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Trial of the Indians
of Acoma, 1598

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TRIAL OF THE INDIANS OF ACOMA, 1598

TRIAL OF THE INDIANS OF THE PUEBLO OF ACOMA FOR HAVING WANTONLY KILLED THE MAESE DE CAMPO, DON JUAN DE ZALDÍVAR, TWO CAPTAINS, EIGHT SOLDIERS, AND TWO SERVANTS, AND FOR OTHER OFFENSES. THE JUDGE: DON JUAN DE OÑATE, GOVERNOR, CAPTAIN GENERAL, AND ADELANTADO; SECRETARY: JUAN GUTIÉRREZ BOCANEGRA.¹

IN the pueblo of San Juan Bautista, December 28, 1598, Don Juan de Oñate, his majesty's governor, captain general, adelantado, discoverer, and pacifier of the kingdoms and provinces of New Mexico and of those adjoining and bordering, declares that as is public and well known, he left this pueblo and headquarters on October 6 of this year, accompanied by the most reverend father, Fray Alonso Martínez of the order of the seraphic Saint Francis, commissary general of the expedition to these kingdoms, and by thirty-four soldiers, to discover and pacify the provinces of the Salines, and that of Coloze (which belongs to the Jumanas),² and Acoma, Zuñi, Moze, and many others of which his lordship had been told. He went to calm them, bring them to the obedience of his majesty, and to inspire them to receive the teachings of the holy gospel. Since he had already traveled a goodly portion of the way on reaching these provinces he thought it desirable to go on to the South sea and examine its harbors, whereby the king our lord would be well served. So, while on the way, the governor sent for Don Juan de Zaldívar Oñate, maese de campo general, who was at the pueblo of San Juan Bautista, and ordered him to take thirty well-equipped men, provisioned with the necessary things, and to overtake and join him on the proposed discovery. The maese

1. From a photograph of a copy in the Archivo General de Indias, *Patronato*, legajo 22. The document bears Oñate's signature and the secretary's certification.

2. The salines were in modern Torrance County, east of the Manzano mountains. On the identification of the pueblos in this area, see George Kubler's note in the *New Mexico Historical Review*, vol. xiv (1939), pp. 418-421, and Hodge's list, above, pp. 363-374. See also above, pp. 345 and 351-353.

de campo general, in obedience to these orders, set out with thirty-one soldiers from this pueblo and headquarters on November 18 of the same year.³ Traveling under strict discipline and by ordinary marches, treating the Indians well at the pueblos they passed, the maese de campo and his men arrived at the pueblo of Acoma on December 1. The governor had already stopped there on his way and had asked the Indians to render due obedience to their king and lord. The people of Acoma unanimously swore obedience to his majesty and declared that they wanted to accept the evangelical law.

All of this took place in the presence of the most reverend father, Fray Alonso Martínez, and the soldiers who accompanied the governor. In order that the aforesaid might be of record, he ordered that an affidavit of the obedience and vassalage rendered to his majesty by the Indians of Acoma be drawn up and stamped with the seal of his office and that it be placed at the head of this inquiry.⁴

When the maese de campo arrived at the pueblo of Acoma he asked the Indians for provisions for his trip and gave them in exchange hatchets and many other things. The Indians promised to furnish what they were asked, but as they delayed, the maese de campo sent Captain Gerónimo Márquez with six soldiers up to the pueblo to see about it, and then the Indians very unwillingly gave some maize and tortillas. Being told that what the Spaniards needed most was flour, the Indians replied that they had none on hand, but that the Spaniards might leave and return for it the next day. The maese de campo with his forces withdrew two leagues, as there was no water for the horses at the pueblo of Acoma. On the fourth of the month, he returned with eighteen soldiers to get the flour that the Indians themselves had promised to provide. When the maese de campo went to the pueblo with his eighteen men to get the flour in order to proceed on his journey and gave them many hatchets and other articles in exchange, which the Indians accepted, and after he had showed them much kindness and courtesy, the Indians, with treachery and premeditation, after in-

3. He had returned from the trip to discover and corral the buffalo only ten days previously, November 8, 1598.

4. So it was, but it has been omitted here since it is given above, pp. 354-356.

viting them to come up to their pueblo, killed the maese de campo, Captain Felipe de Escalante, Captain Diego Núñez, eight soldiers, and two servants. The others escaped, seriously hurt, because to save themselves they had to jump off the rock, as the pueblo is very strong, situated on a high and mighty rock, to all appearances impregnable.⁵

Information has now been received that the Indians, after the treachery and outrage they so unjustifiably perpetrated, entrenched themselves and blocked the path to the pueblo. After this, the Indians of Acoma intercepted the soldiers on their way to notify his lordship, the governor, of what had taken place. They shouted insults at them, called them scoundrels, and told them to go to Acoma and see what they would get. The Indians killed and wounded some horses with arrows. Two leagues from Acoma where the soldiers had camped, they were forced to conceal and bury a certain amount of very valuable iron goods and bars used for shoeing horses. In order that all of this may be brought to the attention of his majesty and his councils and viceroys and that the guilty may be punished according to the seriousness of their crimes, the governor ordered the following investigation and legal proceedings. These proceedings are kept open in order that all other questions that seem pertinent may be asked and in order that the witnesses may reveal what they wish. DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCA-NEGRA, secretary.

TESTIMONY OF CAPTAIN GERÓNIMO MÁRQUEZ

At the pueblo of San Juan Bautista, December 29, 1598, the governor, for the purpose of this investigation, ordered Captain Gerónimo Márquez to appear before him and took his oath by God our Lord and the sign of the cross in due legal manner, and he swore to tell the truth. After the subject of the proceedings had been read to him, this witness declared that what he knew was that he went by order of the governor to pacify the country, and that on his return to this pueblo, he

5. The most dramatic account that we have of the siege of Acoma was written by Captain Gaspar Pérez de Villagrà, in verse, and published in Alcalá, Spain, in 1610. Since Villagrà was a participant in all of these events, he wrote with both knowledge and feeling. His verse was translated into prose English by Gilberto Espinosa, with editorial notes by F. W. Hodge, and published as volume iv of the *Quivira SociAmerican Journeys* - www.americanjourneys.org

found the maese de campo about to set out to join the governor. The maese asked this witness to get ready and accompany him, and so he and the other soldiers left this pueblo with him. This witness knows from observation that in all the pueblos through which they passed, they treated the Indians well and showered them with kind words and presents of hatchets and other articles that the Indians covet. Every day the maese de campo ordered that no one should harm the natives, nor was any done them in any way. In trade for the above articles the Indians furnished us with the provisions we needed.

Traveling in this manner, the maese de campo arrived with thirty-one soldiers at the pueblo of Acoma on December 1. It must have been about four o'clock in the afternoon. A little over a league before reaching the pueblo a large number of Indians came out peacefully to meet the maese de campo, showing much satisfaction and joy at seeing him. When he observed that at the place where they were to camp there was neither water nor wood, he asked for some and sent this witness with seven soldiers to bring what the Indians might give. This witness went up to the pueblo with some of the Indians and when he reached the top he asked them for the things they were to give the maese de campo, but they sent only a small amount of water and wood. This witness thought they gave it unwillingly, so he and his men went down at once and told the maese de campo what had happened, bringing along from Acoma two or three Indian chiefs and suggesting that these Indians should be detained at the camp to make certain that they would furnish the provisions the next day. The maese de campo replied that all he wanted was to assure the Indians that they would not be harmed or abused in any way. He thought that in this manner, as the Indians gained confidence in us, they would furnish the provisions more willingly. So he let the chiefs go. The next morning they came back and brought a few tortillas and three or four fanegas of maize. The maese de campo asked them for some flour for the journey, as he had already given them articles of trade for it, and promised to give them more. The Indians told him to go to a place some two leagues from the pueblo, where there was water, and they would grind the maize and give him the flour he asked for.

With this the maese de campo moved to the said place, and on Friday, the fourth of the month, accompanied by eighteen men, he went up to the pueblo. He had ordered this witness to remain at the camp with the rest of the soldiers. This witness saw that the maese de campo took along hatchets and other articles for trade to induce the Indians to furnish the flour more readily. On that day, while this witness was at the camp (where the maese de campo had left him in his place), about half an hour after sunset, an Indian servant of Juan del Caso, a soldier, arrived with a naked sword in his hand and told this witness how the maese de campo and those with him had been killed, except a few who had escaped by hurling themselves from the rock. Saved also was Bernabé de las Casas, who had been left to guard the horses at the foot of the rock on which the pueblo is built. When the Spaniards reached the top of the pueblo, the Indians rose in large numbers and killed them with arrows, stones, clubs, and sticks.

Later, two or three hours after dark, Bernabé de las Casas arrived at the camp with the wounded soldiers who had escaped and with the horses that had been left in his care. He told this witness that from the place where he was he could see how the Indians fought and killed the soldiers and hurled them down the cliff. In the morning this witness sent seven soldiers to overtake the governor and notify him of what had happened. Taking the rest of the people and the wounded, this witness went back to the pueblo of San Juan. When the governor returned, this witness heard these soldiers say that on their way the Indians of the pueblo of Acoma came out to attack them, killing one horse, wounding another, and defying them to go back to Acoma. These soldiers likewise told this witness that they saw the Indians dig up and carry away a number of iron bars, some mining tools, and quantities of iron for horseshoeing that this witness had buried there, because he lacked the means to transport it to this pueblo.

On his way back this witness everywhere found fresh tracks of Indians that he thought were spies posted to kill us if they found us off guard.

The governor asked Captain Gerónimo Márquez to declare under oath the location, arrangement, and fortification of the

pueblo of Acoma. The captain said that, as he has stated, he was at the pueblo and saw that it was so impregnable that the Indians living in it (and those who might seek refuge there) could defend themselves and escape punishment for their misdeeds. This witness is sure that if this pueblo is not leveled and its inhabitants punished, there will be no security in all of New Mexico, nor could it be settled, as the natives of the pueblos are watching what we do at Acoma and whether we punish them. This witness learned from the Indians themselves that if their crime is punished and they are not allowed to reoccupy the pueblo, it is certain that the whole land will be overawed and it could then be settled without further difficulty.

This is the truth of what this witness knows, under his oath; and he ratified his testimony when it was read to him. He said that he was forty-five years of age, a little more or less, and that the general questions of the law did not apply to him.⁶ Signed, DON JUAN DE OÑATE. GERÓNIMO MÁRQUEZ. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF CAPTAIN GASPAR LÓPEZ TABORA

ON this same day, the governor ordered Captain Gaspar López Tabora to testify in this inquiry and took his oath by God our Lord and a cross in due legal manner. After the title of the case had been read to him he stated that he was one of those who went with the governor and the most reverend father, Fray Alonso Martínez, to the provinces of the Salines, Jumanas, and the others mentioned in the proceedings. In these provinces, he said, the natives rendered obedience to the king our lord and declared they wanted to live as Jumanas and to be taught the doctrine of the holy gospel. The governor decided that inasmuch as he had traveled a goodly portion of the way he wished to go on to discover the South sea and he therefore sent this witness and four other soldiers to notify the *maese de campo* to overtake the army with thirty soldiers and the necessary equipment for the journey. Thereupon this witness came to this pueblo of San Juan Bautista and delivered his letters. Then

6. By the "general questions of the law" is meant such questions as whether the witness was related to the party in question, whether he was a friend or enemy, and whether he had been intimidated, threatened, or offered a reward for his testimony. American Journeys – www.americanjourneys.org

the maese de campo set out from this pueblo on November 18 with thirty-one men, this witness being one of them. He knows from observation that from the time the maese de campo set out, both he and his soldiers treated the natives well at every pueblo, gave them some highly prized hatchets, iron articles, and other things in trade for provisions. Traveling in this way he arrived on December 1 with his forces at the pueblo of Acoma, which had already been visited in the name of his majesty, as was declared by all those who accompanied him and as is well established.

At this pueblo the Indians gave the maese de campo a little wood and water, as none was to be found near the pueblo. From there he took his army, including this witness, to a stream some two leagues or more from the pueblo, where he encamped, and on the fourth of the month, which was Friday, went with this witness and seventeen companions to the pueblo to ask the Indians for some flour in order to continue the journey. When we had reached the top of the pueblo, the maese de campo ordered everyone to remain within sight, both soldiers and servants, in order not to molest the Indians in any way. It was done so, and the maese de campo assured his men that the natives would furnish the flour readily in trade for hatchets and the other articles that he had brought them. The Indians accompanied him in large numbers and led him from one small, narrow plaza to another until they had the maese de campo and his soldiers in a very narrow place on a high cliff where they had no room to fight or defend themselves.

By this time the Indians had given them some flour and maize, although not so much as was needed. For this reason, and because the Indians themselves suggested it, the maese de campo sent Captain Diego Núñez de Chaves with six men to get the rest of the provisions at the places indicated by the Indians. He went, and a short time later the maese de campo asked this witness to find out what the captain was doing. This witness went to Captain Diego Núñez, who told him that the Indians would not give anything, and told him to return to the maese de campo for more men to finish the task quickly as it was getting very late. This witness did so, and the maese de campo gave him six more men to gather flour in other places

and to finish quickly. When he went to ask for some at a house not far from there, he heard shouting at that moment from the direction of Captain Diego Núñez. What had happened was that the Indians, as soon as they saw that the forces were divided, began to attack and kill. So this witness fell back immediately with his soldiers to rejoin the *maese de campo*, followed by the Indians who had hitherto accompanied this witness. They pursued the Spaniards in large groups, and began to hurl countless stones, arrows, and clubs, not only from the ground but from the terraces, both men and women participating in the attack. This witness is certain that this was done treacherously and with premeditation, as they waited until the Spaniards were divided, as he has stated. This witness saw Captain Diego Núñez and his soldiers fall back toward the *maese de campo*, who at that very moment received an arrow wound in the leg, and other soldiers were killed and wounded. The Indians were so numerous, threw so many stones, and shot so many arrows that they forced the Spaniards to a high cliff where they killed the *maese de campo*, Captains Felipe de Escalante and Diego Núñez, other soldiers and two Indian servants. This witness escaped down a cliff. The Indians hurled so many stones at him that he was stunned and forced to abandon his *harquebus* and sword, with which he had defended himself. After this witness arrived in this pueblo he heard from the soldiers who had accompanied the governor that when passing the pueblo of Acoma they saw that the Indians had dismantled and removed the ladders for reaching the pueblo and had entrenched themselves there.

Then the governor asked Captain Tabora to explain under oath the arrangement of the pueblo of Acoma, its strength, and his ideas about the punishment of the Indians of this pueblo. He replied that the pueblo of Acoma was built on a strong, high, impregnable rock, where the Indians from any province who committed any crime could withdraw to and be safe. Unless this pueblo was punished and destroyed for the treachery and outrage committed, there would be no safe place anywhere in New Mexico, nor could it be colonized. If it was punished the other Indians would remain calm and obedient to his majesty. This testimony is what this witness saw and knows, under his

oath, and when it was read to him, he ratified it. He said that he was more than thirty years of age and not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. GASPAR LÓPEZ DE TABORA. Before me, JUAN GUTIÉRREZ BOCA-NEGRA, secretary.

TESTIMONY OF ALFÉREZ BERNABÉ DE LAS CASAS

ON this same day, the governor ordered Alférez Bernabé de las Casas to appear before him for this inquiry and took his oath by God and a cross in due legal manner and he promised to tell the truth. Questioned regarding the case he said that the governor left this camp in the company of the most reverend father, Fray Alonso Martínez, commissary general of this kingdom, and the soldiers stated in the proceedings. According to what he heard, they went to the pueblos of the Salines, the Jumanas, and other places. This witness saw that Captain Otabora (*sic*) and others came to this headquarters with letters from the governor in which he ordered the maese de campo to set out with thirty soldiers and to overtake him, so that they could proceed together to the discovery of the South sea. This witness saw that the maese de campo, in obedience to his instructions, set out from this camp with thirty-one soldiers, this witness being one of them. He knows that from the moment the maese de campo left this pueblo, wherever he went he treated the natives very well and gave them many articles in trade for provisions. The maese de campo always insisted that under no circumstances should anyone harm the Indians, and that whoever did so would be punished.

Marching with his army in this fashion, the maese de campo reached the pueblo of Acoma on December 1. This witness arrived one or two days later because he had remained behind. He saw that many Indians came down and with pleasing manners called the Spaniards friends. The maese de campo sent Captain Gerónimo Márquez with six soldiers to get water and wood at the pueblo, because there was none in the neighborhood. While they were about it, they heard much shouting in the pueblo, and the maese de campo ordered this witness and the other soldiers to detain some chieftains and leaders in the camp until he learned the cause of the commotion. Shortly

afterward Captain Márquez came down with small amounts of water and firewood and told the maese de campo that the Indians would not give anything willingly. Next day the maese de campo ordered us to break camp, pack the baggage, and move to a stream two leagues from there. Taking twelve soldiers, this witness among them, he climbed up to the pueblo and at the rim, before entering, he spoke to us all and begged us, hat in hand, to do no harm whatsoever to the Indians in the pueblo, nor to ask anything from them, as we would come back from the arroyo to get some flour and to bring them hatchets and other articles to induce them to give it willingly. Thereupon he entered the pueblo and walked through it, and the Indians showed him the estufas and other sights. Then we left the pueblo and marched to the camp at the arroyo. The Indians told us to come back the next day for the flour.

On Friday, fourth of the said month, the maese de campo left the arroyo with eighteen men and went to the pueblo to get the flour that the natives had promised, taking the articles to give them in trade. When we arrived at the foot of the pueblo he ordered this witness and three other soldiers to remain and watch our horses, and the maese de campo with the others went up to the pueblo. From there he sent back an Indian, servant of one of the soldiers, with some corn, and he told this witness that the maese de campo had said that the soldiers who had remained to watch the horses could go up. So the three soldiers went up to the pueblo and this witness remained alone to watch the mounts. A short time later he heard much shouting at the pueblo and noticed that sixty or more Indians who had stayed with this witness went up to the pueblo when they heard the commotion.

In the meanwhile this witness saw a number of Indians come down a narrow path to kill him and take the horses, he thought. This witness defended the passage to prevent them from carrying out their plan. Half an hour later he heard the firing of harquebuses in the pueblo. An Indian servant of Captain Márquez came down and told this witness that the Indians had killed many of the soldiers. When this witness looked up he saw that Juan de Olague and Pedro Robledo were on the point of jumping down from some high rocks, as the Indians were

pelting them with stones, arrows, and clubs. He shouted at them not to jump, and aimed his harquebus at the Indians to hold them back, but in the end they both jumped from the same place. Robledo was dashed to pieces, but Olague fell in such a way that he was able to get up. Then this witness saw that the *maese de campo*, Captains Escalante and Diego Núñez, and other soldiers were defending themselves against large numbers of Indians at the edge of the rock. Soon afterwards this witness saw the Indians brandishing the swords they had taken from the Spaniards and heard them shouting, calling him a bastard murderer, *aputo temiquiz*, in the Mexican language. He picked up some of the wounded men who had jumped from the rock, put them on horses, and returned to camp with them and a few Christian Indians who had escaped. He sent a soldier ahead to report what had happened and to warn the Spaniards to be on their guard.

From what he has declared, this witness is sure that the treachery of the Indians was premeditated. Together with six other soldiers, he set out to overtake the governor and notify him of what had taken place. After traveling about six leagues from Acoma some Indians attacked them at a bad pass and killed a horse. Farther on, at a small hill, more Indians came out and shouted at them, and the friendly Indian interpreter with this witness told him that they were Acomas who were telling them to return to Acoma to get what they needed. Thus he continued on his way to the valley of Zuñi, where he overtook the governor and informed him of what had happened. The governor returned at once to this pueblo of San Juan Bautista with the army. On the way back this witness noticed that large quantities of iron articles and bars that had been buried near Acoma because we were not able to transport them had disappeared, because the Indians had carried them away. There we found a horse that had been killed with arrows.

The governor asked Bernabé de las Casas to describe under oath the location and strength of the pueblo of Acoma, and he declared that the pueblo was built on a steep, large rock, so strong that this witness did not believe that he had ever seen one like it. He noticed only two narrow places by which one could climb to the top, and he heard that after this incident the

Indians blocked the passage-ways and fortified the pueblo in order to defend themselves in case an attempt should be made to punish them for what they had done. This witness is convinced that unless the said pueblo is destroyed and made permanently uninhabitable and the Indians severely punished for their treachery, no one will be able to live securely anywhere in New Mexico, because he has heard many natives ask when the people of Acoma would be punished and killed. All are waiting in suspense to see what we will do. If they should not be punished, the Indians could, whenever they revolted, take refuge at Acoma and fortify themselves in this great stronghold.

This is the truth, under his oath. When the statement was read to him, he ratified it and said that he was more than twenty-six years old, and not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. BERNABÉ DE LAS CASAS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF SERGEANT RODRIGO ZAPATA

At the pueblo of San Juan Bautista, December 30 of the said year, the governor ordered Sergeant Rodrigo Zapata to appear before him for this inquiry. The sergeant said that he was a native of the town of Azuaga in Castile, took his oath in the name of God and the sign of the cross in due legal manner, and promised to tell the truth. When the subject of the proceedings was read to him he said that when the governor left this pueblo for the said provinces, this witness had gone with the sargento mayor and other soldiers to the buffalo plains, in search of the so-called Cibola cattle. When he returned he found that the governor had already left. A few days later the maese de campo set out from this pueblo with thirty-one soldiers, this witness among them, to join the governor on the journey for the discovery of the South sea. This witness saw that in all the pueblos we passed on our way, the maese de campo ordered that under no circumstances should anyone cause any harm to the natives or take anything from them. On the contrary, he gave the natives of the pueblos hatchets, iron articles, and other trading goods, and he also gave these things to the soldiers in order that they should have goods to give in trade in case they needed them. He gave this witness an ax and a knife for this purpose.

Traveling in this way, on December 1 the maese de campo arrived at the pueblo of Acoma and everywhere many Indians came out to welcome him. Since there was no water or firewood, the maese de campo, immediately after arriving at the pueblo, sent Captain Gerónimo Márquez with six soldiers, including this witness, to get some. As we were about to go up, the maese de campo told us not to harm the Indians under any circumstances. When we reached the pueblo the Indians gave us some water and wood and we descended again. Next day the maese de campo went up to the pueblo with some soldiers to ask for flour for the trip. This witness was told of this, as he did not see what happened, because he had gone to get the horses. Then the maese de campo led his men to an arroyo about two leagues from the pueblo. On the fourth of the month, which was Friday, he returned to Acoma with eighteen soldiers, this witness among them, to get the flour that the Indians had promised. While we were in the pueblo the Indians led us from one plaza to the next until they led us to the place where the men were killed. The maese de campo again asked for the flour and the Acomas said that they would provide it, but they delayed so long that it became very late. The maese de campo sent six men in one direction and six in another to urge the Indians to give the flour they had promised, since they had already received goods in trade. So the men separated, as the maese de campo had asked, and as soon as the Indians saw them split into two groups, this witness heard the shouting and outcries of the Indians and he hastened to rejoin the maese de campo. Although the latter saw the Indians attacking with arrows, stones, and clubs, and a soldier named Martín de Biberos was already on the ground, he ordered that no one should fire his arquebus at the Indians, but should shoot into the air to frighten them, as he thought to placate them by good treatment and kind words.

At this very moment Hernando de Segura was killed and many others fell wounded at the feet of the maese de campo. The Indians were so numerous and pressed so hard that they forced the maese de campo and the other survivors back against some rocks close by. This witness saw him and other soldiers, including Captain Diego Núñez, on the ground, and saw the Indians beating their heads with stones. He also saw that both

men and women fought side by side from the terraces and the ground, hurling stones and other missiles, but he escaped, badly mangled, with four wounds which bled a great deal, and painful bruises all over his body. From below the pueblo he watched the Indians jumping from rock to rock, carrying swords and hats and mocking us, while others hurled the bodies of the dead down the cliff. Therefore, since he observed that the Indians acted without justification, he believes that it was done with premeditation and treachery. Later this witness heard that the Indians had killed a horse on the plain. He knows that the men killed were the *maese de campo*, two captains, eight soldiers, and two servants. Recently he has heard that the Indians had closed the few approaches to the pueblo and that they were ready to fight.

The governor asked this witness to declare under oath the situation, organization, and strength of the pueblo of Acoma, and he declared in reply that the pueblo of Acoma was built on a huge rock about a league around, so high, craggy, and impregnable that this witness firmly believes that unless this pueblo is destroyed and the misdeeds of the Indians properly punished, the land cannot be settled with any security, for if the natives were to revolt anywhere, they would seek refuge and protection in the said pueblo, and as long as they felt secure in it they would dare to do what they would not if it were razed.

This is what he knows to be the truth, under his oath, and when his testimony was read to him, he ratified it; he said that he was more than twenty-four years old. Signed, DON JUAN DE OÑATE. RODRIGO ZAPATA. Before me, JUAN GUTIÉRREZ BOCA-NEGRA, secretary.

TESTIMONY OF JUAN DE OLAGUE

IMMEDIATELY thereafter, on this same day, the governor ordered Juan de Olague, a native of the city of Zacatecas, to appear before him and took his oath by God our Lord and the sign of the cross in due legal manner, and he promised to tell the truth. When the title of the inquiry was read to him, this witness said that he went with the *sargento mayor* and other soldiers to the houses of the Indians of the buffalo plains and when he returned to camp he found that the governor had left for the provinces

mentioned in the proceedings. A few days later the maese de campo set out to join the governor, who it was said was on his way to the South sea. This witness was one of the thirty-one men who went with the maese de campo and noticed that in all the pueblos they passed, he ordered that no one under any circumstances should harm the natives or take anything from them. On the contrary, he gave the chieftains hatchets, iron articles, and other goods for barter which the natives desired. In this way the maese de campo traveled to the pueblo of Acoma and along the way was met by many Indians who came to welcome him peacefully. On arriving at the pueblo, since there was no water or wood, he sent Captain Gerónimo Márquez and six soldiers, this witness among them, to induce the Indians to give us some. He warned us that under no circumstances were we to annoy the Indians, and we heeded his warning.

Next day the maese de campo ordered us to break camp and to reestablish it two leagues away at a place where there was water. He climbed to the pueblo with a few soldiers to ask for flour for the trip in trade for goods which we had brought, but from what was said by those who accompanied him, the Indians did not furnish any that day on the grounds that they did not have any but that we should come back the next day for it. So he returned with his men to the place where there was water, and on the following Friday, which was December 4, he went back to the pueblo for the flour, taking along eighteen men, this witness among them. As soon as he got up to the pueblo, he gave the Indians many iron articles, and more than fifteen hatchets. Then the Indians in large numbers led us along the rim of the pueblo from one plaza to the next until we were brought to a narrow place near some cliffs. The maese de campo again asked them for the flour, but because they demurred and it was getting late, he ordered Captain Diego Núñez to send two groups of six soldiers each in different directions to gather the flour from the Indians.

Shortly thereafter, this witness heard a great commotion and shouting near Captain Diego Núñez and noticed that a large crowd of Indians rushed to the maese de campo and attacked with arrows, stones, and sticks. In spite of this, he ordered that no one should fire at the Indians, but to shoot their harquebuses

into the air to scare them, because he thought that they could be calmed with fine words and kindness. As numerous Indian men, and some women, hurled so many stones and war clubs from both the ground and the terraces, the *maese de campo* and those who were with him, this witness among them, were forced to fall back toward some cliffs, hoping to find protection there, but they killed the *maese de campo*, Captain Escalante, and other soldiers. This witness saw them fall, and seeing that most of them were dead, he and Pedro Robledo both jumped off the rocks; Pedro Robledo was killed in the fall, but this witness, even though badly bruised, was able to get to his feet and with the aid of some companions to mount a horse and return to camp. In view of all this and that the Indians did what he has stated, he feels certain that they acted with treachery and premeditation in killing the Spaniards.

The governor asked him to declare under oath the location and strength of Acoma. He replied that the pueblo of Acoma was built on a large, high rock, so strong that he had never seen another one so difficult of access. It was on account of this that the Indians dared to commit such outrages, and he said that unless the pueblo was destroyed and forever abandoned, and the Indians punished, this whole land would be unsafe and no one would be able to live in it, because whenever the Indians committed an offense, they would seek refuge in the said pueblo and entrench themselves there. If they did not have such a stronghold they would not dare to rebel, he believes. What he has declared is the truth, under his oath, and he ratified his testimony when it was read to him. He said that he was about twenty years old and not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. JUAN DE OLAGUE. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF JUAN DE LEÓN

ON this same day the governor ordered Juan de León to appear before him for this inquiry. He said that he was from the city of Málaga in the kingdoms of Castile, took his oath by God and the sign of the cross in due legal manner, and promised to tell the truth. After the title of the inquiry had been read to him, he declared that he went with the *sargento mayor* and other

soldiers to the houses of the buffalo-hunting Indians and when he came back he learned that the governor with other captains and soldiers had left for the provinces mentioned in the title of these proceedings and had sent orders to the maese de campo to join him with a reinforcement of thirty men for the discovery of the South sea. This witness set out with him and the thirty-one soldiers a few days later from this pueblo and when they came to a pueblo the maese de campo ordered that no one should harm the natives; instead, he gave them hatchets and other articles for trade, and he gave them also to the soldiers so that they could barter for things they needed. He gave this witness a hatchet. In this fashion we traveled to the pueblo of Acoma. On the way many Indians came out to welcome us peacefully. From the foot of the pueblo the maese de campo sent Captain Gerónimo Márquez with six soldiers, this witness among them, to get water and wood at the pueblo, since there was none down below, and he ordered us not to harm or annoy the Indians, and we did not. This witness heard that the next day the maese de campo visited the pueblo with some soldiers to ask for flour for the trip and that the natives promised him some and asked him to come back for it the next day. This witness did not accompany him because he was on guard duty.

Meanwhile we moved to a place where there was water, two leagues from the pueblo. From there, the following Friday, December 4, the maese de campo took eighteen soldiers, this witness included, to the pueblo of Acoma to get the flour that the natives had promised. This witness stayed at the foot of the pueblo with two men to watch the horses, while the maese de campo went up with the rest of the soldiers, and shortly afterwards an old Christian Indian, servant of a soldier, came down and reported that the maese de campo wanted him. When he reached the maese de campo the latter told him to leave that place so as not to harm the Indians. Then this witness walked toward Captain Diego Núñez and other soldiers nearby, but before reaching them he heard shouting in the streets and terraces and saw the Indians attacking with stones, arrows, and war clubs, whereupon he, Sebastián Rodríguez, and other soldiers climbed to a terrace to defend themselves from there. Numerous Indians attacked us, wounding me in the face with a stone

and compelling us to go down, and we rejoined the *maese de campo*, but they forced us all to fall back to some cliffs close by where we saw that some soldiers had been killed. The impact of the crowd separated this witness from the *maese de campo* and pushed him to some cliffs where he jumped and reached the ground with bad arrow wounds in his head and face from which he lost much blood and from which he has not yet recovered. Down below, the men put him on a horse. When he asked Bernabé de las Casas, who had stayed with the horses, about the *maese de campo*, he replied that he had seen the Indians kill him. We now returned to camp.

Then the governor asked this witness to describe under oath the fortification and situation of the pueblo of Acoma. He replied that it was built on a towering rock, precipitous all around, so strong and impregnable that unless it was destroyed so that it could not again be inhabited, and the Indians of this pueblo punished according to the seriousness of their crimes, any attempt to settle the land would fail, as it is said that this is the place where the natives take refuge when they wage war on other nations. If not destroyed, the pueblo will serve as a shelter for the Indians who rebel. He believes that the Indians had planned their treachery, for otherwise they would not have rebelled without provocation, and indeed they had none.

This testimony is true, under his oath, and when it was read to him he ratified it; he said that he was about thirty years old and not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. JUAN DE LEÓN. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF JUAN BLÁZQUEZ DE CABANILLAS

ON this same day, the governor ordered Juan Blázquez de Cabanillas, a native of Zalamea de la Serena in the kingdoms of Castile, to appear before him, and he took his oath by God and the sign of the cross in due legal manner and promised to tell the truth. When the title of the proceedings was read to him he said that the governor left this camp at the time stated, in the company of the most reverend father, Fray Alonso Martínez, and the soldiers mentioned in the inquiry. He added that Captain López de Tabora and other soldiers came to this

camp and said that they had been sent by the governor to tell the maese de campo to take thirty men and join him so that all together could go to the discovery of the South sea, as the governor, from where he was, had already gone a goodly portion of the way.

Within a few days the maese de campo set out from this pueblo with thirty-one soldiers, this witness among them. He saw that in the pueblos they passed the maese de campo did not allow any harm to be done to the natives, but to avoid any incident he gave the soldiers hawks-bells, hatchets, and other goods for trade in order that they might exchange them for provisions and what else they needed. In this way they arrived at the pueblo of Acoma on the first day of this month of December. On their arrival the maese sent Captain Gerónimo Márquez and six men to ask the Indians for water and wood, because there was none below the pueblo. This witness was one of the six. We went up to the pueblo, and without causing the Indians any harm, as we had been instructed by the maese de campo, we brought down a little water and wood and a few tortillas. The next day the maese de campo ordered us to move the camp to a place two leagues away where there was water. He went up to the pueblo with some men, and when he came down he returned to camp.

Then on Friday, which was the fourth of this month, he visited the pueblo with eighteen men, this witness among them. When we reached the pueblo he told us not to get out of his sight, lest some one annoy the Indians. The latter, in large numbers, led the maese de campo and his men through two small plazas and some narrow streets where they got some flour. Since the amount was very small and it was getting late, the maese de campo ordered some men to go and ask for more, in order to get it over with. This witness, Captain Diego Núñez, and other soldiers went to a few houses where some gave a little, but others pulled up their ladders and refused to give any. Meanwhile this witness saw that one of the many Indians who followed us uttered a loud cry and then all began to do likewise and both men and women attacked from the terraces and from the ground with many arrows, stones, and other missiles, and pressed us so hard that Hernando de Segura was soon

felled by a stone; many others, wounded and covered with blood and half dead, sought protection among rocks nearby. In view of this and that no help was possible, this witness jumped from the rock and reached the horses, although badly bruised. After this he was able to help some wounded men who had jumped from the rocks, one of them being Juan de León, who was badly wounded and could not stand up. This witness dismounted, placed him on a horse, and took him to camp. By now he noticed that the Indians in the pueblo mockingly wore the hats and brandished the swords of the dead.

The governor asked this witness to describe under oath the strength of the people of Acoma. He replied that the pueblo was situated on a towering rock about a league around at the base and that it was so strong and impregnable that he considered it essential to level the pueblo so that it could not be inhabited again, and that the guilty Indians be punished, for otherwise the land could not be settled, nor would there be security anywhere, as the Indians who committed outrages might take refuge and fortify themselves in the pueblo. In view of what he saw, this witness feels sure that the Indians committed their crime by treachery and premeditation. This is the truth, under his oath. He ratified his testimony, said that he was more than twenty-five years of age, and that he was not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. JUAN BLÁZQUEZ DE CABANILLAS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF ALONSO GONZÁLEZ

ON this same day, the governor ordered Alonso González, a mestizo, a native of Mexico city, to appear and he took his oath in the name of God our Lord and the sign of the cross in due legal manner. When he was asked about the case, he said that he left this pueblo with his uncle, Juan del Caso, the maese de campo, and thirty soldiers to join the governor, as has been said, to take part in the discovery of the South sea. He saw that in the pueblos they passed the maese de campo ordered that no one should leave the party lest some one harm the natives.

In this manner they traveled to the pueblo of Acoma, welcomed peacefully. American Journeys - www.americanjourneys.org When they ar-

rived at the pueblo and found neither water nor wood there, the maese de campo sent Captain Gerónimo Márquez and a group of soldiers to get some from the Indians, and, in the presence of everyone, he ordered that under no circumstances should they do the Indians any harm. The next day the maese de campo went up to the pueblo with a few soldiers to ask the natives for some flour, and when they were about to go up some Indians came down and told them to go and get it. This witness saw the soldiers come down without anything and he heard that they were going back for the flour the next day. After this the maese de campo moved his men to a stream two leagues from the pueblo.

Two days later, which was Friday, the fourth of this month, he went to the pueblo, with eighteen soldiers, including this witness. When they reached the top, the maese de campo told everyone not to leave the party for any reason, because he did not want any harm done to the natives. The latter led them from one small plaza to the next and through narrow streets until they reached the place where they were killed. The Indians gave them some flour, but as it was getting late, Captain Diego Núñez went with some soldiers to gather it in different places. At this time this witness heard a loud cry in the direction of Captain Diego Núñez. Then all of a sudden the Indians attacked the Spaniards from every direction with arrows, stones, sticks, and war clubs and pressed them so hard that some fell to the ground, others were wounded, and the rest were forced back against the cliffs nearby. Meantime this witness made his way down as best he could, and from below he saw the Indians showing swords and harquebuses to those down below. In view of all this, and because the Indians had acted without provocation, he feels quite sure that they had planned the attack with treachery in mind.

This is the truth as he knows it. He said that he was eighteen years old and not affected by the general questions of the law. He did not sign because he did not know how. The governor asked him to declare under oath, since he went with the maese de campo and the soldiers, whether they caused any harm to the Indians of the pueblo. He replied that he only saw a soldier named Martín de Biberos holding a turkey in his hand and that

an Indian woman was complaining about it. This took place at the time of the war cry near Captain Diego Núñez. This witness does not know whether or not Martín de Biberos had paid for the hen or why the Indian woman was complaining. This is the truth, under his oath. DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF ANTONIO DE SARIÑANA

At the pueblo of San Juan Bautista, on the last day of December of the said year, the governor ordered Antonio de Sariñana to appear before him. He stated that he was a native of the mines of Sombrerete in the kingdom of New Galicia and took his oath in legal manner by God our Lord and the sign of the cross and promised to tell the truth. When he was questioned about the case he testified that at the time stated in the question, the governor left this camp with some soldiers for the provinces of the Salines, Jumanas, and other places. Later this witness saw Captain Otabora and other men return to this camp with word from the governor for the *maese de campo* to join him on the expedition for the discovery of the South sea. The *maese de campo* set out from this pueblo with thirty-one men, this witness among them, who observed that no harm was done to the Indians in any of the pueblos they passed on the way. This was what the *maese de campo* had ordered, and it was observed. This witness saw that he gave iron articles to the chieftains in the pueblos. In this way they reached the pueblo of Acoma, where some Indians met them peacefully.

As there was no water or wood there, the *maese de campo* sent Captain Márquez with a few soldiers up to the pueblo to get what they needed. He instructed them not to harm the Indians in any way. The captain got a little corn, some tortillas, water, and wood. The next day the *maese de campo* visited the pueblo with a few soldiers to ask for flour for the trip, in trade for hatchets and other articles for barter. He came back without any and said that the Indians asked him to return for it the next day. For this reason and the lack of water we broke camp that day and moved to an arroyo two leagues away.

On the following Friday the *maese de campo* with eighteen soldiers, including this witness, returned to the pueblo for the

flour. On the way up he entreated everyone not to do any harm, as he had brought hatchets and other articles with which to buy what was needed, and he repeated his request when we entered the pueblo. This witness saw that the Indians led us through small plazas and narrow streets until they got us to the place where they killed the maese de campo and the others. At first they brought us small amounts of flour and corn, but since it was insufficient and it was getting late the maese de campo ordered Captain Diego Núñez to send men in different directions to gather the flour which the Indians would give.

As soon as the Spaniards were divided the Indians began shouting and fighting around Diego Núñez. At this time this witness was with the maese de campo and saw that when the soldiers wanted to fire their harquebuses at the Indians, the maese de campo told them to shoot only to scare them and to wait for the outcome of the turmoil. We were pressed so hard by the crowd that we had to fall back to some rocks nearby. The Indians, including the women, attacked from both the terraces and the ground with arrows, stones, and war clubs. This soldier witnessed the killing of Captain Escalante and the others and how they struck the maese de campo with a stone and caused him to fall among some rocks. Since most of his companions had been killed this witness escaped by sliding down the cliffs. Because of all this and that he found the terraces well supplied with stones, this witness is sure that the Indians had planned their treachery with premeditation, since we gave them no cause for it. Later he heard that the Indians had dug up and carried away the iron articles and horseshoeing materials that we had buried because we could not transport them. They also shot arrows at the horses of those who went to notify the governor.

Then the governor asked him to explain under oath the strength of the pueblo of Acoma. He replied that it was located on a towering rock with only a few paths to the top. It was so strong that he thinks the Indians in other provinces who may rebel or commit crimes could fortify themselves there. So unless this pueblo is destroyed and the Indians punished no one could live in the land in security. Only in this manner would the land remain in peace. This is the truth, under his oath. When his

testimony was read to him, he ratified it, and he said that he was nineteen years of age and not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. ANTONIO DE SARIÑANA. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

[Substantially the same testimony, without adding new details, was given by the following witnesses:

Caudillo Francisco Sánchez, 30 years old.

Francisco Sánchez, 24 years old.

Manuel Francisco, 30 years old.

Lorenzo Salado de Ribadeneyra, 25 years old.

Lorenzo Munuera, 32 years old.

Francisco Robledo, 20 years old (a brother was killed at Acoma).

Alonso del Río, 30 years old.

Alonso Sánchez, 20 years old (Diego Núñez was married to his sister).

Bernabé Pedro, Indian servant, 25 years old.

Juan Melchor, Indian servant, 30 years old.

Sebastián Miguel, Indian, 35 years old.

Juan Francisco, Indian, 40 years old.

Jusepe, Indian, servant of the maese de campo, 20 years old.

Asensio de Arechuleta, 26 years old.

Francisco de Olague, 17 years old.

Juan Cortés, 30 years old.

Alonso Martín Barba, 14 years old.

Francisco de Sosa Peñalosa, 24 years old.]

DON JUAN DE OÑATE, GOVERNOR . . . SEEKS AN OPINION ON WHAT CONSTITUTES A JUST WAR; AND, IF IT IS A JUST WAR, WHAT DISPOSITION MAY BE MADE OF THE VANQUISHED AND THEIR PROPERTY. DON JUAN DE OÑATE.

REPLY OF THE FATHER COMMISSARY

THE question as formulated contains two points: first, what are the requirements of a just war. The answer is that it requires, first, the authority of a prince with supreme power such as the Roman pontiff, the emperor, the kings of Castile who enjoy the imperial privilege of not recognizing a superior in temporal matters, or others American Journeys - www.americanjourneys.org without having

it delegated to them. No private individual may declare war, as this requires the organization of armies, which is the function of a prince only; the individual seeks justice from his superior.

Second, it requires a just cause, which may be one of four: to protect the innocent who suffer unjustly and whom the prince must defend whenever he can; to restore goods unjustly seized; to punish transgressors of the law, if they are his subjects, or of the laws of nature, even if not his subjects; and lastly and above all to attain and preserve peace, which is the main purpose of war.

Third: complete justification of a war requires a just and upright purpose in those who fight. It would be just to fight for any of the four causes mentioned above, but not for mere craving for power, revenge, or greed.

The second point of the question is, what may the person waging a just war do with the vanquished and their property. To this we reply that the vanquished and their property are at the mercy of the conqueror in the manner prescribed by the just cause of the war. If it were for the protection of the innocent, he may proceed until he sets them free and places them in safety. He may in such cases reimburse them and himself for the damage suffered and the expense incurred, as did Moses in the defense of the Hebrews when they were mistreated by the Egyptians.

If the cause of war were the recovery of goods, it could be settled by payment of an equal amount of the same goods or their just value. Should the conqueror wish to exercise the authority of a minister of both divine and earthly justice, he may seize the goods of his adversary and sentence him and punish his crime without being bound to make restitution, like a judge who hangs someone for stealing a few maravedis or reals.

If the cause of war should be the punishment of the delinquent and guilty, they and their goods would be at the mercy of the victor, in accordance with the just laws of his kingdom, if they are his subjects. If they are not, he may force them to observe the divine and natural law, using all means that he may justly consider expedient. In doing so he may disregard all

objections that may arise if they should attempt to obstruct his just purpose in any way.

Finally, if the cause of war is universal peace, or peace in his kingdom, he may justly wage war and destroy any obstacle in the way of peace until it is effectively achieved. Once attained, the war should cease, because an act of war is not an act of choice or will, but of justice and necessity. Therefore, peace should be offered before starting a war. If the prince wages war for peace alone, or for any of the causes already indicated, he may seek damages and satisfaction, as the case may be, refraining from injuring the innocent, who are always safeguarded by the law, since they have committed no offense. He should avoid killing men, as far as possible, first because killing is very repulsive to God, as is seen when He would not accept a temple or house from the upright David because he was a homicide, and second because of the inevitable damnation of the bodies and souls of those adversaries who fight unjustly, for if not killed, many would in time be converted and saved. As this truth is obvious, the prince, if forced by necessity or obvious danger to impose death or because victory is impossible in any other way, or a competent judge, if forced to impose a just sentence, are not responsible, but the guilt falls on the killers and on the dead, who are the transgressors and deserve punishment and not on the ministers of divine justice who order execution. This opinion is based on the doctrine of the glorious Saint Augustine in *Ad Bonifacium*. . . .⁷ FRAY ALONSO MARTÍNEZ, apostolic commissary.

The above opinion of our father commissary is very true, comprehensive, and learned, and as I believe it to be so, I sign my name. FRAY CRISTÓBAL DE SALAZAR.

The above opinion of our father commissary, which I have seen, is very sound and learned, and this also is my judgment, for it conforms to what I have always understood to be the truth. Signed, FRAY FRANCISCO DE SAN MIGUEL.

I acknowledge that the governor's questions as stated above

7. Here follows an entire page of ancient authorities drawn from the Scriptures, writings of the church fathers, and ancient philosophers which we omit as being of minor interest today.

are proper, that the answers have been very Christian and learned, and so I accept everything that has been said. Done in the valley and pueblo of San Juan, January 7, 1599. FRAY FRANCISCO DE ZAMORA.

The above opinion of our father commissary is very true and wise. FRAY ALONSO DE LUGO.

Although some of the ideas expressed in the above opinion are generally accepted, it must be understood that the reference to compelling the guilty-vanquished to observe the divine law, if they are heathen, shall be by admonition and persuasion. I subscribe to all of the above, provided it is an offensive war and provided that we take into consideration at all times the degree of intelligence of the offenders, so that when proceeding against them it may be done in accordance with the seriousness of their offenses. If, however, the war should be defensive, it needs no authority from prince or anyone else, because it is the natural law that anyone individually or in common with others may defend himself from those who attempt to harm or injure him. In all other respects I endorse what has been stated above as a prerequisite to justify war. FRAY JUAN CLAROS.

The above dissent by Father Fray Juan Claros deals with divine law and grace, not touched upon in the above opinion, which deals only with natural divine law and the natural state. He declares also that there is no need of authority from prince or anyone to defend oneself individually or in common, which is not part of the question, nor of the answer, for such self defense is blameless (*cum moderamine inculpata tutela*). So whether the defense is by one or many it finally devolves on the individual or private person. Wherefore it is evident that these two points are irrelevant. FRAY ALONSO MARTÍNEZ, apostolic commissary. FRAY CRISTÓBAL SALAZAR.

DECREE

At the pueblo of San Juan Bautista, January 8, 1599, Don Juan de Oñate, governor . . . declared that in order to further justify these proceedings and to guide him, he asked the most reverend father, Fray Alonso Martínez, commissary general of these kingdoms and provinces, the question given at the beginning of this document, and the commissary general and the

other friars, one after another, gave their opinions and signed, as is shown herewith, and the governor ordered that these statements be made a part of these proceedings. DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

PROCLAMATION

At the pueblo of San Juan Bautista, January 10, 1599, Governor Don Juan de Oñate . . . issued a proclamation, summoning all officials, high and low, captains and soldiers, without exempting anyone, to meet with him today after high mass at headquarters in order to consider together matters befitting the service of his majesty and what should be done with regard to the expedition to Acoma. All are to be informed concerning the status of this case in order that each one individually may give his opinion and tell what he thinks and feels should be done immediately to punish the Indians of Acoma, or whether it should be postponed to a more auspicious and opportune time after the arrival of reinforcements from New Spain. He ordered me, the secretary, to record in legal manner what each one said and to incorporate it in these proceedings. He so ordered. Signed, DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

GENERAL MEETING OF THE EXPEDITION

ON the same day, after high mass, the sargento mayor, royal alférez, purveyor general, Contador Alonso Sánchez, the captain of the guard, the captain and procurator general (and chronicler), and many other captains and soldiers, assembled at the door of headquarters in compliance with the preceding proclamation. To judge by the many who assembled, no one in the army was missing. The criminal proceedings previously drawn up were read word for word, and in addition the governor discussed many other reasons both for and against carrying out the proposed punishment. After long deliberation of the arguments pro and con the above officials reached the definite conclusion that the punishment should under no circumstances be postponed. They reasoned that unless it was executed immediately the land could not be colonized and no one could live there, as the

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see what we would do. If these Indians were not punished this time, they would form a league, rebel, and destroy us easily. In short, all insisted, in particular the married men, that if the proposed punishment were postponed the governor should grant them permission to take their women and children back to New Spain, as they would have little security in the province of New Mexico. They set forth many reasons, and the governor ordered me to record the discussion in legal manner and to certify it. I, the secretary, attest that everything in these proceedings took place before me in the form stated therein. DON JUAN DE OÑATE. I so certify, JUAN GUTIÉRREZ BOCANEGRA, secretary.

INSTRUCTIONS TO THE SARGENTO MAYOR FOR THE
PUNISHMENT OF ACOMA

INSTRUCTIONS to you, Vicente de Zaldívar, sargento mayor of the expedition to New Mexico, my lieutenant governor and captain general for the punishment of the pueblo of Acoma for having killed Don Juan de Zaldívar Oñate, my maese de campo, ten other captains and soldiers, and two servants, which resulted in disrupting the general peace of the land, which is now in serious danger of revolting if the offenders are not properly punished, as their vileness would be emulated by other savages whenever they wished; in this situation one can see the obvious danger of slavery or death for the innocent people entrusted to my protection and care by his majesty; these innocent ones are the ministers of the holy gospel, whom the Indians would not spare any more than they did others in the past, and they would also kill the many women and children in the expedition, who would suffer without cause once the natives overcame their fear of rebelling. The greatest force we possess at present to defend our friends and ourselves is the prestige of the Spanish nation, by fear of which the Indians have been kept in check. Should they lose this fear it would inevitably follow also that the teaching of the holy gospel would be hindered, which I am under obligation to prevent, as this is the main purpose for which I came. For the gospel is the complete remedy and guide for their abominable sins, some of them nefarious and against nature. For the following just cases, such

as general peace in the land, protection of the innocent, punishment of those who transgress against their king and his ministers and against their obligations to him as ruler of these Indies, to whom they voluntarily swore obedience, and furthermore to obtain redress for such serious offenses as the killing of such worthy persons, disregarding the recovery of the goods they took from us, and finally to remove such pernicious obstacles and open the way for the spreading of the holy gospel, I have determined that in the discharge of your commission to the pueblo of Acoma, you should make more use of royal clemency than of the severity that the case demands, take into serious consideration the stupidity (*brutalidad*) and incapacity of the Indians, if that is what they showed in this case rather than malice, and observe the following instructions:

First: On receiving your commission and the instructions that follow, you will acknowledge receipt of them before the secretary. With these you will have sufficient authority for what you are to do and you must bind yourself to observe and obey exactly what you are ordered, as we expect from you.

Since the good success of the undertaking depends on the pleasure of God our Lord in directing you to appropriate and effective methods, it is right that you should seek to prevent public or private offenses to Him in the expedition. You must exercise particular care in this respect, admonishing and punishing in exemplary fashion those who cause them, so that one may readily see that you take special interest in this matter.

You will proceed over the shortest route to the pueblo of Acoma, with all the soldiers and war equipment. At the places and pueblos that you pass through on the way you will treat the natives well and not allow any harm to be done them, and to this end you may issue whatever proclamations that seem desirable or necessary.

When you come to the pueblo of Acoma, you must weigh very carefully and calmly the strength of the Indians, plant at once your artillery and musketry at the places that seem most practical, and assign the captains and soldiers to their posts in battle formation, without making any noise or firing an arquebus.

This done, you will, in the presence of Juan Velarde, my secretary, and with the help of Don Tomás and Don Cristóbal,

Indian interpreters who are expert in the language, or with the aid of any other interpreters that you may deem suitable, summon the Indians of Acoma to accept peace, once, twice, and thrice, and urge them to abandon their resistance, lay down their arms, and submit to the authority of the king our lord, since they have already rendered obedience to him as his vassals.

You will ask the people of Acoma to surrender the leaders responsible for the uprising, and the murderers, assuring them that they will be justly dealt with.

The Acomas must abandon at once the fortified place in which they live and move down into the valley, where the ministers of the holy gospel who were sent to these kingdoms and provinces by his majesty for this purpose may be able to teach them more easily the matters of our holy Catholic faith.

The Indians must deliver up the bodies of those killed, their personal belongings and weapons, and the horseshoes and other iron that they had dug up three leagues from the pueblo. You must record their answers before my secretary in the presence of as many as can conveniently be brought together to hear them. If the Indians should do all that is prescribed above and come down and submit peacefully, you will establish them in the valley at a safe place where they will not run away and disappear. You will keep them under strict guard and bring them before me in order that we may hear their pleas and administer justice.

After the Indians have been removed from the pueblo and placed under custody, you will send back to the pueblo as many soldiers as you deem necessary, burn it to the ground, and leave no stone on stone, so that the Indians may never be able again to inhabit it as an impregnable fortress.

If the Indians are entrenched and should have assembled many people and you think there is danger of losing your army in trying to storm the pueblo, you will refrain from doing so, for there would be less harm in postponing the punishment for the time being than in risking the people with you and those left here for the protection of the church of God, its ministers, and me. In this matter you must exercise the utmost care and foresight.

If the people should have deserted the pueblo, you will burn it to the ground and destroy it. You will then consult with the

council of war as to whether or not it is desirable to pursue the natives, since the council must consider the matter. This must be handled with much discretion.

If God should be so merciful as to grant us victory, you will arrest all of the people, young and old, without sparing anyone. Inasmuch as we have declared war on them without quarter, you will punish all those of fighting age as you deem best, as a warning to everyone in this kingdom. All of those you execute you will expose to public view at the places you think most suitable, as a salutary example. If you should want to show lenience after they have been arrested, you should seek all possible means to make the Indians believe that you are doing so at the request of the friar with your forces. In this manner they will recognize the friars as their benefactors and protectors and come to love and esteem them, and to fear us. To execute this punishment as you may see fit, I grant you the same powers I myself hold from his majesty.

And since all matters properly discussed and thought out lead to a happy and successful end, you already know that I have named as members of the council of war of this expedition, Alonso Sánchez, contador of the royal treasury; Diego de Zubía, captain of cavalry and purveyor general; Marcos Farfán de los Godos, captain of my guard; Captain Gaspar de Villagrán, procurator general; Pablo de Aguilar Inojosa, captain of cavalry; and Gerónimo Márquez, captain of artillery. All six of them are men of much experience and well informed in all that pertains to warfare. You will hold councils of war whenever it seems desirable to you, to them, or to the majority of them. Whatever is agreed upon by all or by the majority in council must be observed. The councils held are to be attended by my secretary who will record what may be determined. I have given these men the appropriate commissions as members of the council of war.

All of the aforesaid you will fulfill with proper diligence and care in order that God and his majesty may be served, and this offense punished.

Stamped with the seal of my office at the pueblo of San Juan Bautista on January 11, 1599. DON JUAN DE OÑATE. By order of the governor, JUAN ~~de Oñate~~ American Journeys - www.americanjourneys.org Secretary.

I, Vicente de Zaldívar, sargento mayor of the expedition to New Mexico, received these instructions, consisting of two sheets, and I accept them as my guide in the discharge of the commission entrusted to me for the punishment of the Indians of Acoma. I endorsed it twice, once in this copy of instructions and again in the one retained by the secretary, and I attached my name. VICENTE DE ZALDÍVAR. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

PROCEEDINGS AT ACOMA

ON the arrival of the captain and chief of the forces, Vicente de Zaldívar, sargento mayor, lieutenant governor and captain general of his majesty's army, at the peñol and stronghold of Acoma in the provinces of New Mexico, January 21, 1599, he explained to the Indians of the pueblo through the interpreter, Don Tomás, that he came only to make peace with them and to find out why they had killed the maese de campo, Don Juan de Zaldívar, ten captains and soldiers of his company, a mulatto, and an Indian. The Indians were fortified on the peñol, well armed with many bows and arrows, war clubs, stones, swords, and the coats of mail that they had taken from the Spaniards whom they had killed. Refusing to give any satisfaction to these proposals, the Indians all shouted loudly, raised their swords on high, and presented themselves in the coats of mail and other pieces of equipment that they had taken from the dead Spaniards, boasting that they had killed ten Spaniards and two Mexicans, and that we were all a pack of scoundrels and whore-mongers. At the same time they made a great noise, shot many arrows, and hurled stones and wooden spears at the soldiers. The latter merely dodged the missiles of the Indians, because the lieutenant governor had ordered his men not to fire an harquebus or offend anyone by word or deed despite the fact that the Indians had dug deep holes at the base of the pueblo and had concealed these pitfalls so that the horses and their riders would fall in. The holes were so numerous that although the warning was given and care was exercised, still some soldiers were trapped. Meanwhile the Indians kept shouting that they wanted to fight. To provoke the Spaniards, they displayed many blankets and things of their own and also the swords and the

booty that, as has been said, they had taken from the Spaniards. They hurled many insulting words, asking what we had come for, why we were waiting, and why we did not fight, since they were ready for battle and were waiting for nothing but to kill us and then to kill the Queres and the Tiguas and everyone at Zía because they had failed to kill the Spaniards.

This was their answer to the peace summons which the lieutenant governor made once, twice, and thrice, and which he asked me, the secretary, to give an affidavit of. In testimony of which I made this one. Witnesses, Contador Alonso Sánchez, Captain Gaspar de Villagrà, Captain and Purveyor General Diego de Zubía, Captain Marcos Farfán de los Godos, and Captain Pablo de Aguilar. Signed, VICENTE DE ZALDÍVAR. Before me, and I so certify, JUAN VELARDE, secretary.

On January 22, 1599, the lieutenant governor and captain general camped a little way from the peñol and stronghold of Acoma to see if he could reach an understanding with the Indians. The latter spent all that night in huge dances and carousals, shouting, hissing, and making merry, challenging the army to fight. Since the natives would not listen to reason, he ordered some of the horses led to water, whereupon many Indians broke out of a small gully near the rock and began to discharge arrows, killing two horses. Immediately the lieutenant governor and captain general, in view of the impudence and bold determination of the Indians to kill the Spaniards, ordered his men to give battle without quarter, as was authorized in his instructions, and he signed his name. Witnesses, Captain Villagrà, Captain Marcos Farfán, Contador Alonso Sánchez, and Captain Aguilar. VICENTE DE ZALDÍVAR. Before me, JUAN VELARDE, secretary.

On this day, feast day of Saint Vincent, at three o'clock in the afternoon, more or less, the lieutenant governor and captain general began the battle. The fight continued with much obstinacy on the part of the Indians, who would not listen to reason. It lasted until nightfall, when the general ordered the stronghold besieged and the entire army to be on the watch, fully armed, throughout the night, at posts which he assigned them. He so decreed and signed, VICENTE DE ZALDÍVAR. Before me, JUAN VELARDE, secretary.

On the 23rd of this month, San Ildefonso's day, the Indians on the rock continued the battle with determination and fury. The fighting proceeded from early morning, with many Indians killed and wounded. Then the lieutenant governor and captain general spoke to them through Don Tomás, the interpreter, and urged them to consider the number of their dead and not to persist until all were killed, promising that he would do justice to all who surrendered and placed themselves in his care. They replied that they and their women and children wanted only to die, and that the Spaniards were scoundrels. Thereupon they attacked Don Tomás with arrows and stones.

In view of their rashness, the battle proceeded until about five o'clock in the afternoon. The Indians, recognizing defeat and that they had no recourse but to die or surrender, as some of their houses were already on fire, asked for peace and for an end to the battle. Accordingly, the lieutenant governor ordered them to cease fighting and to lay down their arms, assuring them that he would do them justice. Witnesses, Captains Villagrà, Gerónimo Márquez, Marcos Farfán, and Pablo de Aguilar. VICENTE DE ZALDÍVAR. Before me, JUAN VELARDE, secretary.

On January 23, 1599, the lieutenant governor and captain general sent for the Indian chiefs and the rest of the people to ask them why they had killed the maese de campo and his companions. To do this he had them seized and placed in some estufas where these Indians fortified themselves in their prisons and broke away through many tunnels and mines concealed in the estufas and which opened out into adjoining houses. The Indians ran from house to house and killed each other without sparing their children, however small, or their wives. In view of this situation, the lieutenant governor ordered the battle to proceed without quarter, setting fire to all of the houses and even the provisions. He ordered that all Indian women and children who could be found should be taken prisoners to save them from being killed by the Indian warriors. So they rounded up about five hundred of them, young and old, men and women. He sent them all to his excellency, Don Juan de Oñate, governor and captain general of these kingdoms and provinces.

I certify that I was present throughout these proceedings. Wit-

nesses, Captain Villagrán, Contador Alonso Sánchez, Captain Marcos Farfán, and Captain Gerónimo Márquez. VICENTE DE ZALDÍVAR. Before me, and I so certify, JUAN VELARDE, secretary.

DECREE

At the pueblo of Santo Domingo, February 9, 1599, Don Juan de Oñate, governor and captain general, announced that on this day Vicente de Zaldívar Mendoza, sargento mayor and commander of the forces, arrived at this pueblo with the Indian men and women from the pueblo of Acoma, where he had gone by command of his lordship. The sargento mayor presented the documents of the summons to peace and other records of what had transpired at the pueblo of Acoma. The governor ordered that these papers be incorporated in these proceedings and that the case be carried to a legal conclusion according to military usage.

In order that the Indian men and other prisoners taken by the sargento mayor might plead their own defense, if they had anything to say, he appointed Captain Alonso Gómez Montesinos as their guardian and defense attorney and ordered him to accept the commission and take the oath required by law, in order that with his intervention the trial might be brought to a definite conclusion. He so ordered and signed. DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

Thereupon, Captain Alonso Gómez Montesinos said that he accepted the appointment as guardian and defense attorney for these Indians. He took his oath by God our Lord and a cross in due legal manner and promised to discharge his commission properly and faithfully, to the best of his knowledge and intelligence, and to plead their case in such a way as to spare them from unnecessary harm. The governor named as guarantor Captain and Procurator General Gaspar de Villagrà, who said he would guarantee that Captain Alonso Gómez Montesinos would fulfill his oath and defend the Indians to the best of his knowledge and ability. Should he fail to do so, Villagrà, as his guarantor, accepted as his own this obligation and pledged to satisfy it with his own person and property. As guarantor for the fulfillment of this obligation, Villagrà renounced the laws issued

to protect his majesty's justices everywhere and his own benefits and rights thereunder. Witnesses, Captain Juan Ruiz de Cabrera, Cristóbal de Herrera, and Cristóbal Guillén, residents of this pueblo. Signed, DON JUAN DE OÑATE. ALONSO GÓMEZ MONTESINOS. GASPAR DE VILLAGRÁN. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

STATEMENT OF INDIAN CAOMA

ON this same day, February 9, the governor ordered testimony taken from an Indian through Don Tomás, a Christian Indian interpreter, who swore by God and a cross in due legal manner to declare faithfully all that might be said by this and the other Indians in their testimony. He said: "I so swear, amen."

The interpreter said that this Indian was named Caoma, a native of the pueblo of Acoma, and the captain of one of the wards of this pueblo. Not being a Christian he was not asked to take an oath. He explained through the interpreter that he was not present at Acoma when they killed the maese de campo and the others, as he had gone to the country. When he returned on the night of the day they were killed, the Indians at the pueblo told him how the maese de campo and his men came to the pueblo and asked the natives to furnish them with the maize and flour which they needed, and because they asked for such large amounts they killed them. He was very sorry for what the Indians had done and denounced them for it. Then the governor asked him to explain why it was that when the sargento mayor and the soldiers went to his pueblo to summon them to peace, the Indians, instead of submitting, attacked with arrows, stones, and clubs. He replied that they refused to come down peacefully and to be friends because they had already killed the Spaniards, but he urged the Indians, both men and women, all of whom hurled stones, to submit peacefully, but they refused.

This witness was asked to tell who dug up the two small field pieces, the horseshoes, and other iron goods that the Spaniards had buried near Acoma when they were unable to carry it further. He answered that Indians of the pueblo dug it up, carried it away, and divided it among themselves, each one taking

his share. This is the truth and what he knows. He gave this testimony in the presence of Captain Alonso Gómez, his defense attorney, who signed it, together with the governor. DON JUAN DE OÑATE. ALONSO GÓMEZ MONTESINOS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

STATEMENT OF CAT-TICATI

IMMEDIATELY thereafter, on this same day, the governor called before him an Indian named Cat-ticati, a native of the pueblo of Acoma, who testified through the interpreter that he did not know how old he was, but perhaps about thirty-five years. He declared that he was not present when the maese de campo and the other soldiers were killed, but that he learned about it at the pueblo when he returned. They had killed them because they asked for maize, flour, and blankets.

Asked why the Indians refused to accept peace and to come down from the pueblo when the sargento mayor summoned them, he replied that they declined to submit and accept peace since they had already killed the Spaniards.

Asked why, when the sargento mayor offered them peace, they not only rejected it but shot arrows and hurled rocks and insulting words, he replied that some shot arrows and threw stones but there were some who did not want to fight. To other questions he replied that he was telling the truth. All of this took place in the presence of his defense attorney, who signed his testimony, together with the governor. DON JUAN DE OÑATE. ALONSO GÓMEZ MONTESINOS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF INDIAN TAXIO

THIS same day the governor called before him an Indian named Taxio, a native of the pueblo of Acoma, who did not know how old he was, but who seemed to be about twenty-three years.

Asked why he and the other Indians of Acoma killed the maese de campo and ten other soldiers and two servants, he said that when they began to kill them, he was at home, but when he heard the shouting that they were killing the Spaniards, he went up to the roof and stayed there and saw a dead Spaniard

and that the others whom they had killed had been thrown down the rocks.

Asked why, when the sargento mayor offered the Indians peace, he and the others did not come down to accept but shot many arrows and threw rocks and cried for the Spaniards to come on and fight, he said that the old people and other leading Indians did not want peace, and for this reason they attacked with arrows and stones.

Asked why the Indian women threw rocks and helped in the fight, he said it was because they were together with the men and therefore they took part in the demonstrations and the fighting. He made this statement in the presence of the defender, who signed it. To other questions he said that he had spoken the truth, and he ratified his testimony, after it was explained to him. The interpreter did not sign this statement or the others, because he did not know how. DON JUAN DE OÑATE. ALONSO GÓMEZ MONTESINOS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

STATEMENT OF INDIAN XUNUSTA

THIS same day the governor called before him an Indian who, according to the interpreter, was named Xunusta, a native of the pueblo of Acoma. He did not know how old he was, but seemed to be about twenty-two years.

Asked why he and the other Indians of the pueblo had killed the maese de campo and his men, he said that the Spaniards first killed an Indian, and then all the Indians became very angry and killed them.

Asked why it was that when the sargento mayor asked them to accept peace they did not come down from the pueblo but shot many arrows and threw rocks and clubs, both men and women taking part in the fray, he said that some of the Indians wanted to make peace but others did not, and because they could not agree, they would not submit. This statement was given in the presence of their defender, who signed it, but the interpreter did not because he did not know how to write, though he ratified the testimony when it was read to him. DON JUAN DE OÑATE. ALONSO GÓMEZ MONTESINOS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

STATEMENT OF INDIAN EXCASI

IMMEDIATELY thereafter, on this same day, the governor called before him an Indian who, according to the interpreter, was named Excasi, a native of the pueblo of Acoma. He did not know his age, but seemed to be about twenty-five years.

Asked why he and the other Indians of the pueblo killed the *maese de campo*, two captains, eight soldiers, and two servants, he said that he did not see them killed but that he saw his people throw the bodies down the rocks. He had heard it said that they killed the Spaniards because a soldier either asked for or took a turkey.

Asked why the Indians did not accept peace when the *sargento mayor* appealed to them and asked them to come down and be friends, which he did many times, the Indian said that he did not want to fight, but others did, and therefore they did not submit.

Asked why they shot arrows and threw stones from the pueblo when they had been summoned to peace, he repeated what he had already said. This is the truth, and he ratified it. Done in the presence of the defender, who signed. DON JUAN DE OÑATE. ALONSO GÓMEZ DE MONTESINOS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

STATEMENT OF INDIAN CAUCACHI

IMMEDIATELY thereafter, on this same day, the governor called before him an Indian who, according to the interpreter, was called Caucachi, a native of the pueblo of Acoma. He did not know how old he was, but appeared to be about fifty.

Asked why he and the other Indians of the pueblo had killed the *maese de campo* and the other ten Spaniards and two servants, he said that the Spaniards had wounded an Acoma Indian and for this reason his people became angry and killed them.

Asked why it was that when the *sargento mayor* asked them to accept peace, they not only refused his offer but cried out that they wanted to fight and shot arrows and hurled stones, he said that since some of the Acomas did not wish to make friends, they began to fight. He was asked other questions, but replied that what he had said was the truth. He ratified his testimony

in the presence of his defender, who signed. DON JUAN DE OÑATE. ALONSO GÓMEZ MONTESINOS. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

FORMAL CHARGES. THREE DAYS TO ANSWER.

ON this same day, February 9, the governor filed the charges of indictment against the Indians whose statements had been obtained and against the other Indian men and women brought by the sargento mayor. They were indicted on the charges resulting from the investigation and from their own testimony. The governor ordered that a copy of the case be given them and their defense attorney so that they might seek justice in whatever manner seemed best to them. Regardless of their reply, he said that he accepted the case and granted an appeal, allowing a period of three days in which to conclude the entire proceedings. He so decreed and signed. DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

NOTIFICATION

ON February 9 of this same year, I, the secretary, notified Captain Alonso Gómez Montesinos personally and in due legal manner of the filing of the above charges, and he accepted them. Witnesses, Purveyor General Diego de Zubía, Captain Marcos Farfán de los Godos, Captain Pablo de Aguilar, residents of this pueblo.

Captain Alonso Gómez was asked to be present when the witnesses were identified and took their oaths. I so certify, JUAN GUTIÉRREZ BOCANEGRA, secretary.

RATIFICATION

AT the pueblo of Santo Domingo, February 10, 1599, the governor ordered Captain Gaspar López de Otabora to appear before him, and he took his oath in due legal manner. Questioned about these proceedings, he referred to his testimony of last December 29, which I, the secretary, read to him word for word. Asked if he had anything to add or subtract, he said that his testimony was the truth, under his oath, and he ratified it and said that if necessary he would testify again. He said that he was more than thirty years old, and not affected by the general

questions of the law. Signed, DON JUAN DE OÑATE. GASPAR LÓPEZ DE OTABORA. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.⁸

PETITION

IN the pueblo of Santo Domingo, February 10, 1599, Captain Alonso Gómez Montesinos, defense attorney for the Indians, presented the following petition to the governor.

I, Captain Alonso Gómez Montesinos, defense attorney for the Indians, state that I have frequently explained to them through the interpreter that if they have any pleas to offer or any witnesses to present in their defense they should have them appear so that the appropriate inquiries may be made. They replied that they had no witnesses or defense pleas to offer for having killed the Spaniards. This being the case, their only defense was that many of them were not guilty as they were absent when the Spaniards were killed, and they were unaware of the crime the others had committed. For this reason and from what was learned in the testimony that your lordship took from some of the Indians, you should acquit them, set them free, allow them to go wherever they wish, and order that they be compensated for the expenses resulting from their arrest.

Wherefore, I beseech your lordship to grant this petition and show clemency to the Indians in view of the fact that they are uncivilized (*bárbaros*). I demand justice. ALONSO GÓMEZ MONTESINOS.

The governor ordered that this petition be incorporated in the proceedings and said that justice would be done. DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF CAPTAIN VILLAGRÁ

AT the pueblo of Santo Domingo, February 11, 1599, the governor ordered the procurator general, Captain Gaspar de Villa-

8. Ratifications of the same tenor as that given by Captain Gaspar López de Otabora were made by many others, but we omit their statements since they are almost identical. Those who made such ratifications were: Manuel Francisco (age 30), Caudillo Francisco Sánchez (age 30), Juan de Olague (age 20), Francisco Sánchez (age 24), Alonso del Río (age 30), Asensio de Arechuleta (age 26), Rodrigo Zapata (age 24), Juan Blásquez de Cabanillas (age 25), Alonso Sánchez (age 20), Francisco Robledo (age 20), and Lorenzo de Munuera (age 32); and certain Indians made similar statements of ratification: Caoma, Cat-catí, Taxio, Zunusta, Excasi, Cauc

grán, to testify. He took his oath by God and a cross in due legal manner and promised to tell the truth. Questioned about the case, he declared that he went to the pueblo of Acoma with the sargento mayor a little more than a month ago by order of the governor. There he observed that the sargento mayor commanded that no one fire his harquebus at the Indians or at anything else under any circumstances, in the hope that the Indians would submit peacefully, and his order was obeyed. Not only did he forbid them to shoot, but to utter any offensive words, and none was uttered. Circling the peñol of the pueblo with the army, this witness saw that the sargento mayor proposed three times through the interpreter, Don Tomás, that the Indians come down, but the numerous Indians, fortified on the rock, uttered loud shouts and outcries, showed great joy at the sight of the Spaniards, and pelted them with arrows, wooden javelins, and chunks of ice. They derided the Spaniards, called them Castilian whoremongers, and said that their captain was no good. This witness understood these words because they were spoken in the Mexican language. The interpreter explained that the Indians were saying in their own language that they had killed the Spaniards, referring to the maese de campo and the captains and soldiers they had killed with him. They asked the Spaniards what they wanted now and that if they had come to fight, they should start, as the natives wanted nothing more than to kill all the Spaniards in the army, and after disposing of them to kill the Indians at the pueblos of Zía, Santo Domingo, and San Juan Bautista, because they had failed to kill the Spaniards.

This witness saw that when the sargento mayor ordered the horses watered, the water being near the stronghold, about thirty Indians attacked the horses and killed two with their arrows. During this time neither the sargento mayor nor his men had fired an harquebus or harmed the natives in the least. So he ordered the battle started, and that it continue without quarter, which was done, and one of the heights was taken. The battle began about three in the afternoon and lasted until night. The peñol was besieged all that night and a strict watch kept. The next day the fighting was renewed and continued until about four in the afternoon. This witness and the sargento

mayor asked the interpreter, Don Tomás, to speak to the Indians again and tell them to consider that the Spaniards had killed many of their people and that they should not allow all of them to be exterminated. According to Don Tomás, they replied that they wanted nothing but death for themselves, their women and children. This witness saw that after this reply they shot arrows at the interpreter, and this witness asked Don Tomás to withdraw, and he did so.

The battle continued with great losses to the Indians, in view of which some of them began to ask for peace and to lay down their arms. The sargento mayor then ordered the harquebusiers and others to stop fighting, and posted guards and sentries with much care. He told the natives that he would consider what he could do to obtain justice for them. The next day the Indians brought a number of turkeys and blankets, but the sargento mayor refused to accept them and ordered this witness to return them to the Indians and to tell them through the interpreter that he had not come to get blankets but to investigate what could be done in this case. When we returned the blankets, the Indians left them as a pledge.

On the following day the sargento mayor started to arrest many Indian men and women to safeguard the victory. Then this witness saw that the Indians began to break jail, which was an estufa that seemed very strong. They had entrenched themselves so that no Spaniard dared go down into it, and a large number of Indians escaped. In view of this fact, the sargento mayor ordered the fighting continued without quarter. So it was done, and they set fire to houses and provisions and killed many of the natives. Then the sargento mayor ordered this devastation stopped and asked us to apprehend all those whom we could find. About seventy warriors, three hundred women, and some children were seized. This witness believes that about six hundred people altogether were brought before the governor.

This is all the witness knows, other than that he considers these Indians evil and perverse because they lived on such a stronghold. Besides being such a strong place, the whole pueblo had been undermined with tunnels passing from house to house, which would indicate that they were bold fighters and robbers. That is why the witness thinks they were emboldened to kill

the maese de campo and the others who died with him. This is the truth, under his oath. When his testimony was read to him, he ratified it. He said he was forty-four years old and that the general questions of the law did not apply to him. Signed, DON JUAN DE OÑATE. GASPAR DE VILLAGRÁN. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF ALFÉREZ VITORIA CARABAJAL

IN the said month and year, the governor ordered Alférez Juan de Vitoria Carabajal to appear before him, and he took his oath in due legal manner. When questioned about this case, he declared that a little more than a month ago he went with the sargento mayor by order of the governor to the pueblo of Acoma. When they reached it, he ordered that no one fire his harquebus at the Indians or talk to them because he wanted them to submit peacefully. From below the pueblo, through the interpreter, Don Tomás, they offered the Indians peace and friendship three times, but they replied that they had already killed the Spaniards and did not want peace but wanted to kill them all, including the Indians of the pueblos, for their failure to kill the Spaniards. He saw that while they were watering their horses near the rock on which the pueblo is situated, about thirty Indians appeared and killed two horses with arrows and refused absolutely to make peace. In view of this the sargento mayor ordered war without quarter.

The battle started in the afternoon of this day and continued until night when a strong point near the houses outside the pueblo was taken and held through the night. The fight was renewed in the morning, and about four o'clock in the afternoon the sargento mayor, seeing that he was killing many natives and also that six or seven Spaniards had been wounded, one of whom was this witness who to this day is bedridden from the wounds, again sent them word to accept peace and be friends, saying that all he wanted was to investigate their killing of the Spaniards, and that he would show them justice. They replied through the interpreter that all they wanted was to die there with their women and children.

With this the battle was renewed, and after a little more than an hour, the Indians, seeing that they were hard pressed and

that many of their people were being killed, asked for peace and friendship. They brought the sargento mayor more than eighty blankets, which he refused to accept, telling them that he had not come for blankets but to find out why they had killed the Spaniards. He ordered the fighting to stop at once and we kept watch that night. The next day he entered the pueblo in peace and began to arrest some Indians and to imprison them in an estufa that seemed very strong. Then he ordered them to come out in order to testify in the case, but they refused, entrenching themselves so strongly that it was necessary to kill them. In the meantime, some Indian men and women were taken. This witness believes that the men might number seventy or eighty and the women and children five hundred. They were brought before the governor.

This witness also saw that the whole pueblo was mined, and that there were underground passages between the houses, making it the greatest fortress this witness had ever seen. Therefore he feels quite sure that what the Indians did was because of their fortress. This is what this witness knows and has seen and is the truth under his oath. When his testimony was read to him, he ratified it and said that he was thirty-six years old, more or less, and not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. JUAN DE VITORIA CARABAJAL. Before me, JUAN GUTIÉRREZ BOCANEGRA, secretary.

TESTIMONY OF JUAN MEDEL

ON this day the governor ordered Juan Medel to appear before him, and he took his oath in the name of God our Lord and the sign of the cross in due legal manner and promised to tell the truth. Asked about the case, he said that he was one of those who went to the pueblo of Acoma with the sargento mayor and that on their arrival the latter ordered that no soldier should fire his harquebus at the Indians, or say anything to them, because he wanted to offer them peace. With this the Spaniards circled the rock on which the pueblo is situated, and the Indians threw arrows, stones, and sticks at them from the top. Meanwhile the sargento mayor through Don Tomás, the interpreter, asked the Indians to come down peacefully, explaining that he had come to establish friendship with them and to find out who

had killed the *maese de campo* and the others, and why. Although this message was conveyed to the Indians several times, they replied that all they wanted to do was to fight, that they were waiting for them, and challenged them to climb the pueblo, and other such things. They insulted the Spaniards, calling them Castilian whoremongers, pots (*zaguales*), and other terms in the Mexican language which this witness understood or the interpreter, Don Tomás, explained.

Later, when we were watering our horses near the peñol, more than thirty Indians attacked and killed two horses. Then the *sargento mayor* gave orders to fight, and in the afternoon of this day the Spaniards took a strong point near the houses and held it all night; in the morning they resumed the battle, which lasted until four in the afternoon when the *sargento mayor* again asked the Indians to submit peacefully, since they were losing so many people. They replied that they wanted nothing but to fight and die, with their women and children. So the battle was continued, and as night approached, the Indians, seeing that their fight was lost and that they were losing many men, sued for peace, and the *sargento mayor* ordered the fighting to cease at once. The Indians brought him some blankets, which he refused to accept, telling them that he had not come for blankets, but to find out who had killed the Spaniards. With this the Indians withdrew to their pueblo, and he remained with his soldiers outside that night. The next day he entered the pueblo and began to arrest some Indians and to place them in an *estufa*, where they entrenched themselves, and as they refused to come out they were smoked out, but as they would rather die than come out, they made it clear that they wanted to die there, and they hurled sticks and stones. Therefore it became necessary to kill them. The others who were taken were brought to this pueblo before the governor.

This witness saw that Acoma was very strong, all undermined, and the houses connected by means of passageways. He believes that it was this fortress that induced them to kill the Spaniards, because if it had not been so strong they would now be at peace like the other pueblos. This is the truth and what he knows. When his testimony was read to him, he ratified it; he said that he was more than forty years old and not affected by the general

questions of the law. He did not sign, because he did not know how. DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOCA-NEGRA, secretary.

TESTIMONY OF YSIDRO JUÁREZ DE FIGUEROA

ON this same day, the governor ordered Ysidro Juárez de Figueroa to appear before him, and he took his oath in the name of God and the sign of the cross in due legal manner and promised to tell the truth. Questioned concerning the case, he declared that he was one of those who went to the pueblo of Acoma with the sargento mayor and that when they arrived there the sargento ordered that no one fire his harquebus or say anything to the Indians, because he wanted them to accept peace. As we were all mounted, we circled the rock on which the pueblo is built, and the Indians from above threw quantities of arrows, stones, clubs, and other weapons, calling the Spaniards whoremongers and other epithets which he understood because they were spoken in the Mexican language. They showed us the blankets, swords, coats of mail, and shields of those they had killed. Even so the sargento mayor asked them through the interpreter, Don Tomás, to submit peacefully, as he had come only to find out why they had killed the Spaniards. The Indians replied that they did not want peace, since they had already killed the Spaniards, but that they wanted to fight.

In view of this situation, the sargento mayor ordered the men to water the horses at a place close to the rock, and while we were doing so some thirty Indians attacked and killed two horses. Then the sargento mayor gave orders to fight and declared war without quarter. We wrested from them a strong point near the houses of the pueblo. This took place late in the afternoon and we held it that night; the next morning we renewed the battle, which lasted until four in the afternoon. Then the sargento mayor told them that since they were losing so many people, they should surrender, and he would investigate who had killed the Spaniards and why, and that he would show them justice. To this and repeated summonses the Indians replied that they wanted only to die, together with their women and children; that the Spaniards should fight if they had come for that purpose, and they would do likewise.

So the battle continued until quite late, and the Indians, since many of their people had been killed, sent word that they wanted peace. At once the sargento mayor ordered the fighting to cease, and it did. The Indians who brought this message gave the sargento mayor about seventy blankets, but he refused to accept them and told the Indians to take them back, as he had not come for blankets.

That night the Indians remained in their pueblo, and the Spaniards kept watch around it. The next day the sargento mayor entered it and began to arrest the Indians and to place them in an estufa, but they entrenched and defended themselves in it so vigorously that it was necessary to smoke them out. Even then they fought back fiercely, wherefore they were killed in the estufa. Upwards of five hundred persons, men, women and children, were taken prisoner, so it seemed to this witness, and were brought before the governor. The pueblo was set on fire, because it was very strong, and this witness feels quite certain that it was due to its impregnable position and the warlike nature of the Indians that they had killed the Spaniards.

This is what this witness knows, under his oath. He ratified the testimony when it was read to him. He said he was twenty years old and not affected by the general questions of the law. Signed, DON JUAN DE OÑATE. YSIDRO JUÁREZ DE FIGUEROA. Before me, JUAN GUTIÉRREZ BOGANEGRA, secretary.

DECREE ENDING THE TRIAL

At the pueblo of Santo Domingo, February 12 of the said year, 1599, the governor, after examining the criminal proceedings and the testimony, declared the trial definitely closed and that sentence would be imposed. He ordered the defense lawyer notified so that he might be present to hear sentence pronounced. Signed, DON JUAN DE OÑATE. Before me, JUAN GUTIÉRREZ BOGANEGRA, secretary.

NOTIFICATION

ON this day, I, the secretary, read the above decree to Captain Alonso Gómez in person and notified him of its contents. Witnesses, Captain Alonso de Sosa, Bartolomé González, and Cap-

tain Juan Ruiz de Cabrera. He replied that he accepted it, and I so attest. JUAN GUTIÉRREZ BOCANEGRA, secretary.

SENTENCE

IN the criminal case between the royal court and the Indians of the pueblo and fortress of Acoma, represented by Captain Alonso Gómez Montesinos, their defender, accused of having wantonly killed Don Juan de Zaldívar Oñate, maese de campo general of this expedition, and Captains Felipe de Escalante and Diego Núñez, eight soldiers, and two servants, and of other crimes; and in addition to this, after Vicente de Zaldívar Mendoza, my sargento mayor, whom I sent for this purpose in my place, had repeatedly called upon them to accept peace, not only did they refuse to do so, but actually received him with hostility, wherefore, taking into account the merits of the case and the guilt resulting therefrom, I must and do sentence all of the Indian men and women from the said pueblo under arrest, as follows:

The males who are over twenty-five years of age I sentence to have one foot cut off and to twenty years of personal servitude.

The males between the ages of twelve and twenty-five I sentence likewise to twenty years of personal servitude.

The women over twelve years of age I sentence likewise to twenty years of personal servitude.

Two Indians from the province of Moqui who were present at the pueblo of Acoma and who fought and were apprehended, I sentence to have the right hand cut off and to be set free in order that they may convey to their land the news of this punishment.

All of the children under twelve years of age I declare free and innocent of the grave offense for which I punish their parents. And because of my duty to aid, support, and protect both the boys and girls under twelve years of age, I place the girls under the care of our father commissary, Fray Alonso Martínez, in order that he, as a Christian and qualified person, may distribute them in this kingdom or elsewhere in monasteries or other places where he thinks that they may attain the knowledge of God and the salvation of their souls.

The boys under twelve years of age I entrust to Vicente de Zaldívar Mendoza, my sargento mayor, in order that they may attain the same goal.

The old men and women, disabled in the war, I order freed and entrusted to the Indians of the province of the Querechos that they may support them and may not allow them to leave their pueblos.

I order that all of the Indian men and women who have been sentenced to personal servitude shall be distributed among my captains and soldiers in the manner which I will prescribe and who may hold and keep them as their slaves for the said term of twenty years and no more.

This being a definite and final sentence, I so decree and order, DON JUAN DE OÑATE.

PROCLAMATION OF THE SENTENCE

At the pueblo of Santo Domingo, February 12, 1599, Don Juan de Oñate, governor and captain general, in a public meeting of the court pronounced the above sentence and read it word for word. Witnesses were Captain Alonso de Sosa Albornoz, Captain Juan Ruiz de Cabrera, and Alferez Bartolomé González. I so certify, JUAN GUTIÉRREZ BOCANEGRA, secretary.

NOTIFICATION

On this day, February 12 of the said year, I, the secretary, read the above sentence to Captain Alonso Gómez Montesinos, defender of the said Indians. Witnesses, Captain Alonso de Sosa Albornoz, Captain Juan Ruiz de Cabrera, and Alferez Bartolomé González. He acknowledged this notification. I so certify, JUAN GUTIÉRREZ BOCANEGRA, secretary.

EXECUTION OF THE SENTENCE

The said sentence was carried out as decreed in the pueblo of Santo Domingo and other towns nearby, where the Indians whose hands and feet were to be cut off were punished on different days.

As for the other Indians, both men and women, who had been condemned to become slaves or wards, the sentence was executed at the pueblo of San Juan Bautista, where his majesty's

army is stationed, February 15, 1599. I so certify, JUAN GUTIÉRREZ BOCANEGRA, secretary. DON JUAN DE OÑATE. [Rubric]

And I, Juan Gutiérrez Bocanegra, captain and secretary of government in the kingdoms and provinces of New Mexico, was present at all that here bears my signature, and the rest I copied literally from the originals which are incorporated in these proceedings, by the order of the governor, who here signed his name. I made this copy from the original, which remains in my possession. It is true and faithful; witnessed by Cristóbal de Herrera, Francisco Vido, and Juan González. In testimony of the truth, I sign here. JUAN GUTIÉRREZ BOCANEGRA, secretary. [Rubric]