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PADRE MARTÍNEZ: A NEW MEXICAN MYTH

By E. K. FRANCIS*

THE CASE of Don Antonio José Martínez, parish priest of Taos at the time of the American invasion, is still very much alive in New Mexico. The powerful personality of the old New Mexican padre, who died in 1867, has all the reality of a political myth. He has been cast in the role of the great yet enigmatic antagonist of Jean Baptiste Lamy, first Catholic bishop of Santa Fe, another New Mexican legend made famous through Willa Cather's fictionalized history *Death Comes to the Archbishop*. In fact there are few books on nineteenth-century New Mexico—fiction, popularization or scholarly history—which would omit mentioning the two entirely. The story of their dramatic fight not only strikes the imagination, it also offers a key to the understanding of the Spanish-American minority in the Upper Rio Grande region.

Don Antonio's controversy with his bishop came toward the end of an active life which would have been noteworthy even without this incident. For it straddles three periods in the history of his people, the Spanish, Mexican and American, and is interwoven with every important event of nearly fifty fateful years of transition. One of its moving forces, though by no means the only or even the strongest one, was resistance against foreign domination. Yet this has been twisted into resistance against Catholic dominance and into a self-

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seeking struggle for personal power. Three camps have had a vital interest in seeing it this way: English-speaking Americans have sought a confirmation for their story that the Spanish people had submitted peacefully, even eagerly to the conquest. Protestants, doing missionary work in the once solidly Catholic region, have welcomed any sign of an inner readiness on the part of the people to break away from the church of Rome. Catholic historians, finally, found a vindication for the course taken by Lamy and his successors. Oddly enough the case of Padre Martínez seemed to satisfy all three mutually exclusive view points, although this required some bending of facts and some looking the other way in the face of inconsistencies and contradictions. Such is, of course, the stuff of which all social myths are woven: one part gossip and rumor, one part invention, a good dose of wishful thinking and a kernel of truth. It is the objective of this essay to get at that kernel of truth. Any attempt to straighten out the record of the pastor of Taos would, however, require more space and probably more solid documentation than is presently at our disposal. Hence this paper will be confined to one chapter of his biography, giving sufficient background to make it intelligible.

In reconstructing the events which led to Padre Martínez' excommunication we rely upon archives that have never been utilized in their entirety although some of the materials have been known to several others. Primarily we draw upon documents, now being calendared, in the archives of the Archdiocese of Santa Fe; also of the University of Notre Dame, the New Mexico Historical Society, the Huntington Library, and the Coronado Library of the University of New Mexico.¹ Among publications, Judge Warner's Lamy biography,² though presented in the disorderly manner of an amateur, proved a particularly rich and unexpectedly reliable source of information.

1. These archives shall be referred to in the following by the abbreviations: *Archdiocese, Notre Dame, Hist. Soc., Hunt. Lib., Cor. Lib.* Photostats of the Martínez material in the Archdiocesan archives are at Notre Dame.

2. Louis H. Warner, *Archbishop Lamy: An Epoch Maker*, Santa Fe, 1926. Other pertinent titles can readily be located in the excellent and comprehensive bibliography compiled by Lyle Saunders: *A Guide to Materials Bearing on Cultural Relations in New Mexico*, Albuquerque, 1944.

Antonio José Martín was born in Abiquiú, the son of Severino Martín and María del Carmen Santisteban. When four days old he was baptized there on Jan. 20, 1793. His father belonged to the 16th-century New Mexico family, *Martín Serrano*, which by this time was by far the most numerous and widespread in the Rio Arriba area, saturating every settlement from Santa Cruz to Taos. His parents were residing at Taos when Antonio José married María de la Luz Martín at Abiquiú, May 20, 1812. She was also a Martín Serrano but no relation at all. According to the Valdez "Biography" of Padre Martínez, his parents had moved their family to Taos in 1804; Antonio José's wife died a year after the marriage, leaving an infant daughter, María Luz, who died in 1825; the widowed father, however, had already entered the Seminary at Durango in 1817, to be ordained on Feb. 10, 1822. Back in Taos in 1823, to rest at the paternal estate because of a "chest affliction," he there occasionally assisted Fray Sebastián Alvarez of Taos. From Taos the young priest went to Tomé as temporary pastor in 1824. The Tomé records show that he was assistant to Cura Madariaga of Tomé from December, 1823, to March, 1824. Not long after he was pastor of Abiquiú, his birthplace, and from July, 1826, he was pastor of Taos until his last years.³

It is significant that on his return from Durango the young priest signed his surname as "*Martínez*," and that during his lifetime practically all of the numerous Martín Serrano clan followed suit. More significant is the fact that his formative years, from 1804 on, were spent in Taos, already starting to be a teeming border town along the western prong of the future Santa Fe Trail and the meeting place of white man and Indian, Spaniard and American, farmer and stockman, trader and trapper. He was only twenty-four when, at Durango, he came in contact not only with clerical erudition but also with the new spirit of Catholic Enlightenment and National Liberalism. In fact, the Republic of Mexico was born during his seminary course. As in other Catholic coun-

3. Bapt. and Marr. records of Abiquiú, Taos, Tomé. *Hunt. Lib.*, Ritch No. 262. Cf. Fray Angelico Chavez, O.F.M., *Origins of New Mexico Families in the Spanish Colonial Period*, Santa Fe, 1954.

tries national independence in Mexico had been spearheaded by priests, Miguel Hidalgo y Costilla and José María Morelos. Their fight for the rights of the people against the political powers of the day led them into opposition to the church hierarchy and its alliance with the state. But since the successful revolution of 1821 the same Mexican patriotism had become the nursery of a new generation of seminarians. Among them were Martínez and several other students from the north. Shortly after his return Father Antonio took over the parish of Taos and went about to build this strategic position into one of national leadership. Uppermost in his mind stood the welfare of his people, the neglected and exploited mountain peasants of the Rio Arriba. Although himself a clergyman and a landowning *patrón*,⁴ he never hesitated to memorialize and, if necessary, to castigate publicly the powers that be, clerical or secular, Mexican or American, whenever he thought an injustice had been done or conditions required improvement and reform.⁵

Once the pastor of Taos is recognized as a Mexican nationalist and champion of the common people, both Spanish and Indian, his life and actions, which most writers have found perplexing and sinister, show a remarkable consistency and carry moral conviction. One of his early concerns was church taxation which, to his mind, weighed heavily upon the poor people of New Mexico. He won his case in both Durango and Mexico City.⁶ He also was involved in the pronunciamento of 1837 in which Governor Albino Pérez, sent from Mexico to enforce a new system of local administration and taxation, perished together with several of his aides and supporters. It is here not the place to determine Don Antonio's precise role in these events, but his words and actions prove that he was substantially in sympathy with the grievances of the people though not with their method of seeking

4. The word is used here in the dual meaning of a semi-feudal local lord and a political boss. In Mexico it is historically associated with the institution of peonage.

5. As a true representative of the Enlightenment, the padre produced his lasting achievements in the broad field of education.

6. Cf. Warner, *Archbishop Lamy*, p. 75. Martínez himself refers to the incident in several places, among others in a letter to Bishop Lamy of October 21, 1857 (*Archdiocese*).

redress.⁷ From an early period he also was strongly opposed to concessions made by local officials to American traders such as Charles Bent who, he warned the central authorities, were spreading corruption among Indians and Mexicans, and increased the danger threatening from the United States.⁸

When in 1846 General Stephen W. Kearny's army occupied the country without meeting any effective opposition by Governor Manuel Armijo, Don Antonio Martínez was, like other leaders and many of the common people, deeply disappointed at the turn of events. Again he has consistently been named in connection with the abortive attempts to rid New Mexico of its conquerors. He even has been designated as the elusive instigator of the Taos rebellion which cost the life of Governor Charles Bent, his old enemy. With equal consistency has his participation been denied by himself and his friends.⁹ There will be some more appropriate occasion for us to advance the reasons for our belief that he had considered popular resistance a justifiable act of national warfare and had hoped that this, with the support of the Mexican government, would lead to the liberation from alien yoke. When the movement went out of hand, he tried to forestall and mitigate senseless violence on both sides, not without incurring the enmity of some of his fellow countrymen.¹⁰ In any event, it is an established fact that, once the futility of this course of action had become apparent, he was among the first to agitate for New Mexico's admission to the United States; from her democratic institutions he expected relief from the ills which through years of neglect had beset the country.

7. Besides by Warner, *op. cit.* the matter is treated in a fragment of *La Vida del Presbítero Antonio José Martínez* por el Licenciado Santiago Valdez which bears the annotation: "para ser revisada, anotada y aumentada por el Licenciado Benjamin M. Read," and is dated February 1878 (*Hist. Soc.*). The whole original is in *Hunt. Lib., Ritch Collection*, No. 262.

8. *Ibid.*; see also Ralph E. Twitchell, *Spanish Archives of New Mexico*, vol. I, Torch Press, 1914, pp. 60 ff. In a letter of April 1, 1826, Martínez was instructed by the Mexican Government to watch the Americans in his vicinity and to intercept their mail. (*Hist. Soc.*)

9. Besides Warner and Valdez, also Pedro Sánchez, *Memorias sobre la vida del Presbítero Don Antonio José Martínez en un tomo*, Santa Fe, 1903, and Benjamin M. Read, *Illustrated History of New Mexico*, Santa Fe, 1912, p. 446.

10. Cf. letter of Martínez to Lamy of November 27, 1856 (*Archdiocese*).

After New Mexico had been ceded to the United States in 1848 by virtue of the Treaty of Guadalupe Hidalgo, the American bishops and Fathers of the Seventh Council of Baltimore lost no time in petitioning the Holy See that its ecclesiastical administration, too, be separated from Mexico.¹¹ A French missionary working in the Archdiocese of Cincinnati, Bishop Jean Baptiste Lamy, accompanied by his old friend Joseph Projectus Machebeuf arrived in Santa Fe on August 8, 1851, as Vicar Apostolic for the former Mexican territories east of California. In a letter to Archbishop Anthony Blanc of New Orleans he described the reception in glowing colors mentioning in particular: "*El Señor Vic[ari]o de Santa Fe vint nous attendre à cent milles de la capitale. Il est extrêmement généreuse; quelques semaines avant notre arrivée ayant entendu dire queles[!] Américains et quelques Mexicains s'étaient réunis pour me procurer une maison, il leur envoya dire qu'il consentait volontiers[!] à me'offrir la sienne qui était meilleure et plus convenable qu'aucunne autre . . .*"¹² Yet the first impression was deceptive. Barely three weeks later Lamy was forced to confide in his former superior, Archbishop John B. Purcell: ". . . what would you think of a priest who does not preach to his congregation but only once a year and then at the condition that he will receive \$ 18 ? Such is the case here, and it grieves me to tell you that is not the worse [!] yet . . ." ¹³ At about the same time Machebeuf, more outspoken in his criticism of the native clergy, wrote: ". . . the great obstacle to the good which the Bishop is disposed to do among [the Mexicans] does not come from the people but from the priests themselves who do not want the Bishop, for they dread a reform of their morals, or a change in their selfish relations with their parishioners."¹⁴

11. See J. B. Salpointe, *Soldiers of the Cross: Notes on the Ecclesiastical History of New Mexico*, Banning, California, 1898, p. 193.

12. Letter of August 15, 1851 (*Notre Dame*). Señor Vicario of Santa Fe came to wait for us a hundred miles from the capitol. He is extremely generous; a few weeks before our arrival, having heard that some Americans and some Mexicans had gotten together to get me a house, he sent word to them that he would be happy to offer me his which was better and more convenient than any other. [Translation by Prof. H. B. Alexander, Professor of Philosophy, University of New Mexico. Ed.]

13. Letter of September 2, 1851 (*Notre Dame*).

14. W. J. Howlett, *Life of the Right Reverend Joseph P. Machebeuf . . . First Bishop of Denver*, Pueblo, Colorado, 1908, p. 165.

The main reason for the early tensions between the French and the native clergymen was the unwillingness of the latter to accept a foreigner and emissary of the American hierarchy as their superior. Don José Antonio Zubiria y Escalante, the old bishop of Durango, at first seemed to side with them. It required a special trip of Lamy and the Vicar, Don Juan Felipe Ortiz, to Durango to settle the question of ecclesiastical jurisdiction over the Territory.

Shortly after Lamy had returned, he began to show his enemies who was the master in the house. Early in the following year he reported to Purcell that, without much ado, he had suspended the 65-year-old pastor of San Miguel, a former member of the legislature, when one Sunday night he had got drunk, fallen from his horse and broken a leg. The prelate continued: "... there are several other cases in which I might use the same severity but still, as they have not been caught in the very act, I must wait with patience, and try at least to keep them under fear." He expressed the hope that this would be a warning to some but admitted: "I am obliged to go very slow and to be very prudent; for the clergymen have not only great influence but they have been the rulers of the people." Most of them had made the people believe that he had no authority and would not come back from Durango. Afterwards "they showed me good face, though I have good reasons to think they will submit rather by force than by good will." Some of them might leave, the bishop concluded, and he wished them Godspeed.¹⁵ In the same year another parish priest was removed, Manuel José Gallegos of Albuquerque, a former student of Padre Martínez. In fact, every one of the younger Mexican priests had come under his influence; for no less than thirty former students of the little preparatory school which he conducted at Taos received holy orders.¹⁶ As reasons for the disciplinary action against Gallegos, Machebeuf's biographer mentions drinking, gambling, dancing and causing public scandal.¹⁷ The charges against

15. Letter of February 1, 1852 (*Notre Dame*).

16. The figure is mentioned by Henry R. Wagner, "New Mexico Spanish Press," *New Mexico Historical Review*, 12 (1937): 1-40.

17. Howlett, *op. cit.*, p. 192.

these priests have a certain significance for the evaluation of the Martínez case. For most writers have at least hinted what Blanche C. Grant asserted as a fact,¹⁸ namely, that he was excommunicated because of his immoral life.

Now the Mexican priests have been widely blamed, mostly by Anglo-Saxon and Protestant observers but also by some less prejudiced sources, for such shortcomings as gambling, drinking, neglect of duty, and women. At least as far as Padre Martínez is concerned nobody has ever accused him of excessive conviviality or neglect. He was a rather stern and austere man who went about his many projects with more than usual devotion. But there have been persistent rumors that he had left several children. Two different persons with different surnames, in particular, have been mentioned as his sons: Santiago Valdez and Vicente F. Romero, both at one time active in Protestant church work. A passage in the autobiography of a Presbyterian minister of Spanish descent is fairly typical¹⁹ although, like most clerical authors touching upon the subject, he is more cautious than others. He explains that the pastor of Taos had been married but that his children, who had been among the first Protestants in the Territory, had changed their name to the mother's maiden name Romero. Thus it would appear that the padre's marriage before entering the priesthood accounts for part of the confusion. On the other hand, his deceased wife's maiden name had also been Martín and their only child had died at the age of twelve.

The foregoing speculations are mere guesses, however, based probably on the universal tendency of non-entities to acquire dubious prominence, however shamefully, on the coat-tails of an outstanding historical figure. Fray Angelico Chavez informs me that Padre Martínez was never openly attacked by even his bitterest enemies on grounds of immorality, something that Latins will use first if they can lay hands on it and which they sometimes fabricate. But not with Martínez. An unsigned poison letter in the Ritch collection, accusing him of such things with his own niece, is evidently

18. *When Old Trails were New: The Story of Taos*, New York, 1934.

19. Gabino Rendón, *Hand on My Shoulder*, New York, 1953, p. 55.

the work of her degenerate husband whom Martínez rightfully prosecuted for wasting her inheritance and treating her with utmost cruelty. After the Padre's death, the shameless claims of descent from him began, even getting into print in "vanity" county histories and biographies. These were either from bastard individuals who found no father or grandfather in the records, or from those who did find as their grandfather an "Antonio Martínez" or "José Antonio Martínez" or "Antonio José Martínez." But, as previously stated, the Martínez name is legion in the Rio Arriba church records, at Taos especially, where there were several contemporaries of the three similar name-combinations just mentioned. In fact, Padre Antonio José Martínez had two married brothers in Taos, an *Antonio* Martínez, married to Teodora Romero, and *José María* Martínez, married to María Carmen Sánchez, and both of these had large families.

Santiago Valdez, however, is indeed mentioned with some emphasis in Don Antonio's testament of June 27, 1867, as "of his family," a phrase used by others, clergymen and laymen, for servants and orphans aggregated to their household. Referring to Valdez, the Padre here makes the following statement: "I have from his infancy taken care of him and adopted him with all the privileges and educated him . . . he has not recognized any other father and mother but me, and besides he has been obedient to me; for this reason I depose and it is my will that his sons take and carry my surname in the future."²⁰ Valdez was also one of the executors of his will and inherited his books and papers.

The official file in the Archdiocesan archives, in which the priest's many other failures and transgressions are dealt with in detail and unsparingly, does not contain a single reference to any immoral conduct. There is an undated letter by a certain Dolores Perea at Isleta in which she informs Bishop Lamy "of the scandals Padre Martínez is causing" by having as his housekeeper a woman of bad fame in the community, or at least in the writer's estimation. Our Padre Martínez, however, was never stationed at Isleta, much less

20. Quoted by Warner, *Archbishop Lamy*, p. 87.

in Lamy's time; the only priest there with a similar name was the Rev. F. Martin, 1854-1856, one of Lamy's own Frenchmen. It was quite natural for the Perea woman or any other New Mexican to render this French surname into the common Spanish one, "Martínez," itself a corruption of Martín Serrano.

Unless more convincing evidence should turn up yet, we would be inclined to discard the charge of vice as spurious. In a large measure it may be due to the unwillingness of many Protestants to accept absolute sacerdotal celibacy even as a likelihood, the attempts of some enemies of Martínez and his cause to cast doubt upon his moral integrity, and last but not least the sensationalism of certain authors.

We are convinced that the reasons for the clash between the native clergy and the foreign prelate must be sought on quite a different level than that of immorality, sexual or otherwise. In the case of Padre Antonio Martínez such considerations probably did not enter the picture at all but are later fabrications. Judging from the correspondence with his fellow bishops, we suspect that Lamy from the very beginning realized how much depended on his ability to surround himself with an adequate number of willing and congenial helpers. At once he made the greatest effort to avail himself of "young and zealous priests" so as to reinforce and eventually to replace the natives.

On April 10, 1853, the bishop again addressed Purcell to share with him his worries: ". . . now that I have commenced to reform some abuses and to lay down a few rules for the clergymen, I have met with a great deal of opposition having been obliged to suspend few [four?] Mexican priests for the most notorious faults; *they have submitted but have said that I did not observe the rules prescribed by the Canon Law in inflicting these censures. The truth is that if I would comply with all formalities they want, I could never stop the abuses.*" Yet the prelate was patently disturbed at their threat to appeal to a higher authority such as "the Court of Rome." In such an eventuality, he wrote, "it might be prudent

for me to prevent them," and asked Purcell to intervene for him.²¹ The passage is apt to shed new light upon the subsequent events.

As his letters to Blanc and Purcell show, the question of the clergy remained Lamy's principal concern during the next few years. But relief was near. At the beginning of 1852, he had at his disposal 19 priests, 17 of whom were natives, for a flock of 70,000 widely dispersed Catholics with 25 dilapidated churches and 40 chapels to take care of. By 1855 the number of the active diocesan clergy had shrunk to 14, although a few new Spanish names had been added to the roster. But after the first troupe of French priests and theologians had arrived at Santa Fe in 1854, the bishop felt strong enough to break the resistance of the native clergy. According to the diocesan directory there were just two of the old guard left by 1857 although the total number of priests had again risen to twenty-two.²² It is during these years of the great house-cleaning that Don Antonio Martínez was removed from his position, which he had held for almost thirty years.

It may be significant that the pastor of Taos was among the very last New Mexican priests to incur the bishop's censure. As a matter of fact, in the correspondence with Purcell his name does not turn up at all before March 3, 1857, when Lamy wrote with much exasperation: "Gallego [!], the Ex-delegate [to Congress], the old [Juan Felipe] Ortiz and, worse than these two others, the old Martínez of Taos, whom I was obliged to suspend last October, are chiefly engaged to embarrass us every way [!]. And as their relations and acquaintances are numerous and influential they give us plenty to do."²³

It would appear that either the padre's influence among the people had been greater than that of any other native clergyman or he was clever enough to keep himself out of the

21. Italics supplied. (*Notre Dame*).

22. *The Metropolitan Catholic Almanac and Laity's Directory* (Baltimore: F. Lucas, Jr.) for the years 1850, 1855 and 1857.

23. *Notre Dame*.

quarrel. In any event, his relations with the superior seem to have been businesslike and correct.²⁴ In addition it should be noted that he did not always side with his censured confrères. In one election campaign he supported William Carr Lane against Gallegos because the American would be able to plead New Mexico's cause in English. Similarly, in the controversy between Lamy and Vicario Juan Felipe Ortiz, whom he had opposed also on other occasions,²⁵ the Taos leader went along with the bishop's party.

The second case is particularly revealing. When Don Juan Felipe had been relieved of his office as representative of the Bishop of Durango, he had been given the pastorate of Santa Fe. Later, however, the prelate divided the parish, entrusting his own Vicar General Machebeuf with the care of the Cathedral church and the city center. Ortiz protested vigorously and even sought redress in Rome, whereupon he was removed from office on April 30, 1856, and eventually excluded from all priestly functions. Late in 1853 Don Antonio, who was frequently consulted as an authority on Canon Law,²⁶ helped Lamy in the preparation of his defense against the Vicario's recriminations.²⁷

From the rather voluminous documents bearing upon the conflict between Martínez and Lamy it would appear that it was primarily a head-on collision between two strong personalities. Seen through the eyes of the Taos priest its proximate cause was the manner in which the new Ordinary, disregarding established precedence, had tried to enforce the collection of church levies. While he had reduced the stole fees in 1852,²⁸ he kept insisting on the prompt payment of

24. As an example see the letter of Martínez to Lamy of November 29, 1855 (*Archdiocese*).

25. Governor Donaciano Vigil consulted Martínez on May 1, 1848, about the case of Padre Nicolás Valencia of Belén. In his answer of May 8, 1848, the pastor of Taos declared Ortiz' action against the priest *ultra vires*. (*Hist. Soc.*) It is by the way a misconception that Ortiz was the Vicar General of Bishop Zubiría. In reality he was a vicarius foraneus, or dean, with special powers delegated to him by the bishop.

26. Besides Vigil, also Governor James S. Calhoun solicited Padre Martínez' opinion on April 20, 1851. (*Hist. Soc.*)

27. Letter of Martínez to Lamy, of December 14, 1853 (*Archdiocese*).

28. Christmas letter to diocesan clergy as quoted by Martínez. (Translation in *Archdiocese*.)

what he assumed to be customary tithes and first-fruits. On occasion he seems to have gone so far as to invoke the help of an *alcalde's* court²⁹ to secure collection.³⁰ The most controversial step, however, was the bishop's announcement of January 14, 1854,³¹ that the priests were to exclude from the sacraments all household heads who refused to pay tithes, and to demand triple fees for baptisms from other members of such families.

This was the very question which had preoccupied Don Antonio for twenty-five years. He considered it his personal achievement that in 1833 the compulsory collection of tithes had been abolished by the Mexican Congress. As late as September 6, 1850, Bishop Zubiría, upon the padre's urging, had reminded the clergy³² that they should not enter into any agreement with the faithful about the payment of church contributions but accept what was offered them voluntarily. Rather than by way of compulsion the necessary support for clergy and church buildings should be elicited through persuasion. Lamy, on the other hand, saw the matter in quite a different light. In a letter to Purcell³³ he referred to Gallegos, Ortiz and Martínez saying: "Their tactic now is to try to cut us off from the little means we get from the people, such as the small part of *diezmos y primicias* our people are accustomed to give. . . . The three clergymen mentioned above have got a handsome fortune from the church;³⁴ and they know very well that if we were deprived of the temporary [!] means we could not stand very long."

On January 28, 1856, the pastor of Taos reported to his

29. The New Mexican *alcalde* had somewhat wider powers than the Justice of Peace in most other jurisdictions of the United States.

30. Cf. articles in the *Gaceta de Santa Fé* of May 28 and August 27, 1853.

31. Copy in *Hist. Soc.*

32. An entry to this effect in the parish books at Taos is mentioned by Santiago Valdez, *op. cit.* Martínez quotes from folio 24 of the document in his letter to Lamy of November 12, 1856.

33. March 3, 1857 (*Notre Dame*). Italics supplied.

34. Martínez never tired of protesting that his personal income was mainly derived from private means, particularly from his farms, and that he had to work hard personally to make ends meet and to contribute to many charitable and patriotic causes. Cf. Cecil Romero (ed.), "Apologia of Presbyter Antonio J. Martínez," *New Mexico Historical Review* 3 (1928): 225-246. (Copy of the original Spanish text in *Hist. Soc.*)

superior that his health was failing and that he might soon be forced to resign his benefice.³⁵ At the time he was just turning sixty-three but was to live another eleven turbulent and active years. On April 22 the earlier warning was followed up with the request to appoint an assistant.³⁶ Father Ramón Medina, who had been recently ordained,³⁷ was mentioned as an acceptable candidate in preference to a foreigner; for Padre Martínez explained that the people were opposed to "*Americanos*," as they called all those not born in the country. He suggested that the young priest would thereby gain experience under the pastor's supervision so that he could take over after the latter's formal resignation ("*dando yo entonces una formal resignación*"). Yet Lamy, instead of sending Father Medina as an assistant, appointed Padre Dámaso Taladrid to the post with wide powers. In making the announcement the bishop wrote to Martínez "... *de este modo V. quedará sin ningún cargo y libre de todo peso para descansar, mucho más en la edad avanzada en que le encuentra.*"³⁸ This meant the acceptance of Don Antonio's resignation which he clearly had not the slightest intention to tender at this particular time.³⁹ There is also another revealing detail: the bishop's file includes a Spanish draft of his letter to the padre which was written by no other than the latter's successor!

Padre Dámaso Taladrid was a former Spanish army chaplain whom Lamy, on his trip *ad limina* in 1854, had met in Rome, and in whom he seems to have put unusual confidence. The bishop entrusted Taladrid with several difficult assignments including financial deals, and apparently ex-

35. Letter in *Archdiocese*. Martínez repeatedly referred to his feeble constitution. Just after the revolt of 1837 he described himself in the *Apologia* as almost decrepit but indicated at the same time that he was doing the work of three or four men.

36. "... digo a V[ue]S[eñoría] I[lustrísima] que si hubiera algun Ec[lesiasti]co que pudiese enviar a servir esta administración, yó á esperanza de conservar mi salud ..." (*Archdiocese*).

37. He served as parish priest at San Juan, Abiquí, Santa Cruz, and for many years until 1906 at Peñasco. Cf. *Lamy Memorial: Centenary of the Archdiocese of Santa Fe, 1850-1950* [Santa Fe, 1950].

38. May 5, 1856 (*Archdiocese*). "... thus you will be without any responsibility and free of every burden so that you may take it easy, especially at your advanced age."

39. This is confirmed by Martínez himself in a letter to Bishop Lamy, November 27, 1856 (*Archdiocese*).

pected that his experience and descent would make him well suited for the delicate situation at Taos. What the prelate, however, overlooked was the fact that Martínez was no longer a Spaniard, but a Mexican who distrusted any European, whatever his nationality. In other respects, too, Taladrid was not a wise choice for the task. He was quite an odd character, a notorious gambler and, judging from his weird handwriting, possibly a psychopath. Worse than that, he was a dangerous intriguer who not only was informing Lamy about Martínez but at the very same time was also informing on Lamy in his correspondence with Don Manuel Alvarez, a Spaniard by birth and former American consul at Santa Fe who was still an influential man in the Territory and moreover the bishop's creditor. Taladrid's venomous and jeering reports do not make pleasant reading. Neither do Martínez' cantankerous complaints about Taladrid's antics and chicanery. But they do permit the reconstruction of the actual events.

It is conceivable that Don Antonio had never been quite serious about his threat to resign. He himself admitted later⁴⁰ that the real reason for this step had been his reluctance to comply with the episcopal regulations concerning church levies which had been contrary to his conscience. Infuriated by Lamy's maneuvering and Taladrid's insolence, he was no doubt driven to greater extremes than he at first had contemplated. He sent a violent attack upon the administration of the Catholic church in New Mexico to the *Gaceta de Santa Fé* which was published on September 3, 1856, by its editor, W. G. Kephardt, an ordained Presbyterian minister. Earlier the padre had built a private oratory where he undertook to say mass without asking for the proper permission. This, he explained, was done because Taladrid made it difficult or impossible for him to use the parish church. Such were overt transgressions against elementary church discipline which gave Lamy an opportunity for drastic punishment. Thus on October 24, 1856, he declared in a curt note that, because Martínez was celebrating mass in his own home, he was de-

40. Letter to Lamy of July 9, 1860, quoted in an article published by Martínez on July 18, 1860 (Translation in *Archdiocese*).

prived of all canonical faculties until he would withdraw the article in the *Gaceta*.⁴¹ The old pastor steadfastly refused to accept the censure; for not only did he feel that he had been grievously wronged and that the bishop was in error, he also convinced himself more and more that it was his duty to look after his parishioners, who, in his opinion, were being abused by Taladrid and indirectly by Lamy.

As soon as Don Antonio had realized that he could not control Taladrid in the same peremptory manner as he had expected to control Medina, he had begun to resume various functions of a parish priest. This at first was done in individual cases among his kin and friends but later Martínez interfered whenever Taladrid refused to administer sacraments or bury people in accordance with the diocesan regulations or when he charged what the old pastor considered exorbitant stole fees. The censure changed little in the real situation; if anything Don Antonio became only more active and more obstinate. The bishop went twice to Taos to mediate between the two fighting priests, although we do not know whether this was done before or after the suspension. Nevertheless, it is quite obvious that even later Lamy was not yet ready to burn all bridges. In the following spring Martínez requested that Taladrid be recalled and another priest sent in his place. He declared that he was not interested in his benefice but that he was most anxious to have his parish administered by a priest with good qualities for the spiritual welfare of the faithful.⁴² Eventually the superior relented and replaced Taladrid with young Father José Eulogio Ortiz, a brother of the old Vicario and former pupil of Don Antonio.⁴³

A more conciliatory gesture could hardly be expected and

41. The order is quoted *verbatim* by Martínez in a letter to Lamy, April 13, 1857 (*Archdiocese*).

42. Letter to Lamy of April 13, 1857 (*Archdiocese*).

43. Taladrid, who before going to Taos had worked in Santo Domingo, was now sent to Mora, a restless frontier town on the other side of the Sangre de Cristo mountains. Not long afterwards, however, his name disappeared from the catalogue of the diocesan clergy. The young Padre J. Eulogio Ortiz was on very friendly terms with the bishop who even took him along on his trip to Rome. He mentions him in a letter to Purcell of February 1, 1858: "Padre Ortiz whom you saw in Cincinnati is doing pretty well. He did not meddle in the differents [!] I had with his brother." (*Notre Dame*.)

Martínez, in fact, declared himself over-joyed with the solution and most grateful to his Excellency.⁴⁴ Yet the peace and harmony did not last long. Padre Eulogio seems to have done his best to humor the old man, for whom he felt genuine compassion. "Poor, unfortunate Martínez," he reported to the bishop, had visited him in despair full of good will and ready to recognize him, Ortiz, as the rightful parish priest.⁴⁵ But Ortiz had his orders which included the controversial regulations concerning church levies. Martínez demanded that he stop the obnoxious practices in his parish. The young priest refuted his accusations and assertions one by one with the best reasoned arguments which we have found in any of the extant documents.⁴⁶

The old pastor had been too long accustomed to be boss in his bailiwick, and had become too deeply enmeshed in his own casuistry to listen to the voice of reason. Padre Eulogio's loyalty to the bishop appeared to him as a betrayal of the good cause. Martínez declared him *ipso facto* excommunicated for certain of his official actions. Moreover he asserted his own obligation to take over the complete care for the parish.⁴⁷ There ensued the impossible situation of two pastors claiming to be in charge of the Taos district, both natives, one authorized by the Ordinary of the diocese, the other supported by customary deference.

The same conditions prevailed in the neighboring parish of Arroyo Hondo, whose incumbent, Mariano de Jesús Lucero, had associated himself with Don Antonio, his friend of many years' standing. The people were perplexed and took sides, a large number of Spaniards following Martínez; for as Machebeuf's biographer writes, they "had always known and respected him and . . . could not now imagine that he could be in the wrong. Besides, his relatives were powerful in Taos and had the pride of wealth and position which would permit neither them nor him to accept what they considered

44. Letter of Martínez to José Eulogio Ortiz of June 22, 1857, and to Lamy of October 21, 1851 (*Archdiocese*).

45. Letter of José Eulogio Ortiz to Lamy, of July 23, 1857 (*Archdiocese*).

46. Letter of José Eulogio Ortiz to Martínez, of November 12, 1857 (*Archdiocese*).

47. Letter to Lamy of March 29, 1858, that is, after he (Martínez) had already been excommunicated by Lamy (*Archdiocese*).

a humiliation."⁴⁸ This posed a serious problem for the church which Lamy tried to resolve by excommunicating both rebellious priests.

The Vicar General was sent to Taos to read the sentence in a solemn ceremony from the pulpit of the parish church. There were threats of violence and riot. But the "Americanos" of the town offered Machebeuf protection. They were "thoroughly prepared and had their men advantageously posted to watch every movement of the enemy, and any attempt at creating a disturbance would have been met vigorously." One of their leaders was Kit Carson, the famous scout, who declared: "We shall not let them do as they did in 1847 when they murdered and pillaged . . . I hate disturbances among the people but I can fight a little yet, and I know of no better cause to fight for than my family, my church, and my friend the Señor Vicario."⁴⁹ The next day Padre Lucero met with the same fate at Arroyo Hondo. With this, however, the matter was far from settled. Martínez made an indirect reference to the event in a letter to Machebeuf who had visited his house to reason with him during the night of April 19. "*La bulla estrepitosa,*" he wrote, "*que se ha causado en la vecindad en estos días, hasta decirse que se valdrán contra mí de la Autoridad Civil, de fuerza armada de los mismos habitantes, y aún de la tropa del gobierno . . .*" Then he summed up the stand he had taken on that occasion: the censures and penalties inflicted upon him were null and void so that he remained the rightful pastor of Taos according to the laws of the church as well as those of "a liberal Republican Government."⁵⁰

48. Howlett, *op. cit.*, p. 230.

49. Howlett, *op. cit.*, p. 232. Carson had been received into the Catholic church by Martínez a year before his marriage to a native Taoseña in 1843. Cf. Brother Claudius Anthony, "Kit Carson, Catholic," *New Mexico Historical Review* 10 (1935): 323-336.

50. "*Así me explico para que me entienda y no pase á molestar mi quietud y reposo en mi casa, y en auxiliar a mis Feligreses que me ocupan en sus necesidades, y cuyo deber imprecindible me impone la Religión Católica que profeso, y la investidura de Cura propio: yó conosco los deberes de mi conciencia, el amparo que tengo en las leyes Canónicas y en nuestro Gobierno liberal Republicano . . .*" Letter of May 2, 1857 (Archdiocese). "The noisy agitation [he wrote] which has been stirred up among the local citizens in these days, to the point of its being said that civil authority, force of arms by the inhabitants themselves, and even government troops will be used against me . . ."

This resulted in a schism which, however, went never beyond the parishes of the two excommunicated priests. Padre Martínez carried on as before, administering to the faithful, addressing letters of complaint and advice to Lamy, publishing polemical articles in the *Gaceta* and through his own printing press but, at the same time, protesting his unswerving allegiance to the Roman Catholic religion and, on occasion, even his due respect for the legitimate authority of the bishop. That this was a true but localized schism is also borne out by the significant fact that after the padre's death on July 27, 1867, almost all his followers returned to the fold including most of the Martínez clan who, according to Howlett, were brought back through a mission given by the Jesuits in 1869.⁵¹ To our knowledge, the indomitable old pastor of Taos was the only Mexican priest opposing Bishop Lamy who died without final submission, after receiving the last sacraments according to the rites of the Catholic church from the hands of his faithful disciple Lucero.⁵²

This curious combination of loyalty and rebellion will become more intelligible when one analyzes Don Antonio's own interpretation of the whole affair. He has frequently been claimed by New Mexican Protestants as one of their own, at least as a pioneer of Protestantism among the Spanish-Americans. There also have been speculations that he might have joined the Episcopalian church if it had been more active in the area.⁵³ The rumor that he was about to start some new sect had, in fact, been circulated even before his excommunication but was emphatically denied by himself.⁵⁴ He declared at the time with great dignity and conviction that he was forever unto death a priest of the Christian, Catholic, Apostolic and Roman faith despite certain differ-

51. *Op. cit.*, p. 233.

52. Lucero as well as the renegade friar Benigno Cárdenas, a native of Mexico who for some time officiated out of Tomé as a recognized Presbyterian minister, eventually recanted, and even Gallegos was buried from the church in 1875. With regard to Vicario Ortiz there is a statement witnessed by Don Juan de Jesús Trujillo, priest of Santa Cruz, of January 22, 1858, indicating that on his death bed he had asked for the bishop to administer the Holy Sacraments to him. (*Archdiocese.*)

53. Cf. Rev. Thomas Harwood, *History of New Mexico Spanish and English Missions of the Methodist Episcopal Church from 1850 to 1910*, 2 vols., Albuquerque, 1908, 1910, and Gabino Rendón, *op. cit.*

54. Undated translation of an article in the *Gaceta de Santa Fé* (*Archdiocese*).

ences of opinion between him and the present bishop. There is no indication in the available documents that he ever changed his mind on this point. It is true, however, that throughout his life he had favored religious tolerance, that he entertained friendly relations with Protestants, particularly clergymen, who lent him their moral support and whose letters of approval he published on occasion, and that his writings contain references to "pure religion" to which, as he explained, various kinds of believers adhered. But in its interpretation he expressed himself in terms of specifically Catholic dogmas and without making substantial concessions to any contradictory Protestant beliefs.⁵⁵ Even if he was rather broad-minded in many things and a liberal at heart, that is, of the eighteenth rather than the later nineteenth-century variety, his was not a case of heresy⁵⁶ or immorality, as the terms are conventionally understood, but clearly pertains to the realm of church government and discipline which, of course, has its own moral and theological implications.

Four distinct issues were involved: the collection of tithes and the penalties threatened in this connection; the publication of articles criticizing the bishop; the exercise of ecclesiastical functions without proper faculties; the validity of the disciplinary actions taken by the bishop. Enough has been said about the first problem to confine ourselves to a rather brief summary. Martínez tried to prove that the exaction of tithes and stole fees was not customary in New Mexico at the time of Lamy's arrival, a requirement of Canon Law for the continuation of the practice, and that it was without sanction either in Mexican or American law. Furthermore he denounced the practice as "true simony."⁵⁷ These and certain other measures taken by the bishop he declared of such a nature that they bring upon the author the vacancy of the benefice which he occupies.⁵⁸ On several occasions he sug-

55. Cf. his "Notes" of September 24, 1859 (Translation in *Archdiocese*).

56. See, however, *Codex Juris Canonici*, Canon 2340, §1: "*Si quis, obdurato animo, per annum insorduerit in censura excommunicationis, est de haeresi suspectus.*"

57. "Notes" of September 24, 1859 (Translation in *Archdiocese*). See, however, *Codex Juris Canonici*, Canon 1502: "*Ad decimarum et primitiarum solutionem quod atinet, peculiaris statuta ac laudabiles consuetudines in unaquaque regione servantur.*"

58. Cf. pamphlet dated Taos, July 18, 1860 (Translation in *Archdiocese*; the first typed page and title is missing.)

gested that Lamy and those priests who complied with his objectionable rulings were to be considered *ipso facto* excommunicated. Finally, Padre Martínez pointed out that the burden imposed in this way upon the native people of New Mexico was out of proportion with the taxes required by the secular government. He figured that, if all of the bishop's demands were met, the total contributions would run to more than \$170,000 while only \$30,000 in taxes had been voted by the Legislature and the \$15,000 or \$20,000 needed for school purposes had not been made available.⁵⁹

With regard to his first incriminating article in the *Gaceta*, Martínez referred to certain insinuations "*que . . . se hallan varias injurias contra los respetos y estimación que se debe á la digna persona de V.S.I. [Vuestra Señoría Ilustrísima], y yo habia defaltado á la modestia en que debería haber.*" He seems to have always felt this was a weak point in his defense. On this particular occasion he went so far as to admit that he might have overstepped "*los límites de la moderación.*"⁶⁰ He should have used rational arguments instead of invectives. Elsewhere he explained it this way, and the argument is sufficiently interesting to read it in his own words: "*Con respeto á que yo toqué en unos escritos que puse en la Gaceta la materia de Diesmos, no lo debe estrañar V.S.I., esto fué una opinión de muchos años atrás concebida: el año de 1829 toqué esa misma materia enviando una petición al alto Gobierno Mejicano, fué recibida y comunicada en los Periódicos; tengo un ejemplar Impreso en que se vé esforsado mucho el punto de que Diesmos y Aranceles al mismo tiempo es muy gravoso é injurioso á los fieles; sin embargo, el Gobierno Eclesiastico de Durango lo supo y consideró aquella esposición como una opinión que á su Autor fué licito proponer. ¿ Pues como en un Gobierno mas liberal cual es el que actual rije, se debería tener á mal que yo tal hiciese como aquellos mis escritos?*"⁶¹

59. "Notes" of September 24, 1859 (Translation in *Archdiocese*).

60. Letter to Lamy of December 14, 1856 (*Archdiocese*). "that . . . there are several offenses against the respect and esteem due the worthy person of your Illustrious Lordship, and that I have been at fault with regard to the modesty I should have.

61. Letter of Martínez to Lamy of November 12, 1856 (*Archdiocese*). "With regard to the fact that I discussed the subject of tithes in some writings I placed in the Gazette,

Martínez repeatedly emphasized the fact that this was a republican and liberal government where everybody had a right to speak his mind for the enlightenment of the people. More than that, it was his duty as a citizen, native, active member of the community, Christian, and priest, to speak for the people who were ignorant and intimidated.⁶² His protestations have the ring of sincerity. While he did oppose "*los Americanos*," first as potential fifth columnists and later as conquerors and interlopers, he was genuinely enthusiastic about the Constitution and institutions of the United States. For under such auspices he expected the realization of many social, political and ecclesiastical reforms for which he had been fighting all his life. Despite suspension and excommunication he therefore continued to raise his voice and to arouse public opinion in order to put pressure upon the bishop to change his, as he thought, unjust and injurious policy.

At least in the beginning, Don Antonio Martínez had felt rather uneasy about the exercise of certain priestly functions without permission. In his earlier letters he did not say very much about it; for he was much too good a lawyer to overlook the fact that these were not personal rights but delegated powers which according to Canon law are derived from the Ordinary. Hence he tried to persuade Lamy to accept his

your Illustrious Lordship should not take it amiss. This was an opinion I formed many years ago. In the year 1829 I discussed that same matter when I sent a petition to the superior government of Mexico. It was received and published in the newspapers. I have a printed copy in which the point that [the collection of] tithes and fees at the same time is very onerous and injurious to the faithful is clearly emphasized. Yet the ecclesiastical authorities of Durango were aware of it and considered that statement an opinion which its author was legitimately entitled to express. Then why, under a more liberal government, like the one actually in power, should it be considered wrong for me to abide by what I have written?"

62. "*Estos escritos [que hé publicado per medio de la Gaceta de Santa Fé] los hé puesto fundado en la libertad de comunicar los pensamientos y opiniones para que tenemos derecho los Republicanos á fin de que obren en la ilustración de los Pueblos; y toqué sobre cosas de Iglesia principalmente de los diezmos de V.S.I. exige su integro pago bajo pena; porque se me hizo que el tal Estatuto es muy en contra de este Pueblo en que vé la primera luz, y del que soy un miembro activo; pues como Ciudadano es mi deber procurar el bien procuramental; y como fiel Cristiano y Eclesiastico lo conveniente de mi alcance por el bien espiritual de los fieles que . . . se esponen a ser ligados con dichas penas. . . .*" (*Ibidem*). Elsewhere Martínez stressed the same point in a reference to the writings in the *Gaceta*, "*en que di mi opinion al Publico, teniendo ellos un fundamento racional, y que V.S.I. sabe muy bien que en nuestro Gobierno Republicano, somos libres los ciudadanos para dar nuestra opinion y publicarla en los Periodicos, mucho mas cuando los procedimientos de los empleados parecen ser perjudiciosos á la sociedad.*" (Letter of Martínez to Lamy of April 13, 1857 [Archdiocese].)

excuses for doing what he obviously should not have done. Yet the very circumstances of his suspension and excommunication also provided him with a legal argument to justify his continued exercise of the functions of a parish priest. Thus the question of faculties is closely connected with the last one, namely the validity of the censures against himself. Canon law is very explicit on this point and does everything to protect the individual cleric against the abuse of authority. It was here that Martínez felt in his own element; in fact in this area he outranked Bishop Lamy who, as we recall, admitted that he could not be bothered with legalistic formalities. The prelate had left himself open to attack and Don Antonio was not slow to take advantage of it. He pointed out that the bishop's censures were null and void because the due process of law had been neglected. What the padre overlooked, however, was that for a long time to come the bishops of the United States, in consideration of her being a young missionary territory, were permitted a much greater latitude in dealing with their clergy than in older Catholic countries including Mexico.

It is here not the place to discuss the technical merits of the case. Suffice to mention that Martínez contended that, if it was a matter of a "*pecado de contumacia*," the sentence should have been preceded by three canonical admonitions. If, however, he was indicted for the commission of a crime he should have been granted a hearing before a duly appointed ecclesiastical judge.⁶³ It is doubtful whether during Lamy's tenure a regular court for the handling of disciplinary cases was ever instituted in the diocese, since such was not customary in the United States before 1884. In 1855, the Provincial Council of St. Louis⁶⁴ proposed a more orderly procedure for the suspension of priests according to which the bishop should be assisted by two consultors chosen partly by democratic vote from among the diocesan clergy. Yet these rules apparently were not enforced and it is unlikely that Lamy observed them in any disciplinary action he took

63. Letter to Lamy of November 12, 1856 (*Archdiocese*).

64. Until 1875, when Santa Fe became an Archbishopric, its bishop remained a suffragan to the Archbishop of St. Louis.

against the native priests. He rather seems to have proceeded under a practice, customary in England for some time and extended to this country in 1878, according to which a bishop could discipline a priest "from his own well-informed conscience," while the latter had the right of appeal to the Metropolitan and even higher church authorities.

Furthermore, Martínez declared that the foreign prelate was prejudiced and hostile to the native clergy.⁶⁵ But this constituted a very minor point; the main argument was that, since also a bishop is bound by Canon law and since Lamy had not observed the proper procedures, the suspension and later the excommunication were invalid, and that he, Martínez, remained the *parochus proprius*⁶⁶ of Taos with all the prerogatives of this office. Accordingly he not only had the right but the duty to celebrate mass, preach sermons, administer the sacraments, bury the dead, and in general direct the religious and temporal affairs of his parish. To his mind he also was bound in conscience not only to disregard the regulations about tithes and fees but, as far as was in his power, to remedy the damage that was being done in this respect by others. "I am so much more bound by the laws of the church," he wrote to Lamy, "when Your Excellency violates them."⁶⁷

It is important to realize that Padre Martínez never attacked the Roman Catholic church as such or any of her doctrines. He did not even question the legitimate authority of Bishop Lamy. To him the whole controversy constituted a particular legal case to be resolved by proper judicial means, in which the bishop himself was presumed in error.

65. In a petition to the Territorial Legislature of December 28, 1865, Lamy is called an enemy and persecutor of the ecclesiastical sons of the country whom he suspended and removed without regard for Canon Law. (New Mexico Archives, Pascual Martínez Papers, Folio 1082, *Coronado Library*, University of New Mexico.)

66. Although not mentioned in the Martínez file, there was also involved the question of irremovable rectors which played a considerable role in the earlier history of the Catholic church in America. Generally speaking the Archbishops of Santa Fe, following an established custom in this country, claimed the right of removing parish priests as circumstances demanded it even where parishes were concerned which had originally been constituted with an irremovable *parochus proprius*. See e.g. a correspondence of Archbishop John B. Pitaval with the Apostolic Delegation of January 9 and 15, 1912 (*Archdiocese*).

67. Letter of July 9, 1860, quoted in an article of July 18, 1860 (Translation in (*Archdiocese*)).

He was fighting against the error not the institution. We do not believe that his casuistry was a mere pretext, although in his more rational moments the padre must have realized that the canons he knew so well condemned him on more than one point. The old pastor of Taos had exercised ecclesiastical functions without the necessary faculties, publicly criticized his Ordinary without due moderation, failed to submit to proper authority and caused a schism.⁶⁸ Jean Baptiste Lamy, on the other hand, emerges as not quite the same mild, kindly and gracious French prelate whom Willa Cather has painted in the character of her Bishop Latour. He had never condescended to argue the case with the old and, after all, meritorious priest, but persistently invoked the undeniable authority of his office. He was a practical man who wanted to get things done, and done his way. If results and success are the sole criterion of history then his course of action was the right one. Under the circumstances it even may have been unavoidable. But it left a wound in the side of the Catholic church in New Mexico which was long to heal, and the scar can yet be felt. To the Spanish-American minority, however, the wholesale removal of the native clergy has been a tragedy; for it deprived them of their natural leaders capable of cushioning the shock of conquest from which as a group the Hispanos have never quite recovered.

68. See in particular *Codex Juris Canonici*, Canon 127 which clearly prescribes: "*Omnes clerici, praesertim vero presbyteri, speciali obligatione tenentur suo quisque Ordinario reverentiam et obedientiam exhibendi.*" With regard to the penalties and censures for obstinate disobedience against the proper Ordinary and for inciting others to disobedience against his legitimate orders, see also Canon 2381.