon to make contributions toward the fondo de aliados, apparently when the funds or goods on hand ran excessively short.¹⁵¹

It should be emphasized that the fondo de gratificación and the fondo de aliados were entirely separate accounts, as they have been described in this chapter. There has been some tendency to confuse the two and regard them as a single fund, owing, it would seem, to the fact that the word gratificación (meaning gifts or rewards) was sometimes used in connection with the distribution of Indian presents through the fondo de aliados.

Citizen Soldiers of New Mexico

New Mexico's defense in the seventeenth century, as we have seen, was entrusted to citizens who were led by officers drawn from members of the encomendero class. Even after the formation of the Santa Fe presidio, citizen soldiers continued to support the official military establishment in protection of the province. The documentary evidence remaining to us on this subject is rather fragmentary, but it does

¹⁵¹In 1814, for example, the citizens of Albuquerque made significant contributions for this purpose. SANM, doc. 2545.

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Citizen soldiers of New Mexico

New Mexico's citizens in the seventeenth century, as we have seen, was attracted to citizens who were led by citizens drawn from members of the mercantile class. Even after the formation of the Santa Fe presidio, citizen soldiers continued to support the official military establishment in protection of the province. The ceremonial evidence remain-
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In 1811, for example, the citizens of Albuquerque made significant contributions for the purchase of ...
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suggest that able-bodied civilians were gathered into loose militia companies from a very early date.¹⁵² In the later colonial years, a stricter organization was the rule with formal militia units operating under precise instructions from the superior government. In the nineteenth century, companies of Pueblo militia and a tropa de genízaros came into being in defiance of an earlier practice in New Spain which excluded Indians from such participation.

The interest of the crown in New Spain's government of the 1760's, manifested by the reform measures explained earlier, extended to the question of the citizen's militia. At the beginning of 1761, the Viceroy Marqués de Cruillas began to take measures to reorganize the country's militia units since, according to him, they had fallen into a lamentable state.¹⁵³ Shortly afterward, José de Gálvez looked into the same problem during the course of his general investigation of colonial affairs. When his reform program came to be implemented in the northern provinces, abundant

¹⁵²In 1716 militia companies existed at least in Santa Fe, Albuquerque, and Santa Cruz de la Cañada. Lansing B. Bloom, tr., "A Campaign Against the Moqui Pueblos," (collected documents), NMHR, VI (1931), 172-73.

¹⁵³Carmen Velázquez, El estado de guerra en Nueva España, pp. 33-34.

consideration was given to renewal and expansion of the militia.

The condition of New Mexico's citizen soldiery at this period is not altogether clear. Nicolás Lafora, accompanying the Marqués de Rubí to the frontier in the years 1766 to 1768, noted that Albuquerque maintained a company of "eighty militiamen, well mounted and armed, with their corresponding officers."¹⁵⁴ The state of the militia elsewhere in the province may not have been as favorable, but Lafora fails to offer further information.

The reorganization of the El Paso militia was provided for by the Reglamento of 1772.¹⁵⁵ It will be recalled that by this instrument, the presidio there was ordered removed southward to Carrizal, and defense of the El Paso district was left in the hands of its citizenry. At first, six poorly armed companies totaling 857 men were organized under the direction of the new lieutenant governor. Later reorganization produced four companies of 53 men each, but as the central government insisted that the settlers outfit themselves, this militia proved ineffective owing to the shortage of weapons.¹⁵⁶

¹⁵⁴Kinnaird, The Frontiers of New Spain, p. 90.

¹⁵⁵Art. 11.

¹⁵⁶Thomas, "Antonio de Bonilla, Notes," p. 186.

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In 1776 Antonio de Bonilla made some statements regarding the condition of the militia generally throughout New Mexico. He pointed out that all inhabitants of the province, both Spaniard and Indian, had an obligation to assist in general defense. The available manpower, however, was not utilized to best advantage because of the lack of organization and discipline and the scarcity of arms and horses. He advised a general enlistment of formal militia with selection of able colonists to serve as officers and instructors. This measure might be financed through contributions or a modest tax on produce of the province.¹⁵⁷

Bonilla's views on the poverty of the New Mexican militia coincide with those of Governor Mendinueta expressed four years earlier and reveal that the settlers were ill-prepared to resist Indian incursions.¹⁵⁸ The El Paso area, as a result of the withdrawal of the soldiers to Carrizal, was particularly hard-pressed. When Governor Anza visited there in 1788, he reduced the number of militia companies from four to two.¹⁵⁹ These were composed of both Spaniards

¹⁵⁷Ibid., p. 203.

¹⁵⁸Thomas, "Governor Mendinueta's Proposals," p. 28.

¹⁵⁹Thomas, "Antonio de Bonilla, Notes," p. 187.

and Indians; the presence of Indians indicated that the earlier government policy of excluding them from the militia had been altogether abandoned. Anza recommended that the government relieve the desperate situation at El Paso by equipping and paying the militia for three to four month campaigns each year.¹⁶⁰

The general enlistment of militia for New Mexico as urged by Bonilla in 1776 was ordered by Commandant General Croix in 1799 under royal sanction.¹⁶¹ To what extent this measure was applied, however, is uncertain. It seems evident that informal companies functioned in the larger towns and in some of the smaller placed as well. In 1786, for example, reference was made to the Third Company of the District of Abiquiu and Chama.¹⁶² Even where no companies came into being, steps were taken to increase the ability of the settlers to repel invaders. Representative of this was a bando issued by the governor in 1782, directing all citizens to provide themselves with bows and arrows within two

¹⁶⁰ Ibid.

¹⁶¹ Croix to Anza, Chihuahua, September 23, 1779, SANM, doc. 768.

¹⁶² Order of Governor Anza, Abiquiu, April 26, 1786, SANM, doc. 934. A table appended to the report of an expedition against the Comanches in 1779 lists militiamen from such places as the alcaldías of the Queres and of San Carlos. Thomas, Forgotten Frontiers, p. 122.

and Indian; the presence of Indian soldiers of the
earlier years was partly to encourage them from the military
had been a separate department. This was necessary since the
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organizing and paying the militia and three the 1917 year.

campaigns each year.¹⁰⁰
The general maintenance of militia for new recruits was
used by militia in 1917 was ordered by Government General
Cox in 1919 under royal sanction. To that extent this
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months.¹⁶³ Before the end of the 1780's, a census was compiled listing all able-bodied men in New Mexico between the ages of eighteen and fifty-eight and classifying them according to infantry or cavalry.¹⁶⁴ This survey may have come as a result of a royal order of 1788 which authorized reorganization of the militia of New Spain according to a plan laid down by Inspector General Francisco Antonio Crespo.¹⁶⁵

The general situation with regard to the militia in New Mexico at the end of the eighteenth century appears thus: all able men were enlisted in hometown units lead by their own officers, either captains, lieutenants, or *alféreces* who received their appointments from the governor. Militiamen ordinarily received no pay, they furnished their

¹⁶³Bando of Governor Anza, Santa Fe, August 27, 1782, SANM, doc. 843.

¹⁶⁴Ugarte y Loyola to Concha, San Bartolomé, January 27, 1789, SANM, doc. 1037. According to the Reglamento de milicias of 1767, militiamen were to be drawn by lot, but this procedure was not enforced and voluntary enlistment came to be the common practice. In New Mexico every man capable of bearing arms could be called upon to defend the province. Notas de la legislación mexicana (Mexico, 1854), p. 94.

¹⁶⁵Reales Cédulas, vol. 141, no. 106. This item is reproduced in Carmen Velázquez, El estado de guerra en Nueva España, pp. 243-45.

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own arms, and if joined to a cavalry company, they provided the necessary horses and pack animals.¹⁶⁶ Periodically, they underwent inspections (revistas) at which time the unit's strength and armaments were listed. The militia was called out by the sound of a drum in times of emergency or whenever a campaign was to be undertaken. Service was distributed as fairly as possible among the citizens so no individual would be over-burdened. Occasionally, in special instances, the government appropriated funds to pay militia-men who were called upon to perform extraordinary service outside their own districts.¹⁶⁷

An order of the king in 1801 exempted merchants and farmers in the vicinity of Santa Fe from militia service.

¹⁶⁶Viceroy Bernardo de Gálvez in 1786 stated that settlers participating in defensive sorties should provide themselves with the necessary firearms and munitions at cost, providing that these were available in the royal warehouses. Worcester, "Instructions for Governing the Interior Provinces", p. 78. Earlier, however, the general practice seems to have been for the royal treasury to make small periodic outlays for the purchase of lead and powder for use by the local militia. Warner, "The Career of Martínez de Torrelaguna," p. 16.

¹⁶⁷Teodoro de Croix in 1779, for instance, ordered five hundred pesos released to pay salaries to El Paso militiamen who conducted a caballada to Santa Fe. Croix to Cordero, Arizpe, December 31, 1799, SANM, doc. 780.

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It is not known why this measure was taken or if it was enforced in New Mexico.¹⁶⁸ In the muster rolls, individuals were not divided according to occupation, but rather by race, the categories being Spanish citizen, Pueblo Indian, and genízaro.

The genízaros were Indians of the nomadic tribes who had been captured or ransomed by the Spaniards and educated as Christians. Initially most of these had served as domestic servants in the houses of the Spanish citizens; but as some received ill-treatment in this station, they petitioned the governor for permission to congregate in their own towns on the frontier. Villages for them were subsequently founded at Tomé, Abiquiu; and San Miguel del Vado, and some of the people were settled in the old Barrio de Analco in Santa Fe. Because of their warlike nature, they proved formidable soldiers in battle and were useful as scouts and interpreters since they held little fear of the savage plains tribes.¹⁶⁹

Before 1808 the genízaros served as other members of the militia, but in that year a body of them was organized

¹⁶⁸The Governor to Nava, Santa Fe, July 13, 1802, SANM, doc. 1612 (4).

¹⁶⁹Hackett, Historical Documents, III, 401; and Morfi's Desórdenes.

It is not known why this woman was taken or if she
was taken in New York. In the winter of 1812, Indians
were not civilized according to observation, and when they
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The gentles were Indians of the same race and
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the gentles for permission to stay in their own houses
on the frontier. Villages that were especially famous
as Tolu, Amulcan, and San Miguel del Valle, and a few of the
people were settled in the old parts of Mexico in order to
because of their gentle nature, they proved valuable
soldiers in battle and were used as such by the Spaniards
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108 The Governor to Nave, Santa Fe, May 13, 1801.
SABER, Dec. 1812 (9).
109 Historical Documents, III, 411; and
North's Condemnation.

as a separate unit commanded by a corporal from their own ranks.¹⁷⁰ Apparently this distinct military organization was maintained in Santa Fe, but membership was drawn from all the genízaro settlements.¹⁷¹ Unfortunately little information survives regarding the operation of this unit.

Along with the order commanding establishment of the trozo de genízaros in 1808 came a similar directive for founding of three volunteer cavalry companies in the principal towns of Santa Fe, Santa Cruz de la Cañada, and Albuquerque. These were to be formal military organizations with a full complement of officers and men who were entitled to the fuero militar and preeminencias.¹⁷² The total number of each company came to 69 men, according to Pino, including a captain, a lieutenant, two alféreces, two sergeants, four first corporals, four second corporals, and a drummer. The men were to be paid a modest salary (which was seldom forthcoming),

¹⁷⁰Salcedo to Maynez, Chihuahua, August 12, 1808, SANM, doc. 2146; and Maynez to Salcedo, Santa Fe, June 20, 1809, SANM, doc. 2234. In these documents the term trozo de genízaros is used. Trozo means a column which forms the advance or rear guard, but it is possible that the general significance of troop (tropa) was intended.

¹⁷¹Twitchell, Old Santa Fe, p. 12.

¹⁷²The militia enjoyed the fuero only when on active duty. McAlister, The "Fuero Militar," p. 67.

were enlisted for a period of ten years, and were mustered into service in a manner similar to the regulars with a filiación or enlistment record being filed for each volunteer.¹⁷³

Coordination and administration of the three units was in the hands of the governor. In Santa Fe he often drilled the militia company personally, while in the remaining towns this task was left to the captains.¹⁷⁴ These "crack" troops, who were termed urbanos, provided valuable support to the regular presidials--a more effective kind of support than could be obtained from the informal citizen's militia.¹⁷⁵ Prominent and active men of the rico class coveted the officers' positions in these companies, and those of lesser affluence filled the ranks.

¹⁷³Pino, Exposición, p. 19; and Libro de Filiaciones, Volunteer Cavalry Company, Albuquerque, 1808, SANM, doc. 2159.

¹⁷⁴Thomas, "Anonymous Description of New Mexico," p. 59.

¹⁷⁵In New Spain urbanos were militiamen sponsored by a municipality, in contrast to the provincials who were organized and supported by the central government. But the term urbanos also seems to have been used to refer to militia-men in general. McAlister, The "Fuero Militar," p. 6. On the several kinds of Mexican militia, see Smith, The Viceroy of New Spain, p. 206.

were enlisted for a period of ten years, and were paid
 into service in a manner similar to the regular army
 affiliation of the regular army - but later for each
 volunteer.

Coordination and administration of the three units was
 in the hands of the government. In 1862 the regular army
 the military company personnel, while in the regular army
 this was left to the regular army. The "regular" troops
 who were trained together, provided a similar support to the
 regular brigades - a wide effective line of support which
 could be obtained from the military division's military
 treatment and active men of the regular army covered the
 officers' positions in these operations. The line of support
 attention filled the ranks.

173
 Volunteer Cavalry Corps, 1861-1862, p. 173 and 174 of Vol. 1
 174
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 p. 50.

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 In New York and other cities of the North organized by
 a military organization, in contrast to the regular army who were
 organized and supported by the regular army. The regular
 were organized also after it had been decided to raise a
 man in general. The regular army, 1861-1862, p. 173
 the regular army of the regular army, 1861-1862, p. 173
 of the regular army, 1861-1862, p. 173

By the time of independence the official records were still referring to the three veteran militia companies of New Mexico.¹⁷⁶ Be this as it may, fragmentary rosters indicate that the word "company" was being used at the same time to mean divisions within a militia squadron. A muster roll for the alcaldía of Albuquerque in the year 1819, for example, shows three companies of fifty men each, including officers, who together comprised the second squadron.¹⁷⁷ Presumably, the first squadron was the unit in Santa Fe and the third that of Santa Cruz de la Cañada.

As noted above, Pino in 1812 declared that the three militia organizations numbered 69 men each. Since by 1819, at least the Albuquerque body had grown to 150 men, it is not surprising that a more elaborate administrative machinery had been introduced. The basis for reorganization may well have been the Spanish Constitution of 1812 and later decrees which provided for creation of a "national" militia and described the character which this was to assume.¹⁷⁸

¹⁷⁶García Conde to the Governor of New Mexico, Durango, June 27, 1820, SANM, doc. 2899.

¹⁷⁷Militia Review, Albuquerque, November 1, 1819, SANM, doc. 2856.

¹⁷⁸Reglamento provisional de la milicia nacional, 1817, SANM, doc. 2885; and Manuel Dublan and José María Lozano, Legislación mexicana (2 vols.; Mexico, 1876), I, 378.

by the line of independence the official position was
 still referring to the Green Vietnam which was the
 New Mexico. It is this as it is, it is not only
 indicates that the word "country" was being used in the
 time to mean division between official and unofficial
 roll for the official and unofficial in the past. It
 example, about three or four of the men were, for
 officers, who together composed the command. It
 respectively, the first sergeant was an American and the
 the last part of the text is in Spanish.

As noted above, there is one other thing that the
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 of fact the military body and the other two, it is
 not surprising that a man who is a sergeant, who
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In the Spanish system, the smallest unit of the militia was a squad (escuadra) of ten to thirty men led by a sergeant and a first and second corporal. Above this was a company, and three to five companies formed a squadron (escuadron). Unlike the English system, these terms did not refer to a body of troops of a definite number. The word "company" in particular conveyed a variety of meanings, though most commonly it was employed in the general sense of organization or unit.¹⁷⁹

While the volunteer militia companies of the three major towns were expanding their membership, the informal citizen's militia seems to have been growing along its own lines. A partial roster for Cochití in 1819 refers to three infantry companies in that pueblo in addition to the cavalry.¹⁸⁰ Available returns from the other districts unfortunately are too sketchy to permit an adequate view of this subject.

One facet of military service which should be noted in connection with the militia is the use by the Spanish of Indian auxiliaries other than the genízaros mentioned above. In the reconquest of New Mexico beginning in 1692, Pueblo

¹⁷⁹Smith, The Viceroy of New Spain, p. 204n.

¹⁸⁰Muster Roll, Cochití, November 5, 1819, SANM, doc. 2857.

In the present system, the word "unit" of organization
was a group (unit) of ten to twenty men led by a sergeant
and a lieutenant and second sergeant. This was a company,
and three to five companies formed a battalion (unit).
Unlike the present system, these units did not refer to a
body of troops of a definite number. The word "company" in
particular conveyed a variety of meanings, though it is
commonly it was employed in the general sense of organization.

of unit.¹⁷⁹
While the volunteer units consisted of the three
major towns were expanding their territories, the Indians
citizens' militia seems to have been growing from
lines. A partial roster for October 1811 is here to show
infantry companies in each county in addition to the
cavalry.¹⁸⁰ Available returns for the other districts

informally are not thereby to permit an adequate view
of this subject.
The fact of military organization seems to have
in connection with the militia in the use of the organized
Indian auxiliaries given that the militia's military status.
In the recruitment of new militia companies in 1811, the

¹⁷⁹ Journal of the History of the State, p. 114.
¹⁸⁰ Journal of the History of the State, p. 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

warriors played a crucial role in the battles to reestablish European control.¹⁸¹ Thereafter, they provided vital aid in the campaigns directed against the hostile nomads of the plains and desert.¹⁸² A report published in 1748 observes that the defensive nature of the Pueblo Indian villages renders them a natural bulwark against the enemy tribes. The Pueblo people, it states, make themselves readily available whenever the government calls them out to fight the enemy. Since they are accustomed to supplying their own provisions, horses, and arms, the royal treasury is relieved of this burden.¹⁸³

The Pueblo Indians in later years were not regarded as auxiliaries in the strictest sense of the word. As may be seen from the previous discussion of the militia, they were considered part of the citizenry and were expected to contribute toward provincial defense in the same manner as Spaniards. They were called forth when the governor made levies against the alcaldías mayores for citizens to garrison

¹⁸¹Oakah L. Jones, Jr., "Pueblo Indian Auxiliaries and the Reconquest of New Mexico, 1692-1704," Journal of the West, II (1963), 257-80.

¹⁸²The Pueblo support of the Spanish government in the eighteenth century has been treated by Oakah L. Jones, Jr., "Pueblo Indian Auxiliaries and the Spanish Defense of New Mexico, 1692-1974" (unpublished Ph. D. Dissertation, University of Oklahoma, 1964).

¹⁸³Joseph Antonio de Villa-Señor y Sanchez, Teatro americano (Mexico, 1748), p. 412.

writers played a central role in the development of the
 government. ¹³¹ The... the... the...
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outposts or to serve on the presidial horseguard. Likewise, when a campaign was proposed, the villages in the areas involved were called upon to supply contingents of warriors.¹⁸⁴ During the tour of duty, however, the Pueblo soldiers formed their own units under their leaders or war chiefs who were subject directly to the field commander.

Beyond the Pueblos, the Spanish forces, particularly in the late colonial years, often were favored with the services of nomad warriors who joined in expeditions against unpacified groups of Indians. Apaches, Navajos, Utes, and Comanches all figured in this capacity on one occasion or another, and it was these whom the Spaniards regarded in the narrower sense as the auxiliary.¹⁸⁵

The effectiveness of the auxiliary forces is open to question. If the campaign was against a traditional enemy,

¹⁸⁴For garrison or guard duty, service was usually for a period of eight days. Maynez to Sanchez Vergara, Santa Fe, June 20, 1808, SANM, doc. 2126 (located on the back of doc. 2121). For a campaign, citizen-soldiers were expected to serve as long as necessary. Pino declares, however, that expeditions against the enemy averaged forty-five days, though sometimes they lasted as long as two or three months. Exposición, pp. 15-16.

¹⁸⁵The commandant general in 1791, for instance, referred to "auxiliary Indians (the gentiles) and our own Indian, i.e., the Pueblos or Christianized peoples." Campaign Instructions, Pedro de Nava, Chihuahua, November 24, 1791, SANM, doc. 1171, art. 2.

outposts of the army on the provincial boundaries, especially
when a campaign was proposed, the villages in the interior
involved were called upon to supply contingents of warriors.
During the four or five years, however, the British soldiers found
their own allies among their leaders of the interior who were
subject directly to the British command.

Beyond the frontier, the British found, especially
in the late colonial years, often with favour, such the
services of local warriors who joined in expeditions against
unpacified groups of Indians. The British, however, did not
Commander all depended in this capacity on one occasion or
another, and it was these who the British regarded as
the most useful as the auxiliaries.

The effectiveness of the auxiliary forces is open to
question. If the British in use of a traditional enemy

1840
for a period of years. The British in use of a traditional enemy
back of the British. The British in use of a traditional enemy
expected to serve as long as necessary. This decision
however, that expeditions against the enemy averaged forty
five days, though sometimes they lasted as long as two or
three months. (Appendix B, pp. 12-13)

1841
The commandant general in 1841, for the first time
referred to "auxiliary Indians (the British) and the
Indian, i.e., the British or Christianized people."
General instructions, 1841, pp. 12-13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

as the Navajos joining an expedition against the Gila Apaches, for example, the auxiliaries might arm themselves adequately and report for duty well mounted. At other times, Indians who were impoverished attached themselves to a Spanish force for the food provided and with the hope of stealing arms or horses which the government supplied. To indicate the possible opportunities for theft, for a single campaign in 1786, two hundred carbines, four hundred horses, and twenty mules were sent to New Mexico by the commandant in Chihuahua for use by allied and Pueblo warriors.¹⁸⁶

On the use of this kind of native soldier, the governor of the province candidly remarked in 1788, that in a recent campaign he took along a certain number of Comanches, Utes, and Jicarillas, less as auxiliaries than to present a united front to the other Apaches, and also to have these warriors where he could keep them under surveillance.¹⁸⁷

As a final note on the subject of the military in New Mexico, reference should be made to the so-called mobile companies or *compañías volantes*. These were well armed light troops of the internal provinces which patrolled the

¹⁸⁶Reeve, "Navajo-Spanish Diplomacy," p. 227.

¹⁸⁷Concha to Ugarte y Loyola, Santa Fe, June 24, 1788, AGN, Prov. Int. 65, part viii.

highways and the areas remote from cities and towns. They were usually stationed in specific places, but they could be speedily transferred to other districts when the need arose. In this lay their chief difference from the presidials who were maintained in a permanently placed garrison. In other respects, the mobile companies seemed to have been organized, paid, and equipped in a fashion similar to the presidial companies.

Three *compañías volantes* existed in the Provincias Internas as early as 1721.¹⁸⁸ When Teodoro de Croix took office as commandant general in the late 1770's, he found two mobile companies operating in Nueva Vizcaya; soon he added two more.¹⁸⁹ These units on their missions quite frequently penetrated southern New Mexico, and from the existing records it is clear that many officers and men stationed at the Santa Fe presidio were transfers from such companies. There is nothing in the documents, however, to substantiate the claim by many writers that New Mexico possessed her own *compañías volantes*. On the other hand, there is abundant evidence from contemporary sources to

¹⁸⁸Bancroft, History of Mexico, III, 409.

¹⁸⁹Thomas, Teodoro de Croix, p. 116.

highways and the areas around them. They were not only stations in the highway, but they could be specially considered as other highways. From the cross-roads. In this way their chief activities from the cross-roads who were attached in a permanent place of business. In other respects, the traffic conditions seemed to have been organized, paid, and equipped in a fashion similar to the existing conditions.

These conditions were also found in the 1930s. In fact as early as 1931, when known as the 1930s office as command general in the face of 1930s, for some two miles distances operating in some villages; some in about two miles. These were on their respective dates frequently penetrated somewhat from within, and from the existing records it is clear that many officials and was stationed at the same in various ways. Therefore, this was compared. There is nothing in the documents, however, to substantiate the claim of many writers that the traffic was organized by some central authority. On the other hand, there is abundant evidence that completely organized

¹⁸¹ Journal, Ministry of Justice, II, 100.

¹⁸² Journal, Ministry of Justice, II, 116.

indicate that the province for defense relied solely upon the Santa Fe garrison, the militia, and the Indian auxiliaries.

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PART III

CHAPTER IX: LOCAL GOVERNMENT IN NEW MEXICO

The subject of New Mexico's local government as it existed in the eighteenth and early nineteenth centuries is a confusing one. In this area as in others, a host of legislative orders, following upon the Gálvez visita and continuing almost until independence, altered in varying degrees the forms of municipal and district government in the province. Although Scholes has presented an adequate sketch of the Santa Fe cabildo and the system of *alcaldías mayores* for seventeenth-century New Mexico, his description is applicable in only a small degree to the later colonial period.¹

Prior to destruction of the New Mexican province in 1680 by rebellious Pueblo Indians, a relatively simple system of local government had prevailed among the approximately 2,500 Spanish and mestizo inhabitants. The governor personally administered the northern portion of the colony, the Rio Arriba, while his lieutenant governor took charge of the Rio Abajo. Beyond this basic division, New Mexico

¹"Civil Government in New Mexico," pp. 91-93.

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was further separated into subordinate districts--varying in number from six to eight--known as jurisdicciones, each of which was administered by an alcalde mayor. This official combined within his office practically all functions relating to local government, the most important being judicial and police powers. He was appointed by and was answerable to the governor, and he served without salary.²

Only the Villa of Santa Fe and its immediate district were outside the jurisdiction of an alcalde mayor. In the provincial capital a regular cabildo or municipal council functioned from the days of earliest settlement. The cabildo was composed of four regidores or councilmen who were elected annually by the citizens of the villa. This council chose two alcaldes ordinarios or municipal magistrates and selected, in addition, persons to serve as alguacil (bailiff), notary, and royal standard bearer (alférez real). All elections were subject to confirmation by the governor. The cabildo not only administered the affairs of the villa and its environs but also served as an advisory council to the governor and

²The distinction between the office of alcalde mayor in New Mexico and that in New Spain has been set forth by Scholes, ibid., p. 92n. This official within the vice-royalty proper was in effect a governor in all but name, while in New Mexico he remained a purely local officer subordinate to the provincial governor.

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 Scholtes, ibid., p. 92. This official within the provincia
 royal power was in effect a governor in all but name,
 while in New Mexico he remained a purely local official
 subordinate to the provincial governor.

spokesman for all citizens of the province in representations to the royal government. Its role in New Mexico's political life, therefore, was an extremely broad and important one.

This comparatively uncomplicated system of district and municipal administration in the seventeenth century is readily comprehensible. It is when we view the picture a hundred years afterward that the issue of local government becomes clouded. A multiplicity of new terms appear--especially as they relate to the judicial sphere--as a result of the administrative reforms of Gálvez and others acting under royal stimulus. Since no general legal code appeared in this period to up-date in a comprehensive fashion the old Recopilación, it becomes difficult to determine in many instances what was the law and what were the powers held by certain local officers of government.³

The burdening complexity of this problem becomes obvious when the single example of the term "alcalde" is pursued in the documents of the period.⁴ The following

³Five reprintings of the Recopilación were issued in the eighteenth and nineteenth centuries, but no revised edition was ever published.

⁴The word "alcalde" was an adaptation of the Moorish al-cadi or village judge. It has no precise English equivalent. Theodore Grivas, "Alcalde Rule: The Nature of Local Government in Spanish and Mexican California," California Historical Society Quarterly, XL (1961), 11. From this article, the wide divergence in local administrative practices between New Mexico and a nearby province may be noted.

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 Historical Society Quarterly, 32 (1901), 111. From this
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 tices between New Mexico and a nearby province may be noted.

terms all make their appearance in New Mexico's colonial records: alcalde mayor, alcalde ordinario, teniente alcalde, alcalde constitucional, alcalde de barrio, and alcalde de agua.⁵ Each of these was a distinct expression of a different rank or function embodied in a separate official, and thus to speak simply of an alcalde, without a qualifying adjective, is to promote ambiguity. Moreover, certain of these officers were commonly addressed or referred to by other titles. The alcalde mayor was frequently called the justicia mayor while his assistant, the teniente alcalde, might be addressed either as comisario de justicia, as teniente de justicia, or as teniente político.⁶ Expressions used in speaking of the alcaldes mayores and their tenientes together were jueces or justicias territoriales and jueces reales. The term "justicias" used alone could refer to them also, but it might likewise refer to Indian justices or the council of principales among the Pueblos.⁷

⁵Other types of alcaldes as the alcalde de indios and alcalde de crimen existed in New Spain but not in New Mexico.

⁶The title of teniente político, no doubt, originated to distinguish from a teniente of the army or militia. On at least one occasion the governor referred to the lieutenant governor at El Paso as "un teniente de justicia mío." Real Alencaster to Salcedo, Santa Fe, November 20, 1805, SANM, doc. 1925.

⁷Indian justicias were elected annually by the Pueblo and were confirmed in their offices by the provincial governor in Santa Fe where they received their varas de

Some of the intricacies and, heretofore, little understood aspects of the alcalde system in New Mexico may be comprehended by a detailed analysis of the two principal offices which carried this title--that of alcalde mayor and alcalde ordinario. By way of introduction, however, it will be well to elaborate upon the system of legal jurisdictions (fueros) that existed in New Mexico.⁸

Some attempt has been made in an earlier chapter to describe the division of justice throughout New Spain generally. It may be recalled that courts were designated as either ordinary or privileged--the *justicia ordinaria* representing the regularly established tribunals, and the *justicia privilegiado* taking in the courts of special interest or fueros.⁹ The only privileged bodies which

justicia or staffs of justice. In 1797 the justicias of Sandía Pueblo included the governor (gobernadorcillo), the war captain, and several other notable persons. Trial of Sandía Indians, Santa Fe, August 13-23, 1797, SANM, doc. 1394.

⁸It should be noted that the Spanish word "fuero" may convey the general meaning of "jurisdiction" or it may, as is usually the case, refer specifically to the privileged courts, e.g., the fuero military.

⁹Escriche, in his Diccionario de legislación y jurisprudencia, p. 945, notes that the phrase "*justicia ordinaria*" may be used in both a general and a particular sense. He says:

Speaking in general, a juez ordinario is anyone judging or exercising jurisdiction in an official capacity, whether he be exercising the common

exercised any significant jurisdiction in New Mexico were the military and the Church.¹⁰

The system of ordinary justice was itself divided into three classes based upon procedure and function. The judges of each were known respectively as ordinary, delegated, and arbitrary.¹¹ The jueces ordinarios proper were the regular presiding alcaldes mayores and alcaldes ordinarios who served as judges of first instance (jueces de primera instancia).

In contrast to these permanent magistrates was the delegated judge appointed from time to time by the governor

royal jurisdiction or the special jurisdiction of the privileged courts. . . . But in a narrower sense only those magistrates are called jueces ordinarias who exercise the real jurisdicción ordinaria o común in contrast to those who operate within the privileged courts.

The term appears in both senses in New Mexican colonial documents. For example, juez eclesiástico ordinario occurs frequently in the records and represents an expression of the term "ordinario" in the general sense. Far more usual, however, is the simple use of juez ordinario with the more limited meaning of a judge of the common royal jurisdiction.

¹⁰The liberal Spanish Cortes abolished all other fueros throughout the empire on October 9, 1812. Dublán and Lozano, Legislación mexicana, I, 393.

¹¹Joseph M. White, A New Collection of Laws, Charters and Ordinances of the Governments of Great Britain, France, and Spain . . . together with the Laws of Mexico and Texas (2 vols.; Philadelphia, 1839), I, 263.

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to investigate and hear a particular case. Such a judge was known as a juez comisionado, juez delegado, or occasionally as a juez receptor. In assembling evidence, this juez and his assistants were said to act por receptoría.¹² In actuality, a juez comisionado appointed by a New Mexico governor had simply the power to examine, and thus resembled a fiscal or public attorney more than a judge. In any event, when the sumaria of the case was submitted to the governor, the juez's commission was ended.

There are a number of causas or cases in the archives at Santa Fe in which a juez comisionado appears, so that it is possible to attain a fairly clear idea of his character and manner of action.¹³ A special judge of this kind would

¹²"Receptoría" literally meant the power of a delegate judge. Under usual circumstances, a royal notary acted as juez receptor, but, in this later period, there were no escribanos in New Mexico. It should be noted that the juez comisionado in New Mexico was different from the official who held this same title in California. Florian Francis Guest, "Municipal Institutions in Spanish California, 1769-1821," (unpublished Ph. D. dissertation, University of Southern California, 1961.

¹³Legislation governing the functioning of this judge may be found in the Recopilación, lib. xi, tit. 1, ley 3; and in Escriche, Diccionario razonado de legislación y jurisprudencia, p. 950. The printed literature commonly refers to this judge as a juez delegado, but the New Mexico documents of the period prefer the synonym, juez comisionado. This latter term is employed, therefore, in the present discussion.

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be commissioned by the governor to conduct an inquiry into a case in which 1) the alcalde mayor had submitted insufficient or confused evidence to the governor for review, 2) the magistrates of an alcaldía mayoría were the subject of accusations by their citizens, or 3) a dispute between two or more alcaldes mayores was the issue.

The governor was in the habit of appointing the juez comisionado from among the officers of the Santa Fe presidial garrison and from the ranks of retired officers both regular and militia. On occasion he might name an alcalde mayor to serve as juez comisionado in some special case, usually one involving other alcaldes. The examining judge was seldom concerned with his task for more than a few days or perhaps weeks. To assist, the governor and sometimes the juez himself appointed an escribano to take down testimony and to notarize official documents. More often in place of a notary, the governor would select two testigos de asistencia (assisting witness), one of whom acted as secretary in the proceedings.¹⁴

Under orders of the governor, the juez comisionado, with his staff, proceeded to the town or pueblo which was

¹⁴A secretary attending a delegate judge was known as the receptor.

to serve as his headquarters and opened a formal investigation. His first duty was to verify in person the fact of an offence having been committed. Testimony (declaraciones) were then taken from witnesses who had received a summons (auto de llamamiento) to appear before him. When the proceedings (diligencias) were completed and certified, the record was submitted to the governor, together with the recommendation of the juez comisionado. It was then the task of the governor to reach a decision in the matter, or to consult the asesor of the commandancy general, or to submit the case to the Audiencia of Guadalajara.

An interesting case arose in the summer of 1797 which necessitated appointment of a juez comisionado and provides a specific example of the way proceedings involving such a magistrate were handled. The Indian justicias of the Pueblo of Sandía had taken it upon themselves to punish one of their tribesmen for some petty crime. The accused had been placed in the stocks inside the casa de comunidad (council house for the village elders) and was beaten so severely that he died. Several witnesses to this deed voluntarily appeared before the alcalde mayor of the district and reported the details. The alcalde recorded their statements, and these,

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together with a brief of his own, were submitted to the governor.

The alcalde himself might have been authorized to conduct formal proceedings, but the governor expressed dissatisfaction with the preliminary reports--he declared they were not thorough or exact. Therefore, he appointed Antonio de Arce, lieutenant of cavalry in the Santa Fe presidial company, to act as juez comisionado. Arce was permitted to name his own escribano and he selected one of the soldier interpreters of the garrison.

Transferring himself to Sandía, the juez comisionado ordered the local teniente alcalde to leave the area and proceed to the plaza of Bernalillo three leagues distant where he was to remain until termination of the investigation. Arce then began summoning witnesses and questioning them under oath. Each raised his right hand, swore to speak the truth, and made the sign of the cross. The individual's name, age, residence, and occupation were declared before he was examined. When they had finished testifying, witnesses were required to sign the written statement which had been taken down and this was duly certified by the notary. When all evidence was assembled, Arce concluded to order the arrest of those Indians named in the case and

together with a list of his names and addresses
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had them moved to Santa Fe where they were lodged in jail (the carcel real).¹⁵ The juez comisionado returned to the capital bringing with him two witnesses who were also jailed for safekeeping.

Subsequently, each of the Indians was removed from confinement and questioned under oath. Then followed the careo or confrontation of the accused by the two witnesses, a common practice in Spanish court procedure. At this point the juez collected the record of charges, testimony, and results of the confrontation of witnesses and submitted all to the governor. Appended was a statement of his own which expressed the belief that sufficient information had been obtained to permit a higher authority to render a definitive judgment. In this instance, the juez comisionado offered no opinion of his own, but deferred completely to the governor the task of determining further disposition of the case.¹⁶

The arbitrators (arbitros) or mediating judges, which are the third and final group falling within the ordinary

¹⁵Whenever a person was charged with a serious offense, he was arrested and held until his trial was concluded.

¹⁶Trial of Sandía Indians, Sandía-Santa Fe, August 13-23, 1797, SANM, doc. 1394.

jurisdiction, were magistrates chosen by contending parties to settle some matter in dispute between them. Customarily the arbitrator was an *alcalde mayor* or one of the *teniente alcaldes* since these men lent both authority and prestige to the weight of their decisions. There is scarcely any record remaining of individual cases since almost universally they were handled as procesos verbales.¹⁷

The Constitution of 1812 explicitly provided that Spaniards could not be deprived of the right to settle differences by means of *jueces árbitros* elected by both parties.¹⁸ Further articles in this document refer to the procedure of these ad hoc courts. The sentence rendered by the judge was to be executed unless the parties had reserved the right of appeal. Ordinarily the *juez ábitro* should be the local *alcalde* to whom citizens with grievances could present themselves. The *alcalde*, with two reliable men who represented each party, heard the testimony of the complainant and the defendant. After listening to the opinion

¹⁷White, A New Collection of . . . the Laws of Mexico, p. 263; Jenkins, "The Baltasar Baca 'Grant,'" p. 53; and Bancroft, California Pastoral, pp. 574-76.

¹⁸Art. 280 in Dublán and Lozano, Legislación mexicana, I, 372.

judicial, with the result that the
to settle some matter in dispute between them, and
the situation was an amicable one, and the
alikes upon them, and the result was
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they were handled as private matters.
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the judge was to be selected among the
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and the defendant.

¹⁸ Journal of the American Bar Association,
p. 253; Journal of the American Bar Association,
p. 253; Journal of the American Bar Association,
p. 253. ¹⁸ Journal of the American Bar Association,
p. 253.

(dictamen) of his two associates, he passed judgment (la providencia) ending the litigation.¹⁹

Local administration in the Spanish colonies was in the hands of municipal governments (cabildos) and district officers, the *alcaldes mayores* and their assistants (*teniente alcaldes*). The line separating the jurisdiction of city or town governments from that of the districts was often difficult to determine since the crown seldom spelled out in exact terms the powers which each was to hold exclusively. Overlapping of authority was common and conflicts of jurisdiction frequently arose. Moreover, conditions tended to vary from one area to another so that it is often difficult to conclude from the general laws the precise situation in a given province.²⁰

¹⁹Ibid., arts. 281-83. A detailed discussion of the *juez árbitro* may be found in Escriche, Diccionario razonado de legislación y jurisprudencia, pp. 205-15.

²⁰According to José María Ots Capdequí, "No están bien definidos en la legislación de la época las relaciones entre *alcaldes mayores* y los *cabildos municipales* de sus ciudades respectivas. . . . Los conflictos de jurisdicción entre unos y otros fueron frecuentes." Manuel de historia del derecho español en las Indias (Buenos Aires, 1945), p. 366.

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In New Spain, for example, the government of large cities was superintended by an alcalde mayor (unless the city was the residence of a governor) who presided over the local cabildo. The alcalde's authority extended throughout the district while that of the municipal council encompassed only the larger limits of the city.²¹ Smaller towns without an alcalde mayor were subject solely to the direction of their own cabildos.²² The situation in New Mexico, however, was somewhat different from that of New Spain proper.

Throughout most of the colonial period, available evidence confirms only the existence of a single cabildo in all of the New Mexican province--that of the municipality of Santa Fe. Even this body ceased to function some time after the close of the first quarter of the eighteenth century, and from at least the 1740's until the first decade of the nineteenth century, local government was almost

²¹Article 2 of the law of the Cortes of May 23, 1812 provided that an ayuntamiento's jurisdiction should extend into the countryside until it encountered the limits of adjacent municipal governments, and that small towns without a council should be subject to the nearest ayuntamiento as has been the custom in the past. It is not certain that this law was ever extended to New Spain. *Dublán and Lozano, Legislación mexicana*, I, 380.

²²Herbert Ingram Priestley, "Spanish Colonial Municipalities," *California Law Review*, VII (1919), 400-01.

exclusively the property of *alcaldes mayores* and their assistants. All *alcaldías mayores* were divided into partidos, or lesser units, each subject to a *teniente alcalde*.²³ There were no fixed boundaries between any of these territorial divisions, the people of outlying villages, hamlets, and ranches merely addressing themselves to the nearest official.

The *alcalde mayor* established his residence in the principal town of his district; the *tenientes* were located in the chief villages of their own jurisdictions.²⁴ This simple dichotomy--the division of district administration between the *alcalde mayor* and the *teniente alcalde*--hitherto has not been clearly set forth in the historical literature.

The term "partido" as it appears in New Mexico's Spanish documents of the late colonial period precipitates considerable confusion because of the variety of meanings it assumed. In the Mexican period, *partido* referred to the

²³Further south, the divisions of *alcaldías mayores* were called *alcaldías menores*, but this term does not appear in the New Mexico documents.

²⁴The town serving as the seat of government in each *alcaldía mayoría* was often referred to as the cabecera. See Table of New Mexico Jurisdictions, Santa Fe, November 24, 1800, SANM, doc. 1518a.

larger divisions of the province, i.e., the groupings of several *alcaldías*, and in this sense it was far removed from the significance it possessed in the colonial years.

Generally, *partido* simply meant a district or territorial division and might refer to a kingdom, province, or any lesser jurisdictional unit.²⁵ In fact, the term was used with this significance not infrequently by colonial administrators in New Mexico. More particularly, the word was employed to denote a specific jurisdiction with prescribed limits, usually a judicial district.²⁶ The Recopilación provided that each province should be divided into *partidos* under an *alcalde mayor* and that within these districts the towns were to be subject to *tenientes alcaldes*.²⁷ Over one hundred years later, the Order of

²⁵*partido* in a totally different sense may mean a contract or agreement. In colonial New Mexico it most often referred to a sheep contract. The feminine form of this noun, partida, occurs frequently in the documents and can signify a birth, marriage, or death certificate, or alternately a detachment of soldiers.

²⁶According to the Diccionario universal de historia y de geografía (7 vols.; Mexico, 1853-1855), VI, 267, "partidos judiciales son subdivisiones en que se distribuyen las provincias para la administración de justicia en primer grado."

²⁷Lib. v, tit. 1, ley 1.

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Intendants of 1786 abolished the *alcaldías mayores* throughout most of New Spain and substituted for them districts called *partidos* served by officials known as subdelegates.²⁸

As described in an earlier chapter, New Mexico remained, for the most part, outside the intendency system so that its *alcaldías mayores* were not affected by the new ruling. The law regarding *partidos* as contained in the Recopilación apparently was not applied to New Mexico, or if it was, the original meaning of the provision was perverted, for in the eighteenth century, *partido* carried its own peculiar significance, at least as it was used in this province.

When surveying the Spanish documents in the New Mexican archives for any length of time, one is increasingly confronted with such terms as teniente de partido, juez de partido, and justicia de partido. It is obvious that these refer to a particular officer with clearly defined functions. The precise identification of this official emerges as a perplexing problem, since nowhere in the published historical literature on New Mexico is the subject treated.

²⁸ Fisher, The Intendant System, p. 28. Priestley notes that even after the Order of Intendants, the designation of local administrative units as *alcaldías* continued. José de Gálvez, p. 50.

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Relating to this question in particular and casting important sidelights on local government in general is a report of Governor Pedro Fermín de Mendinueta addressed to the viceroy in 1773. Therein he states,

In every two, three, or more pueblos the governor [of New Mexico] names an alcalde mayor who serves the Indians as well as the Spanish citizens of that district, with the aid of one or more tenientes according to the number of pueblos and settlements of Spaniards in order that all may easily have recourse to the law when cases arise.²⁹

This statement clearly defines the jurisdictional division separating the alcalde mayor from his tenientes--a situation which has not been explained heretofore.

With this in mind, we may refer now to an especially pertinent document of 1790. While concerned with the issue of passports for interior travel, mention of the term "partido" occurs and is followed by an illuminating interpolation. The document declares, ". . . and by this word partido is understood to mean the district limited to a lieutenant or commissary of justice."³⁰ In other words, the jurisdiction

²⁹Indian and Mission Affairs, p. 16.

³⁰The original Spanish reads, ". . . y por esta palabra partido se entiende el distrito limitado de un teniente o comisario de justicia." Concha to the Alcaldes of New Mexico, Santa Fe, September 17, 1790. This is reenforced by a document of 1793 which refers to "tenientes o comisarios de sus partidos." Nava to Concha, Chihuahua, October 19, 1793, SANM, doc. 1263.

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of a teniente [alcalde], known alternately as a comisario de justicia, is a partido, at least in New Mexico.

Other contemporary sources reveal that a partido consisted of a single town or Indian pueblo and the lands and settlers adjacent to it. For instance, the Pueblos of Santo Domingo and Cochití and the Spanish village of Peña Blanca were all listed as separate partidos within the alcaldía mayor of the Queres in 1808.³¹ Not all partidos within the province possessed a teniente alcalde, however, because of the lack of qualified persons to fill these offices. Thus on occasion a single teniente appears ruling ad interim over vacant partidos adjacent to his own.³²

In the absence of cabildos, the alcaldes mayores in the larger places and their tenientes in the smaller assumed by default the functions normally reserved to the municipal councils. The Order of Intendants required the governor of New Mexico to name alcaldes ordinarios for the larger towns where no cabildo was present to elect these as required by law. The governor procrastinated for many years, as will be

³¹SANM, doc. 2154.

³²A similar situation developed now and then among the superior alcaldes for we find references to alcaldes mayores interinos.

explained below, and did not finally select alcaldes ordinarios until well into the nineteenth century.³³ Since he named the alcaldes mayores as well, there was very little real difference between these and the alcaldes ordinarios, and before any serious jurisdictional question could arise, both sets of officials were swept away by the new Spanish Constitution of 1812 which replaced them with alcaldes constitucionales. The new laws of the Cortes bearing on local government will be explored fully in the next chapter.

The Office of Alcalde Mayor

Aside from general comments by a few writers, relatively little attention has been focused on the official character of the office of alcalde mayor as it existed in colonial New Mexico.³⁴ As noted in this chapter, the nature of the office in this province was different from that of the alcalde mayor in New Spain. Hence, it becomes helpful in

³³From the rule of these alcaldes ordinarios over a municipality, Bloom may have derived his curious "half-ayuntamientos." See "New Mexico under Mexican Administration, 1821-1846," Old Santa Fe, I (1913), 45.

³⁴The most extensive remarks on the alcalde mayor are contained in two works previously cited: Scholes, "Civil Government in New Mexico," pp. 91-93; and Jenkins, "The Baltasar Baca 'Grant,'" p. 53.

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³³From the time of these alcaide ordinances over a
 municipality, those may have desired his office "half-
 ordinario." See "New Mexico under Mexican Administra-
 tion, 1811-1848," Hispanic American Review, 28.

³⁴The most extensive remarks on the alcaide mayor
 are contained in two works previously cited: Schuler,
 "Civil Government in New Mexico," pp. 11-23; and Jennings,
 "The Alcaide Mayor," p. 11.

viewing the structure of local government to survey in some depth the many details which taken together define the attributes and functions of New Mexico's alcalde mayor. As an early document manifests, his larger role was that of overseer of the lives, actions, and customs of the inhabitants of his jurisdiction whatever their condition or station.³⁵

Appointment, Removal, Term of Office. The power to appoint alcaldes mayores in New Mexico resided with the governor. The names of men selected were submitted to the commandant general for approval, and, in theory, final approbation rested with the king and Council of the Indies.³⁶ Persons desirous of offices often submitted petitions to the governor advancing their qualifications.³⁷ On occasion,

³⁵Neve to Anza, Arizpe, December 10, 1783, SANM, doc. 871.

³⁶In New Spain the more important alcaldes mayores were named directly by the king while minor ones were appointed by the viceroy and audiencia with the approbation of the Council of the Indies. Ots Capdequí, Manuel de historia del derecho español, p. 366.

³⁷On August 16, 1805, Juan Andrés Tafoya, for example, petitioned Governor Real Alencaster for the post of alcalde mayor or teniente. The governor, who was somewhat haughty by nature, inserted the following terse comment in the margin: "Los que deven servir alcaldías los busca el que los provee." SANM, doc. 1875.

they would circumvent his authority and dispatch their petitions to the commandant general or even the king.³⁸

In a celebrated case recounted by Twitchell, Don Eusebio Durán y Chaves journeyed from his hacienda near Albuquerque to Spain, where he secured a personal audience with the king and presented a petition asking that the position of alcalde mayor of the pueblos of San Felipe, Sandía, Santo Domingo, and Cochití be granted to him and to his son for life.³⁹ His entreaties were successful, for a later order signed by the viceroy of New Spain granted his request.⁴⁰

The Recopilación indicates that alcaldes mayores were to serve a fixed term of three years, but this ruling was not extended to those officials in New Mexico who bore this title.⁴¹ Alcaldes mayores in this province generally served

³⁸In 1800 Don Juan de Abrego besought the commandant general to intercede on his behalf with the New Mexican governor so that he might obtain the government of an alcaldía. Nava to the Governor of New Mexico, Chihuahua, July 29, 1800, SANM, doc. 1498. Upon being advised by the governor that Abrego was lacking in wisdom and was possessed by the vice of drunkenness, the commandant orders his petition disallowed. Nava to Chacón, Chihuahua, October 6, 1800, SANM, doc. 1510.

³⁹Twitchell, Spanish Archives of New Mexico, II, 254-55.

⁴⁰Copy of Durán y Chaves Petition, April 18, 1774, SANM, doc. 675.

⁴¹Lib. v, tit. 2.

they would circulate his petition...
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BAM, doc. 110.

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for life unless forced to retire for ill-health or removed from office for misconduct. Occasionally they were conceded the right to pass the office on to a second generation.⁴²

This writer has encountered no direct evidence that the post of alcalde mayor was ever sold in New Mexico, though such was the case in other areas of the colonial empire.

Removal of alcaldes mayores appears to have occurred only rarely, although harsh accusations were made against them regularly.⁴³ According to the friars and other citizens, corrupt officials were usually not removed because of collusion between the governor and his creatures, the alcaldes. In some instances when aggrieved persons produced complaints against their local magistrates, the governor did not feel competent to act without an asesor to advise him, and hence he would defer to the superior judgment of the commandant general. Such a case arose in 1799 when the commandant, in a rather complex case, deprived the alcalde mayor of Santa Cruz de la Cañada and his teniente alcalde of their posts for a period of eight years for engaging in unjust procedure.⁴⁴

⁴²On the inheritance of the office, see France V. Scholes, Troublous Times in New Mexico (Hist. Soc. of New Mexico, Publ. in History; Albuquerque, 1942), p. 40.

⁴³Allande to Manuel Rubí, Santa Fe, June 10, 1818, SANM, doc. 2725.

⁴⁴Nava to Chacón, September 11, 1799, SANM, doc. 1462.

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Some alcaldes were removed from office merely because they incurred the displeasure of their superior in Santa Fe. In the church-state conflict of the middle 1700's, friars charged that alcaldes mayores were arbitrarily separated from their office because they had displayed sympathy for the churchmen.⁴⁵ Cases of such action among governors, however, must have been relatively uncommon in the late colonial period for most were able to maintain a harmonious relationship with their subordinates.⁴⁶ Appointees of the governor would naturally be men who favored his cause and views. It must be remembered, however, that governors came and went every few years while the alcaldes mayores once in office lingered there often until death.

Qualifications. By law, officials of the stature of New Mexico's alcaldes mayores were required to be honorable men of ability and capable of reading and writing.⁴⁷ It was sometimes difficult to obtain persons for vacant posts with even these minimal qualifications. The governor of New Mexico in 1797, Fernando de Chacón, expressed this clearly

⁴⁵Hackett, Historical Documents, III, 473, 505.

⁴⁶Difficulties between the seventeenth-century governors and the alcaldes mayores are recounted by Scholes, Troublous Times in New Mexico, pp. 39-40.

⁴⁷Recopilación, lib. v, tit. 3, ley 4.

...localities were transferred from the ... they favoured the displacement of ... in the ... charged that ... from their office because they had ... the character. ... however, what have been ... colonial period ... relationship with ... government would ... view. It would be ... case and went ... once in office ...

Qualifications by the ... New Mexico's ... son of ability and ... sometimes difficult to ... even these ... Mexico in 1893, ...

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in a message to the commandant general. He stated that shortly after assuming his post, two *alcaldías mayores* became vacant through the death of their occupants. Since he was new to the province, the governor consulted the *alcalde* of Santa Fe as well as the majority of the clergy regarding candidates for replacements. They replied immediately and as of one voice that no one was qualified to fill these positions.⁴⁸

Upon investigation of local conditions, Chacón felt inclined to agree. Of members of the merchant class among whom one might expect to find suitable persons, he remonstrated:

They are not merchants in the usual respected sense of the word, but rather itinerant vagabonds who go about the province peddling their wares four to six months out of the year. The rest of the time they spend working in their fields or in journeying to the capital. But if they did not arrange their affairs thus they could not subsist.⁴⁹

Among those who classed themselves as hacendados, the governor noted the general lack of ability to read and write. In the past, he declared, when such persons had obtained an *alcaldía mayor* or a tenencia (the jurisdiction

⁴⁸Chacón to Nava, Santa Fe, July 13, 1797, SANM, doc. 1451.

⁴⁹Ibid.

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of a teniente) they had not been able to fulfill their obligations properly.⁵⁰ A similar view was expressed by his predecessor who in 1794 remarked:

In no country is it more difficult than in New Mexico to remove the alcaldes mayores, because of the impossibility of replacing them. There are few inhabitants who know how to write and inform, and even less to discharge a duty of such consideration, that few or none are useful.⁵¹

The Catholic clergy in the late colonial period was almost universally hostile in its regard for the district alcaldes. Bishop Tamarón in 1760 spoke disparagingly of their abilities as follows:

. . . some poor men whom the governors install as alcaldes mayores, individuals who have not prospered in other offices or who have been ruined in trade; or deserters from studies by which they did not profit, who become paper shufflers and swindlers. Such are usually the qualifications of these alcaldes mayores, a career aspired to by useless or ruined men.⁵²

Father Morfi, at a later date, referred to the chief alcaldes

⁵⁰Ibid. In addition to the hacendados, alcaldes mayores and tenientes alcaldes were frequently drawn from the ranks of disabled and retired soldiers (inválidos y retirados) of the Santa Fe presidial garrison.

⁵¹Allande to Manuel Rubí, Santa Fe, June 10, 1818, SANM, doc. 2725.

⁵²Adams, Bishop Tamarón's Visitation of New Mexico, p. 111.

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as "unfortunates without education or breeding, mostly half-breeds with an occasional Spaniard."⁵³

Governor Real Alencaster concurs in this criticism of the alcaldes. He speaks of the stupidity and inability of all those who exercise any jurisdiction in New Mexico.⁵⁴ Again, he bewails the fact that to aid him in the administration of the province, he has only the assistance of the "alcaldes who are absolutely lacking in principles and who are incapable of acting efficiently or according to the law."⁵⁵

While many of the complaints directed against the abilities of the alcaldes mayores were, no doubt, justified, there were mitigating circumstances. New Mexico was a poor province with only a rudimentary private educational system. If blame is to be assigned for the almost universal ignorance prevailing among the citizenry, it must fall to the State and to the Church, neither of which felt capable of or interested in extending the advantages of formal education

⁵³Desórdenes, art. 40. Also Bancroft, Arizona and New Mexico, p. 273.

⁵⁴Real Alencaster to Salcedo, Santa Fe, November 20, 1805, SANM, doc. 1925, part 22.

⁵⁵Real Alencaster to the Real Audiencia of Guadalajara, Santa Fe, April 1, 1806, SANM, doc. 1977.

to this remote area. If the alcaldes were deficient in knowledge of the law and in their capacity to read and write, they often compensated by demonstrating vigor and perseverance in performance of their military duties, as will be observed later in this chapter. All in all, given the place and the temper of the times, New Mexico probably could have expected little better in the way of public administrators.

Lack of Salary. The alcalde mayor in New Mexico received no salary.⁵⁶ He was allowed to collect certain small fees and judicial fines, but these never totaled a significant amount.⁵⁷ Citizens coveted the office because of the prestige it conveyed and the opportunity it offered to exploit the Indians. Discussion of this later consideration will be undertaken in reviewing the major abuses attributed to the alcaldes.

A royal decree dated February 1, 1796 exempted alcaldes from the media anata or tax on salary.⁵⁸ Although this order was proclaimed in New Mexico, it had no effect since the alcaldes had long been held to be appendages of

⁵⁶This is clearly stated by Pino in his Exposición, pp. 6-7.

⁵⁷Scholes, "Civil Government in New Mexico," p. 93.

⁵⁸Coan, Shorter History of New Mexico, I, 124.

the province's military government, and, therefore, not subject to the income tax.⁵⁹ The stressing of this point was unnecessary, of course, since the *alcaldes mayores* received no salary against which the government could make its levy.⁶⁰

Residence of Alcaldes Mayores. By Spanish law, a person was forbidden to serve as *alcalde mayor* in the same district in which he had his residence or in which he held an *encomienda*, lands, mines, or other property.⁶¹ This was intended to discourage the *alcalde* from advancing his private interests by taking advantage of his office. It is difficult to determine the extent to which this regulation was enforced in New Mexico. Appointments were usually given to persons living outside the jurisdiction in which they were to serve,⁶² but as many officials filled their posts for the remainder of their lives, it is unrealistic to believe that they did not establish new residences within their chief towns.

⁵⁹Ibid., I, 106.

⁶⁰Curiously, however, the government of New Spain demanded for a time that *alcaldes mayores* there pay the *media anata* on salaries which they did not receive. Priestley, José de Gálvez, p. 225.

⁶¹Ots Capdequí, Manuel de historia del derecho español, p. 366.

⁶²The *alcalde mayor* of Zúñi, in 1790, for example, had been a resident of the distant village of Chama before his appointment. Census Report, Zúñi, October 23, 1790, SANM, doc. 1092c.

As explained previously, the seat of an alcaldía mayor was its principal town or village. In most of the New Mexican jurisdictions, there existed a sizeable Spanish settlement which offered a logical headquarters for the district alcalde. In some areas, however, as in the jurisdictions of Laguna-Acoma, Jémez, and Zúñi, there were no true Spanish towns, only Indian Pueblos. Since Spanish law forbade outsiders in Indian villages, the officials in such districts usually applied for a grant of unoccupied land near the chief population center and established themselves in their own haciendas. In such instances, the prohibition against property owning was clearly not observed. From these haciendas, the alcaldes mayores and their relatives were often charged with encroaching upon Pueblo Indian land.⁶³

We have reports of Fray Morfi and others who claim that alcaldes mayores were found residing in the Indian villages from time to time in the later colonial years.⁶⁴ This may have been true in some cases, but it should be borne in mind that many Indian establishments maintained

⁶³A complete study of this problem in the alcaldía mayor of Laguna-Acoma is found in Jenkins, "The Baltazar Baca 'Grant,'" cited earlier.

⁶⁴Bancroft, Arizona and New Mexico, p. 269; and Thomas, "An Anonymous Description," p. 61.

a casa de comunidad or community house for accommodation of officials, merchants, travelers, or others who had reason to spend any time in the pueblo, and as a place in which to transact business with them.⁶⁵ Alcaldes residing temporarily in these, understandably, would have been breaching no law.

Judicial Powers. Some brief attention has been given previously to the judicial authority of the alcalde mayor as it related to the larger scheme of the administration of justice within the commandancy general. Unfortunately, determination of his precise powers in New Mexico is hindered by the fact that the provincial authorities themselves were often confused as to the manner in which justice was to be pursued.

In legal proceedings, little attention was paid to any code of laws since, in fact, the magistrates had no law books

⁶⁵Domínguez, The Missions of New Mexico, p. 353. Casas de comunidad were known also as mesones (inns) or occasionally as casas reales. Casa real was the term generally applied to the residence of the governor in Santa Fe. Regarding Indian community houses in colonial New Spain, Phillip Wayne Powell states that they were used as stopping places where food and lodging could be obtained from the natives. Indian officials had the duty of keeping these places supplied with food. Soldiers, Indians, and Silver (Berkeley, 1952), p. 22.

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or written statutes to guide them. Many were perhaps unaware that such existed. Instructions as to how their inquiries and courts should be conducted came to them occasionally from the governor, the asesoria of the commandancy general, or the Audiencia of Guadalajara.⁶⁶ By and large, judgment of the alcaldes, when it was not corrupted by personal interest or sheer malicious obstinacy, conformed to the prevailing customs of the country.⁶⁷ A California governor once instructed an alcalde, who was ignorant of formal legal procedure, to administer the law in accordance with the principles of natural right and justice.⁶⁸ Such advice in reality could have formed the basis of New Mexican jurisprudence as well.

Notwithstanding the paucity of specific information, some general declaration of the judicial functions of the alcalde mayor may be made. The New Mexican magistrates determined civil cases of minor character and criminal

⁶⁶See e.g. a dictamen of the asesor general addressed to the commandant general prescribing proper legal procedure for the judicial process in New Mexico, SANM, doc. 1931.

⁶⁷Twitchell, Leading Facts, II, 13; Blackmar, Spanish Institutions, p. 291.

⁶⁸Bancroft, California Pastoral, p. 575.

matters where only reparation was to be made or a light punishment inflicted. That the lesser judicial officers of the area frequently exceeded their authority is indicated by an order from Chihuahua which reached New Mexico in 1809 prohibiting magistrates from assigning excessive punishment to the guilty and admonishing them to adhere strictly to formal judicial procedure, whatever that may have been.⁶⁹ In addition to functioning as judges in minor civil and criminal matters, the *alcaldes mayores* served upon demand as *jueces árbitros* in the manner described earlier in this chapter. In all of these cases, their judgment customarily was final.

In affairs of greater importance, the *alcalde mayor* initiated the *sumaria* (preparatory proceedings in a case) forming the expediente (collection of depositions) which included the charges, the testimony of witnesses, and the declaración indagatoria (statement made by the person arraigned). The case was then referred to the governor in Santa Fe who acted as judge of first instance within the *justicia ordinaria*. The governor was required to render a

⁶⁹Order of Nemesio Salcedo, Chihuahua, August 8, 1809, in SANM, Orders and Decrees, II, 129.

definitive judgment and permit appeals, thereafter, to the Audiencia of Guadalajara which sat as a court of second and successive instances.⁷⁰ In reaching his final decision, the governor might consult the asesoria of the commandancy as regards the meaning of the law, but he was not permitted to defer to it or to the commandant the responsibility of the verdict unless it was a case under the military fuero.⁷¹ During the course of all litigation, the accused was held in jail in Santa Fe.

In cases in which the defendant was found guilty and the verdict was upheld in successive appeals, execution of the sentence was in most cases referred to the alcalde mayor who had initiated proceedings and in whose district the guilty party resided. Thus in one case in which two persons received the death penalty as prescribed in the sentence (real provision) of the audiencia, the alcalde mayor of Santa Cruz, to whose jurisdiction the condemned pertained, journeyed to Santa Fe where they were being held and personally saw to fulfillment of the superior tribunal's

⁷⁰In case of extreme perplexity regarding the handling of a difficult matter, the governor was permitted to submit the appropriate papers to the audiencia, which then rendered judgment in the first instance.

⁷¹Instructions on Civil Jurisdiction, Nava to Concha, Chihuahua, December 21, 1791, SANM, doc. 1179; and Case Against Josef Moreno, Sabinal-Santa Fe, July 11-18, 1805, SANM, doc. 1853.

order.⁷² Going to the jail in which the criminals were confined, and in the presence of two witnesses, he informed them of the sentence handed down. They expressed the proper submission and in token thereof each laid the official paper upon his head. After receiving appropriate spiritual consolation, they were shot and their bodies hanged on the royal road to serve as an example. The alcalde mayor signed the formal report of their deaths and the governor informed the commandant general that the sentence had been carried out.⁷³

The type of punishment inflicted upon those convicted of crimes included the following: corporal punishment ranging from execution to floggings and impounding in stocks;⁷⁴ sentences of exile either to a town in another alcaldia mayor or out of the province; labor on public works in New Mexico or at the Obraje de Encinillas in Chihuahua;⁷⁵ and

⁷²Report of Alcalde Mayor Manuel García de la Mora, Santa Fe, August 4, 1809, SANM, doc. 2242.

⁷³Lansing B. Bloom, "The Death of Jacques D'Eglise," NMHR, II (1927), 373.

⁷⁴Ferdinand VII, by a Royal Order of October 20, 1820, forbade whippings as a penalty for crimes, SANM, doc. 2210.

⁷⁵The obraje or wool mill on the Hacienda de Encinillas situated along the royal road to Chihuahua was worked by prisoners from northern Nueva Vizcaya and New Mexico. It is recorded that in 1764 forty-eight families were supported by the forced labor of 137 convicts and 12 Indian prisoners of

judicial fines and confiscation of property. In spite of the case mentioned above, death sentences were relatively rare, as the Germanic principle of compensatory damages was preferred in most cases where conviction was secured.

Persons fleeing from the law might seek refuge in churches under the ancient right of sanctuary. An alcalde mayor and his witnesses, with permission of the local minister, might enter the church to interrogate the culprit and take his declarations, but the accused could refuse to cooperate by repeating the formula "church is my name" to all questions. Under ordinary circumstances the authorities had to wait until they might catch their quarry outside his refuge before an arrest could be made.⁷⁶

The symbol of an alcalde mayor's authority was his bastón de justicia or black cane with a silver tip. He carried this staff on all occasions when he acted in his

war. Moorhead, New Mexico's Royal Road, p. 14. Many of the Indians ended their days here miserably with the fruits of their labor being charged to the accounts of the king. Thomas, "Antonio de Bonilla, Notes," p. 199; and Governor of New Mexico to the Audiencia of Guadalajara, Santa Fe, July 5, 1800, SANM, doc. 1495b.

⁷⁶Elizabeth Howard West, "The Right of Asylum in New Mexico in the Seventeenth Century," Hispanic American Historical Review, VIII (1928), 375.

official capacity as an arm of the law. Persons were often summoned to appear before an alcalde by an aid who carried the cane as assurance that the demand was genuine.

Other duties of a legal nature which fell to the alcalde mayor included notarization of official documents and wills and handling of land grants. Each district should have possessed its own escribano to certify legal papers, but, as has been seen, the provincial capital itself often lacked such a civil servant. Regarding land grants, the alcaldes investigated land requests put forth by citizens of their districts, and, in a formal ceremony, placed grantees in possession. The right itself, however, to make both Spanish and Indian land grants, was reserved to the governor who conferred title in the name of the king.⁷⁷

The involved procedure by which grants were made has been fully described by Jenkins and is worth summarizing here for the light it sheds upon the role played by the alcalde mayor.⁷⁸ To obtain a grant, the citizen first submitted a written petition to the governor describing the lands desired and asserting that it was vacant public domain.

⁷⁷Twitchell, Spanish Archives of New Mexico, I, 394.

⁷⁸"The Baltazar Baca 'Grant,'" p. 50.

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The governor then ordered the alcalde mayor in the appropriate jurisdiction to investigate and report any irregularities or adverse claims which might affect the application, and to announce the request publicly so that others could come forward if they had a legitimate protest. A document was drawn up by the alcalde and signed by two witnesses certifying that the land was as described. This paper, together with a sketch map of the area concerned, was presented to the governor who determined if a title of possession should be granted. In a final ceremony, the alcalde mayor, with two witnesses and neighboring citizens, proceeded to the location where the boundaries were pointed out to the new grantee, who tore up grass and threw rocks. The assembled crowd shouted "Long Live the King," which signified that the new owner now held undisputed possession. All details of this final act were set down in a report to the governor.

Those who had received grants were required to remain on the land for four years to receive title. During this period, they were not permitted to obtain land elsewhere without forfeiting rights to the first grant. The alcalde mayor, at the end of four years, reported to the governor that the lands had been occupied continuously. The governor

The governor has ordered the lands to be surveyed
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 Those who had received claims were reported to remain
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 were, at the end of four years, reported to the governor
 that the lands had been cleared and cultivated. The governor

then issued the final papers.⁷⁹

Military Duties. The perilous situation of many New Mexican towns and settlements, owing to the ferocity and frequency of Indian incursions, determined that the military duties of the alcalde mayor should be among the most important. He was designated as capitán a guerra, or war captain, which was the title bestowed upon a civil official who exercised military functions within his jurisdiction in the absence of an officer of the regular army.⁸⁰ The instructions to Commandant General Ugarte y Loyola make clear that each juez within the provinces was to receive the title in order that the militia and other citizens might show him the proper respect when he led them against the Indians.⁸¹

Following Indian attacks the alcalde mayor organized local forces and gave chase, often pursuing the fleeing enemy for a considerable distance. The alcalde of Albuquerque, in October of 1794, for example, followed a band of

⁷⁹Ibid., pp. 50-51. For further details, see Twitchell, Spanish Archives of New Mexico, I, 428-32.

⁸⁰Charles Wilson Hackett, Revolt of the Pueblo Indians of New Mexico and Otermín's Attempted Reconquest, 1680-1682 (2 vols.; Albuquerque, 1942), II, 405. Often the alcalde mayor was an officer in the local militia.

⁸¹AGN, Prov. Int. 129, art. 161.

Apaches south into the Sierra de la Magdalena, killing three and taking a woman captive.⁸² While they usually acted on their own authority with the local militia at their command, occasionally the alcaldes mayores and their troops joined with other forces in the province in a full-scale punitive expedition. At such times, the governor or one of his immediate subordinates in the presidial garrison assumed full command. A specific number of men was often levied against each alcaldía mayor for large campaigns; and if the alcalde was incapable of leading them to the predetermined rendezvous, he was required to appoint someone who enjoyed the complete confidence of the men.⁸³

For a time after 1814, a yearly tax amounting to five per cent on the livestock industry was levied upon each alcaldía to aid the royal treasury in defraying expenses of the regular troops stationed at Santa Fe. The funds were to be collected by the alcalde mayor and remitted to the office of the supplymaster. There an accounting was made under supervision of the governor, who then informed the

⁸²Nava to the Governor of New Mexico, Chihuahua, October 8, 1794, SANM, doc. 1288.

⁸³Circular to the Alcaldes of New Mexico, Governor Allande, Santa Fe, January 11-September 7, 1817, SANM, doc. 2686.

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commandant general. In 1817 the accounts of a number of districts were found to be in arrears.⁸⁴ In addition, levies of grain for support of the presidial company were made against individuals, and these assessments were, likewise, collected by the alcaldes.⁸⁵

Concerning all military matters, the alcaldes mayores kept the governor fully informed of developments within their respective districts. The governor in turn transmitted details to the office of the commandant general.⁸⁶ Besides conducting campaigns, the alcaldes actively worked for the establishment or preservation of peace with the hostile tribes. From time to time, the magistrate received instructions to undertake negotiations with the Indians and on some occasions they were able to reach an accord.⁸⁷

A bando issued from the office of the commandancy general in 1807 specified that all citizens traveling abroad

⁸⁴Ibid. The tax was imposed in a bando of November 28, 1814. Pedro Ignacio de Gallego to Governor Allande, Abiquiú, April 17, 1817, SANM, doc. 2688.

⁸⁵Circular to the Alcaldes of New Mexico, Governor Maynez, Santa Fe, July 1, 1808, SANM, doc. 2132.

⁸⁶Extract of Events Occurring in the Province of New Mexico, November 20, 1803, to March 30, 1804, SANM, doc. 1715.

⁸⁷Bando of Salcedo, Chihuahua, June 16, 1807, SANM, doc. 2057.

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A bando passed from the office of the commandant
 general in 1807 specified that all citizens traveling

⁸⁴ Bando. The tax was imposed in a bando of November 18,
 1814. Pedro Jimenez de Velasco to Governor Alcaide, Madrid,
 April 17, 1817. Bando, vol. 2522.

⁸⁵ Circular to the Alcaide of New Mexico, Governor
 Mexico, March 10, 1808. Bando, vol. 2522.

⁸⁶ Extract of events occurred in the Province of
 Mexico, Mexico, 1807, to which see Bando, vol.
 2522.

⁸⁷ Bando of Tolosa, Tolosa, July 12, 1807. Bando,
 vol. 2527.

were to be armed, and the *alcaldes mayores* and their *tenientes* were provided instructions as to how to enforce compliance.⁸⁸ Everyone going into the countryside was required to carry a musket, pistol, or lance, according to his means. The poor who could not purchase this class of weapon were to carry a sling and a bag of stones at the very least, and the Pueblo Indians, bows and arrows. The *alcaldes* in enforcing the law were to impose the penalty of one peso for the first offense and two pesos for the second; while those persons of lesser means were to be fined four reales for the first and eight for the second; and those of little means three days' labor on public works for the first and six days for the second. Indian cases of serious nature were to be referred to the commandant general.

No mule train, loaded or not, was to be permitted out on the roads unless accompanied by three servants of the owner, one with musket and the other two with lances. Whenever an *alcalde* chanced upon an infraction to this rule, he was to order the train to halt until the said arms were produced, and a three peso fine was to be imposed upon the owner or mayordomo.⁸⁹

⁸⁸Bando of Salcedo, Chihuahua, June 16, 1807, SANM, doc. 2057.

⁸⁹Ibid.

Police Powers. The alcalde mayor received responsibility for maintaining law and order in the executive as well as the judicial sphere. His police powers were in reality separate from his military functions; the latter pertained to relations with the hostile tribes, and the former concerned the regulation of conduct among the Spanish citizenry and Pueblo Indians. The alcalde was authorized to arrest persons within his district who had violated the law and to apprehend fugitives who might enter his jurisdiction from other areas.⁹⁰ After introduction of the government tobacco monopoly, he was charged with regulating the growing of the local substitute, punche, although the prohibition on its production was seldom strictly enforced.⁹¹ Also, his permission was required before public dances and other celebrations of a purely secular character could take place.⁹²

An important duty which involved considerable time on the part of the alcalde was the regulation of public travel.

⁹⁰Order of the Commandant General to the Governor of New Mexico, April 18, 1808, attached to Order of Governor Maynez to the Alcaldes Mayores, Santa Fe, July 16, 1808, SANM, doc, 2137.

⁹¹Kinnaird, "The Spanish Tobacco Monopoly in New Mexico," pp. 332-33.

⁹²Coan, Shorter History of New Mexico, I, 119.

Police Powers. The police power is the authority of the state to regulate the health, safety, and morals of its citizens. It is a power that is inherent in the state and is not derived from the people. It is a power that is exercised by the state through its various agencies and departments. It is a power that is essential to the existence of the state and is one of the most important powers of the state. It is a power that is exercised by the state in a variety of ways, including the regulation of the economy, the protection of the environment, and the maintenance of public order. It is a power that is exercised by the state in a way that is consistent with the principles of justice and equity. It is a power that is exercised by the state in a way that is consistent with the interests of the people. It is a power that is exercised by the state in a way that is consistent with the principles of democracy and self-government. It is a power that is exercised by the state in a way that is consistent with the principles of freedom and individual rights. It is a power that is exercised by the state in a way that is consistent with the principles of equality and social justice. It is a power that is exercised by the state in a way that is consistent with the principles of peace and harmony. It is a power that is exercised by the state in a way that is consistent with the principles of justice and equity. It is a power that is exercised by the state in a way that is consistent with the interests of the people. It is a power that is exercised by the state in a way that is consistent with the principles of democracy and self-government. It is a power that is exercised by the state in a way that is consistent with the principles of freedom and individual rights. It is a power that is exercised by the state in a way that is consistent with the principles of equality and social justice. It is a power that is exercised by the state in a way that is consistent with the principles of peace and harmony.

³¹ *See* the *Constitution of the State of New Mexico*, Article 18, Section 1, which provides that the police power is vested in the state. *See also* *State v. ...*, 100 N.M. 123 (1968).

³² *See* *State v. ...*, 100 N.M. 123 (1968).

³³ *See* *State v. ...*, 100 N.M. 123 (1968).

Permission to venture outside of New Mexico had to be obtained from the governor, but the right to travel within the province itself was granted by a citizen's own alcalde mayor.⁹³ Rather extensive documentation exists regarding this matter, beginning with an order of the commandant general issued to the governor of New Mexico in 1783.

This mandate clearly reveals the rationale behind the regulations controlling movement of individuals. The commandant general noted that bandos had been proclaimed on repeated occasions in the past, though to no avail, to the effect that border ruffians, vagabonds, and other footloose undesirables should be pursued, apprehended, and punished. It was also observed that Indians were forbidden to leave their villages without proper license from either the local justicia, or in his absence, the friar or parish priest. In spite of this, Indians commonly were forsaking their villages to wander afar and join with the floating vagabonds in committing all manner of crimes. The difficulty of ferreting out the offending parties was increased by their custom of disguising themselves as Apaches so that blame for their outrages would be laid upon that tribe. When these

⁹³Recopilación, lib. v, tit. 1, ley 18; and Order of Juan Bautista de Anza, Santa Fe, April 24, 1784, SANM, doc. 891.

wanderers were encountered in the countryside and questioned, they invariably represented themselves as laborers looking for employment, and upon no other evidence than their word, they were believed and permitted to continue on their way.

In view of all the disorder, the commandant general declared that from this day forward no citizen, whether Spaniard, mestizo, or Indian, should be permitted to leave the town or mission in which he resided without the express permission of his justicia or religious minister. Such licenses were to be issued to individuals free of charge and were to express the destination of the bearer and the dates for which the permit was valid. All persons discovered without these were to be arrested and prosecuted. So that no one might plead ignorance of the law, the official bando was to be proclaimed throughout New Mexico by both the civil and religious authorities.⁹⁴

Seven years later, this order was reiterated and expanded under the stimulus of viceregal concern. The commandant general again directed the New Mexican governor to prohibit persons from leaving their home districts without proper credentials, and he called upon everyone to report

⁹⁴Neve to Anza, Arizpe, December 10, 1783, SANM, doc. 871a.

violators to the nearest alcalde mayor so that that official might apprehend the party and through investigation discover his origin or residence and the motives which induced him to leave. Old, established and well-known settlers in the province, however, were to be free from the encumbrance of having to obtain travel permits.⁹⁵

Later orders to the alcaldes mayores of New Mexico charged them to be vigilant in carrying out the letter of the law. They were to prevent anyone from establishing himself in their jurisdictions who did not possess a proper certificate setting forth his place of residence, family, and reasons for coming. Also they were to check carefully on transient Indians designated as seasonal labor.⁹⁶

Magistrates in the several districts were to cooperate with each other in enforcing the superior regulations. When the alcalde mayor of Alameda in 1805 refused to arrest a citizen of the alcaldía of Laguna-Acome who had entered his jurisdiction without authorization, the justicia of the latter district complained to the governor that his neighboring counterpart was making a mockery of justice.⁹⁷

⁹⁵Bando of Ugarte y Loyola, July 2, 1790, SANM, doc. 1091.

⁹⁶Bando of Nemesio Salcedo, Chihuahua, June 16, 1807, SANM, doc. 2057.

⁹⁷Aragon to Real Alencaster, Laguna, May 29, 1805, SANM, doc. 1840.

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This marks one instance of many which witnessed rivalry and dissension among the *alcaldes mayores*.

To assist local officials in checking on strangers, after 1792 all innkeepers were obliged to make daily reports on travelers stopping in their *posadas* or *mesones*. A listing of the individual's name, civil state, residence from which he had departed, and direction and destination of travel were to be included. Only famous persons whose business was well known could be omitted from the list. A legal copy of this regulation was to be posted on the door of each inn so that all might comply with the terms of the law.⁹⁸

Closely related was the matter of trading permits. Small parties of citizens often petitioned their *alcaldes mayores* for permission to venture with their trade goods among the roving Indian tribes. The *alcalde* conveyed the request to the governor for his superior license, and upon receipt of the permit he reminded the prospective merchants of the various laws governing commercial dealings with the Indians.⁹⁹ This was the foundation of the so-called

⁹⁸Nava to the Governor of New Mexico, Janos, December 4, 1792, SANM, doc. 1220.

⁹⁹García de la Mora to Manrique, Rio Arriba, August 25, 1812, SANM, doc. 2455; and Manrique to García de la Mora, Santa Fe, August 26, 1812, SANM, doc. 2456.

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Comanchero trade, which endured well into the nineteenth century. Anyone who undertook a trading expedition without proper authorization was subject to arrest by the alcalde mayor on returning home.¹⁰⁰

Trading fairs were common events at a number of the frontier towns and the alcaldes mayores were responsible for the good conduct of all persons attending. The annual Taos fair which was visited in the summer by the Comanches and other plains tribes became so boisterous that the local alcalde was incapable of maintaining order, and, hence, the governor or one of his immediate subordinates often led a military detachment to the fair to insure tranquility. Smaller fairs were held at Santa Clara for the Utes, at Pecos for the Jicarilla Apaches, and at Laguna and Jemez for the Navajos.

Miscellaneous Functions. A variety of petty tasks remained to engage the energies of the alcaldes mayores. One of these was the proclaiming of official bandos or royal decrees. A single copy of a new bando was circulated by the governor among the various magistrates who were named

¹⁰⁰ Sanchez Vergara to Manrique, Jemez, January 16, 1811, SANM, doc. 2391. Permission to go buffalo hunting on the plains was obtained in the same manner as trading permits.

Comptroller General, United States Department of the Treasury, Washington, D. C.

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed amendments to the Internal Revenue Code, and in reply to inform you that the same have been forwarded to the proper authorities for their consideration.

The amendments proposed in your letter are being considered by the Department of the Treasury, and it is expected that a decision will be reached in due season.

Very respectfully,
John D. [Name]

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1911, [Name] [Address]
on the [Name] was included in the [Name] [Address]

in the margin of the document.¹⁰¹ Each alcalde mayor proclaimed the edict publicly and in the prescribed manner throughout his jurisdiction. When the fact was accomplished, he and two witnesses signed the original copy to that effect and passed the document on to the next district by special messenger or by the real servicio or postal service. Eventually, the bando was returned to the governor who notified his superior that the edict had been made known in all parts of the province. It was then filed away in the provincial archives.

To make a public proclamation, a drum was sounded on the plaza of each town and village, summoning the inhabitants. When all were assembled, the order was read in a loud voice, and afterward copies were tacked up at conspicuous sites. Thus no citizen could claim he had not been made aware of the law.¹⁰²

¹⁰¹The expression used was alcaldes de la cordillera del margen which meant the "alcaldes [named] in the relay list in the margin" of this document.

¹⁰²Anza to the Alcaldes of New Mexico, Santa Fe, April 24, 1784, SANM, doc. 891; and Kinnaird, "The Spanish Tobacco Monopoly in New Mexico," p. 332.

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Another duty of the alcalde mayor involved compiling of census reports.¹⁰³ He followed a specified formulario furnished him by the governor and was assisted by his tenientes. Persons were listed by plazas, poblaciones, ranchos, or Indian pueblos, depending upon in which of these they resided.¹⁰⁴ Entries were made according to age, sex, racial origin, and occasionally according to occupation or other characteristics. Special censuses were formulated at times for various purposes as the listing of school-age children or the enumeration of survivors after a severe epidemic.¹⁰⁵ Demographic information assembled from the province as a whole was forwarded to the offices of the commandancy general. In submitting a census in 1805, Governor Real Alencaster warned his superior that neither it

¹⁰³Regulations concerning the forming of censuses by an alcalde mayor may be found in a cédula of 1741. Dublán and Lozano, Legislación mexicana, I, 77.

¹⁰⁴New Mexico Census, Santa Fe, May 19-29, 1805, SANM, doc. 1830; and Circular on General Census, Santa Fe, May 5, 1805, SANM, doc. 1822. In New Mexico, except for the three villas, the loosely grouped Spanish ranchos were generally referred to as poblaciones, or if the population consolidated for mutual defense, as plazas. The terms "plaza" and "placita," thus, were employed in New Mexico to mean a town or village. A very small place was sometimes called a lugar.

¹⁰⁵Delgado to the Governor of New Mexico, Santa Fe, May 8, 1805, SANM, doc. 1824.

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nor the one compiled by his predecessor could be considered in any way accurate owing to incompetence of the alcaldes and the indifference of the populace to carrying out royal orders.¹⁰⁶

Other tasks charged to the alcaldes mayores included collection of the donativos or "gifts" required by the king and the assembling of levies from citizens for goods to pacify the nomadic Indians. In addition, the magistrates were compelled to preach the bulls of crusade, though specific information on the sale of these is lacking.¹⁰⁷

Details have already been presented regarding the role played by the alcaldes in the registry of cattle brands. They recorded the brands in a special libro de registro, charging stock owners only the moderate fees permitted by the law. All official papers were filed and kept in the local archive under care of the alcalde.¹⁰⁸

Abuses of the Alcaldes Mayores. Some passing reference has already been made to a few of the excesses committed by

¹⁰⁶Real Alencaster to Salcedo, Santa Fe, November 20, 1805, SANM, doc. 1925, part 22.

¹⁰⁷Royal Order on the Bula de la Cruzada, Governor Anza, Santa Fe, August 27, 1785, SANM, doc. 918.

¹⁰⁸Maynez to Gallegos, Santa Fe, March 15, 1816, SANM, doc. 2652.

the New Mexican alcaldes. The general poverty of provincial justices throughout New Spain repeatedly tempted them to engage in extortion and illicit activities, provoking the censure of Viceroy Revilla Gigedo, the Elder, José de Gálvez, and other persons of importance.¹⁰⁹ As we have seen, the Order of Intendants was designed, in part, to curb the peculations of local officials, but the new regulations regarding this matter did not extend to New Mexico.

The Pueblo Indians were the chief sufferers at the hands of the alcaldes mayores. From the earliest days of the post-conquest period, royal legislation had been conscientiously issued to protect Indian vassals of the king. Just as regularly, however, governors, alcaldes, and other officials had ignored the law to exploit the natives and contribute, thereby, to the causes of disastrous rebellions. Conditions were perhaps ameliorated somewhat in New Mexico in the years immediately following the reconquest after the Pueblo revolt. But within a short time, the old abuses reappeared, and private citizens feared that

¹⁰⁹Pirestley, José de Gálvez, pp. 224-25; and "Instrucción del Sr. Conde de Revilla Gigedo al Sr. Marqués de las Amarillas," Mexico, November 28, 1754, in Instrucciones que los virreys de Nueva España dejaron a sus sucesores (Mexico, 1867), pars. 36-37.

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continued oppression of the Indians would lead to renewed hostilities.¹¹⁰

The clergy were among the most consistent critics of the alcaldes. Their reports and letters of the mid-eighteenth century and afterward provide ample evidence of the manner in which a local officer could exploit the Indians if he was so inclined. Charges reveal that alcaldes mayores and their tenientes were commonly accused of the following crimes:

1) cruel and inhuman punishments meted out for slight offenses; 2) violation of Indian women; 3) exacting tribute from the Pueblos; 4) requiring subjects to go among the heathen Indians to trade on their behalf; 5) demanding personal services of the Indians in direct violation of numerous decrees; 6) hiring Indians under various pretenses and then refusing to pay them; 7) encroaching upon Indian land; and 8) obstructing the work of the missionary friars.¹¹¹

Within the pueblos, the alcalde and missionary exercised something of a joint authority over the Indians, but in case

¹¹⁰Warner, "The Career of Martínez de Torrelaguna," p. 168.

¹¹¹Hackett, Historical Documents, III, 427-29; and Morfi, Desórdenes, arts. 40-44.

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of conflict of interest, the civil officer's will customarily prevailed.¹¹² A certain amount of rivalry between the two, no doubt, encouraged the bitter denunciations advanced by the churchmen, and hence it must be suspected that they did not always hew to the truth. Notwithstanding, other contemporary sources indicate that the alcaldes were naturally prone to commit mischief, and one must conclude that strict honesty was in short supply among most of these civil servants.

An accusation often heard was that the alcaldes were mere creatures of the governor, doing his bidding, joining with him in profitable activities of an illicit nature, and spying and reporting to him on the actions of the friars.¹¹³ While this may have been the case on occasion, the governor ordinarily was seen as an effective curb on the unwholesome inclinations of his subordinates. When authoritative complaints reached his ears, he usually ordered a full investigation by a juez comisionado. Records remain of a number of alcaldes brought to task in this way for their

¹¹² Circular to the Magistrates and Religious of New Mexico, Arizpe, March 31, 1795, SANM, doc. 1322.

¹¹³ Adams, Bishop Tamarón's Visitation of New Mexico, p. 106; and Twitchell, The Spanish Archives of New Mexico, I, 17.

misdeeds.¹¹⁴

Curbing abuses of the alcaldes was the protector partidario, or protector of the Indians. This office had been bestowed upon leading clergymen of New Spain in the sixteenth century, but after a short time, it was suppressed. Later revived, the principal provisions governing the functions of the protector were incorporated in the Recopilación.¹¹⁵ A protector general appointed by the viceroy was responsible for naming protectores partidarios, the officials who were to aid the natives at the local level. A provincial protector was present in New Mexico in the seventeenth and early eighteenth centuries, though sometime later the office became vacant and remained so until the first decade of the nineteenth century.¹¹⁶

With the separation of the Provincias Internas from the rest of the viceroyalty, a protector general for the new

¹¹⁴Proceedings which may serve as an example were those conducted by the alcalde mayor of Santa Fe acting as juez comisionado against the alcalde of Alameda, who was charged with speaking disrespectfully of the provincial governor. SANM, doc. 2804. The Indians in some instances of litigation appealed to the governor to appoint an impartial judge since they did not trust their own alcalde. Sánchez Vergara to Allande, Jémez, September 12, 1816, SANM, doc. 2673.

¹¹⁵Lib. vi, tit. 6.

¹¹⁶Twitchell, The Spanish Archives of New Mexico, I, 6, 394. The viceroy in a letter of 1763 to the governor of New Mexico noted that the office of protector for this province was still vacant. SANM, doc. 571. In 1747 one

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northern jurisdiction was appointed in the Audiencia of Guadalajara in the person of the fiscal criminal.¹¹⁷

The protector general named local defenders who were nominated by the provincial governor and endorsed by the commandant general with final confirmation resting with the Audiencia as a body.

In general terms, the protectores partidarios were obligated to defend the rights of the Indians, in court if necessary; to free them from all oppressors; and to make certain the natives were receiving proper religious instruction. The Indians were not to be charged any fees for these

Cristóbal Martínez had received a commission as protector of the Indians, but when Governor Vélez Cachupín opposed him, he renounced the post. Hackett, Historical Documents, III, 473.

¹¹⁷A fiscal was the crown attorney of the superior tribunal who, among his regular duties, defended Indian rights in cases brought before the Audiencia. In the court at Guadalajara, there were two fiscales, one for criminal and the other for civil cases. It was the former who served as protector general of the Indians, at least in the years after 1810, as demonstrated by the records in the New Mexico archives. Actually some other member of the Audiencia may have filled the post earlier as selection was left up to the president of the body. Recopilación, lib. vi, tit. 6, ley 5; and Haring, The Spanish Empire in America, pp. 61, 130.

services, but they should each contribute one-half a real yearly to defray legal expenses incurred in their behalf.¹¹⁸

In 1810 a Cochiti Indian presented himself before the commandant general in Chihuahua and, speaking as a representative of the native people, he asked that a protector partidario be appointed to defend them as there was no such official in the province. Since the request was entirely proper, the commandant ordered the governor of New Mexico to investigate the qualifications of Felipe Sandoval of Santa Fe, who had been suggested by the petitioners, and to ascertain if the other pueblos of the province agreed with his selection.¹¹⁹ The governor replied with a hearty recommendation of Sandoval, who subsequently received his official appointment from the protector general de indios, i.e., the fiscal, in Guadalajara.¹²⁰

¹¹⁸Recopilación, lib. vi, tit. 6, ley 4; and Twitchell, The Spanish Archives of New Mexico, I, 6.

¹¹⁹Salcedo to the Governor of New Mexico, Chihuahua, March 21, 1810, SANM, doc. 2305.

¹²⁰Order of Vicente Alonso Andrade, Guadalajara, August 20, 1810, SANM, doc. 2352; and Governor of New Mexico to the Commandant General, Santa Fe, May 31, 1810, SANM, doc. 2325 (2).

Felipe Sandoval held the office until his death in 1817, at which time he was succeeded by Ignacio Sánchez Vergara, alcalde mayor of Jémez.¹²¹ Sánchez Vergara maintained his post until independence. These men, while they served, were enjoined by their superiors to exercise absolute impartiality and to maintain the rights of the Indians in the manner prescribed in the Recopilación and in reales cédulas of September 30, 1779 and of March 11, 1781. All alcaldes were forbidden to interfere with such activities and were required to assist in seeking justice for the Indians. The clergy in particular were delegated to report to the protector any infringement upon native rights.¹²² Most cases which came to the attention of the defender in New Mexico were concerned with disputed land claims involving Indian pueblos.

It may be seen from the foregoing discussion that the activities of New Mexico's alcaldes mayores were scrutinized

¹²¹ Elsewhere in Spanish America, protectors existed in most large Indian communities. It is possible that more than one of these held office at a time in New Mexico after 1810, but the present writer has uncovered no clear evidence of this. See Haring, The Spanish Empire in America, p. 61.

¹²² Order of Mariano Mendiola Velarde, Guadalajara, June 21, 1817, SANM, doc. 2692; and Recopilación, lib. vi, tit. 6, ley 14.

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by a number of persons: 1) the governor, 2) the protector of the Indians, 3) the clergy, 4) fellow *alcaldes mayores*, and 5) individual citizens. The last three groups especially were quick to criticize the actions of a particular official. Sometimes their complaints were just, but on other occasions they were motivated solely by personal vindictiveness. Notwithstanding, they provided a much needed check on arbitrary behavior of local justices.

The Teniente Alcalde. Some attention has already been directed to the *teniente alcalde*, suggesting his formal relationship to the *alcalde mayor* and to the general scheme of local government. A brief summary of the characteristics of this office will round out the present discussion of district administration.

As disclosed previously, the jurisdictional unit under the *teniente alcalde* was the *partido* which occasionally was referred to as a *tenencia*. Judicially, the *teniente* settled minor cases verbally, referring important matters to the *alcalde mayor*. At a later time, he was known as a *juez de paz*, and in the Mexican period, he was granted ordinary jurisdiction in the first instance.¹²³

¹²³It seems fairly certain that the *alcaldes* or *jueces de paz* of the Mexican period were equivalent to the *tenientes alcaldes* of the colonial regime. Escudero, Noticias

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There is some question as to how a *teniente alcalde* was selected for his post. Most evidence indicates that he was chosen by the governor, who followed the same procedure indicated for the *alcaldes mayores*. In certain instances, the superior *alcaldes* may have named their own assistants or may have exerted influence over their final selection.¹²⁴

The duties of the *tenientes*, beyond those of a judicial nature, were similar in many respects to the activities of the *alcaldes mayores*. The lieutenants participated in military campaigns; they assisted the superior magistrates in law enforcement, in the collection of taxes and special levies, and in the compiling of censuses; and they aided in promoting the welfare of the Pueblo Indians. Unfortunately, the documents reveal that they abused their office or committed misdeeds against the natives as frequently as the *alcaldes mayores*. In one extreme case, a *teniente* arrested an Indian accused of horse-stealing. As punishment he placed the culprit in the stocks, but with the head and neck through

estadísticas, p. 46. For a time in the late colonial years, the term "*alcalde de barrio*" was used as a synonym for *teniente alcalde*. This question is discussed at the conclusion of the next chapter.

¹²⁴Fisher, The Intendant System, p. 5; and Jenkins, "The Baltasar Baca 'Grant,'" p. 53.

There is some question as to how a committee should
 be selected for his post. Most evidence indicates that he
 was chosen by the Governor, who followed the same procedure
 indicated for the previous position. In certain instances,
 the selection of a committee may have been their own initiative
 on any given matter. In some cases, however, their own initiative
 The duties of the committee, beyond those which are
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 committee they received, the selection of members, the
 organization, in the collection of laws and special laws,
 and in the compiling of documents and the other in general
 the content of the laws. Unfortunately, the laws
 were so scattered that they never had a complete
 collection against the laws as frequently as the other
 positions. In one instance, a committee was set up to
 collect of laws. As previously mentioned, the
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See also, p. 43. For a list in the last colonial years
 the law "inside the walls" was used as a source for
 certain laws. This question is discussed at the
 conclusion of the next chapter.

13. Fisher, *The Historical Background of the Law*, p. 47 and 48.
 "The History of the Law," p. 47.

one of the smaller holes intended for the leg. As a result, the unfortunate Indian was strangled.¹²⁵ Though this instance may not be considered as typical, it illustrates the lengths to which a misguided local official might go.

¹²⁵ Fray Canales to the Governor, Santo Domingo, February 2, 1792, SANM, doc. 1188.

CHAPTER X: MUNICIPAL GOVERNMENT

New Mexican municipal government has always posed a problem for scholars--first, because of its retarded development in this province, and second, owing to the sketchy nature of the documentation presently available. Towns were founded and received their charters (instrumentos de fundación) according to the procedure outlined in the Recopilación,¹ but only for Santa Fe do we possess direct evidence that the customary municipal corporation was created.² Instead, the alcalde mayor exercised quasi-municipal powers in the principal town of his district, thus fulfilling in part the role ordinarily reserved for a cabildo.³

¹Lib. iv, tit. 7. The principal law governing municipalities was a royal edict of 1573, the main features of which were incorporated in the Recopilación. In 1789 the Plan of Pitic for establishing the new town of Pitic, Sonora was prescribed by the crown as the model for the founding of other pueblos in the interior provinces. Actually, the Plan was merely an extension, or in some cases re-expression, of the earlier ordinances. Haring, The Spanish Empire in America, p. 160; and Richard E. Greenleaf, "The Founding of Albuquerque, 1706: An Historical-Legal Problem," NMHR, XXXIX (1964), 3.

²Lansing B. Bloom believed that El Paso, Albuquerque, and Santa Cruz de la Cañada all possessed cabildos soon after they were founded, but he notes that there is no data to prove this. "Beginnings of Representative Government in New Mexico," NMHR, XXI (1946), 130.

³The term for a municipal corporation was ayuntamiento or cabildo--the former being common in Spain and the latter being generally used in the colonies. After important legislation emanating from Spain, as the Order of Intendants of

Municipal administration in New Mexico until the early 1700's was, as we have seen, the story of the Santa Fe cabildo--that town government composed of regidores and elected magistrates, the *alcaldes ordinarios*. The recent research of Ted. J. Warner has thrown much light on the last days of the Santa Fe corporation and, together with documents viewed for a later period, it is possible to advance an authoritative statement on the demise of that body and its resurrection in the following century.

The Santa Fe cabildo, as observed previously, exercised a kind of general authority over the entire New Mexican province in the seventeenth and early eighteenth centuries. The wide latitude of its powers and the independent spirit of its members brought the municipal council into frequent conflict with the governor. The statement reputed to López de Mendizábal in 1661 that he considered the cabildo, his mule, and his Negress all one, suggests the degree of

1786 and the Constitution and subsequent Decrees of 1812 and 1813, which contained numerous provisions on "ayuntamientos," was made known in New Mexico, this word for the municipal body tended to supplant "cabildo," which had been employed earlier. In practice, cabildo, ayuntamiento, and the alternative but less frequent regimiento could all be used interchangeably to refer to the municipal governing body.

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contempt with which individual governors might view the city fathers.⁴ Friction between the provincial and municipal authorities in the early 1700's was intensified when members of the cabildo joined with factions hostile to the incumbent governors. The storm caught up with the Santa Fe body during the administration of Juan Ignacio Flores Mogollón (1712-1715). The governor ordered the cabildo abolished and appointed a subordinate as alcalde mayor to assume the functions normally delegated or reserved to the municipal officials.⁵

Fernando Ocaranza advises us that the town council was reinstated under Félix Martínez de Torrelaguna (1715-1717) but eliminated anew with viceregal sanction when Antonio Valverde y Cossío assumed the governorship.⁶ Valverde, following the precedent established by Flores Mogollón, appointed one of his close associates to serve as alcalde mayor in Santa Fe, stipulating that in this position he should exercise and conduct the affairs usually performed by the cabildo. The governor's successor, Domingo

⁴Scholes, "Civil Government in New Mexico," p. 101.

⁵Warner, "The Career of Martínez de Torrelaguna," p. 121.

⁶Establecimientos franciscanos en el misterio reino de Nuevo México (Mexico, 1934), p. 187.

de Bustamante, failed to reestablish the council, provoking complaints that he had made himself absolute master of New Mexico.⁷ The viceroy ordered the election of *alcaldes ordinarios* in 1726, but it remains doubtful if after this date there was any semblance of a *cabildo* in the New Mexican capital.⁸ In the years which follow, there appears to be a total lack of reference to any municipal official other than an *alcalde mayor*.

No historian to the present has felt qualified to declare with finality that the Santa Fe *cabildo* passed out of existence in the eighteenth century, although a few have intimated that such may have been the case.⁹ The tribulations of the council as just outlined clearly demonstrate how its activities could be brought to an end by a strong-minded governor. It remains to be shown how a prolonged period of quiescence could be expected since decay of municipal government throughout New Spain was a common phenomenon in this period.

⁷Warner, "The Career of Martínez de Torrelaguna," p. 122.

⁸SANM, doc. 341.

⁹See e.g., Coan, Shorter History of New Mexico, I, 107; and Bloom, "Beginnings of Representative Government," p. 131.

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⁷Warner, The...
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Herbert Ingram Priestley, in several of his works, has demonstrated the retrogressive tendency of New Spain's municipal administration in the eighteenth century.¹⁰ The decadence of governments in such large towns as Guadalajara, San Luis Potosí, and Guanajuato was brought on, he declares, by the continual intervention of their governors, each of whom stood as the regional one-man power serving to strangle any attempt at municipal independence.¹¹ This closely parallels the conditions we have just described for Santa Fe.

On arriving in the viceroyalty in 1767, José de Gálvez discovered that the cabildos of cities and towns had fallen into disuse and in some provinces municipal decay was almost complete. It then became the objective of the tireless Gálvez to reinvigorate this important sphere of government, introducing at the same time reforms which would effectively remove the causes which had led to its decline.

The ideas of Gálvez were embodied in the important Order of Intendants of 1786. Reforms included therein looked particularly toward restoring town corporations and improving

¹⁰ José de Gálvez, pp. 210-18; and "Spanish Colonial Municipalities," p. 411.

¹¹ The Coming of the White Man, p. 193.

management of municipal finances. Article 11 of this Order is of special significance for New Mexican affairs. It declared that in the first year in which the new measure should be made effective, two *alcaldes ordinarios* were to be chosen in the towns which had an adequate number of inhabitants (without excepting those of the governments which were left in existence) but did not have these officials. The phrase "governments left in existence" refers to those provinces remaining under military rule and outside the jurisdiction of the new intendants. Such a province was New Mexico. Here then, as elsewhere, *alcaldes ordinarios* or municipal magistrates were to be selected. The Order makes clear that in choosing these officials the procedures outlined in the Recopilación were to be followed,¹² that is, the town judges were to be named by the *regidores* or councilmen of the *ayuntamiento*. But what of towns which possessed no such governing body? In continuing, Article 11 states that where no regular municipal council existed to perform this elective function, each political or military governor should appoint in his district *alcaldes ordinarios* in conformity with the spirit of the laws.¹³ Here then was a

¹²As found in lib. v, tit. 3, leyes 1-9.

¹³Fisher, The Intendant System, p. 106.

clear mandate regarding selection of town justices.

By an official directive dated October 7, 1793, Commandant General Pedro de Nava ordered Governor Fernando de la Concha to name *alcaldes ordinarios* in accordance with the new law for the Villa of Santa Fe and for other places in his province which counted a sufficient number of inhabitants. This unequivocally demonstrates that no *ayuntamiento* then functioned in New Mexico. The governor's immediate reply presented a number of difficulties which prevented him from fulfilling the command of his superior, whereupon the Commandant General submitted Concha's answer to his *asesor* for a legal opinion. Apparently the governor had set forth a number of inconveniences and impediments attendant to the choosing of local magistrates. The *asesor* agreed that for the time being, the naming of *alcaldes* should be suspended for all the provincial towns except Santa Fe where they should be chosen as previously ordered. After some delay, the Commandant General advised Fernando de Chacón, who had succeeded Governor Concha, to proceed according to this judgment and to create the appropriate judicial offices for the new Mexican capital.¹⁴

¹⁴Nava to Chacón, Quartel de Guajoquilla, August 23, 1796, SANM, doc. 1369.

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Governor Chacón in 1797 responded by indicating such difficulties as the poverty of Santa Fe and the relatively small number of inhabitants it contained. In this respect, it should not be considered any different from other towns in the province, he pointed out. Moreover, among the better citizens of the villa, there was scarcely anyone qualified to hold the post of alcalde ordinario, this situation being the true reason for his hesitation in the matter.¹⁵ In addition, there were numerous other factors staying the hand of the governor, but, notwithstanding, he declared that the naming of the Santa Fe alcaldes would proceed as provided in Article 11 of the Order of Intendants if the Commandant General so required it.¹⁶

¹⁵Chacón uses the phrase alcaldes ordinarios bienales since the original Order of Intendants had stated, "Only one of the alcaldes shall be chosen in each consecutive year, in order that their offices may be biennial in all the towns." A subsequent royal cédula of September 12, 1792 annulled this provision and returned to the former practice whereby alcaldes ordinarios served for a term of one year only. Apparently Governor Chacón at the time of his writing had not been made aware of this new modification. See Fisher, Order of Intendants, p. 107.

¹⁶Chacón to Nava, Santa Fe, July 13, 1797, SANM, doc. 1451. It should be mentioned in passing that here is a conspicuous example of the direct impact which the Order of Intendants had on New Mexico and serves, as does evidence presented in an earlier chapter, to refute the claim by some writers that the Order in no way affected affairs in this province.

Government of India, Ministry of Education, New Delhi.
Reference is made to the letter of the Government of Madhya Pradesh
dated 10/10/54, regarding the proposed establishment of a
Government College of Education, Jabalpur. The Government of
India is pleased to note that the Government of Madhya Pradesh
are desirous of establishing a Government College of Education,
Jabalpur, and are seeking the sanction of the Government of India
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The surviving correspondence breaks off here, but not before we have been given a fair picture of the status of New Mexican municipal affairs just before the turn of the nineteenth century. From this information we may summarize several salient points. First, Santa Fe nor any other town possessed a municipal corporation which could select the *alcaldes ordinarios* in the usual manner. Second, the governor of New Mexico was specifically empowered to make these appointments himself as the new law provided. The fact that two successive governors declined to do so, for reasons already set forth, suggests that government at the local level was at its lowest ebb. Also it is apparent that either of these men, had they been so inclined, might have named persons who, though lacking the requisite qualifications, would have been responsive to the governor's will. Finally, the letters quoted make clear the legal basis by which a number of *alcaldes ordinarios* in New Mexico were appointed in the brief period from 1800 to 1812. After this latter date, the Spanish Constitution intervened by providing new regulations for organization of municipal government.

The objections to naming magistrates for Santa Fe were overcome or overruled at least by 1803 and perhaps earlier. In that year appears the first reference to an

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alcalde ordinario de segundo voto since early in the previous century.¹⁷ The two justices were customarily designated as senior and junior, that is, alcalde de primer voto and alcalde de segundo voto or alternately alcalde de primera elección and alcalde de segunda elección. The senior magistrate ordinarily would have presided over the ayuntamiento and performed certain other functions not given to the junior alcalde. In most concerns, however, especially those related to judicial matters, the powers and authority of the two alcaldes ordinarios were the same.

In view of the fact that Santa Fe now possessed two alcaldes ordinarios, the fate of the alcalde mayor presents somewhat of a problem. It will be recalled that an officer of this title administered affairs of the capital along with those of its entire district and acted as special adviser to the governor during the long period beginning with the cabildo's demise in the early 1700's. With a partial restoration of regular municipal government in the form of the

¹⁷Trial of Ramos Madrid, et al., Santa Fe, June 11-19, 1803, SANM, doc. 1661.

¹⁸The word "elección" in this instance should be translated as "selection" rather than "election" as may be adduced from the discussion above. The alcalde selected first was designated as the senior magistrate.

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alcaldes ordinarios, it may be surmised that the alcalde mayor's activities in the villa were considerably curtailed. In the district of Santa Fe outside the limits of the town itself, his authority probably continued as before. What appears certain is the fact that an alcalde mayor for the Santa Fe jurisdiction as a whole did continue to function.¹⁹

By the year 1806, an alcalde ordinario is found in the Villa of Santa Cruz de la Cañada, though here, too, an alcalde mayor continued at his post.²⁰ Four years later, the Villa of Albuquerque had its complement of two alcaldes ordinarios, but there was still no full-fledged ayuntamiento within the province.²¹

Before proceeding, some mention of the nature of the office of alcalde ordinario should be made. The regulations

¹⁹This is evident in a letter from Manuel Delgado to Governor Real Alencaster, Santa Fe, May 8, 1805, SANM, doc. 1824. Later the Constitution of 1812 provided that alcaldes mayores might be named as jueces for the new judicial districts to be set up. Dublán and Lozano, Legislación mexicana, I, 393.

²⁰Real Alencaster to the Real Audiencia, Santa Fe, November 20, 1806, SANM, doc. 2029.

²¹Pino, Exposición, p. 29. Reference is here made by this writer to Don Cleto Miera y Pacheco as alcalde ordinario of San Carlos de la Alameda y sus partidos. Since Miera y Pacheco was the long-time alcalde mayor of this jurisdiction and as there was no villa within his district, Pino's allusion to him as alcalde ordinario would seem to be an error.

regarding the foundation of municipal government in New Mexico are contained in the instruction issued to Governor Peralta in 1609.²² This, together with subsequent royal legislation on the subject, particularly that contained in the Recopilación, defines the official character of the town magistrates and other municipal officers (known collectively as capitulares). Under ordinary circumstances, the citizens (vecinos) of Santa Fe, that is, property holders, elected the regidores (town councilmen) each year who in turn chose two alcaldes ordinarios from among the voters. The governor approved and confirmed these persons in office as well as the town attorney (procurador), a municipal secretary, the royal standard bearer or alférez real, and a constable and court baliff (alguacil) named by the regidores.²³

The prime function of the alcaldes ordinarios was to sit as judges of first instance in civil and criminal cases.

²²Bloom, "Instrucción a Peralta por vi-rey," pp. 178-88.

²³Recopilación, lib. v, tit. 3, ley 10. In addition to these officials, every town council was to have its escribano de cabildo or town clerk, who kept the minutes, drafted letters and deeds, and witnessed the signatures of the regidores. Often this office was combined with that of secretary. J. H. Perry, The Sale of Public Office in the Spanish Indies under the Hapsburgs (Ibero-Americana: 37; Berkeley, 1953), p. 7.

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Appeals from their courts ordinarily went to the governor and thence to the Audiencia of Guadalajara except in minor affairs which were carried to the cabildo and terminated there.²⁴ All appeals from the judgments of the early nineteenth-century alcaldes ordinarios in New Mexico, of course, reached the governor as there were no town councils to rule on the petty cases. Jurisdiction of the Santa Fe magistrates included the villa itself and the area surrounding within five leagues. All cases involving Indians were reserved to the governor or his lieutenant.²⁵

Under ordinary circumstances, the alcaldes presided over meetings of the council whenever the governor was not present to do so, and they possessed a vote equal to the regidores.²⁶ One of the alcaldes ordinarios was obliged to make weekly visits to the jail and prepare a monthly report of the results for the supreme court of justice, accompanying the same with a list of cases pending, with a

²⁴Blackmar, Spanish Institutions, p. 290; and Priestley, "Spanish Colonial Municipalities," p. 404.

²⁵Bloom, "Ynstrucción a Peralta por vi-rey," p. 181.

²⁶O. Garfield Jones, "Local Government in the Spanish Colonies as Provided by the Recopilación de Leyes de los Reynos de los Indias," Southwestern Historical Quarterly, XIX (1916), 77.

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specification of the day of commencement of the proceedings and the stages these had reached.²⁷

By law, the *alcaldes* assisted in the supervision and preservation of the municipal archives. The town records were supposed to be kept locked, with one key in the possession of an *alcalde ordinario*, another to be held by a *regidor*, and a third by the *escribano* of the council. The archives encompassed the official documents of the *cabildo* and the libro de acuerdos or book of measures passed by that body and notarized by the *escribano*.²⁸ After the demise of the Santa Fe town council, the municipal archives were placed with those of the province under care of the governor. In the outlying districts, the *alcaldes mayores* maintained their own depositories for official documents.²⁹

As was the custom, the ordinary magistrates of Santa Fe, together with the *regidores*, were delegated the duty of assigning in the presence of the city attorney town lots and

²⁷ Bancroft, California Pastoral, p. 579.

²⁸ Ots Capdequí, Manuel de historia del derecho español, p. 382.

²⁹ Removal and unauthorized use of papers in the official archives were strictly forbidden by a royal *cédula* of July 19, 1741. Dublán and Lozano, Legislación mexicana, I, 77.

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nearby lands to residents.³⁰ Each municipality, theoretically, owned a grant of land four leagues square, at the center of which was the main plaza surrounded by the house lots (solares). At the edge of these were the ejidos, or strips of commons used for various communal purposes, the suertes or arable fields distributed among the citizens, and the dehesas y tierras de pasto, or grazing grounds for livestock.³¹ Beyond these land classifications, there remained the municipal grounds (propios) retained by the cabildo and rented out or leased as a source of town revenue.³² Lands for agricultural purposes were divided into irrigable and non-irrigable, with each townsman receiving some of each. A person overseeing distribution of water was designated as alcalde or justicia de aguas.

³⁰Bloom, "Instrucción a Peralta por vi-rey," p. 181. The procurador or municipal attorney was known later as the síndico or procurador-síndico.

³¹Jones, "Local Government in the Spanish Colonies," p. 68; and Blackmar, Spanish Institutions, p. 169.

³²Supposedly, another source of local revenue came from the arbitrios which were the duties collected by the towns from mercantile business, trades, and products. As far as can be determined, neither the propios nor the arbitrios ever received more than a token collection by the Santa Fe authorities, and the amount of town funds as a whole remained almost nil throughout the colonial period. On these forms of taxes, see Priestley, "Spanish Colonial Municipalities," p. 406.

neighboring lands to residents.³⁰ From antiquity, the
 cally, owned a grant of land for various purposes, at the
 center of which was the main place surrounded by the houses
 lots (casas). At the edge of these were the fields, or
 strips of commons used for various purposes; perhaps, the
enclaves or enclaves fields situated among the citizens,
 and the enclaves y tierras de pasto, or grazing grounds for

livestock.³¹ Beyond these land classifications, there
 remained the municipal grounds (terrenos) retained by the
 cabildo and rented out or leased as a source of town
 revenue.³² Lands for agricultural purposes were divided

into terrenos de realengo and terrenos de señoría, with each town
 receiving some of each. A process of leasing distribution
 of water was designated as terrenos de riego.

³⁰ Hines, "Instrucción a formarse por el rey," p. 181.
 The procedure or municipal economy was known later as the
enclaves y tierras de pasto.

³¹ Jones, "Local Government in the Spanish Colonies,"
 p. 68; and Hines, Spanish Institutions, p. 184.

³² Supposedly, another source of local revenue came
 from the enclaves which were the wastes collected by the
 towns from mercantile business, taxes, and penalties. As
 far as can be determined, neither the profits nor the
 enclaves ever received more than a token collection by the
 Santa Fe authorities, and the source of town funds as a
 whole remained almost all through the colonial period.
 On these forms of taxes, see Hines, "Spanish Colonial
 Institutions," p. 608.

Beyond the specific duties just mentioned, the *alcaldes ordinarios* exercised, in addition, a paternal vigilance over the affairs of their towns. An *alguacil* maintained order under their direction and served as executive officer of the courts. Within rather vague limits, the magistrates exerted their influence in any matter that was conducive to the local welfare.

The Spanish Reform Movement and Municipal Government

In the spring of 1808, the forces of Napoleon marched into Spain, having previously taken captive Ferdinand VII. This action initiated a series of events which was to have a profound impact upon the governmental system of the empire as a whole and which eventually led to independence for the American colonies. New Mexican officialdom and the citizenry were keenly interested in happenings unfolding in the mother country, and they were kept relatively well informed by announcements and reports originating in Spain and the Mexican capital.

A council, the *Junta Suprema de Gobierno de España é Indias*, was organized in Spain to direct the affairs of the empire in the absence of the king.³³ It called upon

³³SANM, doc. 2167, in *Orders and Decrees*, II, 119.

citizens everywhere to recognize it and to swear allegiance to Ferdinand VII. The governor of New Mexico was instructed by the commandant general to proclaim the will of the Junta, and this was done in an elaborate four-day ceremony organized in Santa Fe.³⁴ The populace at large was thus made aware, however vaguely, of the changes in Europe. Within a short time, donativos or contributions for the Peninsular War were requested of the citizens, bringing somewhat closer to home the meaning of otherwise remote events. The special collections were assembled by the district alcaldes and special masses to pray for Spanish victory were conducted in mission churches throughout the province. At Jémez, which was probably typical, a solemn mass initiated a three-day ceremony in which all citizens participated. Bonfires were kept burning throughout the night and many vivas were shouted for the king.³⁵

The contributions made by New Mexicans to the Spanish cause were by no means meager considering the relative poverty which prevailed. In the jurisdiction of Alameda

³⁴Order of Governor Manrique, Santa Fe, November 8, 1808, SANM, doc. 2174.

³⁵Sanchez Vergara to Manrique, Jémez, April 25, 1809, SANM, doc. 2224.

citizens everywhere to recognize it and to make it a national holiday.
to the Government of the United States. The Government of the United States
by the constant energy and patriotism of the people of the United States
and this was done in an efficient, business-like manner and without
in 1893, the Government of the United States has been able to
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tions were caused by the lack of food and fuel
masses to pay for Spanish victory, which was conducted in a
churches throughout the country. The Government has
probably typical, a system was initiated a three-day strike
only in which all citizens participated. Donations were sent
during throughout the night and every year is devoted to
the King.³⁵

The contributions made by the citizens to the Spanish
cause were by no means equal, considering the relative
poverty which prevailed. In the United States of America

³⁴ Order of Governor Kirtland, June 25, 1846, p. 10.
1893, 20th Dec. 1893.
³⁵ Spanish Victory to Kirtland, June, 1846, p. 10.
1893, 20th Dec. 1893.

alone, several hundred persons donated over one hundred and seventeen pesos, in addition to a large quantity of goods and seventy-nine head of livestock.³⁶ In the jurisdiction of Santa Fe, the number of persons contributing came to almost five hundred.³⁷

In the meanwhile, events were moving rapidly in Spain. The Central Junta issued a decree on January 22, 1809, recognizing the Spanish dominions in America as integral parts of the nation and declaring that they should have representation in the governing body. On January 31, 1810, a Regency was installed in Spain which issued a call for a meeting of the Spanish Cortes (or congress) later that same year.³⁸ In June, printed copies of new decrees by the Regency were received in Santa Fe.³⁹ One of February 14 declared that from this moment forward, all citizens should consider themselves as elevated to the status of free men.⁴⁰ Another of the same date set forth

³⁶Alameda Accounts, April 29, 1809, SANM, doc. 2226.

³⁷List of Citizens Subscribing to the Donative Voluntario, Santa Fe, November 19, 1809, SANM, doc. 2271.

³⁸Lucas Alamán, Historia de México (5 vols.; Mexico, 1849-1852), I, 272.

³⁹Nettie Lee Benson, "Texas Failure to Send a Deputy to the Spanish Cortes, 1810-1812," Southwestern Historical Quarterly, LXIV (1960), 18.

⁴⁰The Council of Regents to the Spanish Americans, SANM, doc. 2288, in Orders and Decrees, II, 136-37.

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the procedure to be followed in selecting deputies to the Cortes.⁴¹

Representatives to the Spanish congress were to be chosen in each provincial capital by the local ayuntamiento. The municipal body was to nominate three leading citizens and from among these was to draw the name of one to serve as deputy. His expenses were to be arranged by local authorities, and he should receive instructions and suggestions from leading citizens as to the business which should be brought before the Cortes.⁴²

In fulfillment of the command to elect a deputy, an assembly of the alcaldes and leading men of the province--there being no ayuntamientos--was convoked on August the 11th in Santa Fe. With the governor presiding, three candidates were voted upon and from these a delegate, Pedro Bautista Pino, was chosen by lot. After receiving instructions from a number of prominent citizens, he embarked for Spain in October of 1811.⁴³ Although Pino was obliged to pay the

⁴¹Real Decreto, SANM, doc. 2289, in Orders and Decrees, II, 138.

⁴²Ibid.

⁴³Pino, Exposición, p. 31.

The procedure to be followed in electing deputies to the

Constitution.

Representatives to the special Congress were to be

chosen in each provincial capital by the local authorities.

The municipal body was to nominate three leading citizens

and from among these was to draw the names of two to serve

as deputies. His request was to be attended by local

authorities, and he should receive instructions and support

from the leading citizens of the locality, which should

be brought before the Congress.

In fulfillment of the command to elect a deputy,

an assembly of the alcalde and leading men of the province

there being no Ayuntamiento--was convened on August the first

in Santa Fe. With the governor presiding, three candidates

were voted upon and first there a deputy, Pedro Restrepo,

was chosen by lot. After receiving instructions from

a number of provincial officials, he returned the same day

October of 1811. ¹¹ Alvarado also was obliged to pay the

¹¹Real Decreto, 22 de Mayo, 1811. In Ovando and Torres,

II, 138.

¹²Torres

¹³Real Decreto, 21 de Mayo, 1811.

expenses of his journey, the patriotic people of New Mexico contributed \$9,000 as a donativo to the cause of Ferdinand VII.⁴⁴

Pedro Bautista Pino's representation to the Cortes took the form of a lengthy report or Exposición on the internal affairs of New Mexico. The document was first published in Cádiz in 1812 and provides one of our best sources of information on the province in this period-- especially as to the weaknesses and needs of the government.

A fellow delegate with Pino in the Spanish congress was Miguel Ramos de Arizpe, the representative from the eastern internal provinces.⁴⁵ He, too, prepared a report for the Cortes, outlining the defects in the government of his area, but its tone was more severe than that of Pino and it resulted later in his imprisonment by the Spanish king.⁴⁶ Of particular interest to us are his comments on

⁴⁴Bancroft, Arizona and New Mexico, p. 288.

⁴⁵Ramos de Arizpe was legally the representative only for Coahuila, but as his neighboring provinces failed to name a delegate, he undertook to speak for them all. Benson, "Texas Failure to Send a Deputy to the Spanish Cortes," p. 28.

⁴⁶Benson, Report of Miguel Ramos de Arizpe, p. ix.

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the condition of municipal governments. In his own province of Coahuila, he deplored the fact that only one city, the capital of Saltillo, had a regular ayuntamiento. Such cities as Parras, with ten thousand inhabitants, and Monclova, with over six thousand, had no councils. The municipalities of adjacent provinces were in similar straits. These sad conditions he attributed to the military governors who found the curbs imposed by municipal bodies distasteful and, therefore, sought to hinder their establishment.⁴⁷ These remarks forcefully demonstrate that the poor development of town government in the Provincias Internas as a whole was similar to that we have pictured for New Mexico.

About the only attention compilers of New Mexican history give to the liberal movement in Spain comes with a brief notice of Pino's activities and of the Exposición he presented to the Cortes. To neglect the Constitution of 1812 with its subsequent augmentive and explanatory decrees is impossible, if one wishes to comprehend the fundamental alterations at all levels in the governmental structure of Spain's empire. Although New Mexico was affected by only

⁴⁷Ibid., p. 30.

the condition of municipal government in the provinces
of Castile, he reported the fact that only the cities
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of the Interior who found the entire system of municipal politics
disastrous and, therefore, sought to amend these laws
of 1800. These amendments were finally approved and the
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Among the only excellent copies of the Mexican
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⁴⁷ Ibid., p. 30.

a limited number of the new provisions, it is imperative for a full view of colonial history in this later period to consider the changes wrought--transitory though they were--by the new instrument of government.

The men of the ad interim government who assumed the direction of Spain's political affairs and of the resistance to Napoleon's armies were in the majority young liberals who had belatedly come under the influence of the Enlightenment and the doctrines of the French Revolution. It is not surprising, then, that they produced a document providing for a ministerial monarchy based on sovereignty of the people and the responsibility of the king's ministers to the Cortes.

The Constitución política de la monarquía española was promulgated on March 18, 1812 at the city of Cádiz. The ten títulos into which it was divided among other things defined the future membership of the Cortes and provided regulations governing election of delegates; set forth the power of the Cortes and prescribed the procedure for the enactment of laws; described the authority and privileges reserved to the king; outlined forms to be pursued in the administration of justice; and dictated the provisions which

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should be followed in the reorganization of local government at both the provincial and municipal levels.⁴⁸

Throughout the remainder of 1812 and during the subsequent year, a series of decrees were issued by the same Cortes which clarified some matters that had been treated only sketchily in the Constitution. Especially pertinent to later developments in New Mexico was a Decreto of October 12, 1812 concerning the functioning of audiencias and courts of first instance, and orders of May 23 and July 10, 1812 on the formation of constitutional ayuntamientos.⁴⁹

That these specific decrees, the Constitution itself, and numerous other directives originating with the Cortes in Spain reached Santa Fe and were duly digested by the authorities here cannot be questioned. The Secretary of State dispatched printed broadsides of the new legislation to the commandant general of the Provincias Internas, who

⁴⁸Created by the Constitution were a Council of State (Consejo de Estado) and offices of seven secretaries, including a Secretary of State (Secretario de Estado) and a Secretary for Overseas Affairs (Secretario de Ultramar). The Council and these two Secretariats are occasionally mentioned in the New Mexico documents of the period, but they had little direct contact with the province itself.

⁴⁹These decrees and others, together with the Constitution of 1812, are printed in Dublán and Lozano, Legislación mexicana, I, 349-428.

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⁴⁹ These decrees and others, together with the
 Constitution of 1812, are printed in Berlin and Larrea,
Legislación mexicana, I, 349-350.

ordered his subordinates in the provinces to distribute copies to magistrates, church officers, and ayuntamientos for proclaiming, so that all would be informed of the new events.

From all indications, only the new ruling regarding creation of constitutional ayuntamientos was widely followed in New Spain.⁵⁰ In February of 1813, Commandant General Salcedo sent to the governor of New Mexico the decree of July 10 on this subject, and presumably the decree of May 23 concerning the same topic was dispatched earlier, though it is not presently in the archives.⁵¹ Taken together, these two pieces of legislation, along with Title 6 of the Constitution, supply the legal basis for the municipal development soon undertaken by the New Mexican authorities.

According to the laws proclaimed by the Cortes, all towns of one thousand inhabitants or larger were to have ayuntamientos composed of alcaldes constitucionales, regidores, a procurador-síndico, and a secretary.⁵²

Towns with a smaller population, but of special economic

⁵⁰This point is stressed by José Bravo Ugarte in his Historia de México (3 vols.; Mexico, 1941-1946), III, 41.

⁵¹Salcedo to the Governor of New Mexico, Chihuahua, February 13, 1813, SANM, doc. 2445.

⁵²An order of the Cortes, February 2, 1813, provided that the new terminology introduced in the Constitution and Decrees should, henceforward, be employed in all official papers. Thus, for example, alcalde constitucional was intended to supplant the older usage of alcalde ordinario. See Salcedo to Manrique, Chihuahua, February 2, 1813, SANM, doc. 2476.

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1817, vol. 2, p. 206.

importance, might also select municipal councils. Villages unable to maintain a government of their own were to be attached to the nearest ayuntamiento. The old municipal administrations, wherever they existed, were to be swept aside and replaced by newly elected officers. In December of every year the citizens of each town should gather to choose by a plurality vote the electors, who would in turn select the municipal magistrates, the councilmen, and lesser officers. The alcaldes, as in the past, should serve one-year terms. The regidores filled their offices for two years, half of the membership being elected every other year. All municipal officials, in order to qualify for election, were required to be at least twenty-five years of age and to have resided in their towns for a minimum of five years.⁵³

By 1814, a number of the larger towns in New Mexico, including Albuquerque, Belén, Bernalillo, El Paso, Santa Cruz de la Cañada, and Santa Fe had complied with the Constitution and created full ayuntamientos.⁵⁴ In addition

⁵³Dublán and Lozano, Legislación mexicana, I, 373-75; 380-82.

⁵⁴The commandant general ordered the governor in September of 1814 to inform him of the New Mexican towns which had erected governments. SANM, doc. 2560. Unfortunately, we do not have the governor's reply.

laplacian, which also subject-matter, controls. Village
 unable to maintain a government of their own were to be
 stretched to the nearest system. The old municipal
 administrations, wherever they existed, were to be kept
 side and replaced by newly elected officers. In 1900
 of every year the citizens of each town should gather to
 choose by a majority vote the trustees, who would in
 turn select the municipal system, the councilmen,
 and lesser officials. The trustees, as in the past, should
 serve one-year terms. The trustees listed their officers
 for two years, half of the responsibility being placed every
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 for election, were required to be at least twenty-five
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By 1814, a number of the largest towns in New Mexico,
 including Albuquerque, Bernal, Taos, and Santa Fe, were
 organized as towns, and Santa Fe had complied with the
 Constitution and created full government. In addition

Indian and Spanish, Political system, 177-78
 180-82.

The candidate general elected the governor in
 September of 1814 in accordance with the first section of the
 which had elected governments. Santa Fe, Bernal, Taos, and
 finally, we do not have the government's reply.

to the *alcaldes constitucionales* and *regidores*, most or all of these bodies had an elected secretary who kept the minutes of the council meetings in a libro de sesiones and the record of resolutions in the *libro de actos*. The El Paso ayuntamiento listed the following documents as comprising its archives in 1815: one copy of the Spanish Constitution; a copy of the decree of May 23, 1812; the *libro de actos* or *acuerdos*; and a tax schedule (*plan de arbitrios*) for a common fund for El Paso.⁵⁵

It may be assumed that the printed Constitution was fairly widely distributed throughout the province as it is frequently quoted by local officials. The governor besought the commandant general in 1814 to supply him with six copies of the document for distribution to magistrates in New Mexico who were still in need of them.⁵⁶

Before turning to the events following upon the restoration of Ferdinand VII to the Spanish throne, it will be well to mention in specific terms another section of the Constitution of 1812 which was at least partially

⁵⁵Index of Documents, El Paso del Norte Archives, May 1, 1815, SANM, doc. 2595.

⁵⁶Index of Correspondence, 1814, Governor of New Mexico to Bonavia, Santa Fe, SANM, doc. 2554.

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Index of documents, 177 to 181
May 1, 1812, B.M. 400, 200.

Index of Correspondence, 1812, 1813, 1814
Mexico to Boston, 1812, 1813, 1814

applied in New Mexico. This reference is to Title 3 which detailed the procedure for the election of future deputies to the Cortes. Electoral juntas were to be conducted in three stages or levels: 1) parochial (de parroquia), 2) district (de partido), and 3) provincial (de provincia). Juntas electorales de parroquia were to be attended by all citizens in each parish who should assemble in the casa consistorial (any house where community meetings were customarily held). With the local alcalde presiding and with the assistance of the parish priest, officials called compromisarios were to be selected who would in turn choose the parroquial electors by a plurality vote. There was to be one of these latter named for every two hundred inhabitants counted in the parish. If the local population was small, eleven compromisarios would be elected to choose one elector. If the parish was entitled to two electors, then twenty-one would be the number of compromisarios. Named also was a secretary to record the business of the junta and persons to count the votes (escrutadores).

The parochial electors all convened in the chief town of their district to select from their number electores de partido, who in turn proceeded to the capital

applied in New Jersey. This was done in 1892 when
 detailed the procedure for the election of judges
 to the Court. The following provisions were included in
 three stages or levels: (1) parochial (the parishes),
 (2) district (the parishes), and (3) provincial (the province).
Provincial elections were to be held every six
 months in each parish and each assembly in the
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 commonly held). With the local officials presiding and
 with the assistance of the parish officials called
commissioners were to be selected who would in each parish
 the parochial electors by a plurality vote. There was to
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 votes counted in the parish. If the local population was
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 elector. If the parish was entitled to two electors, then
 twenty-one would be the number of commissioners. There
 also was a secretary to record the names on the lists
 and persons to count the votes (commissioners).

The parochial electors all convened in the church
 town of their district to select from their number
electors (the parishes), who in turn proceeded to the capital

of the province for the final election of a deputy to the Cortes.⁵⁷ A rather lengthy document of approximately sixty-five pages in the Spanish Archives of New Mexico clearly indicates that in the first half of 1814 the important towns of the province convoked juntas electorales to name parochial electors.⁵⁸ The procedure followed adhered closely to that laid down by the Constitution in Title 3. Further, the district juntas also convened and carried out their missions of choosing electors to the provincial junta. This documentation demonstrates that the parochial electoral districts corresponded in New Mexico to the smallest political jurisdictions commanded by a teniente alcalde and known here as partidos or tenencias. The district juntas (labeled by the Constitution as juntas de partido) corresponded to the New Mexican alcaldías mayores.

Until now it has remained uncertain if the provincial junta ever assembled. The present writer, however, discovered a document in the Santa Fe archives which clears up this matter.⁵⁹ On March 13 and 14 of 1814, the provincial

⁵⁷Dublán and Lozano, Legislación mexicana, I, 352-57.

⁵⁸Collected Documents on Constitutional Elections, January 10 to June 14, 1814, SANM, doc. 2528.

⁵⁹Results of the Electoral Junta, El Paso, 1814, unnumbered printed document following SANM, doc. 2573.

Junta convened in El Paso, rather than Santa Fe, and was composed of delegates from northern Nueva Vizcaya as well as from New Mexico.⁶⁰ Presiding was the ad interim lieutenant governor in El Paso, Don Rafael Montes. Francisco José de Juaregui, first alcalde of the Villa of Chihuahua, was named deputy to the Cortes, and Simon de Ochoa, regidor of the same city, was chosen as alternate (suplente). Elections for two deputies and an alternate to the provincial deputation, that is the provincial assembly or congress, of the Provincias Internas de Occidente as specified by the Constitution were also held. One of the representatives (vocal) and the alternate were citizens of New Mexico--Juan Rafael Ortiz and Francisco Xavier Chaves, respectively. These elections were voided, however, by subsequent events in Europe.

On the continent, Napoleon had been defeated and Ferdinand VII had regained his throne. The king immediately dissolved the Cortes and began undoing its liberal work by revoking the Constitution and decrees and by returning the empire, governmentally speaking, to the status quo ante bellum.

⁶⁰The reasons for this state of affairs are suggested later in this chapter when a similar junta held in El Paso in 1820 is discussed.

On July 2, 1814, Ferdinand issued an order from Madrid, re-establishing the old Council of the Indies (Consejo de Indias), which had been the chief body in Spain concerned with colonial affairs. In this cédula, he spoke of the disorder and confusion reigning in the government, particularly in administration of justice, during the period of his absence.⁶¹ This observation foreshadowed his order of the following July 30, which extinguished the constitutional ayuntamientos and directed that the old officials which had preceded them be returned to office.⁶² In February of the following year, the commandant general instructed Governor Maynez of New Mexico to comply with this order and dissolve the existing municipal councils.⁶³

This mandate was apparently carried out in all towns within two months, although we have records showing the abolition only of the ayuntamientos at El Paso del Norte in early March of 1815⁶⁴ and at Santa Cruz de la Cañada

⁶¹SANM, doc. 2546 (part 1).

⁶²Montoya to Maynez, La Cañada, April 3, 1815, SANM, doc. 2586; and Cédula of Ferdinand VII, December 28, 1814, SANM, doc. 2570.

⁶³SANM, doc. 2586.

⁶⁴Quiñones to the Governor, El Paso, March 13, 1815, SANM, doc. 2582.

on or about April 3.⁶⁵ In addition, there remains in the archives a letter from the governor to the constitutional alcalde of Laguna referring to the decree of July 30.

The governor declares in part:

I didn't relieve you [the alcalde] from office immediately because of the shortage of someone to take your place; but having now considered that José Vicente Ortiz, citizen of Acoma, can fulfill the charge of alcalde mayor of Laguna, I name him to serve. You will recognize him handing over the corresponding archive and official papers, and you will cease exercising the functions of your office.⁶⁶

This suggests that in the jurisdiction of Laguna-Acoma which was largely Pueblo Indian, no ayuntamiento had been created and the governor, instead, had replaced the alcalde Mayor with a constitutional alcalde, which meant in truth merely a change in name to conform to the new law. A similar circumstance may have existed in other predominantly Indian districts as Zuñi and Jémez.

With the end of the period of expanded municipal government in 1815, the administration of local affairs was returned again to the alcaldes mayores and their tenientes.

⁶⁵Montoya to Maynez [Santa Cruz], September 3, 1815, SANM, doc. 2586.

⁶⁶Maynez to Gallego, Santa Fe, March 15, 1816, SANM, doc. 2652.

It may be recalled that along with these, *alcaldes ordinarios* appointed by the governor had existed in the pre-Constitution days in at least Santa Fe, Santa Cruz de la Cañada, and Albuquerque. With resumption of the old forms of government, only the *alcaldes ordinarios* for the city of Santa Fe seem to have been returned to office.⁶⁷ In Santa Cruz and Albuquerque, the *alcaldes mayores* once again directed the affairs of their respective communities.

This situation prevailed only a few years, however, for in 1820 a liberal revolution in Spain forced the king to restore the Constitution of 1812 and to recall the Cortes. By a decree dated April 15, 1820, the laws of the first Cortes were declared re-established and in force in America.⁶⁸ The first order of business confronting New Mexicans in view of these developments was the election of a deputy to the new Cortes. On July 5, 1820, a preliminary council (*junta preparatoria*) was convened in the city of Durango to formulate a set of instructions on the necessary parochial, district, and provincial elections for the western internal provinces.⁶⁹ Nueva Vizcaya was to select

⁶⁷ Index of Municipal Documents, Santa Fe, May 10, 1818, SANM, doc. 2720.

⁶⁸ Proclamation of Ferdinand VII, SANM, doc. 2887.

⁶⁹ SANM, doc. 2903.

select two congressional deputies and one alternate, the province of Sonora and Sinaloa the same number, and New Mexico one deputy and one alternate. Since New Mexico, according to the latest census, did not have the ten thousand inhabitants necessary to qualify for a deputy under the Constitution, the junta ordered that several jurisdictions in Chihuahua should be attached to it for the moment and all district electors would then assemble in the city of El Paso del Norte on a date designated by the governor to conduct the final election. Other provisions of the junta followed closely the electoral procedure set down in the Constitution.

The parochial and district (de partido) elections were held in the manner described earlier and in the final meeting of provincial electors, Juan Bautista Pino was once again named New Mexico's representative to Spain.⁷⁰ His election, doubtless, occurred in El Paso as recommended by the junta, since this had been the location of similar activity in 1814. Pino started for Spain, but only reached Vera Cruz where a shortage of funds forced him to abandon

⁷⁰The only returns which have survived are those of the Santa Fe parochial election, August 6, 1820. Pino's name appears first on the list. SANM, doc. 2910.

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¹⁰The only returns which have survived are those of
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 name appears first on the list, 1820, vol. 2913.

his journey. In writing to the Cortes in 1821 to explain his non-attendance, he complained that reforms he had urged in his earlier Exposición, though adopted by an order of May 9, 1813, had not been carried into effect.⁷¹ New Mexico went through the form of electing a deputy to Spain for the years 1822 and 1823 and traveling expenses were even appropriated, but by this time independence had become a reality and hence these acts were meaningless.⁷²

Bancroft has declared that no ayuntamientos existed in New Mexico in the period prior to independence. Recent writers have accepted this at face value without taking into consideration the fact that Bancroft's source was Pino's Exposición written in 1812. In the years which followed this date, as we have seen, ayuntamientos were created and then abolished again except in Santa Fe. After viewing some of the evidence presented above, Bloom rather timidly asserted that "Bancroft's statement is too sweeping and must be

⁷¹Bancroft, Arizona and New Mexico, pp. 289-90. Among the measures passed had been provision for the establishment of a bishopric and seminary in Santa Fe. AGI, Audiencia de Guadalajara, leg. 561. Letters of Pino relative to this subject are contained herein.

⁷²Bloom, "New Mexico under Mexican Administration," p. 45; and García Conde to Melgares, Durango, July 10, 1821, SANM, doc. 2993.

modified" and acknowledges that New Mexico appeared to have several ayuntamientos by 1821.⁷³

The fact is, as unchallengeably demonstrated by surviving documents, at independence New Mexico possessed fifteen and possibly more fully operative ayuntamientos.⁷⁴ The list includes Santa Fe, Santa Cruz de la Cañada, San Juan, Abiquiu, Taos, San Miguel del Bado, Cochiti, Alameda, Albuquerque, Isleta, Belén, Laguna, Jémez, Corrales, and El Paso.⁷⁵ Specific mention of constitutional alcaldes, regidores, procuradores-síndicos, and secretaries in a number of lesser places would indicate that even where precise information is lacking, each town government was enjoying the full complement of officials prescribed by the Constitution of 1812.⁷⁶

⁷³Bloom, "New Mexico under Mexican Administration," p. 44.

⁷⁴A document of 1823 refers to thirteen alcaldías in New Mexico plus the jurisdiction of El Paso. Account Received by José Antonio Vizcara, Santa Fe, December 31, 1823, Bancroft Library, Pinart Col., P-E 59.

⁷⁵A number of documents were surveyed in the compiling of this list, all of which are cited in Twitchell, Spanish Archives of New Mexico, II, 638-47. Especially pertinent were SANM, docs. 3000, 3004, 3007, and 3022.

⁷⁶The basic law of the new Republic of Mexico remained until 1824 the Spanish Constitution with a few modifications. The provisions in this document regarding municipalities continued in force until 1850. Blackmar, Spanish Institutions, p. 190.

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Before leaving the subject of municipal government, reference must be made to the *alcaldes de barrio* who appear in New Mexico in the late colonial period. Customarily these magistrates were over wards or barrios of the larger colonial towns and were subordinate to the municipal council.⁷⁷ Mexico City, after the reforms of José de Gálvez, possessed four such *alcaldes*. The *ayuntamiento* of the Villa of Chihuahua in 1793 selected four magistrates to fill posts in the barrios of that city, and this action was approved by the commandant general.⁷⁸

From these and other instances, it is apparent that *alcaldes de barrio* were confined to large towns divided into wards. In New Mexico, however, the only municipality of a certainty which possessed barrios was Santa Fe,⁷⁹ yet references to *alcaldes de barrio* appear in the nineteenth century for such places as Las Truchas, Zia, Tomé, and Socorro. In these cases and in others, the colonial New

⁷⁷Recopilación, lib. v, tit. 12.

⁷⁸"Efemérides Chihuahuenses," BSCEH, II (1939), 32.

⁷⁹Shortly after independence, the barrios of the provincial capital were listed as San Francisco, San Miguel (Analco), Nuestra Señora de Guadalupe, and Torreón. Mexican Archives of New Mexico, Santa Fe, Undated Census Reports, Misc. Doc. 2, Paper 1.

Mexicans seemed to have used the word "barrio" interchangeably with partido, and by an alcalde de barrio they meant a teniente alcalde. While barrio ordinarily signified a ward or district of a city, an alternate meaning could be a small village or town dependent upon a larger one.⁸⁰

Used in this sense, the word would coincide with the common usage in New Mexico of partido. Substantiating this assumption is a document of 1814 which refers to the partidos or alcaldías de barrio of Albuquerque.⁸¹ Here these expressions seem to be employed as equivalents, but further evidence on this question should be sought before all doubt can be allayed.

⁸⁰The Diccionario histórico de la lengua española (2 vols.; Madrid, 1936), II, 134, defines barrio as "un grupo muy apartado de casas que con otros forma un pueblo o aldehuela dependiente de otra población."

⁸¹Indian Fund Accounts, Albuquerque, July 2, 1814, SANM, doc. 2545.

CHAPTER IX: CONCLUSION

The foregoing study has attempted to reconstruct a picture of Spanish government in New Mexico during the late colonial period. Throughout, the emphasis has been on the presentation of simple fact; subjective interpretation has entered only incidentally. The scarcity of specific information on political institutions in the latter phase of colonial development has hitherto hindered full understanding of New Mexican affairs. So, too, has the lack of articles and monographs on economic and social conditions in the same period. These last topics offer a rich field for the resolute student who might wish to carve out a home in a little-explored wilderness.

Although the present description of Spanish government makes no pretense of offering other than a factual account of political institutions, it is possible to detect in the particular details certain general trends. Comment upon these may serve as a handy summation of the study as a whole, conveying a notion of the problems solved and those remaining, and suggesting a new point of departure for future research.

In the past there has been an unfortunate tendency on the part of scholars to consider New Mexico as essentially isolated from the main current of events transpiring in New Spain. There is obviously some logic in steering such a course, given the province's geographical remoteness, but carried to an extreme it ultimately may cause the historian's ship to founder.

As the preceding chapters have amply demonstrated, New Mexico was closely tied to the central government in the South and, through it, to the mother country. The province's immediate responsiveness to changes in the central authority is nowhere more apparent than in the period of revolutionary reform beginning in 1810, when the welter of new laws and decrees produced something of a scramble as New Mexican officials hastened to comply with these measures. A fact which is clearly expressed in Part One and which is at least implied in Parts Two and Three is the close dependence of provincial political officers upon their superiors in Mexico. This argues that New Mexico was fundamentally an extension of the southern government, and if data were available it could, no doubt, be shown that economic and social patterns here were

In the past there has been an emphasis on the part of historians to consider the events in Spain daily instead of the main course of events in the country. There is a tendency to consider such a course, given the province's geographical position, but not to see an extent of political activity. Historians' rights are limited.

In the preceding chapter a new way of thinking has been introduced. It is not only the geographical position of the South and, though it is the other way round, the province's responsibility to change in the central authority is now more important than in the period of revolutionary change. In 1931, when the writer of this book had been studying the province as the Mexican situation presented no difficulty with these matters. A good which is clearly expressed in fact one and which is at least limited in fact two and three is the time dependence of provincial political officials upon their superiors in Mexico. This aspect of New Mexico was fundamentally an extension of the southern government, and it does not seem to be done, no doubt, to show this aspect and social systems have been

essentially copies of those prevailing elsewhere in the commandancy. If this is accepted, then the illogic of regarding New Mexico as an isolated component in the total machinery of government becomes apparent. By way of conspicuous example, we may cite the Gálvez visita which initiated basic reforms in a number of areas of New Spain. Without reference to this event and the results which it produced, a proper understanding of subsequent developments in New Mexico cannot be achieved.

With regard to the functioning of provincial government here, the current study has attempted to offer an overall view of Spanish administration during the last half-century of the colonial era. As pointed out in the preceding chapters, political activity was stimulated in this period by an increasing concern on the part of the central authorities for the improvement of local affairs. The new legislation which came as a result of this interest and the comment which it evoked from administrators at all levels brought forth, beginning about 1770, a wealth of documentary materials. Students viewing these sources today in archival collections may readily observe their abundance, and by comparison may note the relative scarcity of papers

on the subject of political administration earlier in the eighteenth century.

Thus, one characteristic of government which may be noted is the expanding complexity of basic institutions. In the military system, to cite one instance, a series of reglamentos and cédulas initiated programs looking toward the amelioration of the effectiveness and morale of the royal troops. In another area, that of the administration of justice, fundamental reforms were introduced through the Order of Intendants, the Constitution of 1812, and other measures which sought to establish the proper local courts, so that all citizens might easily have recourse to the law. New Mexico, therefore, may be viewed as something of a case study--an example of how the new laws relating to the military, judiciary, and other areas were applied.

The intensive use of hitherto neglected documents and the description of several previously unstudied aspects of government shed light on and raise questions about facets of New Mexican history properly outside the scope of an institutional survey. Those persons interested in economic development, for instance, should take note of that material which conveys the impression that New Mexicans were not so universally penurious as has been believed. Specie

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Thus, the character of government in the
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measures which sought to centralize the royal government
so that all orders might be issued from the center.
New Mexico, therefore, is a good example of a
study--an example of how the military system
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The intention was to bring the scattered documents
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universally penetrated as has been believed.

Imported to pay the troops, to supply them, and to fill the coffers of the fondo de aliados suggests the source of hard cash, while extensive returns for the numerous donativos indicate that such money did filter down to people below the rico class.

Review of the entire subject of the local economy, taking this and other points into consideration, may reveal that some of the early writers, as Pedro Bautista Pino, exaggerated or distorted the picture of conditions prevailing in New Mexico in an effort to win concessions from the Spanish government. In this and other efforts to achieve a more balanced perspective of colonial New Mexican history, the subject of provincial government must figure as an integral part.

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Wichita, Kansas, 1900. This report is a copy of the
original as it appears in the files of the
Bureau of Land Management, U.S. Department of the Interior.

Wichita, Kansas

The following is a list of the names of the persons who have been
admitted to the membership of the Wichita Chapter of the
United States Geological Survey since the organization of the
chapter in 1898. The names are given in the order in which they
were admitted, and the date of admission is given in parentheses.
The names of those who have died are given in italics.

MILLERS FALLS
EXTRA
COTTON-COUNTY

