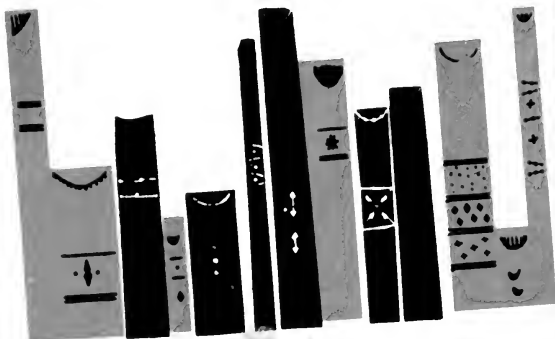


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CONTENTS

NUMBER 1, JANUARY, 1940

	<i>Page</i>
El Camino Militar F. T. Cheetham	1
Federal Control of the Western Apaches, 1848-1866, III, IV Ralph H. Ogle	12
New Mexico Editorial Opinion on Supreme Court Re- form Frank D. Reeve	72
Book Reviews:	
<i>Hallenbeck, Alvar Núñez Cabeza de Vaca: the Journey and Route of the First European to Cross the Continent of North America, 1534-36</i>	
J. Charles Kelley	79
<i>Castañeda, Our Catholic Heritage in Texas, 1519- 1936 (I-VII), IV L. B. B.</i>	82
<i>Troncoso, Epistolario de la Nueva España, 1508- 1818 Agapito Rey</i>	85
<i>Goodykoontz, Home Missions on the American Frontier, with Particular Reference to the Ameri- can Home Missionary Society Frank D. Reeve</i>	88
<i>Folmer, The Mallet Expedition of 1739 Through Nebraska, Kansas and Colorado to Santa Fé</i> L.B.B.	89
<i>Kubler, The Rebuilding of San Miguel at Santa Fé in 1710 L. B. B.</i>	94
Notes and Comments	95

NUMBER 2, APRIL, 1940

Who Discovered New Mexico? Lansing B. Bloom	101
New Mexico's Fight for Statehood, 1895-1912, III Marion Dargan	133
Federal Control of the Western Apaches, 1848-1886, V, VI Ralph H. Ogle	188

INDEX

- Abert, Col. J. J., 7
 Ácoma pueblo, 363
 Adams, John Quincy, 339
 Adams-Onís Treaty, 339
 adultery, 17th century, 393 *et seq.*
 Agency. *See* Camp Apache; Chiricahua;
 San Carlos; Pinery
 agents, Indian, 5, 38, 189-190, 191, 214,
 223, 242, 273, 287, 319
 Aguilar, Nicolás de, 249, 250, 396, 398-407,
 414
 Aguilera, Doña Teresa de, 255-268 *passim*;
 369-391 *passim*; 416-7
 Alava, Capt. Melchior de, 113
 Albuquerque, and statehood, 150-152; (in
 1749) 363
alcaldes mayores (1662), 251, 252, 373;
 (1749) 364; 398, 400, 414
 Alchise, Chief, 316
 Alessio Robles, Vito, 102
alguacil mayor, 249, 262, 264
 Almy, Lieut. Jacob, 210
 Anaya (el mozo), Francisco de, 253
 Anaya Almazán, Cristóbal de, 249-254 *pas-*
sim; 396, 407-410, 415, 416
 Anaya Almazán, Francisco de, 252-3, 407
 Anderson, Clinton P., quoted, 96
 Andrews, Col. C. S., 30, note
 Anián, Straits of, 358
 Apache, as slaves, 255, 261; 18th century,
 368
 Apaches, Western, 12-71; Southern, 205-
 6, 207, 241, 274; Plains, 393; Arivaipa,
 18, 33, 47, 208; Chiricahua, 32, 51, 60,
 note; 202-8, 232, 236, 241-5, 274, 278,
 298-9, 321-331, 339; Coyotero, 12, 29,
 31, 32-33, 52, 60, 65, 197, 201-2, 221,
 223, 225, 233, 298, 307; Jicarilla, 2-7 *pas-*
sim; Mescalero, 4, 5, 37, 300, note; Ojo
 Caliente (Warm Springs), 273, 283-4,
 303; Pinal, 12, 18, 28, note; 33, 208;
 Tonto, 18, 19, 29, 31, 63, 198; Verde, 201-
 2, 219; Yavapai, 274, 277; Apache-
 Yumas, 274
 Apache Pass, 234
 Apache police, 188, 216, 220, 226, 230, 231,
 237, 242-4, 247, 271, 272, 273, 277, 287,
 317, 319
 Archibque, Capt. Juan de, 93
Architecture of N. Mex., The Religious,
rev'd, 340-1
 Archives, European, 95-6; purloined, 97-98;
 from Spain, 336; from Mexico, 346, 359,
 note
 Arizona legislature, 18, note; 29, 34
 Arizona Volunteers, 12, 15, 16
 Armstrong, Inspector F. C., 328
 Army, W. F. M., agent, 38
 Arthur, Chester A., 311
 Atkins, Commissioner J. D. C., 328
auto de fé, 397, 398, 405, 407, 410
 Axtell, Gov. S. B., 166
 Babcock, Lieut. J. B., 214-6
 Baca, Capt. Alonso, 394
 Baca, Juan José, 184
 Bahney, A. J., on statehood, 162
 Baldwin, Percy M., on Fray Marcos, 125,
 126
 Bancroft, H. H., cited, 102, 103
 Bandelier, A. F. A., quoted, 99; 124
 banishment, for crime, 398, 406, 415
 baptism, and godparents, 393, 407, 409
 Barrado, Hernando, 106
 Barry, Capt. John, 29
 Beard, Chas. A., cited, 173
 Beauford, Clay, 230, 231, 240
 Beaumont, Agent S. B., 318
 Belknap, Secretary W. W., 44, 49, 57
 Bemis, Sam'l Flagg, quoted, 339
 Bendell, Supt. Herman, 55, 59, 60, note;
 190, note
 Bennett, Col. C. E., 15
 Bennett, Capt. F. T., 15, 283-4
 Bernard, Capt. R. F., 28, 300
 Biddle, Col. James, 298, 299
 "Big Dry Wash," 305
 Blake, Major [G. A. H.], 4
 Blanco, Fray Joseph, 363
 Bloom, L. B., 95, 96; on purloined papers,
 97-98; "Gran Quivira," 98-99; "Who Dis-
 covered N. Mex.?", 101-132; book re-
 views, 82, 89, 94, 340, 341, 343
 Bobadilla, Pedro de, heirs, 116
 Bolton, Herbert E., and archives, 98; cited,
 347-357 *passim*
 Bonito, Chief, 296, 297, 298, 310
 book reviews, 79-94; 336-343
 Brooks, Philip C., book by, rev'd, 339-340
 Brown, Maj. W. H., 66, 69, 210-11
 Browne, J. Ross, report on mining, 42
 Brunot, Felix, 55
 Burke, W. S., on statehood, 153
 Bustamante, Pedro de, 105

- Caballero, wife of Lope, 338
 Cabeza de Vaca, review of book on Alvar Núñez, 79-81 (and *errata*); route of, 122-123
 Calluela, Fray Miguel, 363
 Camp Apache Agency, 201, 211, 221-6
 Camp Grant Massacre, 34-35, 52, 62
 Camps, Apache, 228; Crittenden, 58, 239; Grant, 12, 17, 24, 33, 34, 35, 46, 52, 58, 62, 211, 212; Huachuca, 270; Hualpai, 68; Lincoln, 12, 25; McPherson, 20; Ord, 31, 33; Reno, 17, note; 24; Verde, 33, 47, 52, 57, 63, 191-2, 196, 275; Wallen, 17, note
 Cano, Francisco, 102-3
 Cañada Alamosa, 37, 38, 52, note; 206, 207, 241
 caravans, 260, 264-8 *passim*
 Cárdenas, García López de, 87, 337
 Cárdenas, Juan de, jailer, 387
 Carleton, Brevet Maj. [Jas. H.], 4
 Carr, Capt. C. C., 63
 Carr, D. P., on statehood, 145
 Carr, General E. A., 294-5, 298, 299, note
 Carranza, Martín de, 253, 256
 carriages (in 1662), 264, 265
 Carrizal, 84
 Carson, Kit, sub-agent of Indian Affairs, 5
 carts, caravan, 265. *See* Trade
 Castañeda, book by Carlos E., rev'd, 82-85
 Casas Grandes, 105
 Catholic circular, 178-179
 Catron, Thomas B., 156, 164, 168, 175, 179, 187
catzinas, 375, 401, 405
 Caughey, John H., book rev., 339-340
 Ceballos. *See* Zeballos
 census, of 1749, 362-363
 ceremonies, native, 374, 393-5, 399, 400, 401, 404
 Cervantes, Lieut. Primitivo, 13
 Chaffee, Capt. Adna R., agent, 287-9, 305
 Chandler, Bvt. Lt. Col. [Daniel T.], 5
 Chapman, Oliver, agency clerk, 194-6
 Chastine, Chief, 37
 Chatto, Apache, 298, 303, 308, 310, 315
 Chaves, Col. J. Francisco, 156, 159, 168, 181-2, 183
 Cheatham, F. T., "El Camino Militar," 1-11
 Chiametla, province of, 111
 Chichimecas, 117-119
 Chihuahua, Chief, 322, 323, 326
 Childers, W. B., 156, 167, 169, 170, 180
 Chiquito, Apache chief, 46, 51, 198, 210
 Chiricahua agency, 202, 233
 Chiricahua reservation, 62
 chocolate, 258, 366
 Chuntz, Apache chief, 210
 Cía pueblo, 363
 Cibola affair, 295, 296, 299, note; 300
 Cibola, 107, 119; *la tierra nueva de*, 121; 124; name first used, 131
 Cienaguilla. *See* Sienaguilla
 circumcision, as a stigma, 413
 Cleveland, President Grover, 329, 331, note
 Clinton, Supt. William B., 36
 Clum, G. A., 231, note
 Clum, John P., 196, 201, 213, 214-248 *passim*; 269, 300, 319, note
 Cochinar, Apache chief, 210
 Cochise, chief, 29, 31-32, 38, 51, 60, 203, 205
 Cochiti pueblo, 363
 colleges, Franciscan, 343
 Collins, J. B., trader, 301-2
 Colorado River Reservation, 226, 275
 Colton, Dr. Harold S., cited, 108
 Colvig, J. L., 305
 Colyer, Vincent, 39, 41, 43-55
 Comanches, 18th century, 368
 Commissary of the Holy Office, 264. *See* Posada
 Commissioners, Board of Indian, created, 40
 Compton, Maj. C. E., 276
 Conchas River, 118. *See* Junta de los Rios
 contractors, post, 24, 198, 224, 228, 234, note; 269, 272, note; 282, 288, 290, 302
 Conway, G. R. G., book by, rev'd, 341-342
 Cooke, Lieut. Col. [P. St. G.], 2-4 *passim*
 Copala, 105
 Coronado. *See* Vázquez de Coronado
 Coronado documents, discussed, 336-8
 Coronado Library, 86, note; 87, note; 103, note
 Coronado Monument, plan for, 96-7
Cortés, Last Will & Testament of Hernando, rev'd, 341-2
 Costilla, settled, 1
 Crawford, Capt. Emmet, 306, 308, 309, 312, 314-25 *passim*
 Crespo, Bishop, of Durango, 93
 Crist, J. H., 167
 Crittenden, Maj. E. W., 58
 Crittenden, General T. L., 24
 Crook, General George, 46, note; 48, 50, 54, 56, 188 *et seq.*; 270, 306-326 *passim*
 Cuarcac pueblo (in 1662), 253
 Cuesenbury, J. D., cited, 14
 Culiacán, 105
 Cushakama, Chief, 16, note; 26
Custodia of Saint Paul, 357 *et seq.*

- Dallas, Maj. A. J., 60
dances, Pueblo. *See* ceremonies, native
Daniels, Inspector J. W., 199, note; 205, 217, 232
Dargan, Marion, "New Mexico's Fight for Statehood," III, 133-189
Date Creek, 16, 20, 47-8, 53, 58, 64
Davidson, Lieut. J. W., 2, 3
Davis, Lieut. Britton, 321
Davis, James, agent, 242
Davis, Jefferson, letters of, 5-6
Davis, Col. N. H., 52, note
Davis, Capt. Wirt, 323, 324
Dawes, Senator Henry L., 315
Dearing, St. Clair, 281, note
Delano, Secretary [Columbus], 39, 49, 57
Delchay, Chief, 24
Delgado, Fray Carlos, 363
Dent, Supt. G. W., 18-19; 29, note
Devin, General T. C., 24
Díaz de Vargas, Francisco, 106
Diplomacy & the Borderlands; The Adams-Onís Treaty of 1819, rev'd, 339-40
Disalin, Apache chief, 231, note
Dixon, plaza of, 7, 8
Dodge, Col. Richard J., cited, 302, note
Domínguez de Mendoza, Capt. Francisco, 266-7
Domínguez de Mendoza, Juan, 253, 267
Domínguez de Mendoza, Tomás, 391
Dravo, Lieut. E. E., 275
Drew, Lieut. Chas. E., 36-8
Dudley, Supt. L. E., 191, note; 196, 205, 207, 234
Durán y Chávez, Cristóbal, 253
Dutch Reformed Church, 63, 190-7, 218, 221
Editorial notes, 95-100, 418; from N. Mex. newspapers, 72-78 *passim*
Elias, Jesús, 35
Elkins, Delegate S. B., 234, note; 241
El Paso, district of, 84
El Paso del Rio del Norte, 265-6
El Paso, Nuestra Señora de Guadalupe de, 359, 361, 363
Embudo Plaza. *See* Dixon
encomiendas in N. Mex., 251-254 *passim*, 348
Endicott, Secretary Wm. C., 320
Ercisa, Fray Juan de, 362
Escalante, Fray Veles de, quoted, 99
Escureta, Fray Gregorio (lay bro.), 363
Eskiminzin, chief, 33, 46, 210, 217, note; 278
Espejo, Antonio de, 106, 108-9, 114-5, 119
Espejo, Pedro Muñoz de, 109, note
Esquier, Fray Pedro, 363
Estevanico, the negro, 123, note; 127-128
Estrada, Fray Fernando de, 363
Ewell, Capt. [R. S.], 4
Ewing, Lieut. Thomas, 13
fanega, 365
fees, church, 364
Fernández, Fray Juan, 363
Field, Neill B., 167
fifths, royal, 115, 116
Fioz, Juan, a German, bugler with Coronado, 338
Fisk, Gen'l Clinton B., 286-7
Folmer, review of the paper by Henri, 89-94
Florida Purchase, 339
Ford, Agent C. D., 319-321, 328
Forsyth, Col. G. A., 304
Forts, south of Taos, 2; Apache, 33, 45, 47, 217, 219, 220, 228, 274, 277; Bayard, 28, note; 36; Bowie, 29, 51, 62, 233, 236, 270, 322, 326, 331; Burgwin, 7; Cummings, 36; Defiance, 41, 283; Garland, 2, 11; Goodwin, 12, 15, 17; Grant, 13, 298, 299; Huachuca, 270; Leavenworth, 329; Lincoln, 25; Lowell, 298; Marion 329; Massachusetts, 2, 6; McDowell, 15, 21, 47, note; 305; McRae, 240; Ord, 31, 33; Pickens, 331, note; Selden, 36; Sill, 283, 331, note; Stanton, 36; Thomas, 297, 298, 299, 303; Union, 3, 321; Whipple, 19, note; 20, note; 21, 26, 32, 48; Wingate, 273
Franciscans, Missions of. *See* Kelly; Missions; Scholes
Freitas, Fray Nicolás de, 256, 258, 379, 400
Frenchmen, in N. Mex., 90
frontier, New Mexico, 339
Frost, Col. Max, 135, 144, 161, 168, 176
Gabaldón, Fray Antonio, 362
Galisteo pueblo, 362
Gallegos, Hernando, 105, 106, 110-3
Gallegos, Lieut. Manuel, 12
galleys, sentence to serve in Philippine, 397
García, Fray Angel, 363
Gardner, Inspector R. S., 292, 301
Garfield, Jas. A., 189
Garland, General John, 2-5
Gateway, Lieut. Chas. B., 306, 309, 330
George, Apache chief, 296, 297, 298
Gerónimo, Apache, 237-330 *passim*
Getty, General G. W., 39
Giddings, Governor [Marsh], 234, note

- Gildersleeve, C. H., 165, 167
 Gilson, Sylvester, 318
 Gilson's Well, 318
 Globe (Ariz.), 279, 284, 289, 291
 Gómez, Francisco, 410, 411, 413, 415
 Gómez Robledo, Francisco, 249-254 *passim*:
 265, 400, 410-414, 415
 Gonzales, Fray Francisco, 363
 González, Capt. Vicente, cited, 107
 González de Mendoza, Juan, 109, note
 González de Mendoza, Pedro, 109, note
 Goodykoontz, review of book by Collin B.,
 88-89
 Goodwin, Governor [J. N.], 14
 Gordo, Apache, 243
 Gorraiz, Governor Francisco de, 268
 gossip, evil effects, 417
 Gran Quivira, origin of placename, 98-99
 Granada (Zuñi), 123-124
 Granillo, Tomás de, 260, 261, 267, 268
 Grant, U. S., 15, note; 23
 Green, Col. John, 28, 32, 33, 45
 Gregg, General J. I., 19-23
 Griego, Juan, 411-2
 Grollet, Jacques, 93
 Guadalupe Mission. *See* El Paso; Junta de
 los Ríos
 Guerra, Fray Salvador de, 250, 258, 263,
 265, 379, 410
 Guzmán, Fray Francisco, 363
 Guzmán, Nuño de, 84, 102
- Hackett, Chas. W., cited, 359, 360, 365, 366
 Halleck, General H. W., 15, note; 17, note;
 18, 26
 Hallenbeck, Cleve, review of book by, 79-
 81; cited, 123
 Hammond, George P., book by, rev'd, 336-
 338
 Hammond, Inspector J. H., 284-7
 Hart, Agent H. L., 273, note; 274-286
passim
 Hatch, Senator [Carl A.], 76
 Hatch, General Edward, 243, 244
 Hayt, Commissioner [E. A.], 279, note; 286,
 289
 Hayt, "Edward Knapp," 285-7
 Hazledine, W. C., quoted, 163
 Head, Lafayette, 1, 2
 Heath, Acting Gov. H. H., 25
 heliograph, use of, 327
 Henely, Lieut. Austin, 239, 242
 Hennisee, Agent A. G., 38
 Hentig, Capt. E. C., 295
 Hernández, Fray Juan, 363
- Hinajosa, Fray Martín de, at El Paso, 99
 Hinkle, James F., 95
 Historical Society, notes of biennial meet-
 ing, 95-96
 Hoag, Ezra, 280, 297, 302
 Holmos, Fray Andrés de, 83
 Hopi, visited by Peñalosa, 254
 Hot Springs. *See* Ojo Caliente
 Howard, Gen'l O. O., 57 *et seq.*
 Hozes, Francisca de, with Coronado expe-
 dition, 338
 Huerta, Toribio de la, 266
 Hughes, L. C., 200, note
 Humanos. *See* Jumanos
 Huntington Library, 94
 Hurtado, Juan Paez, certificate by, 90-91
 Hutton, Lieut. Oscar, 16
- Ibarra, Don Diego de, 104
 Ibarra, Francisco de, 103-105, 111, 119
 Ilges, Col. Guido, 17, 18, 21
 incest, charge of, 394, 408
 Index, notice of Cumulative, 99-100, 418
 Inquisition. *See* "Troublous Times"
 Irigoyen, Fray Joseph, 363
 irrigation, for Apaches, 193, 199, 209, 229,
 242, 271, 278, 287, note; 290, 292, 315,
 320
 Isleta pueblo, 250, 363; del Sur, 363
- Jacobs, Agent Ed. C., 58, 62
 Jeffords, Agent Thos. J., 61, 202-3, 232-6
 Jémex pueblo, 363
 Jenkins, L. C., sub-agent, 223, note
jerga, in trade (1660), 255
 Jesuits, missions of, 348-349
 Jones, Maj. Roger, 22, 28, note
 Josanie, Apache, 323
 Joseph, Antonio, 136-137, 139, 155, 165, 172-
 173, 181 note; 182
 Juárez, Fray Andrés, 394
 Judaism, charges of, 375, 376, 380 *et seq.*;
 412, 415, 416
 Juh, Apache, 237, 275, 290, 298
 Jumanos, pueblo of the, 373
 Junta de los Ríos (Grande y Conchas), 81,
 84, 359, 363
- Kautz, Gen'l August V., 225, 226-8, 234, 236-
 7, 238-40, 243, 244, 246, 269, 270, 271, 276
 Kelley, J. Chas., rev. of book by Cleve
 Hallenbeck, 79-81
 Kelly, Henry W., "Franciscan Missions of
 New Mexico, 1740-1760," 345-368

- Kemble, Inspector E. C., 224, 228-9, 231, 235, 241, 269
 Kuaua pueblo, 96
 Kubler, rev. of study by George, 94; of book by, 341-2

 La Ciénega pueblo (1662), 253, 258
 La Joya. *See* Velarde
 La Junta, San Francisco de, 362, 363
 labor, native, 373, 385, 400, 402-3
 Laguna pueblo, 363
 Lakes, N. Mex., 102; Parras, 102; Texcoco, 103
 Lamar, Sec'y L. C. Q., 320, 329
 Lamar, Jr., Agent L. C. Q., 327-9
 languages, native, 355
 Larrabee, Agent Chas. F., 208-210
 La Salle expedition, mention, 93
 Las Barrancas, 265
 La Toma (below El Paso), 267
 Laughlin, N. B., 167
 Lavora, Fray Juan de, 362
 Lawton, Capt. H. W., 322, 327, 330
 Ledesma, Sec'y Juan, 114
 Leihey, Supt. [G. W.], 13, 18; killed, 19, note
 Lesinsky, Chas., 200
 Lezaún, Fray Juan, 362
 Lincoln, Robt. T., 296
 livestock, 254, 261, 268
 Llewellyn, Maj. W. H. H., 159
 Loco, Chief, 37, 273, 303-5, 310
 López, Chief, 37
 López, Fray Mariano, 363
 López de Cárdenas, Garcí, 87, 337
 López de Mendizábal, Bernardo, 254-268 *passim*; 414-5
 Lord, Dr. C. H., cited, 14, note
 Loring, Frederick W., killed, 53, 55; 64
 Lovell, Col. Chas. S., 18
 Lowery, Woodbury, cited, 107, note
 Lucero de Godoy, Pedro, 257
 Luján, Francisco, 394

 Mackenzie, Gen'l R. S., 297, 309
 Macomb, Capt. J. N., 7-9
 McCormick, Gov. R. C., 19, 302, note; Delegate, 30, 35, 42, 190, 200
 McCrary, Sec'y Geo. W., 274
 McDowell, Archie M., thesis cited, 133, note
 McDowell, Gen'l [Irvin], 12-23 *passim*; 298
 McMillenville, Ariz., 279, 305
 Magruder, Ass't Surgeon [David L.], 2
 Mahan, Inspector J. L., 291

 Maldonado, María, with Coronado expedition, 338
 Mallet expedition of 1739, data on, 89-94
 Mangus, Chief, 311, note; 321; 331, note
 Manso, Gov. Juan, 249-268 *passim*, 379, 385
 Margry, cited, 89
 Maricopa Indians, 12, note
 Márquez, Catalina, wife of Aguilar, 398
 Martínez, Felix, 167
 Martínez de Moya, Pedro, 256
 Mather, Cotton, cited, 30, note
 Maus, Lieut. Marion P., 325-6
 Meadow Valley, 17
 Mecham, J. L., cited, 105, note
 Meem, John Gaw, 96
 Meléndez Marqués, Pedro, 107
 Menchero, Padre Miguel de, cited, 360
 Mendizábal. *See* López de Mendizábal
 Mendoza, Gov. Gaspar Domingo de, 90, 93
 Mescalero reservation, 274, 300, note; 331, note
 Meusnier, Pierre, 93
 Mickly, Rev. J. M., 219-220
 Miguel, Apache chief, 45, 51, 197, 198
 Milburn, Inspector G. A., 316
 Military Divisions, 14-15, 23, 30, 304, note; 306
 Miles, Gen'l Nelson A., 326-331
 miners, on reservations, 279, 280, 285-7, 293
 Ming, Daniel, 281, note; 284
 Mirabel, Custodian Fray Juan, 362
 Missions, in Texas, 82-85; in N. Mex., 345-368
Missions on the American Frontier, Home, by Goodykoontz, rev., 88-89
 Mitchell, Gov. R. B., 36
 Mix, Commissioner C. E., 18
 Moctezuma II, Oñate lineage from, 342
 Mohaves, 15
 Montaña, Fray Pedro, 363
 Montoya, Nestor, 168, 187
 Montoya, Pedro de, 253
 Morford, W. E., 223-6
 Mormon settlers, 290, 293
 Morrison, Alexander L., quoted, 162, note; 183

 Nachee, Apache, 237, 278, 298, 303, 310, 321, 324, 327, 330-1
 Nadaski, Apache chief, 279
 Nambé pueblo, 362, 365, 367
 Nana, Chief, 310, 321, 325
 Nantiatish, Chief, 295, 305
 Navahos, 5, 25
 neophytes, training of, 352 *et seq.*

- New Mexico, discovery of, 101, 132; origin of name, 102-107; lake of, 102; province of San Felipe, 106, 112; Nueva Andalucía, 106
- newspapers, N. Mex., 72-78 *passim*
- Niza, Fray Marcos de, 123-131; original *relación* of, 126
- Nocadelklinny, medicine man, 294-5
- Nolgee, Apache, 237, 243, 273, note; 275
- O'Beirne, Capt. R. F., 31
- Obregón, Baltasar de, 107, note; 119-122
- Ogilby, Capt. F. D., 201, 218, 220, 246
- Ogle, R. H., "Fed'l Control of the Western Apache," 12-71, 188-248, 269-335
- Ojo Caliente (N. Mex.), 44, 233, 234, 239, 240, 241, 244, 274, 283, 300, note
- Ord, Gen'l E. O. C., 26-28, 31
- Orlando Furioso* (in N. Mex., 1660), 384
- Oronzoro, Fray Juan, 363
- Otero, Mariano S., 156, 159, 175, 182-183
- Otero, I; Miguel A., 183
- Otero, II; Miguel A., 95; on statehood, 146, 183
- Oury, W. S., 35
- Overland Route, 28
- Pacheco loan, the, 256, 261
- Padilla, Fray Juan, 363
- Paez, Fray Joseph, 363
- Palmas, Río de las, 83
- Pangburn, Agent, 320
- Paquimé, 120-121
- Parral, 259, 260, 261, 267, 268, 373, 389, 391, 398
- Paso y Troncoso, Don Francisco, compilation by, 85-88
- Peace Policy, Grant's, 41, 190, 208, 212-3, 231, 269, 334
- Pearsons, Inspector F. C., 328
- Pecos pueblo (1749), 361, 362
- Pedro, Apache chief, 51, 246, 274, 296
- Peñalosa Briceño, Gov. Diego de, 249-268 *passim*; 370, 379, 391
- Perea, Pedro, 156, 184
- Pérez, Gaspar, 392, 393, 415
- Perrine, Lieut. Henry P., 276
- Phoenix, fake Coronado inscription, 108
- Picurfés pueblo (in 1662), 253; (in 1749), 363, 367
- Pierce, Capt. E. (F?) L., agent, 321, note; 328
- Pilar. *See* Sienaguilla
- Pima Indians, 352
- Pinery Cañon agency, 234
- Pino, Fray Ignacio, 363
- Pino, Fray Juan del, 863
- piñon nuts, 262, 265, 389, 390. *See* Trade
- Pionsenay, Apache, 235, 236, 237, 243, 273
- Pious Fund, 351, 367
- Pope, Gen'l John, 36, 243
- Pope, Supt. Nathaniel, 43
- population of N. Mex. (1750), 360-363
- Porter, Capt. Chas., 275, 277
- Posada, Custodian Alonso de, 249-268 *passim*; 370, 371, 374, 410
- Poston, Delegate [Chas D.], 13; quot. 302, note
- presidios*, Spanish, 353-354
- Price, Commissioner, 293, 297
- Price, Capt. Geo. F., 68
- Price, Maj. W. R., 206
- Prichard, Col. Geo. W., 155, 157
- Prince, Gov. L. B., 135, 154, 156, 159, 167, 169, quoted, 185-6
- printing, brought to America, 343
- provinces, Franciscan, 343
- Puaráy, country of, 106
- Pueblo Indians (in 1750), 348; 362-363
- Purloined papers, editorial, 97-98
- Quinn, Capt., 5
- Quivira (1748), 108; (1574) 114, 118; origin of name, 123; 127
- Ramírez, Fray Juan, 262, 264, 267, 268, 371, 389, 392, note
- Randall, Capt. Geo. M., 69, 70, 199, 215
- Ransom, Lieut. [Robert], 4
- Raynolds, Joshua S., on statehood, 153
- Red River, fort at mouth, 90
- Reeve, Frank D., "N. Mex. Editorial Opinion on Supreme Court Reform," 72-78; book rev., 88-89
- renegades, Indian, 238, 270, 275, 288; white, 238
- reredos*, old Spanish, 95
- reservations, 332-335. *See* Colorado River, Mescalero, San Carlos, Tulerosa, Verde, White Mt.
- residencia*, of Gov. López, 255, 259-260, 266
- Rey, Agapito, book rev. by, 85-88; book by, rev'd, 336-338
- Reymond, Numa, on statehood, 145-6
- Riley, John H., 159
- Río de Losa, Gen'l Rodrigo del, 106, 114
- "Ritch Collection," 94
- roads, 1-11 *passim*; U. S. Hill, 7
- Roberts, Agent James E., 197-201, 211, 218, 219
- Robredo, Pedro, 410

- Rodríguez, Fray Agustín, 105, 114 (115), 119, 121
- Rodríguez, Gonzalo, 113, note
- Romero, Diego, 249-254 *passim*; 392-398, 415, 416
- Ross, Mrs. A. B., teacher, 290
- Ross, Gov. Edmund G., 134, 135, 139, 153, 156, 167
- Roybal, Capt. Ignacio, 93
- Roybal, Fray Santiago, vicar, 91, 93
- Rucker, Lieut. J. A., 239, 275
- Rusling, Inspector General J. A., 20, note
- Rynerson, Col. Wm. L., 158-9
- Saavedra, Fray Lorenzo de, 363
- Safford, Gov. A. P. K., 30, 35, 42, 191, 200, 236, 239, 271
- Saguache campaign, 6-7
- Saint Denis, Capt. Louis de, 90
- St. Vrain, Capt. Cerán, 6
- salaries (missionary, 1749), 176
- Salpointe, Archbishop J. B., quoted, 176
- San Bartolomé, 109
- San Carlos Reservation, 59, 63, 195-6, 208, 213, 214-248 *passim*; 269, 271
- San Cristóbal mission (Junta de los Rios), 363
- San Felipe pueblo, 363
- San Francisco, Fray García de, 402
- San Francisco mission (Junta de los Rios), 363
- San Ildefonso pueblo, 362
- San Juan mission. *See* San Juan pueblo; Junta de los Rios
- San Juan pueblo, 362
- San Lorenzo mission, 363
- San Luis Valley, 1
- San Martín, mines of, 117
- San Miguel at Santa Fé in 1710, Rebuilding of*, rev., 94
- San Pedro mission (Junta de los Rios), 363
- San Sabá, 84
- San Simón, 204
- Sandía, pueblo, 250, 363; 410
- Sanford, Maj. C. B., 300
- Santa Ana pueblo, 363
- Santa Barbara, town, 105, 114, 116, 118; Franciscan headquarters in Mexico City, 367
- Santa Clara pueblo, 362
- Santa Cruz de la Cañada, 360, 361, 362
- Santa Fé, 360, 361, 362
- Santiago Mission (Junta de los Rios), 363
- Santo Domingo, pueblo, 250, 255, 258, 263, 268, 363, 396
- Santo Evangelio, Province of El, 359
- Sauer, Carl O., on Fray Marcos, 125-130 *passim*
- Scammon, Capt. E. P., 6
- Schofield, Col. Geo. W., 303
- Schofield, Gen'l John, 34, note; 48, 54, 67, 221, 225
- Scholes, France V., cited, 111, note; "Troublous Times," 249-268; 346, 359, note; 366, note; 369-417
- Schurz, Sec'y Carl, 272, 274, 277, 286-7, 312
- Scouts, Indian, 52, 69, 213, 220, 227, 240, 243, 245, 270, 274, 284, 292, 299, 305, 306, 309, 313, 324, 326
- semaneros*, 365
- Sena, Maj. José D., 170, 182, 183
- Senecú, pueblo (in 1662), 250; del Sur, 363
- servants. *See* labor
- "Seven Cities," sought by Guzmán, 123, note
- Shaw, J. M., agent, 240, 241
- sheep (1749), 366
- Sheridan, Gen'l [Phil. H.], 67, 322, 324, 326
- Sherman, Gen'l [W. T.], 27, 50, 191, note; 244, note; 296, 297, 303, 304, note; 306, 308, 309
- Sienaguilla, on upper Rio Grande, 8
- Sierra Blanca (White Mt.), 4, 5
- silver bullion, 255, 256, 258, 261, 268
- Simpson, Capt. Smith H., quoted, 10
- sinodos*, missionary, 350, 366
- Skinyea, Apache, 235, 237
- Skull Valley, 16
- Slough, John P., 158
- Smerdon, Geo., 280
- Smith, Commissioner, 197, 200, 205, 207, 218, 219, 234
- Smith, Capt. Allen, cited, 322, note
- Socorro pueblo (del Sur), 363
- soldiers, Spanish, 367, 368, 392 *et seq.* *See* presidios
- Sombrerete, mines of, 115, 117
- Sonora, trade (17th C), 373
- Soule, Dr. Milan, 60, 65, 197
- Springer, Frank, 170-172
- Springer, Wm. M., 138-9, 144, 153, 155
- Staab, A. A., 175
- Stanford, Capt. Geo. B., 17
- State monuments, committee on, 95
- Steck, Father F. B., book by, rev'd, 343
- Sterling, A. D., 292, 303
- Stevens, Agent Geo. H., 62, 208, 222; trader, 280
- Stewart, Senator W. M., 180

- Stoneman, Gen'l Geo., 80-85 *passim*
 Strubble, I. S., quoted, 189; 165
 superintendents, Indian, abolished, 189
 supply trains, missionary, 366
 Supreme Court reform, N. Mex. editorial
 opinion on, 72-78
 Sweeney, Martin A., 244, 271, 280
 Syme, Representative G. G., 141
- Tahzay, Apache chief, 235, 236, 237, 245,
 note
 Tajique, pueblo, 372, 398
 Taos, 1-11 *passim*
 Taos pueblo (1662), 254, 373; (1749), 363
 Tejada, Licenciado Lorenzo de, 86-87
 Tejo, the Indian, 102
 telegraph, military, 55; 190
 Teller, Sec'y Henry M., 311, 318
 Tello, Fray Joseph, 363
 Tenocitlán, 103
 Tesuque pueblo, 361, 362
 Tewa pueblos, 362-363
 Texas, 339
Tezas, Our Catholic Heritage in, rev., 82-
 85
 Thomas, Agent B. M., 206, 207
 Thomas, Gen'l George, 27, 29
 Tiffany, J. C., agent, 289-293, 299-303
 Tiffany's Well, 289, 291, 318
 Tigua pueblos, 363
 Toledo, Fray Juan, 363
 Tolosa, Juan de, family connections, 342
 Tonner, Agent J. A., 190, note
 Tonto Basin, 68, 70
 Topiamé, 104-105
 Totontec, 127
 Touey, Lieut. T. A., 270
 trade, with New Orleans desired, 90-2; with
 Chihuahua, 91; with Sonora indicated,
 256, 258, 262; with Parral, 260-1, 265
 traders, agency, 280, 291, 301
 trails, Indian, 80-81
 tributes, Pueblo Indian, 251-4 *passim*
 Trigo, Padre Manuel de San Juan Nepo-
 muceno y, cited, 360, 365
 Trimble, Judge Lawrence S., 159, 166
 Troncoso, rev. of book by Francisco del
 Paso y, 85-88
 "Troublous Times in N. Mex., 1659-1670,"
 249-268, 369-417
 Tucson citizens, scalp bounty, 14, note;
 84-85
 Tulerosa Valley, 44, 52, note; 60, 206, 207
 Tupper, Capt. T. C., 238, 304
 Turrill, Dr. Henry S., cited, 61, note
 Twitchell, Col. R. E., quoted, 183
- Urmy, Lieut. John B., 13
 Urquijo, Fray Joseph, 362
 Utes, 1, 2, 7, 368
- Vacapa, 129, 130, 131
 Valenciano, Juan Antonio, quoted, 108-9
 Vanderslice, Capt. J. H., 21
 Vandever, Inspector Wm., 197, 198, 203,
 204, 206, 247, 271-2
 Varela de Losada, Juan, 261, 267, 268
 Vargas, Diego de, inscription plagiarized,
 108; mentioned, 358
 Varo, Padre Andrés, cited, 360 *et seq.*; 363,
 367
 Vázquez de Coronado, Francisco, docu-
 ments, 85-87, 107; fake inscription, 108;
 120, 123; discoverer of N. Mex., 131;
 expedition of, 358
 Velarde, 7, 8
 Verde Reservation, 63
 Victorio, Chief, 37, 244, 273, 283, 300
 Vigil, Donaciano, 94
 Villasante, Lucas de, 260, 261, 267, 268
 Villazur disaster, 93
visitas, by governor, 372
 Vizarron, Archbishop-Viceroy Juan An-
 tonio de, 91, 93
 Voorhees, Daniel W., 137-8
- Wade, Maj. James F., 244
 Wagner, Henry R., on Fray Marcos, 124-5;
 126, note
 Waldo, Henry L., cited, 163
 Walter, P. A. F., book revs., 336-338
 Wasson, John, 200, 236
 Watkins, Inspector E. C., 278, 279, 280
 Webb, Dr. Walter P., cited, 83
 Wheeler Expedition, 53
 White, Dr. John B., agent, 213
 White Mt. Reservation, 59
 Whitman, Lieut. Royal E., 33-4, 46, 38
 Whitney, Dr., agent, 239
 Whittier, Capt. Chas. A., 25
 Wickenburg, 16, 29, 52, 70
 Wilbur, Dr. R. A., 209-210
 Wilcox, Agent P. P., 307-319 *passim*
 Willcox, Gen'l O. B., 276, 277, 279, 282,
 296, 299
 Williams, Capt. J. M., 21
 Williams, Dr. J. W., as agent, 63, 64,
 192-4
 Winship, Geo. P., quoted, 124
 Winters, Lieut. W. H., 17, note

- women, pioneer. *See* Caballero; Hozes; Zacatecas, 114
 Maldonado
 Wood, Reuben, trader, 280
 Worth, Maj. W. S., 246
 Xavier, Francisco, 265, 385
 Yavapai, 16, 19, 26, 28, 31, 63, 64
 Yniesta, Fray Agustín de, 363
 Zambrano, Fray Manuel, 362
 Zamora, Fray Antonio, 362
 Zeballos, Fray Andrés, 363
 Zía. *See* Cía
 Zopeña, Fray Manuel, 362
 Zuñi pueblo (1749), 361, 363, 366
 Zuñis, aid hostiles, 25

ERRATA

Page 80, after first line, *read* [. . . . down the Rio] Sonora and southeastward across the Rios Yaqui, Alave, and Fuerte, is that previously traced by Dr. Carl Sauer.

The author's justification for this new tracing of de Vaca's route, is that he has employed Indian trails, along [which the party . .]

Page 96, line 13, *for* 4-6 *read* 2-4

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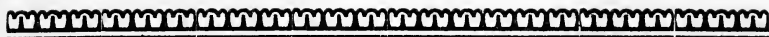
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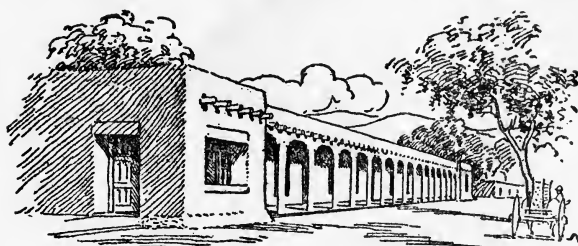


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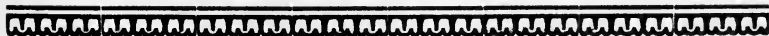
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CONTENTS

El Camino Militar	F. T. Cheetham	1
Federal Control of the Western Apaches, 1848-1866, III, IV	Ralph H. Ogle	12
New Mexico Editorial Opinion on Supreme Court Reform	Frank D. Reeve	72
Book Reviews:		
Hallenbeck, <i>Alvar Núñez Cabeza de Vaca: the Journey and Route of the First European to Cross the Continent of North America, 1534-36</i> J. Charles Kelley		79
Castañeda, <i>Our Catholic Heritage in Texas, 1519- 1936 [I-VII], IV.</i>	L. B. B.	82
Troncoso, <i>Epistolario de la Nueva España, 1508- 1818</i>	Agapito Rey	85
Goodykoontz, <i>Home Missions on the American Frontier, with Particular Reference to the Ameri- can Home Missionary Society</i> Frank D. Reeve		88
Folmer, <i>The Mallet Expedition of 1739 Through Nebraska, Kansas and Colorado to Santa Fé</i> L. B. B.		89
Kubler, <i>The Rebuilding of San Miguel at Santa Fé in 1710</i>	L. B. B.	94
Notes and Comments		95

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EL CAMINO MILITAR

By F. T. CHEETHAM

ON THE 13th day of December, 1850, President Millard Fillmore issued his proclamation declaring the settlement of the boundary dispute between the State of Texas and the United States, and that the organic act creating the Territory of New Mexico passed by congress on September 9, 1850, was in full force and effect. This act extended the constitution and laws of the United States to the newly created territory and carried with it the duty of the general government to protect the inhabitants against invasion by all enemies both foreign and domestic. In fact it had been the policy of the government to do this ever since the armed forces of the United States had seized the territory in 1846. General Kearny in his proclamation made at Santa Fé on August 19, 1846, had proclaimed for the inhabitants protection against the incursions of hostile Indians.

Relying on this assurance, adventurous settlers pushed northward from Taos and Abiquiu and established settlements in the San Luís valley, then a part of the territory. Costilla was settled in 1848. In 1851 a colony settled on the Culebra river near the present town of San Luís, Colorado. In the spring of 1854, Lafayette Head and about fifty families located on the north side of the Conejos river.

The Utes and several roaming bands of Apaches regarded these settlements as invasions of their hunting grounds and began making war on the settlers. The government had, off and on since the Pueblo Rebellion of 1847, kept

troops at Taos. Afterwards the war department erected a fort on the Rio Grande del Rancho, about nine miles south of Taos. In 1852, Fort Massachusetts was built on Ute Creek about six miles north of the present town of Fort Garland, Colorado. However, during the winter of 1853 and 1854, this fort was unoccupied. On March 13, 1854, a war party of Utes and Apaches attacked the settlers on the Conejos. Under the leadership of Lafayette Head the Indians were beaten off. Securing reinforcements, the Indians, about 250 strong, attacked Troops F and I of the First U. S. Dragoons (afterwards known as the First U. S. Cavalry) on a bridle path in the Embudo Mountains. The soldiers numbering sixty strong were commanded by Lieutenant Davidson. They suffered heavily, losing all but seventeen men and only four escaped injuries.

General Garland, commanding the Department of New Mexico, ordered Lieutenant Colonel Cooke to take the field and chastise the marauders. What followed can best be gleaned from his report:

Headquarters Department of New Mexico
Albuquerque, April 1, 1854.

Colonel: I have the honor to enclose herewith, for the information of the general-in-chief, a copy of a report from Major Blake, first dragoons, very unsatisfactory as regards particulars.

The Indians, Jicarilla Apaches and Utahs, have managed to combine a force of 250 warriors, and unexpectedly attacked a company of dragoons, 60 strong, about 25 miles from Fernandes de Taos, under the command of Lieut. J. W. Davidson, first dragoons, and succeeded, after a desperate conflict, in overwhelming it. Lieut. Davidson and Assistant Surgeon Magruder, both wounded, returned from the battlefield with about seventeen men, most of them wounded.

The troops displayed a gallantry seldom equalled in this or any country, and the officer in command, Lieut. Davidson, has given evidence of soldiership in the highest degree creditable to him. To have sustained a deadly contest of three hours, when he was so greatly outnumbered, and then to have retired with the fragment of a company, crippled up, is amazing, and calls for the admiration of every true soldier.

To prevent further disaster, I have ordered Lieut. Col. Cooke,

second dragoons, to take the field, with about 200 dragoons and a company of artillery armed with rifles.

If hostilities are continued—and I have little doubt such will be the case—I will be forced to call upon the governor of this Territory for two or three companies of volunteers.

It is very desirable that a strong mounted force, with a good supply of horses, be sent out early in the spring.

** ** ** **

I am, Colonel, very respectfully your obedient servant,

JNO. GARLAND

Brevet Brigadier General Commanding

Lieut. Col. L. Thomas,

Asst. Adjt. General, Headquarters of the Army, New York.

Headquarters Department of New Mexico
Santa Fe, April 30, 1854.

COLONEL: I have the honor to report, for the information of the major general commanding the army, that Lieut. Col. Cooke, second dragoons, on hearing of the disaster which befell the command of Lieut. Davidson on the 30th March, proceeded, with the available force at Fort Union, in the shortest possible time to Taos, where he organized a force of 200 men, and on the instant marched in pursuit of the Indians, whom he overtook on the 8th on the upper branches of the Agua Calientes, and immediately gave them battle, the result of which will be found in the enclosed copy of his report. This prompt and energetic movement reflects the highest credit upon this officer, and I feel satisfied has prevented the Utahs from making common cause with the Jicarilla Apaches. It is known that the Indians lost six warriors in the affair of the 8th. It has also been ascertained that they have lost four of their chiefs since the commencement of hostilities, and nearly the whole of their animals and baggage. Their pursuit was checked for a few days by a violent storm of wind and snow which lasted thirty hours, and very nearly paralyzed the whole command. The enemy had previously led their pursuers over the most rugged ground which troops were ever known to campaign in—the spurs of the mountain often reaching to the height of 3,000 feet, very abrupt, and covered with snow several feet in depth.

Col. Cooke is now at a small Mexican village (Rito) west of the Rio Grande, and though suffering with chills and fever, has sent out two detachments of about 140 men each, in hot pursuit, and with strong hopes of bringing the Indians to battle. Their numbers have been reduced by desertions, wounds, and death, to about 100 warriors. That is the greatest number now assembled at any one point.

It is all-important to crush this band of *pirates*. They have too long indulged in murder and plunder to leave a hope of reformation. They do not pretend to keep good faith in *treaties* or promises. Their thorough chastisement will undoubtedly have its effect upon the contiguous tribes now looking on with deep interest for the result, and will give us assurance of many months of peace.

I have made strong efforts to bring this business to a speedy close, and will succeed if it is within the reach of possibility. Unusual and extraordinary measures have been taken to effect this desirable object, and which will be explained in another communication.

I have not as yet had a report of operations of the three companies ordered to Sierra Blanco to divert the attention of the Mezcalero from this quarter.

I am, Colonel, with great respect, your obedient servant,

JOHN GARLAND

Brevet Brigadier General Commanding.

Lieut. Col. L. Thomas,

Asst. Adjt. General, Headquarters of the Army, New York.

Headquarters Department of New Mexico.
Santa Fe, June 30, 1854.

COLONEL: In making report of the militant operations against the Jicarilla Apaches under the eye and orders of Lieutenant Colonel Cooke, 2nd dragoons, for the information of the general-in-chief, I will confine myself to the simple remark that all has been done which was in the power of troops to do.

I approve most cordially the manner in which Lieutenant Colonel Cooke has conducted his campaign.

The Jicarilla Apaches have been most thoroughly humbled and beg for peace. They are dispersed in small parties with the exception of one band, which is now hard pressed by about one hundred men under Major Blake and Captain Ewell, 1st dragoons.

In order to a full understanding of the vigorous prosecution of the campaign, the difficulties encountered and overcome, I have thought it advisable to transmit the detailed reports of Lieutenant Colonel Cooke, marked A, of Brevet Major Carleton, 1st dragoons, marked B, and of Lieutenant Ransom, 1st dragoons, marked C. These officers are entitled to the highest commendation for the zeal, activity, and gallantry displayed by them in prosecuting the war; they have proven *that* to the Indians which is worth more to us than a victory; that is, they are not safe from pursuit in the most inaccessible parts of the Rocky mountains.

For the activity and zeal displayed by the junior officers, and for other interesting details, I respectfully call attention to the accom-

panying reports already referred to. All speak in the highest terms of praise of the Mexicans and Pueblos employed as trailers, spies, etc. Captain Quinn, who had the immediate charge of them, gave evidence throughout of sagacity and indomitable courage; the same remark will equally apply to Mr. Kit Carson, sub-agent of Indian affairs.

I will simply add, in conclusion, that one hundred and eighty men are now in the country of the Mezcalero Apaches, under the command of Brevet Lieutenant Colonel Chandler, 3rd infantry. This band of Indians has been infesting the road leading from El Paso to San Antonio, committing murders and robberies; the steps which I have taken will, it is believed, put an end to their depredations in that quarter.

The Navajoes have remained quiet this year; a small party of them, renegades, stole some hundreds of sheep last month, which the nation has restored to the proper owners.

The Utahs are playing a doubtful game, and have to be watched very closely; their sympathies are all with the Jicarilla band of Apaches.

I am, Colonel, very respectfully, your obedient servant,

JOHN GARLAND

Brevet Brigadier General Commanding Department.

Lieut. Col. L. Thomas,

Asst. Adj. Gen., Headquarters of the Army, New York.¹

These affairs with the Indians demonstrated the necessity of constructing military roads to reach the outposts of the territory. Congress accordingly, by an act approved July 17, 1854, appropriated \$20,000.00 to construct a military road from Taos to Santa Fé; and for another from Santa Fé to Doña Ana, including the sinking of wells, the sum of \$12,000.00.

The order of Jefferson Davis, secretary of war, concerning these appropriations, is of interest:

War Department

Washington, November 28, 1854.

SIR: By an act approved July 17, 1854, the following appropriations are made for the construction and repair of roads in the Territory of New Mexico, viz: from Taos to Santa Fé \$20,000.00, and from Santa Fé to Doña Ana, including the sinking of wells if required, \$12,000. You are hereby charged with the execution of these works.

1. From Executive Documents, 2nd Session, 33rd Congress, Volume 1, Part 2 (1854-1855), pp. 33-36.

As indicated by the terms of the appropriation act, the want of water is one of the difficulties to be overcome on the route last mentioned, and your attention will be first directed to that object. It is believed that the readiest and cheapest mode of procuring water will be by sinking artesian wells, and for that purpose the apparatus procured to make examinations in connection with the exploration of railroad route to the Pacific, will, when no longer required on that work, be turned over to you at Santa Fé.

When, as in these cases, a comparatively small amount of money is appropriated for a long line of road, the department has directed that the road be first rendered practicable for wagons through its entire length, and that the remainder of the appropriation be expended on the more difficult portions of it, so as to render the whole as uniform as possible. You will pursue this plan in executing the work now intrusted to you.

It is deemed best to have the work done by contract if practicable, and in making contracts for the purpose, to endeavor to have them taken by persons residing near the line of the road, or otherwise personally interested in its completion, stipulating either for the execution of a specified quantity of work, or, what perhaps is preferable, for the completion of a certain portion of the road, payment being subject to your approval of the work.

You will consult freely with the commanding officer of the department in regard to the location and construction of the roads.

The amount of the above-mentioned appropriations will be placed at your credit with the assistant treasurer at St. Louis, Missouri.

Very respectfully, your obedient servant,

JEFF'N DAVIS
Secretary of War.

Captain E. P. Scammon,
Corps Top. Engs., Santa Fé, New Mexico.²

Before the Taos-Santa Fé military road could be completed, a call for troops was again made. Troops B, D, and F of the 1st Dragoons and Battery D, 2nd U. S. Artillery, participated. Six companies of volunteers, four of which took part in the Saguache campaign, were recruited by order of the governor of the territory, who commissioned Capt. Ceran St. Vrain as colonel commanding. This expedition left Taos in February, 1854, and followed the trace made by the settlers from that place to Fort Massachusetts on Ute

2. *Ibid.*, pp. 42-43.

Creek at the foot of the Blanca Range. From Fort Massachusetts the forces crossed the San Luís Valley and on March 19 it encountered the Indians in the Cochotopa, not far from the present town of Saguache. The Utes fled and were again attacked in the Poncha Pass on the 21st and 23rd of March. The troops then returned to Fort Massachusetts to replenish their supply of munitions. Col. St. Vrain, with the volunteers, was sent over the Sangre de Cristo Pass to attack the Apaches, while the regulars went north. The latter had two fights with the Utes, first on the headwaters of the Arkansas on April 29, and in the Saevatch valley on May 1 and 2. Col. St. Vrain encountered the Apaches on the Purgatoire river and gave them a good beating. The regulars suffered a terrific loss of horses in this campaign, for they could not secure forage and the horses died of starvation. The volunteers mounted on native horses. They grazed on sweet bark cottonwoods and pawed up the snow to eat the grass underneath.

The route of the first road built by the army was approximately Santa Fé to Velarde (then called La Joya), thence through the hills to Dixon (Embudo Plaza), thence to Peñasco via Ojo Sarco, and over the pass between the Rio Pueblo and the Rio Grande del Rancho to Fort Burgwin, or Cantonment Burgwin, as it was officially called, and from the fort to Taos. The pass just mentioned is known to this day as the "U. S." Hill, because the road was built by the army.

In 1858, Capt. J. N. Macomb of the Corps of Topographical Engineers, made surveys of three proposed routes for the road from Taos to Santa Fé. His findings are set forth in his report to Col. J. J. Abert, chief of Topographical Engineers, U. S. A., on September 29, 1858, as follows:

IV. ROAD FROM TAOS TO SANTA FÉ

This road is one of very great interest and importance, whether considered in a commercial or military light, as the means of affording an easy outlet for the abundant products of the rich and justly cele-

brated valley of Taos, or as the route of communications between the headquarters of the department and the upper posts of the valley of the Rio del Norte.

The chief obstacle to the easy construction of a road between Taos and Santa Fé is the mountainous formation which extends westwardly from the great southern branch of the Rocky mountain range, in the vicinity of the Moro Peaks, and crosses the Rio del Norte, constituting a formidable natural barrier between the valley of Taos and the country around Santa Fé. At present wagons pass with great difficulty over the route by the eastern part of this barrier; but the road is very circuitous and rough, crossing mountain streams and immense stony hills and being in many places annually encroached upon by deep arroyos. To improve this route, and make the grade easy enough for loaded wagons, would considerably increase its present length; and the great expense which it would cause could produce no lasting benefit, owing to the exposure of the work to destruction from the mountain torrents in the rainy season.

Between the above route and the Rio del Norte there is a bridle path which passes in a direct course through El Embudo, but it is so steep that in wet weather animals pass over it with difficulty. The heavy grade and mobile character of the soil throw it out of consideration as a wagon road route.

The route to which I give the preference, after a careful examination of all of them is as follows:

From Taos, in a southwesterly direction for about 18 miles, to a point on the Rio del Norte called "Sienaguilla," thence through the cañon of the Rio del Norte, by cutting a roadway into the slope of the left bank, 15 miles to La Joya; and thence by the road common to all the routes above named, 40 miles, to Santa Fé; being in all 73 miles, and 14 miles shorter than the present difficult and objectionable wagon road. The greater part of the first section above named is over easy ground, requiring scarcely any work to make a perfect road; but on approaching Sienaguilla there will be some heavy work for about 3 miles, involving the crossing of two deep arroyos and the easing of three very considerable hills.

From Sienaguilla to La Joya, for 15 miles, involving the removal of broken rock and the cutting of the roadway into the side of the mountain, and constituting the expensive feature of the road, but offering a grade which is scarcely a perceptible departure from the true level, and affording the only chance for a permanent roadway to pass the mountains.

The remaining section of forty miles requires considerable work at certain points, such as a new location near Pojoaque, to avoid arroyos and to be protected against their encroachments, and also a

new location, involving much cutting and grading, along Tesuque creek, and among the sand hills just north of Santa Fé.

The accompanying estimate shows the probable cost of effecting this great work, and it is hoped that the importance of the route will lead to its favorable consideration.

* * *

IV. ESTIMATE FOR COMPLETING THE ROAD FROM TAOS TO SANTA FÉ

Section from Taos to Sienaguilla, 18 miles -----	\$ 13,500.00
Sienaguilla to La Joya, through the cañon of the Rio del Norte, 15 miles -----	82,500.00
From La Joya to Santa Fé, 40 miles -----	21,500.00
From which deduct the balance on hand of appropriation made by act of July 17, 1854 -----	\$ 4,500.00
Leaving total required for the completion of a road from Taos to Santa Fé -----	\$113,000.00

All of which is respectfully submitted by your most obedient servant,

J. N. MACOMB

Captain Topographical Engineers.

Sept. 29, 1858.

Colonel J. J. Abert

Commanding Corps Topographical Engineers, U. S. A.
Washington, D. C.³

In 1861 an act was passed (approved March 2nd) to provide for the completion of the military roads from Fort Union to Santa Fé, and from Taos to Santa Fé, New Mexico. This act carried an appropriation for the Taos-Santa Fé road of \$15,000,00.⁴

The 42nd Congress passed an act ⁵ entitled "An Act providing for the completion of the Military Road from Santa Fé to Taos in the Territory of New Mexico":

Be it enacted, etc., That the sum of twenty-five thousand dollars be and the same is hereby appropriated for the completion of the military road from the city of Santa Fé to Fernández de Taos, in the Territory of New Mexico, to be ex-

3. See Archives, War Dept.

4. 12 Statutes at Large, page 208.

5. Chap. 312, 3rd session, approved March 3, 1873.

pended under the direction of the Secretary of War.

Two years later the 43rd Congress provided "for the completion of the military road from the city of Santa Fé to Fernández de Taos, in the Territory of New Mexico. Six thousand six hundred and forty-four dollars and eighty cents, in addition to the unexpended balance of the appropriation made by Act of March third, eighteen hundred and seventy-three, which is hereby continued and made available, to be expended under the direction of the Secretary of War."⁶

Concerning the constructing of this road, which commenced in accordance with the recommendations of Captain Macomb, Captain Smith H. Simpson, who came to New Mexico in 1853 and settled in Taos a few years later, related to the writer the following story: A detachment of army engineers, under the command of a lieutenant, started work in the Rio Grande Cañon at Cieneguilla (now called Pilar). The lieutenant laid out the road to cross the river by a bridge at Cieneguilla, run down the right or west bank of the river and recross a few miles below. About \$2,000.00 worth of timbers had been collected at the above named place and they were held by booms in the river. Some two or three miles of the road had been opened up on the first bench west of the river. Before the grade was completed the lieutenant was called to Washington and left the work in charge of his first sergeant. While the lieutenant was in Washington the men ran out of grade stakes, so to keep the men occupied, the sergeant put the men to work blasting the rock slides on the east or left bank of the river, as they had a large quantity of black powder. They found the slides did not respond to their blasts, so, before the lieutenant returned, they had a road practically opened down the left bank where the road now is. Upon his return, the lieutenant on looking over the situation, ordered the booms cut and the timbers went on down the river. The road was completed on the east side.

6. Chapter 130, 43 Congress, 2nd session. 1854 Statutes at Large, Page 391. Approved March 3, 1875.

This road, from Taos to and through the Rio Grande Cañon, has since been known locally as "El Camino Militar." As the present road from Santa Fé to Taos and on to Fort Garland, Colorado, follows in the main the line established and used by the soldiers, it would seem that to retain the name El Camino Militar would be fitting and appropriate.

Who knows but that this road leading from Santa Fé to Fort Garland, being the shortest and most direct line between the industrial sections of Colorado and the heart of New Mexico and on to the border, may again become of great strategic importance as a military road.

FEDERAL CONTROL OF THE WESTERN APACHES 1848-1886

By RALPH H. OGLE

CHAPTER III

EXTERMINATION—A FRONTIER PANACEA

THE END of the Civil War resulted in a temporary disruption and weakening of the military organization in the Apache country. This situation was produced by a gradual mustering out of the California Volunteers and an order from the war department which ended the enlistment of new troops. To prevent the complete collapse of military control on the Apache frontier, the secretary of war made an exception to the order on May 20, 1865, and allowed the recruitment of a regiment of Arizona Volunteers. Six companies composed of a total of three hundred and fifty men were immediately enrolled under the supervision of General McDowell. Half of the new troops were posted in southern Arizona and the others were moved to the Prescott area.¹

No military activity occurred in Arizona until McDowell visited the district in December. Then the advantage of having the department commander close at hand became very apparent. First, certain groups of Pinals and Coyoters that had practically cut off the delivery of supplies to Fort Goodwin, were easily overawed by commands sent out from Camp Grant.² Next, all the Arizona Volunteers were concentrated at Camp Lincoln for service in the Verde Valley. The government gave scant attention to the troops' needs and much hardship resulted; however, their activities were quite effective. On February 11, 1866, Lieutenant Manuel Gallegos with forty-five men moved down the

1. Dept. of California, *Annual Report*, 1886, A. G. O., 632; *Report of the Adjutant-General*, Oct. 1, 1866, in *Journal of the Third Legislative Assembly*, pp. 250-254. One hundred and eighty-eight of the Arizona Volunteers were Maricopa Indians.

2. Col. T. F. Wright to A. A. G., Jan. 24, 1866, Dept. of Calif., *Annual Report*, 1886, A. G. O., 632.

valley after a band of marauders. The command, operating only at night, succeeded in locating a large ranchería strongly fortified within a series of caves and caverns. A battle of several hours duration followed, but despite the fact that thirty warriors were killed and twelve wounded, the band could not be dislodged.³ Similar commands led by Lieutenant Thomas Ewing and Primativo Cervantes struck the Indians north of the Salt River several severe blows in March, killing forty-two of them and wounding many others.⁴

Such unusual punishment forced the Apache hostiles into southern Arizona where they renewed their raids with increased vigor. They probably would have ravaged the region with impunity had not General McDowell, still in the district, ordered troops from Fort Grant into action. As a result, Lieutenant John B. Urmy scoured the region for eleven days, travelled 225 miles, burnt 250 wickiups and killed six Indians from a hostile band he overtook by accident.⁵ General McDowell had scarcely started back to his headquarters, however, when the troops ceased their activities. With the exception of forty-one Indians killed and captured in the Verde valley in April, no further punishment followed for several months.⁶

The breathing spell afforded by the troops' inaction gave the civil authorities an opportunity to express their views. Superintendent Leihy was quite critical of the military. Their work, he said, tended to embarrass and complicate the Indian difficulties. He was of the opinion that one-tenth of their expenditures during the past on "fruitless" operations would have provided comfortable homes for all the Indians in the territory.⁷ Delegate Poston stated that "the military authorities assume to be the government,"

3. Capt. H. S. Washburn to A. A. G., Feb. 15, 1866, *ibid.*

4. Ewing to Col. C. E. Bennett, Mar. 9, 1866, *ibid.*; Washburn to Capt. John Green, Mar. 26, 1866, *ibid.*

5. Urmy to A. A. G., Mar. 5, 1866, *ibid.*

6. Lt. J. D. Walker to Bennett, April 30, 1866, *ibid.*

7. Leihy to D. N. Cooley, May 18, 1866, I. O., L 155.

and more poignantly, he charged that the officers and men sent to the Indian country were rendered ineffective because of their lack of frontier experience.⁸ Governor Goodwin wanted "fair, open and persistent war" until the savages were "exterminated" or forced to "bow their necks in submission." Then they were to be put on reservations and "made to labor or starve," so there could be "no patched up treaty to benefit speculators in beef."⁹ One J. D. Cusenbury wrote President Johnson regarding the inadequate number of troops, the incompetency of the commander and of the officers' belief in extermination. Such an extreme policy was favored, he said, because of the lack of any formulated plans or arrangements for dealing with the Indians in case they should wish to surrender. Prophetically, he declared that 10,000 men and several years would be required to kill all the Apaches; but over-sanguinely, he predicted that they could be placed on a reserve in one year and made self-sustaining in two.¹⁰

Expediency was still the governing factor, unfortunately, and although the views expressed contained much truth, yet ideas rather than policies were being advanced. Leihy came close to a sound policy when he wrote that adequate material provision would bring most of the bands to the reserves; but he was visionary in his view that such care would "soon" make them self-sufficient, and that the "few" remaining out "would be hunted down and killed by the adventurous prospectors and miners."¹¹

A reorganization of the army on July 28, 1866, increased its bureaucratic nature. The country was divided into military divisions and Arizona, as a district of the Department of California, became a part of the Division of the Pacific. For purposes of Apache warfare western New

8. Poston to Cooley, May 17, 1866, I. O., P 132.

9. Goodwin to Cooley, May 17, 1866, *ibid.*

10. Cusenbury to Andrew Johnson, May 1, 1866, P 148.

11. Leihy to Cooley, May 18, 1866, I. O., L 155. The citizens of Tucson were reported to be paying a group of Tame Apaches one hundred dollars for each hostile scalp brought in. Dr. C. H. Lord to Cooley, June 4, 1866, 39 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 112.

Mexico should have been combined with Arizona, but reasons of economy made it expedient to include the former area in the Division of the Missouri. The reorganization further provided for the replacement of all volunteer troops with regular army personnel.¹²

No important results followed the military reorganization, but McDowell, weakened by the loss of his Arizona Volunteers, was inclined to use peaceable measures. The Indians of the Verde Valley, because of their recent punishment, were also inclined towards peace. Colonel Bennett was therefore ordered to accept them as prisoners of war at Fort McDowell, where they were to be aided in agriculture. A party had come in on May 28, made arrangements to surrender most of their fellow tribesmen, and would have succeeded had not the presence of a strong number of Pimas frightened them away. Likewise, the presence of other unfriendly bands near Fort Goodwin had prevented the Indians of the Verde from collecting there; yet in the hope that they might later come to Fort McDowell, Bennett was now ordered to continue negotiations.¹³

Conditions in western Arizona had grown worse. The eight hundred Yavapai who had gone to the Colorado River Reservation in 1865¹⁴ were thoroughly dissatisfied within a few months. Poor crops, quarrels with the Mohaves, the greed and arrogance of the whites, and especially the government's negligence in furnishing subsistence made them hate the sedentary life. As a result, the entire number in the spring of 1866 fled back to the mountains of central

12. 39 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 5, 17.

General H. W. Halleck was given command of the Division of the Pacific, with instructions from General Grant "to exercise his discretion as to the mode and manner of preventing Indian hostilities . . . in the Territory of Arizona." This carte blanche from Grant was quite in contrast to his action the year before in curbing the "too extended" plans aimed against the Apaches. Edwin M. Stanton to James Harlan, July 11, 1866, *I. O.*, W 377; McDowell to A. A. G., Mar. 23, 1866, *I. O.*, *Ariz. Misc.*

13. MsDowell to A. A. G., Oct. 18, 1866, 39 Cong., 2 sess., *H. E. D.*, no. 1, vol. iii, p. 35.

14. *Cf. supra*, *N. M. HIST. REV.*, xiv, 363.

Arizona, there to resume their life of hunting and robbing.¹⁵

The Indians would doubtless have refrained from violence had not the freighters and frontiersmen attacked and killed them at every opportunity. Retaliation followed near Date Creek in the killing of a prospector and the burning of a cabin. A posse of citizens from Hardyville immediately sought revenge by slaughtering ten Yavapai men, including the head chief Wauba Yuma, and also several women and children. Such indiscriminate murder of fairly friendly Indians produced a recurrence of the critical conditions of the year before.¹⁶ Traffic almost stopped west of Prescott; trains moved with military escorts. Lieutenant Oscar Hutton, sent to the region in July, killed no Indians at first; but he destroyed their resources and thus made the situation worse by leaving the bands more destitute than before.¹⁷ On August 11 his command and a train he was escorting through Skull Valley were attacked by one hundred and fifty impoverished warriors who demanded the contents of the wagons. A parley followed, but it broke up in a severe battle in which the Indians were worsted with heavy loss. Leihy, certain that costly retaliation would follow, considered the victory a defeat.¹⁸ The situation was further aggravated by the withdrawal and discharge of the Arizona Volunteers at Date Creek and Wickenburg.¹⁹

General McDowell, in the meantime, had become less certain with regard to a proper Apache policy; yet he believed that the punishment given the Indians was worthwhile, and in August he ordered the regular troops to be as active as the Arizona Volunteers had been. But that he also favored pacific methods is shown by his satisfaction

15. John Feudge to Leihy, July 31, 1866, 39 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 111; G. H. Dorr to Leihy, Jan. 5, 1866, I. O., L 5. Chief Cushackama induced one hundred of his followers to stay on their farms.

16. Leihy to Cooley, April 12, 1866, I. O., I. D.

17. Hutton to P. A., Aug. 1, 1866, A. G. O., 632.

18. The Indian loss was thirty-three killed and fifteen captured. Hutton to Capt. G. W. Downey, Aug. 14, 1866, A. G. O., 632. See also Leihy's account, I. O., L 239.

19. McDowell to A. A. G., Oct. 18, 1866, *op. cit.*

with the results attained at Fort Goodwin, where several hundred Apaches were collected. This attitude of indecision indicated that the general favored both peace and war, whichever might prove to be the most expedient.²⁰

The military, from the standpoint of war, made an auspicious start. Captain George B. Stanford, in late September, moved from Fort McDowell to Meadow Valley, ninety miles distant, where an unknown Apache rendezvous was discovered. He attacked a large ranchería on October 3, killed fifteen warriors, captured seven noncombatants and destroyed their vast store of winter supplies. More important, the ease of the outward march by way of the Sierra Ancha Range and the equally easy return near the base of the north Mazatzal Peak proved the feasibility of the new route into the hostiles' country.²¹

Captain Stanford led another expedition into the same region on November 14. This time he moved his lightly equipped command of sixty-four men farther on into the Tonto country. Before the Indians were aware of the intrusion, he attacked one of their large encampments located in a box canyon thought to be impregnable. The result was meager—six slain and five captured—but all the bands of the area were completely discomfited. For several months they gave no further trouble.²²

At this point the military of southern Arizona took a forward-looking step, which, unfortunately, met the disapproval of higher authority. Colonel Guido Ilges of Fort Grant, in accordance with instructions from his immediate

20. *Ibid.*, p. 36.

21. Stanford to A. A. G., Oct. 9, 1866, 40 Cong., 2 sess., *H. E. D.*, no. 1, vol. ii, p. 124 *et seq.*

The success of the expedition decided Halleck in favor of a forced peace by "a hunt of extermination." Orders therefore followed for the establishment of a post, Camp Reno, in the new area. A trail was also to be projected from Fort McDowell to the camp. Gen. Orders no. 39, Oct. 31, 1866, *ibid.*, p. 94.

22. 40 Cong., 2 sess., *H. E. D.*, no. 1, vol. ii, pp. 138-140.

The Indians of southern Arizona were kept quiet during the year by the establishment of Camp Wallen on Babacomari Creek, and by the operations of Lieutenant Winters in the Huachuca and Mule Mountains. W. H. Winters to Maj. Harvey Brown, Dec. 18, 1866, *ibid.*, pp. 141-144.

superior, Colonel Charles S. Lovell, made a treaty of peace with several chiefs of the Aravaipa, Tonto and Pinal Apaches. The Indians agreed on December 20 to settle upon a reservation where they were to remain at peace, but they reserved the privilege of making extended hunting and food-gathering expeditions to supplement the governmental subsistence that Ilges promised them.²³

General McDowell immediately ruled that the treaty was "irregular, injudicious and embarrassing." He contended that the officers only had authority to grant armistices, and that they had made promises impossible to fulfill. To keep the chiefs from suspecting perfidy, he recommended that the peace terms be greatly restricted so that the Indians without the prescribed reserve limits could be considered hostiles. General H. W. Halleck sustained McDowell and ordered him to admonish Lovell and Ilges sharply for their assumption of authority.²⁴ Both the secretary of the interior and the commissioner of Indian affairs also disapproved of the treaty, but they sanctioned the idea of a peaceful solution and stated that since the reservation system had been a success with other Indians there was no reason why it should be unsuccessful with the Apaches. They instructed the new superintendent to cultivate all chiefs inclined towards peace.²⁵

The office of Indian affairs replaced Superintendent Leihy in September, 1866, with G. W. Dent, General Grant's brother-in-law. Commissioner Mix, in notifying Dent of his appointment, requested a full report of conditions in Arizona. He also asked him to administer his office eco-

23. Ilges to A. A. G., Dec. 20, 1866, A. G. O., 163 P.

24. McDowell to A. A. G., Feb. 8, 1867, I. O., W 433; A. A. G. to McDowell, Feb. 9, 1867, *ibid.*

25. Secty. of Int. to C. E. Mix, Sept. 7, 1867, I. O., *Ariz. Misc.*; Mix to Secty. of Int., Sept. 7, 1867, *ibid.*; Mix to Dent, Sept. 20, 1867, L. B. no. 84, p. 310.

The territorial legislature, probably for economic reasons, opposed peace. They remonstrated that the feeding system was "a monstrous and most expensive farce." *Journal of Third Legislative Assembly*, pp. 43, 261.

nominally.²⁶ The new appointee took charge on December 19 in the face of a hostile military opposition. Thus irked, he became quite critical. According to his view, the territory was in a deplorable condition, chiefly because the military's "ostensible demonstration" against the savages was "purposeless for the public safety." To reduce the hostiles properly, he advocated an "active, offensive, persistent, combined and simultaneous war," in which "they should be hunted to death with fire and famine." One or two such campaigns would reduce them sufficiently for the civil authorities to assume control; other plans, he was certain, would only intensify the problem. Opposed to McDowell's view that a lack of subsistence generated the Indians' hostility, he attributed their ferocity to their jealousy of the whites.²⁷

The situation in western Arizona soon gave Dent's statements much weight, for Yavapai and Tonto attacks on wagon trains became a matter of daily occurrence. R. C. McCormick, now governor, sent out a force of rangers that quickly killed a considerable number of the marauders. This result alarmed the superintendent and he begged for more regular troops, stating that a general massacre of the peaceable Indians along the Colorado River would follow, should it be proved that any of them had joined in the raids.²⁸

The military, in fact, had already taken steps to relieve the situation. General J. I. Gregg, with a number of new troops, was placed in command of the District of Pres-

26. Mix to Dent, Sept. 8, 1866, I. O., *Ariz. Misc.*

No reasons were found for the change of officials. Leihy did not live to be relieved. On November 18 he and his clerk, H. C. Evarts, were murdered east of La Paz by a band of hostiles who thought that the killing of a "great chief" among the whites would lead to the evacuation of the region. Levi Ruggles to Comm., Nov. 28, 1866, I. O., R 219.

27. Dent to L. V. Bogy, Dec. 31, 1866, I. O., D 116.

28. Dent to Bogy, Mar. 5, 1867, I. O., D 257.

At this time, the inroads of the miners in the Bradshaw Mountains caused two hundred of the Yavapai to seek peace at Fort Whipple. Since no policies had been promulgated, the opportunity was lost. Gen. J. I. Gregg to Dent, April 12, 1867, *Ariz. Misc.*

cott and the Upper Colorado early in 1867. To guard against a recurrence of the outrages of 1866, he was instructed to keep commands moving throughout the troubled area, and a new post, Camp McPherson, was to be established at Date Creek. General McDowell demanded that no time be lost in waging a vigorous and aggressive war.²⁹

General Gregg complied in full measure. In April, he issued orders designating as hostile all Apaches and all Colorado River Indians not found on reserves. He even included some bands on the California side of the river. Active operations were to start at once and Indians holding passes issued by the civil authorities were to receive no immunity.³⁰

These drastic orders resulted in a year of military wrangling practically devoid of constructive results. McDowell decided that wholesale war against a large body of friendly Indians, facing starvation because of congressional negligence, was inhuman. He therefore declared Gregg's orders too stringent and directed their modification.³¹ Again Gregg erred. His new orders, on June 11, directed that Indians heretofore hostile were to be considered peaceable except when acting in concert as a tribe. Isolated attacks and thefts by individuals were not to be taken as hostile acts, but "as offenses against the common law, the same as if committed by white citizens." Moreover, he announced that it was impossible to reconcile the commanding general's present views with those promulgated for the government of the district the year before.³²

29. Special Orders no. 16, Jan. 23, 1867, 40 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 113-115; McDowell to A. A. G., Sept. 14, 1867, *ibid.*, pp. 126-127.

Inspector General J. A. Rusling, who visited Fort Whipple during the spring, sharply criticized the high maintenance costs of the district. Hay was purchased for \$60 per ton, grain for \$12 per bushel, lumber for \$75 per thousand feet, and the cost of freight from San Francisco was \$250 per ton. Reports indicated that the small, headquarters building was erected at a cost of \$100,000, with an additional \$10,000 for the post flagpole. However, the general advocated a policy of vigorous war. For a detailed account, see, *Farish*, vol. v. p. 299, vol. vi, pp. 32, 36-40.

30. Gen. Orders no. 3, April 23, 1867, I. O., D 380; Gen. Orders no. 4, April 24, 1867, *ibid.*

31. A. A. G., to Gregg, May 18, 1867, I. O., *Ariz. Misc.*

32. 40 Cong., 2 sess., *H. E. D.*, no. 1, vol. ii, pp. 111-113.

McDowell immediately branded his subordinate as an uncoöperative popularity seeker who had seriously injured the military service. He directed that existing orders of war against "hostile Indians in Arizona" be carried out, and to make his disapproval emphatic, issued special orders setting forth Gregg's mistakes.³³

While the superior officers were thus wasting their time, some of the subordinates showed commendable zeal. Captain J. M. Williams with eighty men moved from Fort Whipple, in April, to the upper Verde, where a strong band of hostiles threatened the region. Two spirited fights followed in which fifty-five savages were killed; these blows completely disorganized the bands, and practically relieved Prescott from danger on the east.³⁴ Likewise, Colonel Ilges and Captain J. H. Vanderslice, from Fort McDowell, combed parts of the Tonto, lower Verde and Mazatzal regions. They accomplished little, although their scouts sharply reduced the horse-stealing forays said to emanate from those isolated points.³⁵

The general situation as shown by these scouts perplexed General Gregg. He found his twenty-seven companies, scattered as they had to be, quite inadequate for the tasks of subjugation and preservation of peace. The great size of the district, the roughness of its terrain, the number and frequency of desertions, the shortage of citizen employees and the smallness of the posts were insuperable problems to the district commander. But instead of seriously considering these difficulties, McDowell chided Gregg for beginning more wars than he could carry out, especially when the Indians wanted peace.³⁶ The burden was thus thrust back into the subordinate's hands, proving that expediency was still the rule of action.

33. McDowell to Gregg, July 1, 1867, I. O., *Ariz. Misc.*

34. Williams to A. A. G., April 27, 1867, 40 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 150-153.

35. Ilges to Lt. J. W. Lewis, April 30, 1867, *ibid.*, pp. 153-154; Vanderslice to Lewis, May 10, 1867, *ibid.*, 154-157.

36. A. A. G. to Gregg, May 18, 1867, *op. cit.*

Major Roger Jones was now sent to Arizona to give the district a thorough investigation and to make recommendations. He was quite appalled with the situation. Men were killed at various points along his route; stock was stolen within sight of one post he visited; nothing was safe—much less so than when he first saw the region in 1857-1859. He considered the troops practically powerless, and suggested several radical changes: (1) the organization of Arizona into a separate department to eliminate the three months' time required for the transmission of orders to and from the Presidio; (2) the concentration of the troops at a fewer number of posts in order to provide more effectives for scout duty; (3) the provision of facilities to mount the infantry when the regular cavalry was overburdened; and (4) the erection of better quarters and hospitals to prevent inefficiency and desertion.³⁷

Jones' report was obviously a constructive one, but despite its logical approach towards a military solution of the Apache problem, McDowell sent Halleck a ten-page letter of rebuttal on August 14. He denied the soundness of the major's findings throughout and in an elaborate elucidation of his own administration justified the existing conditions. But his sharp analysis of the military problems inadvertently stamped him as a soldier with an attitude of defeat.³⁸

General Gregg, meanwhile, became an exponent of pacific methods, and he evinced much concern about certain peacefully inclined Indians of the Verde and Bradshaw regions. Elaborate instructions left him practically unrestricted. He was given full authority to: (1) receive and support them if they wished to give up; (2) consider them hostile if they did not surrender; (3) provide for them if the superintendent could not; or (4) collect, guard and economically ration them in some unsettled locality until the

37. Jones to A. A. G., June 5, 1867, 40 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 101; Jones to Gen. J. B. Fry, July 15, 1867, *ibid.*, pp. 83-84.

38. 40 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 87 *et seq.* For a detailed discussion of McDowell's report, see Frank C. Lockwood, *The Apache Indians* (New York, 1938), pp. 165-168.

office of Indian affairs could assume charge.³⁹ Whatever results Gregg achieved remain unreported.

General Halleck was next to take up the problem of Apache control. Moved, doubtless, by the serious conditions near Prescott, but more perhaps by the critical attitude of the territorial legislature,⁴⁰ he made an exhaustive report to the adjutant general on September 18. He admitted the weakness of defense in the west, but attributed it to the fact that only one-ninth of the available strength of the army was assigned to his extensive division. Of the forty-seven companies allotted to the Department of California, twenty-eight were posted in Arizona, where, he pointed out, the inadequacy of their numbers had rendered them almost powerless. Furthermore, he could see no prospects for a safe and permanent settlement of the troubled region until the bitterly hostile Indians were either conquered or destroyed. In any case, they would have to be segregated from the whites and kept under rigid military control. Concentration of troops, he agreed, would increase their efficiency, but decentralization was necessary to maintain the small scattered settlements upon which the commissary depended. Additional troops—not less than two or three regiments, according to his analysis—would be required if the problem were to be solved.⁴¹

Acting Secretary of War U. S. Grant, after a study of Halleck's report, informed President Johnson in November, 1867, that the Apaches would observe no treaties, agreements or truces. He also remarked that they were the most hostile of the American Indians. His recommendation that the tribe be warred upon until they were completely destroyed or made prisoners of war obviously expressed the dominant view of the federal officials.⁴²

39. A. A. G. to Gregg, Sept. 10, 1867, 40 Cong., 2 sess., *H. E. D.*, no. 1, vol. ii, pp. 121-122.

40. *Arizona Miner*, Sept. 11, 14, 17, 24, 1867; *Journal of the Fourth Legislative Assembly*, pp. 33-38; 83-88.

41. 40 Cong., 2 sess., *H. E. D.*, no. 1, vol. iii, pp. 69-74.

42. *Ibid.*, p. 30.

During the early part of 1868, the military instituted action in east-central Arizona that set up a constructive trend not to be stopped until the Apaches were subdued. First, General T. C. Devin of the Prescott subdistrict decided to clear the savages out of the country along the eastern rim of the Tonto Basin; then he planned to make a campaign into the basin itself, where the marauders reportedly retreated with their stolen animals and plunder.⁴³ While completing details, he sent runners among the Yavapai to induce them to go to the Colorado river; and, most fortunately, a council was arranged with the notorious Chief Delchay of the Tontos.⁴⁴

The council was held twenty-five miles east of Fort McDowell. General Devin offered the Indians peace if they would confine themselves to an area bounded by the Verde River, the Black Mesa and the Salt River. Just what agreements were reached are obscure, but in the autumn Delchay and his Indians actually established themselves at Camp Reno, where some of them were retained as couriers and guides. Others found employment gathering hay for the post contractors.⁴⁵

General T. L. Crittenden, simultaneously, made an agreement with the Camp Grant bands, that superseded the one made by Colonel Ilges in 1866. However, the Indians perfidiously broke out as soon as they received a liberal supply of rations. Crittenden, much irked, still favored pacific methods; nevertheless, he ordered a mild punitive expedition into the Tonto Basin, where the culprits were said to rendezvous.⁴⁶

General Devin, accordingly, in late April, moved with a strong command into the relatively unknown region east of

43. According to reports, most of the stock was later traded for by an unscrupulous class of whites near Fort McDowell and Camp Reno.

44. Devin to Dent, Jan. 5, 1868, I. O., *Ariz. Misc.*

45. Devin to A. A. G., Jan. 8, 1868, *ibid.*; Vincent Colyer to F. R. Brunot (n. d.), 1869, 41 Cong., 2 sess., *H. E. D.*, no. 1, vol. iii, p. 536.

The contractors paid the Indians one-half cent per pound for the hay and then sold it to the government for three cents per pound.

46. Crittenden to Dent, Jan. 27, 1868, I. O., *Ariz. Misc.*

Camp Lincoln. He then descended into the basin proper and for forty-five days unsuccessfully scoured the region. All trails showed that the elusive Indians had concentrated towards the Little Colorado river. This fact convinced the officers that the hostiles got their munitions from the Zuñis and Navahos. Despite the paucity of results, Devin's observations led him to believe that the most effective way to control the wild bands was to open trails directly into the heart of their habitats. In fact, he soon made his subdistrict quiet by this method.⁴⁷

Meanwhile, Captain Charles A. Whittier, sent from the Presidio, had observed the situation in Arizona at first-hand. Like Jones the year before, Whittier viewed the situation with adverse criticism. He struck at the feeding policy of his superiors, insisting that their maintenance of the Indians as "Indian prisoners" was a violation of the law. But he agreed that feeding was a constructive policy and one that was essential unless the Indians were to be exterminated. As an alternative to the prevailing policy, he suggested the issuance of subsistence paid for by regular appropriations, which method, he insisted, would not only check erratic and defective administrative practices, but would also help to bring in most of the hostile bands. The peacefully inclined bands, he found, were entirely unprotected from the unreasoning frontiersmen; for this reason he concluded that the government was doing very little to solve the Apache problem.⁴⁸

No constructive policies resulted from Whittier's report, and as the last half of 1868 was reached, the situation again became serious. Acting Governor H. H. Heath, in a dilemma, asked the citizens to provide locally for their own defense. No better method to accelerate the indiscriminate slaughter of Indians could have been devised.⁴⁹ This was

47. Devin to A. A. G., June 12, 1868, 40 Cong., 3 sess., *H. E. D.* no. 1, vol. iii, pp. 63-66.

48. Whittier to Fry, June 6, 1868, I. O., W 1067.

49. Heath to O. H. Browning, July 23, 1868, 40 Cong., 3 sess., *H. E. D.*, no. 1, vol. ii, pp. 639-640.

immediately demonstrated when the Yavapai, due to severe epidemics of whooping cough and scarlet fever, moved away from the Colorado river to the more healthful interior. Although the Indians promised to return in a short time, friction with freighters soon developed; and on September 25 ten friendly chiefs, including the able Cushackama, were wantonly murdered near La Paz. Thus at one treacherous stroke was undone all the significant work of the past.⁵⁰

Indian hostility now became widespread. At Fort Goodwin where several ambushes and attacks occurred, the commandant was authorized to seize and hold all male Indians as prisoners until every robber and murderer was delivered up. But the magnitude of the task prevented its execution.⁵¹ The killing of several whites near Fort Whipple made the situation equally precarious in the Prescott district, and General E. O. C. Ord, the new commander of the Department of California, received urged appeals for reinforcements. But the general was handicapped, due to a decrease in the strength of his companies; therefore, all he could do was to urge vigorous action with the forces available. Accordingly, twenty-seven scouts were made from the various posts in the Apache country, but the results were less than one dead Indian per scout.⁵²

General Halleck, keenly aware of the critical situation, once more made constructive suggestions to the secretary of war. He pointed out that neither proper protection nor aggressive campaigns could be expected without two additional regiments of troops. He also foresaw the need of Indian scouts in conquering the Apaches, and asked that a large increase be allowed his division. Of greater impor-

50. Feudge to Dent, Aug. 1, 1868, *ibid.*, p. 597; Dent to N. G. Taylor, Oct. 16, 1868, I. O., D 1606.

Federal Judge H. H. Cartter, who considered it no harm to kill any Indian, refused to take action against the culprits. Col. L. B. Young to Dent, Oct. 15, 1868, *ibid.* Cf. *supra*, footnote 15.

51. A. A. G., to Capt. R. F. O'Beirne, Aug. 8, 1868, I. O., *Ariz. Misc.*

52. Devin to A. A. G., Aug. 28, 1868, 40 Cong., 3 sess., *H. E. D.* no. 1, vol. iii, pp. 66-68; Ord to A. G., Sept. 27, 1868, *ibid.*, p. 51; Dent to Comm., Dec. 1, 1868, I. O., D 1690.

tance, he recommended that Arizona be constituted a separate military department.⁵³

No important action followed the general's suggestions; consequently, without any definite planning by responsible officials, the temporizing policy of expediency led to a chaos of conflicting opinions that reached its height in 1869. Naturally, the frontiersmen were certain that a large troop increase and a relentless war against the savages would be a definite solution, but many officials with administrative considerations in their minds were not so assured. General Ord in showing that a post of one hundred and fifty men required an annual outlay of \$3,000,000 bluntly stated that war was the economic basis of the territory and that perhaps it was desirable to reduce "the number of troops in the country to the minimum consistent with the interests of the whole country."⁵⁴ In fact, General George Thomas' support of Ord's views convinced General Sherman that the occupation of the Southwest was premature and that the cost of maintenance was out of proportion to the results. "The best advice I can offer," he wrote, "is to notify the settlers to withdraw and then to withdraw the troops and leave the country to the aboriginal inhabitants."⁵⁵

Despite the adverse views of the high military, General Ord decided against a "temporizing policy." He ordered his troops to capture, root out and hunt the Apaches as they would wild animals. All officers were to be promoted in proportion to their success; and he contemplated a concentration of his troops by the evacuation of some of the small posts that merely "invited" the Indians to attack the government herds and supply trains.⁵⁶ Before action could be insti-

53. Halleck to A. G., Sept. 22, 1868, 40 Cong., 3 sess., *H. E. D.* no. 1, vol. iii, pp. 49, 147-148.

54. Ord to A. G., Sept. 27, 1869, 41 Cong., 2 sess., *H. E. D.*, no. 1, vol. ii, pp. 124-125.

55. Sherman to W. W. Belknap, Jan. 7, 1870, A. G. O., 1010 P.

Such views as Sherman's tended to convince the sentimental East that all Indian wars should be stopped.

56. Ord to A. G., Sept. 27, 1869, *op. cit.*, pp. 121-122; *Weekly Arizonian*, Mar. 21, 1869.

tuted the general wavered and decided that the reservation and feeding system rather than war was a more effective way to bring about a reduction of the savages. Colonel R. F. Bernard was therefore delegated to investigate the probable success of a reserve for the Apaches.⁵⁷

Bernard soon reported that McDowell's experiment at Camp Goodwin had resulted in failure. But he felt assured that the Indians would make peaceful and successful farmers if, in addition to annuities, they were allowed a healthy reserve large enough to afford hunting, planting and the burning of mescal.⁵⁸

The report was scarcely made before conditions throughout the Apache country became worse than they had been for many months. The Yavapai stopped commerce in every part of western Arizona, one hundred whites were killed in a short time, mails moved under escort, picket posts had to be maintained near all settlements and the Overland Route was besieged at all points. Ord, thoroughly bewildered, was more inclined to use pacific methods than ever before. He immediately recommended that a suitable reservation be established at a point completely isolated from the whites.⁵⁹

As a result of Ord's views, Colonel John Green was sent into the remote White Mountain country in July, 1869, to prospect for a suitable reserve location and to select a satisfactory site for a proposed post; ostensibly, his expedition

57. Bernard to Ord, Mar. 23, 1869, I. D., W 260.

58. *Ibid.*, *The Weekly Arizonian* (Mar. 23, 1869) in pointing out that 2,000 Indians had been simultaneously fed and fought without results for two years, inferred that the war had been "conducted for some distinct motive."

59. Devin to Jones, April (?), 1869, A. G. O., Old Records Division, *Dist. of Ariz.*, pp. 104-106; Ord to Secty. of War, April 20, 1869, I. D.

Near Fort Bayard many Mexicans were murdered and travellers were chased to the immediate grounds of the post. (*New Mexican*, May 2, 1869.) The San Pedro region lost nearly all of the one hundred original settlers who were there in 1867. (*Weekly Arizonian*, June 19, 1869.) Pima county alone from January 2, 1868, to July 13, 1869, lost in killed, captured and wounded about thirteen per cent of its total population of 5,500 persons. (*Ibid.*, July 17, 24, 1869.) Major Jones informed General R. B. Marcy on July 21 that 7,300 Apaches, exclusive of the Yavapai and Pinals, were hostile, and that the region from Prescott into Sonora was completely paralyzed. A. G. O., 1010 P.

was intended as a mild demonstration against the Indians. The command of one hundred and thirty men had scarcely penetrated into the southern part of the region before they learned that the villages to the north were growing heavy crops of corn. Since the campaign was a retaliatory one, Captain John Barry with sixty men was sent to destroy the Indians' resources and to exterminate as many of the tribesmen as possible. But Barry was so impressed with their desire for peace that he ignored his orders, rejoined Green and was later exonerated. Green as a result of the expedition reiterated his belief in extermination. Yet he insisted that the Coyoteros, if properly managed and protected by a post in the region, could easily be placed on a reserve where they would form a nucleus for the civilization of all the Apaches.⁶⁰

Unfortunately, all the other Apache bands grew more formidable, and by fall much of the territory was practically lost to white enterprise. During July the mails were stopped, the cavalry was frequently forced to retire from the field, and the Vulture mine at Wickenburg, the sole dependence of the legislature, was kept open only because General Thomas ordered continuous scouting between the mine and the mill.⁶¹ In central Arizona the Tontos resumed their characteristic tactics of thieving and plundering; and Cochise's bands, in the southeastern part, not only threatened to drive civilization out, but completely frustrated the troops operating from Fort Bowie.⁶² The general situation at the end of 1869 proved that no substantial progress had been made in Apache management.⁶³

60. All accounts of the officers connected with the expedition are printed in 41 Cong., 2 sess., *H. E. D.* no. 1, vol. iii, p. 544 *et seq.* Green's findings, especially his proposal that the bands could be induced to fight against each other, were of extraordinary value in later Apache relations.

61. *Weekly Arizonian*, July 31, Aug. 7, 1869; Green to Parker, Nov. 6, 1869, I. O., A 561.

62. Bernard to Devin, Oct. 22, 1869, A. G. O., 925 P; *Weekly Arizonian*, Sept. 25, Oct. 9, 16, 1869; Col. Frank Wheaton to Andrews, Dec. 8, 1869, I. O., *Ariz. Misc.*

63. The civil authority had exercised little leadership for three years. Superintendent Dent after his appointment late in 1866, appears to have interested himself in graft, especially in connection with an irrigation project he constructed on the

The year of 1870 saw the start of a new era in Apache control. Nothing spectacular was accomplished, but action was initiated which eventually led to the elimination of the Apache problem. This activity centered mainly in the creation of Arizona as a separate military department and in the measures undertaken to control the Coyoteros. Yet the year began darkly for the settlers, for killings, attacks and robberies were a matter of daily occurrence.⁶⁴

Governor A. P. K. Safford, thoroughly dismayed with the situation, had already instituted action which permanently affected Indian affairs in the Southwest. During the previous November, in the East, the governor carefully discussed the Apache problem with numerous federal officials and New York journalists. Editorials soon became less pacific in tone and the eastern public began to feel horrified at the continued atrocities of the Apaches.⁶⁵ With Territorial Delegate McCormick he presented the case to President Grant, General Sherman and the secretary of war; McCormick also aired the situation before congress.⁶⁶

Meanwhile, on April 15, 1870, the war department made Arizona and southern California a separate department with General George Stoneman in command. Reorganiza-

64. *Memorial and Affidavits Showing Outrages Perpetrated by the Apache Indians in the Territory of Arizona During the Years 1869 and 1870* (San Francisco, 1871), p. 3. From July 17, 1869 to July 23, 1870, Pima county lost forty-seven persons killed, six wounded and one captured.

65. Excerpts printed in *Weekly Arizonian*, Feb. 5, 12, April 30, and July 30, 1870.

66. *New York Times*, Jan. 17, 1870. McCormick, in striking at New England opposition to a vigorous Indian policy in the West, aroused much comment when he showed that Cotton Mather had urged the extermination of the northeastern tribes. *Weekly Arizonian*, Sept. 24, 1870.

Colorado River Reservation. Dent generally looked upon Indian management with a pessimistic attitude, but in keeping a large number of Yavapai potential marauders at work, he probably reduced the number of hostilities in western Arizona. The canal proved to be a failure and, after much criticism, he resigned on June 1, 1869. For a discussion of the episode, see *Fariish*, vol. iv, p. 316 *et seq.*

Colonel C. S. Andrews, at President Grant's direction, replaced Dent on June 17, 1869. In his first important report he said that no success could be expected in Indian control until officials were able both to punish and to protect. He foresaw that the rancor the whites bore for all Indians would greatly impede any civil program. Andrews to Parker, Dec. 9, 1869, I. O., A 629.

tion necessarily required his first efforts, for the eighteen expensive isolated posts scattered over the department were manned by less than one and one-half companies each; therefore, to make his command effective, he kept the troops busy for several months building roads to connect the various posts. Fortunately, General Ord had already practically finished a new road into the White Mountains, and this fact doubtless explained why Stoneman found the Coyoteros so pacific and anxious for a reserve.⁶⁷

To his superiors Stoneman was not optimistic regarding the future of the Indians. They will "never be entirely harmless," he wrote, "until they suffer the fate of all the aboriginals that come in contact with the whites."⁶⁸ And a little later he reported that the Indians "must either starve, steal or be fed; and as they are unwilling to do the former, it becomes simply a question as to which is the best policy, feed them or continue to endeavor to prevent them from stealing."⁶⁹

The new commander announced his full program in July: permanent citizen settlements sufficiently large to protect themselves were to be encouraged; camps and troops were to be concentrated; a widespread drive with citizen coöperation was contemplated; mining was to be aided; and his subordinates were "to regard as hostile all Indians not known to be friendly." His objective was to make the troops available for aggressive activity.⁷⁰

Before the program could be developed, the devastations of the savages necessitated a number of isolated actions in the eastern and southern sections of the territory. The Yavapai and Tontos were struck effectively on several occasions; in fact, Captain R. F. O'Beirne arranged a peace agreement with the former which lasted for several months. Cochise was also punished, and after losing sixty-one of his braves he retired to Camp Ord where, for several weeks, he

67. Ord to A. A. G., Oct. 10, 1870, A. G. O., 665 W.

68. Stoneman to A. G., June 2, 1870, I. O., A 1074.

69. Stoneman to A. A. G., Oct. 31, 1870, A. G. O., 711 P.

70. *Weekly Arizonian*, Aug. 13, 1870.

enjoyed the full hospitality of Colonel Green. If a definite official policy had existed to guide Green, the bloody wars with the Chiricahuas might have been averted. But unfortunately the opportunity slipped and Cochise soon returned to his former haunts.⁷¹

Murder, robbery and destruction now reached greater proportions in the Chiricahua country than ever before. From August 7 to 18, twelve men were killed, one wounded and \$10,000 worth of property destroyed. Numerous bodies of cavalry sent out in pursuit were repulsed with sharp losses by Indians who displayed excellent tactics. Even a citizen force scouted unsuccessfully for thirty days.⁷² The press, meanwhile, excoriated Stoneman for his lack of activity, and especially for his action in removing the headquarters from Fort Whipple to Drum Barracks on the Pacific coast. Spurred to action, he issued orders on December 30, which called for "a vigorous persistent and relentless winter campaign."⁷³ Naturally, the campaign never materialized, for the commander was too distant from the proposed field of action.

Despite the unsatisfactory situation in much of the Indian country, a program that promised permanent success was already inaugurated with the strong Coyotero bands. An extensive area in eastern Arizona had, in fact, been defined and proposed as a permanent reserve for them a few weeks before the creation of Stoneman's command. According to arrangements the military was to put the plan in operation; then the office of Indian affairs was to assume control.⁷⁴ General Ord visualized the plan as a final solution to the Coyotero troubles. He foresaw the bands permanently isolated, surrounded by white immigration and forced to pursue agriculture. Such results, he thought,

71. O'Beirne to A. A. G., Oct. 26, 1870, I. O., W 1570; Green to A. A. G., Aug. 13, 1870, I. O., C 631; *Weekly Arizonian*, July 2, 1870.

72. *Ibid.*, Aug. 6, 13, 27, 1870.

73. *Arizona Citizen*, Dec. 24, 1870, Mar. 18, 1871.

74. Special Field Orders no. 8, Mar. 5, 1870, I. O., *Ariz. Misc.*; Belknap to Cox, Mar. 5, 1870, *ibid.*

would strongly encourage the wilder bands to seek peace. To him the only alternative was extermination.⁷⁵

The management of the program fell to Colonel Green, who was well acquainted with the Coyoterios and their habitat. First, he built a road into the center of the region; then he established a post, Camp Ord, later called Fort Apache, at the road's terminus. The Indians, because of their half-starved condition, were eager to cooperate, and more than 1,000 of them were present on July 1 for the first count and beef issue. By winter 2,000 were under control, industriously cutting hay and wood which were purchased through the cooperation of General Stoneman. Pointedly, the colonel informed the commissioner that with subsistence and tools a life of peace would be made more attractive than one of war; and that if this result were attained, "their civilization would be a perfect success."⁷⁶

Stoneman's other subordinates achieved no successes during the winter, and the spring of 1871 opened with the usual picture of distress and woe. In March, the general returned to Arizona and ill-advisedly took steps of economy which aroused the settlers to extreme fury. One aggressive move, however, that of a camp in the Pinal Mountains, frightened 550 of the Arivaipa and Pinals into Fort Grant for safety; and strangely 1,000 Yavapai came to Camp Verde in quest of peace. Many of the bands were now in a position to be thoroughly crushed, but Stoneman, choosing to control them "through the medium of their bellies," decided to try a policy of peace. He therefore asked for a supply of meat, corn and blankets with which, he announced, they could be induced to stay at peace on reservations.⁷⁷ Even before the establishment of the new camp, other related groups headed by Chief Eskiminzin had come to Camp Grant where their sympathetic friend, Lieutenant Royal E.

75. Ord to Parker, April 1, 1870, I. O., A 104.

76. Green to Parker, July 7, 1870, I. O., G 462; Green to A. A. G., Dec. 31, 1870, I. O., C 631.

77. Stoneman to Townsend, April 9, 1871, A. G. O., 1582.

Whitman, had put them to work cutting hay for the post contractors.⁷⁸

But the leading settlers were in no frame of mind to allow any entering wedge to their chief means of livelihood—that of supplying the troops. Almost at once, the territorial press, the governor, the legislature, and almost all interested groups set up a terrific tirade against the reservation or feeding system, or any other plan that promised to bring a cessation of hostilities.⁷⁹ Indeed, the more unreasoning and aggressive elements merely awaited a pretext to wreck the Camp Grant experiment. This ominous situation was further aggravated by the continued fiendish ravages of the wild bands in the southeastern Arizona, and in April, Stoneman was forced to revise his policy into one of mixed peace and war. He therefore simply announced that the Indians were to be warred upon until they became willing to seek peace and safety on the reservations.⁸⁰

The policy would doubtless have eased the public feeling had not a "Committee of Safety" from Tucson made demands of the general which sharply touched his prerogatives. As a result of his tactless and caustic replies, the committee publicly announced that "if anything further is expected we must depend upon our own efforts for its consummation."⁸¹ Subtle intriguers now proclaimed that the friendly Indians at Camp Grant were responsible for all the depredations, and that Stoneman's policy of peace was the sole cause of the trouble; furthermore, a desperate attack on a wagon train near the post settled the matter from the frontiersmen's viewpoint.⁸²

78. *Arizona Citizen*, Mar. 11, 1871; *R. B. I. C.*, 1871, p. 60. For graft in connection with Whitman's work see, *Farish*, vol. viii, p. 157; also, *Prescott Miner*, July 22, 1871.

79. *Journals of the Sixth Legislative Assembly*, p. 42.

80. General Field Orders no. 2, April 17, 1871, A. G. O., 1360. Stoneman's action was in agreement with division instructions of August 8, 1870. I. O., W 1662. General John Schofield assumed command of the Division of the Pacific in March, 1870.

81. The interview is given in the *Weekly Arizonian*, April 1, 1871.

82. Capt. Frank Stanwood to Schofield, May 19, 1871, I. O. 368. See also, *R. B. I. C.*, 1871, pp. 60-67.

Immediately, the most important citizens of Tucson, led by W. S. Oury and Jesús Elias, organized an expedition of one hundred and forty-six men with whom they planned the most drastic retaliation. Armed and provisioned by the territorial adjutant general, the party set out for the Indians' camp on April 28, and two days later succeeded in staging a savage morning attack while the unsuspecting victims were yet asleep. The gruesome work was soon ended, and thirty minutes later the party retired without loss up the San Pedro, leaving behind them eighty-five Indians crushed, shot and battered to death, seventy-seven of whom were women and children. Barbarously, twenty-nine children were carried away into virtual slavery.⁸³

The massacre, while strongly approved in the West, caused great consternation in the East, especially among the proponents of the peace policy. President Grant, terming the massacre an outrage, informed Governor Safford that martial law would be proclaimed in Arizona if the participants were not brought to trial. Accordingly, one hundred and four men were perfunctorily tried and acquitted in December.⁸⁴

General Stoneman was now blamed by all factions—the citizens, the “ring” at Tucson and the peace advocates of the East. Consequently, Safford and McCormick had little difficulty in obtaining his removal.⁸⁵ The general had not failed, however. Under the most adverse circumstances he had worked out a policy, a combination of peace and war, which was later to solve the problem of Apache control.

A policy very similar to that of Stoneman's had simultaneously been developed for the Western Apache bands of southwestern New Mexico. But the civil authorities in New

83. *Arizona Citizen*, May 6, 1871; Whitman to A. A. G., April 30, 1871, I. O., A 326. *R. B. I. C.*, 1871, pp. 60-63; McClintock, vol. i, p. 207 *et seq.* Accounts vary as to the actual number killed. Slightly more than one hundred may have perished.

84. The *Alta California*, Feb. 3, 1872, covers the trial completely. J. B. Allen, who outfitted the expedition, served as a member of the jury.

85. *Arizona Citizen*, May 20, 1871; Richardson and Rister, *The Greater Southwest*, p. 322.

Mexico, in contrast to those of Arizona, played a most significant part in the formation of the policy. For three years following the Civil War, the impoverished New Mexican bands had kept up destructive hostilities sufficiently extensive in the eyes of General John Pope to necessitate the maintenance of Fort Cummings at Cook's Springs, Fort Selden on the Rio Grande, Fort Stanton on the Bonito, and Fort Bayard near Silver City. Besides, numerous temporary posts were opened to prevent the abandonment of many widely separated settlements. One officer even felt that if the Apache raids east were to be prevented, a cordon of forts would be required from the Navaho country to Fort Bayard.⁸⁶ On several occasions the civil officials fruitlessly suggested that supplies and a reservation would make the hostiles docile within a year's time.⁸⁷

This unsatisfactory condition prevailed until August, 1869, when Governor R. B. Mitchell, alarmed at the increased temerity of the Apaches, issued a proclamation which designated them as outlaws subject to be killed if found away from reservations.⁸⁸ High officials immediately announced that the proclamation would interfere with a contemplated permanent Indian policy, and ordered Superintendent William Clinton not to allow its "propriety or expediency." Serious complications would doubtless have arisen, but a change in governors resulted in a new proclamation with less drastic provisions.⁸⁹

This imbroglio, fortunately, had a positive effect on Apache control, for the commissioner now decided that peace could best be attained through the civil authority. Accordingly, Lieutenant Charles E. Drew took charge of the Southern Apaches on August 23. Drew spent several weeks with

86. Pope to Sherman, Aug. 11, 1866, 39 Cong., 2 sess., *H. E. D.* no. 1, vol. iii, p. 29; *Daily New Mexican*, Nov. 17, 1868.

87. 40 Cong., 2 sess., *H. E. D.*, no. 1, vol. iii, p. 193; 40 Cong., 3 sess., *H. E. D.* no. 1, vol. ii, pp. 620, 635.

88. *Proclamation*, Aug. 2, 1869, *I. O., N. Mex.*, A 329.

89. Parker to W. T. Otto, Aug. 14, 1869, *R. B.* no 18, p. 492; Parker to Clinton, Aug. 16, 1869, *L. B.* no. 92, pp. 73-75; 41 Cong., 2 sess., *H. E. D.* no. 1, vol. iii, p. 699.

the Indians and found that Loco and his followers were anxious for peace. They desired to plant their crops near their old reservation site, but demanded the right to hunt over a vast area that extended even east of the Rio Grande. Sagaciously, the agent urged his superiors to make "judicious arrangements."⁹⁰

The Indians became more destitute as cold weather approached and the agent realized that if peace were not made devastations would reach great proportions during the winter. Therefore, on October 10 he met Chief Loco at Cañada Alamosa for a peace powwow. In addition to Loco, Chiefs Victorio, Lopez, Chastine and several Mescalero leaders were present. This fact indicated to Drew that the bands through coöperation were becoming more formidable. An agreement was made whereby Loco was to collect the groups and hold them at peace near Cañada Alamosa, while Drew was to do his utmost to get the "Great White Father" to furnish food and clothing.⁹¹

The chiefs adhered faithfully to their agreement; but as weeks passed with only half rations available, the bands grew more threatening, especially when they realized they were likely to be attacked by groups of citizens opposed to any plan that promised peace.⁹² Yet Drew held the Indians fast. He visited their camps frequently, reassured them of the government's intent, and sometimes showed his trust by staying overnight with them. Finally, on January 5, 1870, just at the moment when he despaired, word was received that the office of Indian affairs had allowed \$2,800 to meet the agreement of the past October.⁹³ An outbreak was thus prevented; moreover, with the favorable example of the Navahos before them,⁹⁴ and with many bad whites and Mex-

90. Drew to Clinton, Sept. 29, 1869, *ibid.*, pp. 690-691.

91. Drew to Clinton, Oct. 11, 1869, I. O., C 612.

92. Drew to Clinton, Dec. 12, 1869, I. O., C 801.

93. Drew to Clinton, Jan. 5, 1870, I. C., *N. Mex.*, C 840; Gen. G. W. Getty to Dept. of Mo., Jan. 4, 1870, *ibid.*, C 664.

94. Frank D. Reeve, "Federal Indian Policy in New Mexico, 1858-1880," in *N. MEX. HIST. REV.*, xiii, pp. 36 *et seq.*

icans around them, the Apaches had other strong reasons for choosing peace. By October, 1870, seven hundred and ninety Indians, including Cochise and some of his bands, had collected at Cañada Alamosa.⁹⁵

A constructive conference soon followed between Cochise and W. F. M. Arny, a special agent sent out to count the bands and to promote peace.⁹⁶ The chief was eager "to hear what the Great Father had to say," but indicated that his bands were desirous of peace and security. He promised to bring in all his braves and keep them at peace, provided the government would furnish provisions and clothing. Arny, unauthorized to make an agreement, reported to the commissioner that the time was most opportune for a permanent peace if the government really cared to take the necessary steps. He recommended a general issue of one thousand blankets to the bands as well as a small, daily ration issue to each Indian who would remain at the agency during the winter. He also recommended the establishment of a permanent reserve far out in the Apache country where the various groups would be thoroughly isolated from the contaminating influences and liquors of the unscrupulous whites. No treaty was to be made, the reservation was to be surveyed, and agency buildings were to be erected. The Indians were then to be cared for on the reserve and those who stayed away were to be "considered as at war" and "dealt with accordingly." Until arrangements could be completed, he advocated a continuance of the feeding policy at Cañada Alamosa. His plan, he felt, was the only one that would prevent the ultimate extermination of the savages.⁹⁷ No less important were the views of the new agent, A. G. Hennisee, who predicted that if the plan were properly supported 2,000 Apaches would be at peace by the end of the year.⁹⁸

95. Pope to A. A. G., Oct. 31, 1870, 41 Cong., 3 sess., *H. E. D.* no. 1, pt. ii, p. 8; Lt. A. G. Hennisee to Clinton, Oct. 22, 1870, I. O., *N. Mex.*, C 1866.

96. Parker to Clinton, Mar. 26, 1870 (n. f.).

97. Arny to Parker, Oct. 24, 1870, I. O., *N. Mex.*, A 1502; same to same, Nov. 5, 1870, *ibid.*, A 1518. Cochise reported that many of his braves had fallen and that the women greatly outnumbered the men. *Ibid.*, 1579.

98. Hennisee to Clinton, Oct. 31, 1870, *R. B. I. C.*, 1870, p. 104. Hennisee became agent following Drew's death on June 5, 1870.

These field reports aroused keen interest among Washington officials. Vincent Colyer, secretary of the board of Indian commissioners, informed Secretary Delano that Hennissee's success demonstrated "beyond question" that with larger appropriations "the whole of the Apaches might, long before this, have been brought into peaceful relations with the government." Delano, now convinced that feeding was cheaper than military action, asked at once for \$30,000 to "subsist, maintain peace, and promote civilization among them."⁹⁹ Since no funds were available for diversion from the regular channels, President Grant, on December 23, shifted the burden of feeding the Indians to General G. W. Getty of the District of New Mexico.¹⁰⁰ This decision now left the field clear throughout the Apache country for a trial of the president's "Peace Policy."

99. Colyer to Delano, Dec. 17, 1870, *ibid.*, p. 102; Delano to A. A. Sargent, Dec. 19, 1870, *ibid.*, p. 101.

100. Colyer to Gen. E. D. Townsend, Dec. 24, 1870, I. O., *N. Mex.*, A 1598; Executive Order of Dec. 23, 1870, *R. B. I. C.*, 1870, p. 103.

CHAPTER IV

THE GOVERNMENT'S THORNY PEACE POLICY

The report of the Indian peace commission of 1867 aroused the whole country to the fact that the Indian service of the federal government had fallen into a sorry state.¹ Fortunately, a strong movement for reform followed the exposé, and congress, through the appropriation act of April, 1869, authorized the president to organize a board of Indian commissioners, who were to "exercise joint control with the secretary of the interior over the disbursement of the appropriations made by the act."²

This provision represents both an expression of the lack of confidence in the Office of Indian Affairs and a determination to correct some of the abuses charged against it. The board, first organized in June, 1869, had its powers sharply increased and modified from time to time. Among its more important duties during the first few years of its existence were the supervision of the purchase and transportation of annuity goods, and the audit of the accounts of the Office of Indian Affairs. Members of the commission also visited the different tribes and counseled with the chiefs and agents; they frequently escorted parties of Indians to the cities of the North and the East; investigated, reported, and publicized the cruelties committed by white persons against the tribesmen; recommended needed changes and improvements in the service; and championed Indian rights throughout the nation. They served gratuitously, and appear to have been men "eminent for their intelligence and philanthropy," as the act required. The commission became

1. Laurence F. Schmeckebier, *The Office of Indian Affairs, its History, Activities and Organization*: in Institute for Government Research, *Service Monographs of the United States Government*, no. 48 (Baltimore, 1927), p. 47; Frederic L. Paxson, *The Last American Frontier* (New York, 1910), chap. xvii. The report itself is printed in 40 Cong., 2 sess., *H. E. D.*, no. 97.

2. *Laws of the United States Relating to Indian Affairs* (Washington, 1884), pp. 31-32.

at once a dominant force in determining the Indian policy of the government.³

Along with the establishment of the board of Indian commissioners came another important change in the administration of Indian affairs. This was President Grant's peace policy or "Quaker Policy." Soon after his election, Grant had a conference with an executive committee representing the Orthodox Friends in the United States. The committee suggested that the president appoint religious men as Indian agents and employees, believing that such persons would have a more wholesome influence over the savages than that exercised by the grafters and spoilsmen under the prevailing system. The president perhaps thought he saw in the proposal a partial solution for the vexing Indian problem, or possibly he felt that here was a means for shifting the responsibility, should failure result. In any case, he accepted the plan and promptly adopted a new policy relative to the appointment of Indian agents by delegating their nominations to the several religious organizations interested in Indian mission work.⁴

Considerable delay was to elapse before the plan could be instituted among the Apaches, for no official agreements had been made with them; neither had they been assigned to any definite reservations. However, the board of Indian commissioners was ready to lay the necessary groundwork. Shortly after the organization of the board, Vincent Colyer, its secretary, while inspecting the Navaho agency near Fort Defiance, New Mexico, met a deputation of visiting Apache chiefs. He ascertained that they were anxious for a general peace council, and in his subsequent report to the board stated that a part of the wild Apaches were gathered near Cañada Alamosa, where they sought both aid and a reservation.⁵ Due to his efforts, a small amount of subsistence was furnished the Southern Apaches during 1870, and the re-

3. Richardson, *The Commanche Barrier*, p. 324.

4. *Ibid.*, pp. 324-325; Richardson, *Messages and Papers*, vol. vii, p. 109.

5. *R. B. I. C.*, 1869, p. 55.

sults, according to the field reports, were encouraging enough to instill a feeling among the members of the board that far-reaching efforts should be made to bring about peace with all the Apaches.⁶

The board's desire for peace was also heightened by various other significant factors. In the East there was a growing conviction that war as a method of Indian control was futile, and that a pacific policy should be tried. The enormous costs of the wars, the paucity of results attained and the outrages of the whites against the Indians were harped upon until the most bitter prejudice was aroused against the people of the Southwest. Even Territorial Delegate McCormick felt himself constrained to declare in congress that the "war policy" had failed and that the peace policy must be tried.⁷

The sudden development of a keen interest in the mining possibilities of the Apache country also worked mightily for a trial of the peace plan. Until 1869, the federal officials stationed in the Apache range had shaped their reports to their own selfish ends; consequently, the section was commonly represented as a barren and worthless land with limited mineral resources. But this view was quickly changed by the publication of J. Ross Browne's, *Report on The Mineral Resources of the States and Territories West of the Rocky Mountains*, and by Governor Safford's vivid elucidation, during the winter of 1869-1870, of the fact that a solution of the Apache menace loomed as a prerequisite to mineral exploitation. Immediately, powerful capitalists and mining groups interested themselves in a solution of the Apache troubles, and generally they accepted the views of the advocates of peace.⁸

Thus, with strong forces working in their favor, the

6. Cf. *supra*, pp. 37-38.

7. *Weekly Arizonian*, Feb. 28, 1869; *Arizona Citizen*, June 24, July 29, 1871; Bancroft, *Arizona and New Mexico*, p. 559; 42 Cong., 2 sess., *Cong. Globe*, vol. cvii, appendix, p. 397.

8. *Weekly Arizonian*, June 19, 1869, Feb. 5, 1870; C. A. Luke to Grant, April 8, 1871, I. O., P 425. Browne's report is printed in 40 Cong., 2 sess., *H. E. D.* no. 202, vol. xvi.

board of Indian commissioners persisted in their aim for a peaceful solution of the Apache troubles, and they quickly gained considerable support from high officials.⁹ Early in March, 1871, the officials of the department of the interior, strongly supported by President Grant, authorized Superintendent Nathaniel Pope of New Mexico to send Cochise and a select party of Apaches to Washington for a peace conference. But the attempt failed, because of the chief's ingrained distrust of the military and the citizens, and his lack of confidence in the intentions of the government.¹⁰

This failure made the board more determined than ever to strike directly at the Apache problem. Accordingly, congress was induced to appropriate seventy thousand dollars "to collect the Apache Indians of Arizona and New Mexico upon reservations . . . and to promote peace and civilization among them."¹¹ The commissioners now directed Colyer, in his capacity as special commissioner, to visit the Apache country to avert an expected outbreak of hostilities, and late in May the department of the interior decided that he should be specifically instructed to coöperate with the military in its attempt to locate the Apaches upon the White Mountain reservation; moreover, they agreed to allow him one-half of the recent appropriation to effect the task. To insure "harmonious coöperation" the war department directed the military in Arizona to afford the special commissioner "every facility in their power for the accomplishment of the object."¹²

Colyer, evidently with a more elaborate program in mind than had been planned, had a conference with President Grant at Long Branch, New Jersey, on July 13, 1871, which resulted in a considerable enlargement of his powers.

9. Colyer to the President, Jan 7, 1871, *R. B. I. C.*, 1879, pp. 109-110; Gov. Wm. A. Pile to Hamilton Fish, June 19, 1871, A. G. O., 2470. See also Delano's *annual report* for 1871 in 42 Cong., 2 sess., *H. E. D.* no. 1, vol. iii, p. 10.

10. E. S. Parker to Delano, July 21, 1871, *R. B. I. C.*, 1871, p. 68.

11. *R. B. I. C.*, 1871, pp. 5, 35.

12. Parker to Delano, May 29, 1871, *I. D.*; Delano to Felix R. Burnot, May 29, 1871, *I. D.*, *L. B.* no. 10; Belknap to Delano, May 31, 1871, *I. D.*

In fact, the president directed Secretary of War W. W. Belknap to give full support to "any arrangement" that Colyer might make with the Apache bands.¹³

The special commissioner proceeded at once to Santa Fé, where he learned that the irate citizens near Cañada Alamosa had formally organized with the intention of exterminating all the Indians collected at the Southern Apache agency. Fearful of a calamity that would frustrate all hopes for peace, he hurried on with Superintendent Pope to Cañada Alamosa, and here met the spectacle of an agency without Indians. Intelligence soon revealed that the 1,200 Indians recently gathered there had stampeded to the mountains to avoid the threatened massacre. Colyer now tried to arrange a general council, but the chiefs refused to leave their hiding places. Thus frustrated by a "few lawless white men" who were "allowed to overturn all the good work of the government," he decided to inspect regions more remote from the settlements, with a view of establishing a reservation.¹⁴

The Colyer party, strongly escorted and fully provisioned, entered the isolated Apache country of western New Mexico and eastern Arizona at Ojo Caliente. Proceeding to the Tularosa valley, the special commissioner was delighted to find that the area was ideally suited for a reservation, and he reported that it was "remote from white settlements, surrounded by mountains not easily crossed, sufficient arable land, good water, and plenty of wood and game." Without delay, he declared the region beginning at the headwaters of the Tularosa River "and extending down the same ten miles on each side for a distance of thirty miles, to be an Indian reservation for the sole use and occupation of the Southern and other roving bands of Apache Indians . . ."

13. Grant to Delano, July 13, 1871, *R. B. I. C.*, 1871, p. 68; Grant to Belknap, July 14, 1871, *A. G. O.*, 2618.

The president's interest caused the department of the interior to invest Colyer with power to take any action needed "for locating the nomadic tribes of those territories upon suitable reservations." Acting Secretary to Colyer, July 21, 1871, *R. B. I. C.*, 1871, p. 68.

14. All correspondence in the case is printed in *R. B. I. C.*, 1871, pp. 69-72. See also Colyer's letter of Aug. 22, 1871, in *ibid.*, p. 38.

At the same time he ordered Superintendent Pope to have the Indians that were collected at Cañada Alamosa removed to the new reserve at once.¹⁵

Unsuccessful in solving the Apache troubles in New Mexico, but certain that the groundwork for an eventual peace had been arranged, Colyer reached Camp Apache on September 2. Colonel John Green, in command, was enthusiastic about the peace plan and reported that the Indians in the immediate vicinity of the post were ready for its inception. The Indians themselves, especially Chief Miguel, welcomed Colyer, and well might they, for a consignment of \$2,000 worth of beef, corn and clothing that he had ordered for them when he first reached the Indian country had just arrived.¹⁶ In a few days, nearly four hundred Indians were at hand, all making the most effusive professions of peace. Colyer lost no time in designating a vast area about Camp Apache as an Indian reservation,¹⁷ and the next day, September 7, he held a general peace council. Colonel Green as spokesman explained to the assembled chiefs the advantages to be derived from peace on a reservation, where rations and supplies would be furnished free, and where the bands would be safe from molestation. But he made it clear that all who stayed away would be pursued and killed. The chiefs, after insisting upon the immediate delivery of provisions and requesting that their beef be delivered on hoof so that they could get the hides and tallow, agreed to comply with the government's demands. A systematic distribution of Indian goods followed, and then Colyer, convinced that the peace plan was successfully inaugurated among the Coyoteros, prepared to leave for Camp Grant.¹⁸

15. Colyer to Delano, Sept. 6, 1871, I. O., C 631; *Executive Orders Relating to Indian Reservations*, p. 128; Colyer to Pope, Aug. 29, 1871, A. C. O., 3441.

16. 41 Cong., 2 sess., *H. E. D.* no. 1, vol. iii, p. 543; *R. B. I. C.*, 1871, pp. 40, 72-73, 77.

17. Colyer to Delano, Sept. 6, 1871, *op. cit.*; Colyer to Green, Sept. 5, 1871, I. O., 631. For a detailed description of the reservation, see *Executive Orders Relating to Indian Reservations*, p. 7.

18. Colyer to Delano, Sept. 18, 1871, I. O., C. ...37. Five days after the council one Coyotero band was charged with the theft of fifteen horses from near the post, *Arizona Citizen*, Oct. 7, 1871.

The Colyer party in its journey to Camp Grant penetrated directly through the heart of the Apache country. Wherever Indians were found the special commissioner was met with the greatest manifestations of goodwill, but the frontiersmen looked upon him with intense displeasure.¹⁹ In fact, Governor Safford had taken the unprecedented action of issuing a proclamation calling upon the citizens to receive the federal commissioner with "kindness and hospitality."²⁰ But Colyer had eagerly anticipated success at Camp Grant, and on his way west, at Lawrence, Kansas, had selected the post "as a reservation on the west, where the Apache Indians are to be protected and fed." He had also arranged for Lieutenant Whitman to be left in charge, and at his request the military had sent runners to bring in the peacefully disposed bands.²¹

No time was lost in arranging a council. Chiefs Eskinzin and Chiquito were present with all their followers who had survived the massacre in the spring, and it was obvious that their desire for peace and safety would result in the easy collection of several hundred other tribesmen, once they were assured that the government was sincere in its promises. Colyer, now quite aware that a reserve at Camp Grant was doomed to be a temporary one due to the prox-

19. Colyer was shamefully abused by the frontier press during the summer, and he erred by not giving proper attention to the citizen's side of the question. His life was even threatened on one occasion. News reached the East that parties involved in the Camp Grant massacre intended to assassinate him to prevent the delivery of a report to the president. Peter Cooper then asked Grant to render the special commissioner proper protection, and Secretary Belknap actually issued a public statement to reassure the proponents of peace. Cooper to the President, Sept. 19, 1871, A. G. O., 3299; Belknap to Cooper, Sept. 21, 1871, *ibid.*

20. Colyer to Delano, Sept. 18, 1871, *op. cit.* The proclamation may be found in *Arizona Citizen*, Aug. 26, 1871, or in *R. B. I. C.*, 1871, pp. 79-80.

21. Colyer to Delano, Sept. 18, 1871, *op. cit.*; A. G. to Crook, Aug. 2, 1871, I. O., A 344. Just at the time Colyer reached Camp Grant, a party of nearly two hundred armed whites were only twelve miles from the reserve. The post officers saw that the Indians feared another massacre, and to prevent a general stampede, ordered the party not to approach nearer than ten miles to the post. Since this action practically closed travel between Tucson and Florence, Crook censured the commandant, declaring that such orders would "unnecessarily provoke the hostilities of the citizens toward the military and the Indians." Crook to Capt. Wm. Nelson, Sept. 22, 1871, *R. B. I. C.*, 1871, p. 82.

imity of a dangerous white population, attempted to induce the Indians to remove to the Camp Apache region. But the Indians rejected the plan, and the special commissioner, "believing it better for the sake of peace," designated a considerable area contiguous to the post as a reservation for all peacefully inclined Arivaipa, Pinal and other roving bands of Apache Indians. He made it clear to the chiefs that their followers would suffer dire punishment if they strayed beyond the reserve limits. On the part of the government he agreed that, besides furnishing them subsistence, an attempt would be made to restore the children carried away at the time of the massacre.²²

The peace party then hurried on to Camp Verde²³ to examine conditions in the eastern Yavapai country. Since the Indians of this particular region were quite impoverished and exhausted, Colyer, with the aid of the post officers, had little difficulty in collecting them for a conference. On October 2, 1871, when the council began, the general wretchedness of the tribesmen was vividly apparent. The chief was so weak and sick from hunger that stimulants and food were required before he could command strength enough to participate in the talk. No less enervated were the mass of his followers. Danger from the whites, ineffective arms for the chase, and a general scarcity of game were responsible for the deplorable state to which the bands had fallen. Already the old men had resigned themselves to their fate. Despite their condition, the Indians resisted his suggestion of a reserve at Date Creek, but agreed that they would welcome the establishment of one somewhere along the Verde River. Accordingly, after the post officers had indicated

22. Colyer to Delano, Sept. 18, 1871, *op cit.*; *Executive Orders Relating to Indian Reservations*, p. 3.

23. En route, at Fort McDowell, Colyer's efforts to parley with the Tontos met with failure. The unwillingness of the Tontos to talk peace was doubtless due to the fact that they had come to view all peaceful overtures of the whites as perfidious. Nevertheless, the commissioner made the post reservation a temporary Indian reservation and feeding station. He allotted the commandant \$400 to buy clothing for those tribesmen who might come to the fort later in the year. Colyer to Delano, Sept. 24, 1871, I. O., C 562; Colyer to Col. N. A. Dudley, Sept. 25, 1871, *ibid.*

their preference for a Verde location, the commissioner acquiesced, by ordering that the Indians should be protected and fed on a reserve to be twenty miles wide and to extend upstream from the post area for forty-five miles.²⁴

Colyer now visited Fort Whipple for a discussion of the Apache problem with General Crook.²⁵ Sharp differences were quickly uncovered and naturally so, for Colyer had already written Delano that Crook's retention as department commander "jeopardizes the success of the President's Indian policy here." Nevertheless, he accepted the commander's advice not to move the Yavapai of western Arizona to the new Verde Reservation during the approaching winter, but rather, to establish a temporary reserve for those Indians who loitered about the military post of Camp Date Creek.²⁶ Although the two men conferred in the most cordial manner, Colyer had scarcely left Fort Whipple for San Francisco before Crook wrote General Schofield an unusual personal letter that eventually reached the adjutant general. This communication shows that Crook, who believed he was "to be allowed the entire settlement of the Apache question," felt that Colyer considered himself as "the representative of the President in carrying out his (the President's) 'Pet Theory' with the Indians." Crook further shows that the peace policy "managers" were merely using Colyer as an "instrument" to make it appear that a lasting peace could be made with the "much abused and injured Apache" were it not for the opposition of the military; and that they were really anxious for him (Crook) to wage war so that he "would be abused as the great North American Butcher." In order to offset the designs of the "Policy Men," the general proposed to remain nominally inactive as long as Colyer was "sitting on and controlling the valves." Colyer's

24. Colyer to Delano, Oct. 3, 1871, *R. B. I. C.*, 1871, pp. 56-57; *Executive Order Files*, I. O., I 971.

25. *Cf. infra*, note 27.

26. Colyer to Delano, Oct. 6, 1871, *R. B. I. C.*, 1871, p. 57; same to same, Sept. 17, 1871, I. D.

peace with the Apaches he characterized as a "humbug" which would soon come to naught.²⁷

Meanwhile, Colyer reached San Francisco, conferred with General Schofield, and then entrained for the East. Few details concerning their talk are known, although the general indicated that he was pleased that Crook had been left with the entire supervision of those Indians who might choose to stay on the new reservations. However, the special commissioner was not reassured, and by wire requested Delano personally to see that Belknap issued no orders "looking to war" until a report could be made.²⁸

Colyer reached Washington on October 27, only to find that Delano was absent from the city. Fearing that the "contractors, politicians and Indian exterminators" might gain the president's ear, he rushed to the White House, where he met Secretary Belknap who had just arrived for a cabinet meeting. Belknap, somewhat angered, said that Colyer was "interfering," and indicated that he "only awaited the President's word" to strengthen General Crook. But the special commissioner was not to be frustrated, and through a message to the president received the assurance that he would be received immediately upon Delano's return. During the next few days he arranged "that such pressure would be brought on the President as to stop an aggressive war."²⁹

President Grant took up the Apache problem with Delano, Belknap and Colyer on November 6. After a long and careful discussion, a general line of policy was evolved, which Delano was directed to prepare more fully in the form of specific recommendations. This fundamental program completed within a few hours, stipulated that (1) the presi-

27. Crook to Schofield, Oct. 10, 1871, A. G. O., 3920. In this letter Crook states that part of his information resulted from talks that Mrs. Crook had recently had at Washington with Secretary Delano.

28. Colyer to Delano, Oct. 19, 1871, I. D.

Schofield notified Sherman that "the President ought to know how very differently his military and civil representatives in Arizona view the Apache question." Schofield to Sherman, Oct. 23, 1871, A. G. O., 3920.

29. Colyer to Delano, Oct. 30, 1871, I. D.

dent was to designate as reservations the areas selected by Colyer; (2) the roving bands were to be required to locate upon the reservations, where they were to receive subsistence and protection as long as they remained friendly "with the Government, each other, and the white people"; (3) the braves as well as the noncombatants were to stay within the reserve limits; (4) the whites were to be warned that the government would protect the peaceable Indians to the full extent of its power; (5) the superintendent of Indian affairs was to locate at Fort Whipple; and (6) the war department was to select "suitable and discreet" army officers to act as Indian agents until superseded by civil agents.³⁰

The execution of the program devolved upon General Sherman, and without delay he ordered the division commanders of the Division of the Pacific and the Missouri, to comply with Secretary Delano's recommendations. Sarcastically, he pointed out that since the Office of Indian Affairs was rarely able to provide food, the commissary department would be required to meet the implied condition that those Indians "acting in good faith should not be permitted to starve." The general also stated that after a reasonable time General Crook was to feel assured that "whatever measures of severity" he might adopt to bring peace would "be approved by the War Department and the President."³¹

Crook, in fact, had been quite active during the summer of 1871 despite the government's peace efforts. He arrived unannounced in Tucson, on June 19, fifteen days after having assumed command, and within one hour was working on his plans and preparing instructions. By sundown every officer in southern Arizona had been ordered to report to him. He then spent the next few days in consultation with every individual he could find who had any significant information that would be of value in planning a

30. Colyer to Delano, Dec. 20, 1871, *R. B. I. C.*, 1871, pp. 59, 73; Delano to the President, Nov. 7, 1871, *I. D.*, *L. B.* vol. x, pp. 326-327.

31. Sherman to Schofield, Nov. 9, 1871, *A. G. O.*, Headquarters of the Army *L. B.* vol. liv. p. 413. A letter to Sheridan was identical, except the reference to Crook.

campaign against the savages. Yet the general had no intention of an immediate offensive. Rather, he looked forward to a thoroughly planned war that would bring a final and complete success.³²

Action would doubtless have been deferred for an extended time, had not a sudden increase in killings and attacks in the Chiricahua country required a demonstration against Cochise. Therefore, with the joint purpose of leading a training expedition into the field and of striking the chief a decisive blow, Crook collected around himself some of the most able and ambitious young officers in Arizona, organized a command of six companies of cavalry and scouts, and moved out for Fort Bowie on July 11. No Indians were encountered en route, but sufficient evidence of their numbers was noted to convince the general that a permanent peace would be impossible until the Chiricahuas were subjugated.³³ News concerning Colyer's peace mission now ended the plan to run Cochise down, and instead, Crook decided to move his expedition farther north, where he hoped not only to meet some hostile parties, but also to form an alliance with the friendly Indians near Camp Apache.³⁴

The command upon its arrival at Camp Apache on August 12, was gratified to find some five hundred Indians under Chiefs Miguel, Chiquito and Pedro, hard at work cultivating corn, which fact Crook enthusiastically reported as "really the entering wedge in the solution of the Apache

32. 49 Cong., 1 sess., *H. R.* no. 531, p. 3; *Arizona Citizen*, June 24, 1871; Bourke, *On the Border with Crook*, p. 108; Crook to A. G., Sept. 28, 1871, 42 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 77-78. Crook's basic plans included: (1) supplies to be brought from California by water rather than by land; (2) wagons and saddles especially made to withstand heat and hard usage to be furnished; (3) telegraph lines to be built into department; and (4) pack mules to be made more serviceable by giving them extraordinarily particular care.

33. Crook to Townsend, July 10, 1871, I. O., A 501; *Arizona Citizen*, Sept. 9, 1871.

34. 42 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 78.

Shortly after Crook left Fort Bowie, the beef herd was attacked within a stone's throw of the parade ground. The Indians killed two men and made away with thirty-eight animals. About the same time a body of troops bound for the post engaged four hundred savages near the San Pedro and killed thirteen. The military suffered a loss of four. *Arizona Citizen*, July 22, 29, 1871.

Question."³⁵ The Indians acquiesced to the general's view that white pressure necessitated a life of peace, and he easily enlisted a group of scouts to help him ferret out the incorrigibles. He also persuaded all the friendly Indians to enroll their names at the post, where each of them was furnished a written, personal description as a guarantee against violence by the whites.³⁶ But some of the less docile Coyoters had gone on the warpath as a protest to the Camp Grant Massacre, and these the general now hoped to strike on his way to the department headquarters at Fort Whipple.³⁷

The resulting reconnaissance westward to Camp Verde accomplished little at the moment, although by the time the post was reached the commander had formulated far-reaching plans for "concentrating on one band . . . at a time until they would submit to peace at any terms." Since orders had just come to suspend all aggressive operations until Colyer's mission was completed, the general pushed on to Fort Whipple "to await further developments."³⁸

Colyer, as previously noted, ended his peace tour within a short time and hastened back to Washington to win the approval of his superiors.³⁹ But despite the fact that considerable improvement did follow among the Coyotero, Pinal, Arivaipa and Verde bands,⁴⁰ events in the Indian country soon proved that the Apache troubles were far from settled. On the morning of November 5, 1871, a California stage loaded with eight passengers was attacked near Wickenburg

35. Crook to Townsend, Sept. 1, 1871, I. O., A 570.

36. *Ibid.*

37. *Ibid.*; *Arizona Citizen*, Sept. 16, 1871.

38. Crook to Townsend, Sept. 1, 1871, I. O., A 570.

39. *Cf. supra*, p. 49.

40. Army to Colyer, Oct. 11, 1871, *Corr. Bd. Ind. Coms.*, pp. 3-6; Whitman to Colyer, Oct. 20, 1871, I. D.; David White to Colyer, Nov. 22, 1871, *R. B. I. C.*, 1871, p. 57.

Twelve hundred Southern Apaches were located on Colyer's Tulerosa Reserve, where they continued to depredate, but less so than formerly. Gen. Gordon Granger to A. A. G., Sept. 20, 1871, A. G. O., 3863. Colonel N. H. Davis, who inspected the agency for General Pope, decided that the new site would offer no barrier to further depredating. For this reason he counseled that the "experiment" of peace be tried at Cañada Alamosa. Davis to A. A. G., Oct. 25, 1871, A. G. O., 4047.

by a raiding party of Apache Mohaves, said to belong to the main group of nearly one thousand tribesmen who were fed at Date Creek. This attack was made especially significant by the fact that of the six persons killed,⁴¹ three were members of the Wheeler Expedition,⁴² one of whom was Frederick W. Loring of Massachusetts, a young writer of great promise, widely known in the East.⁴³ The eastern press gave wide publicity to the killing of Loring, and many prominent pacific-minded individuals now became convinced that Apache affairs had been described inaccurately, "by those who have allowed their philanthropy to outrun their judgment and sense of justice."⁴⁴

Public opinion was further influenced against the peace efforts by a notorious and rabid western press which assailed Colyer and the peace advocates with a deluge of journalistic execration. The pages of the *Alta California* and the *San Francisco Times*, throughout the last half of 1871, were filled with bitter communications from officials and visitors in the Apache country, and many of these tirades were reprinted in the eastern papers. Even the federal grand jury at Tucson resorted to similar methods of propaganda, for its report in October, largely an investigation of Indian matters, was essentially a castigation of the peace policy as inaugurated by Colyer.⁴⁵

The situation soon played into the hands of the war party, and upon the receipt of General Sherman's instructions,⁴⁶ the military again prepared to pursue a rigorous policy. The adjutant general suggested to Schofield that the reserves selected by Colyer might be abandoned, but Scho-

41. For details of the massacre see, Capt. Chas. Meinholt to Lt. F. H. Ebstein, Nov. 9, 1871, A. G. O., 4546; Wm. Krueger to W. G. Peckham, Dec. 9, 1871, in *Grand Army Journal*, Jan. 6, 1872.

42. Wheeler's epochal surveys are covered in George M. Wheeler, *Report Upon Geographic Surveys West of the 100th Meridian, in charge of First Lieutenant George M. Wheeler* (Wash., 1875-1889), 8 vols.

43. While at Harvard, Loring had drawn the attention of James Russell Lowell. See *Dictionary of American Biography* (New York, 1928-36), vol. xi, p. 417.

44. McCormick to Safford, Nov. 16, 1871, in *Arizona Citizen*, Dec. 23, 1871.

45. The complete report is given in *Arizona Citizen*, Oct. 28, 1871.

46. Cf. *supra*, p. 50.

field apparently ignored the proposal by replying that until the experiment of peace was tried "it would be wise not to appoint any civilian agents for the Apaches but to leave them under exclusive military control," because "strict military control of the Indians *on the reservations* is necessary to effect the desired changes in their habits."⁴⁷ Then using Sherman's instructions as a *point d'appui*, Schofield made out general orders for Crook's guidance, which later proved to be epochal in nature. These orders completely shattered the outworn policy of expediency and set forth the following instructions "for the government of Indians subject to military control in the Territory of Arizona:" (1) all roving bands were to go upon the reservations at once; (2) if found away, they were to be punished as hostiles; (3) an army officer was to act as agent on each reservation; (4) a descriptive list was to be made of each male old enough to go upon the warpath, with the number in his family recorded, and a duplicate form was to be on his person at all times; (5) the presence on the reservation of every male was to be verified at least once each day; (6) a tribe, unless guilty of giving aid, was not to be punished for the acts of individuals; (7) the families of absent warriors were to be held in custody until captures were effected; (8) the department commander was to fix a time-limit for the inauguration of the new regime; (9) no whites except officials were to be allowed on the reserves without permission, and official escorts were to be furnished in all cases; (10) each Indian was to receive a specific amount of rations, and the issues were to be supervised by army officers; (11) vigorous operations were to be continued against the hostiles until they submitted; (12) incorrigibles were to be hunted down with the aid of friendly scouts; and (13) full authority was conferred upon the department commander "to adopt such measures" as might be needed "to give full effect to the policy of the government."⁴⁸

47. Townsend to Schofield, Nov. 11, 1871, A. G. O., 3896; Schofield to Townsend, Nov. 21, 1871, *ibid.*, 4156.

48. Gen. Orders no. 10, Nov. 21, 1871, *Ibid.*, 4553. General Sheridan issued

At Washington, the official attitude fully indicated that temporizing was ended. That Colyer had lost the support of Grant, Sherman, Delano and Belknap, is shown by their action in promising that Crook would be "warmly supported in rigorous aggressive operations." Delano even ordered Superintendent of Indian Affairs Herman Bendell either to coöperate with Crook in the new plan of pacification, or to resign at once.⁴⁹

Arrangements were also made for a general movement of new troops to the Apache country and congress was asked for \$50,000 to build a military telegraph into Arizona.⁵⁰ But the peace advocates were not to be worsted without a struggle. In fact, after the Loring massacre, "certain interests" continued to harp upon the matter until they led a large portion of the eastern public to believe that a party of frontiersmen had committed the crime to insure a continuance of the war. Some of the military also supported the peace group, by declaring that the Indians could never be reclaimed by "following two directly opposite policies at the same time—one of war, the other of peace." And the civilian friends of the tribesmen insisted "that there is no chance to get up a war with the Apaches as all are on the Reservation and at Peace." President Felix Brunot of the board of Indian commissioners boldly wrote that a policy of "judicious forbearance" should be substituted for General Schofield's stringent orders which, if continued, were certain to defeat the peaceful designs of the government. Always lukewarm towards a policy of force, the officials of the department of the interior became positively opposed when they realized that a consummation of the war plans might

49. McCormick to Safford, Nov. 16, 1871, in *Arizona Citizen*, Dec. 23, 1871; Delano to Comm., Nov. 8, 1871, I. O., I 971.

Herman Bendell of Albany, New York, was appointed superintendent early in 1871. He took charge in late March. Bendell to Parker, April 10, 1871, I. O., *Superintendent's Letter Book* (hereafter cited as *S. L. B.*), vol. i, p. 9.

50. 42 Cong., 2 sess., *S. E. D.*, no. 14.

almost identical orders to regulate the control of the Western Apaches in New Mexico. All bands, including those that might "come into New Mexico," were to be concentrated at the Tulerosa Reservation. Gen. Orders no. 8, Nov. 20, 1871, *ibid.*, 2465.

result in an intrenchment of military control.⁵¹ But of the greatest weight to the peace party were the views soon to be expressed by the president :

I do not believe our creator ever placed different races of men on this earth with the view of having the stronger exert all their energies on exterminating the weaker. If any change takes place in the Indian policy of the government while I hold my present office it will be on the humanitarian side of the question.⁵²

The war party, meantime, had gone ahead with their plans for a drastic policy, and Crook in December 1871 sent word to the bands that they must be on the reservations by February 15, 1872, if they wished to avoid severe punishment. In compliance hundreds of Indians rushed to the reserves where, according to reports, they not only avoided the rigors of winter and the pangs of hunger, but also prepared for hostilities by caching their surplus rations and increasing their store of munitions.⁵³ Crook waited patiently until February 7, and then announced that after the elapse of nine days no Apache absent from a reserve would be received except as a prisoner of war. And Schofield, in close touch with affairs, wired the war department two days before the deadline that "late" advices from Crook indicated the necessity of an immediate "unavoidable campaign."⁵⁴

War was now at hand on the frontier, but peace had again triumphed in Washington. In fact, Crook had scarcely

51. *Prescott Miner*, Sept. 14, 1872; Col. N. M. Dudley to Colyer, Nov. 2, 1871, *R. B. I. C.*, 1871, p. 53; C. E. Cooley to Colyer, Jan. 30, 1872, I. O., C 870; Brunot to Delano, Jan. 27, 1872, A. G. O., 508; Delano to Francis A. Walker, Jan. 2, 1872, I. O., (n. f.).

52. Grant to Geo. H. Stuart, Oct. 26, 1872, I. O., *Scrap Book*, B. I. C. In general, President Grant probably favored a mild policy in Indian relations. The pressure of strong pro-war economic and political groups was doubtless the cause of his inconsistent views.

53. Gen. Orders no. 32, Dec. 11, 1871, and Gen. Orders no. 35, Dec. 27, 1871, A. G. O., 3896; *Arizona Citizen*, Jan. 27, 1872; Bendell to Walker, Jan. 30, 1872, I. O., *S. L. B.*, vol. i, p. 228.

54. Gen. Orders no. 9, Feb. 7, 1872, in *Arizona Citizen*, Feb. 24, 1872; Schofield to A. G., Feb. 13, 1872, I. O., W 1271.

moved his commands into the field before the war department, at the request of Delano, notified Schofield to avoid hostilities as much as possible.⁵⁵ Telegrams of protest recounting recent outrages⁵⁶ accomplished nothing, for the president, Secretary Delano and Secretary Belknap had conferred again and decided that instead of war, "the Apaches should be induced by persuasive means, if possible, to return to their reservations, or better, to go upon some reservation in New Mexico." But of greater chagrin to the war party was the intelligence that a new agent of the interior department would soon visit the Indian country "to cooperate with the military" in preserving peace.⁵⁷

The president and Secretary Delano wished to make no mistake this time, and after much pondering over the choice of an agent, selected General O. O. Howard, an official of proved experience in the field of Indian diplomacy. Delano instructed him to proceed at once to the Indian country, where he was to take steps which in his own judgment seemed best adapted "to maintain peace and secure the execution of the policy of the government." Fully admonished to confer and cooperate with the military, the general was also directed to persuade as many chiefs "as possible" to return with him to Washington for a peace conference.⁵⁸

Howard, thus armed with plenary power, hastened west and entered the Apache country at Fort McDowell. From

55. A. G. to Schofield, Feb. 20, 1872, A. G. O., 549. Sheridan was similarly instructed.

56. The post herd was stolen at Fort McDowell; eight hundred Indians left Date Creek, killed two men, attacked two trains and invested the Prescott-Wickenburg country; and a like number left Camp Verde, although all the women and children remained at the reserve. The bucks then harrassed every mine and ranch in the region. Crook to A. A. G., Feb. 20, 1872, *ibid.*, 3057; Capt. C. C. Carr to A. A. G., Feb. 22, 1872, *ibid.*, 1210. See especially Schofield to Townsend, Feb. 26, 1872, *ibid.*, 508.

57. Townsend to Schofield, Feb. 24, 1872, A. G. O., 2659.

58. Delano to Belknap, Feb. 29, 1872, *ibid.*, 717; Delano to Howard, Feb. 29, 1872, 42 Cong., 3 sess., *H. E. D. no. 1*, vol. 1, pp. 155-159. See also, Special Orders, no. 53, Mar. 2, 1872, I. D.

Grant showed his personal interest in Howard's mission, by writing Schofield a letter of placation. Grant to Schofield, Mar. 6, 1872, 42 Cong., 3 sess., *H. E. D. no. 1*, vol. i, p. 160. On March 5 the house of representatives had a heated discussion of the Apache problem. The administration's views were clearly presented. See *Cong. Globe*, vol. ciii, pp. 1433-1434.

this point, after a most harmonious conference with General Crook, he pushed on to Fort Grant only to find upon his arrival that the one thousand Indians under the care of Major E. W. Crittenden were ready to flee at a moment's notice.⁵⁹ The new civilian agent, Edward C. Jacobs, had just arrived,⁶⁰ but Howard "deemed the presence of Lieutenant Whitman essential to assist in restoring a change of confidence with them," and had him temporarily returned from his point of incarceration at Camp Crittenden.⁶¹ In a constructive council on April 26, 1872, the Indians not only demanded the return of their stolen children, but also insisted that Whitman be restored as their agent. More important to future relations, the chiefs suggested that they be given a new reservation, far removed from the whites, in some healthier locality. Howard considered their proposal of extreme importance, and upon leaving for Tucson, promised that he would arrange for the holding of a general conference of Indians, citizens and territorial officials at the post on May 21.⁶²

The general tarried in Tucson only long enough to arrange with Safford for the return of the captive children held in the town; then he turned north to the Prescott area. En route, at Date Creek, he recommended that the nine hundred poverty stricken savages living near the post be moved to the Colorado River Reservation as soon as their crops were harvested.⁶³ Unfortunately, a sharp increase in

59. Howard to Schofield, April 18, 1872, I. O., A 1352.

60. Jacobs was a nominee of the Dutch Reformed Church, I. O. I 1219.

61. The unrest of the Indians was caused by the recent arrest of Agent Whitman. The lieutenant, always an object of suspicion to both the citizens and the military, was arrested and held for court martial on March 12 by order of General Schofield. He was charged with not obeying General Orders no. 10. Special Orders no. 17, Mar. 12, 1872, I. O., W 1463. The Rev. E. P. Smith, who accompanied Howard, reported that Whitman's downfall was caused by groups who feared his success as agent would react too favorably for the peace policy. Smith to Walker, April 8, 1872, I. O., S 777. Crook, viewing the matter differently, said one year later: "I told General Howard that the administration of their affairs under Whitman, Third Cavalry, was criminally rotten and needed a thorough investigation, but so far from heeding my suggestion he intensified matters by giving the persons concerned in this rottenness his moral support . . ." Crook to A. A. G., July 3, 1873, A. G. O., 2933.

62. Howard to Delano, April 27, 1938, I. O., H 1390.

63. Howard to Delano, May 3, 1872, I. D.; 42 Cong., 3 sess., H. E. D. no. 1, vol. i, p. 154.

depredations by Tontos and Indians of the Verde region endangered the peace policy; yet Howard without hesitation notified Crook that "amongst the incorrigible hostile there is no course left but to deal with vigor, according to your discretion."⁶⁴

General Howard rested in Prescott for a week, and then accompanied by General Crook and Superintendent Bendell crossed over the country to Camp Grant, arriving on May 20. Since Governor Safford had already arrived with a large delegation of officials, citizens and Indian chiefs, the pre-arranged conference began the next morning. After three days of extended speechmaking—figurative and symbolic on the part of the Indians and paternalistic and designing on the part of the whites—a general peace was made among the various tribes of southern Arizona, in which the Apaches specifically promised to trail thieves and to help Crook ferret out those individuals among their bands who remained incorrigible.⁶⁵

Howard complied with the Apache chiefs' demands for a healthier location, by designating a large area (to be known as the San Carlos Reservation) contiguous to and directly south of the White Mountain Reservation as a future home for all the bands collected at Camp Grant. But in the case of the retention of Whitman as their agent, he persuaded the chiefs that the lieutenant would be required to join his regiment.⁶⁶ Howard now closed the conference, and

64. Howard to Crook, May 9, 1872, A. G. O., 2100. Before an execution of General Orders no. 9 (*cf. supra*, p. 56) should occur, Howard suggested that every commandant be informed that peace and civilization were the motives of all action to be taken. Crook immediately ordered his officers to "aid the duly authorized agents of the government, by every means in their power, in their efforts to civilize and elevate the Indians under their charge." 42 Cong., 3 sess, *H. E. D.* no. 1, vol. i, p. 171.

65. The governor located and brought six of the captured children to the conference. The other twenty-one (two others had escaped soon after their capture) were reported to be in Mexico. The council almost broke up into a battle when Howard, due to the objections of the district attorney, refused to turn the six over. However, he restored order by agreeing to hold the children at the agency until the president could make a decision. *Arizona Citizen*, May 25, 1872. The president restored the children a few weeks later. McCormick to Bishop J. B. Salpointe, July 31, 1872, in *Arizona Citizen*, Sept. 7, 1872.

66. 42 Cong., 3 sess., *H. E. D.* no. 1, vol. i, p. 172.

Whitman dropped out of sight after Schofield, at Howard's request, ordered him to report at division headquarters. Special Orders, no. 29, June 8, 1872, A. G. O., 2386.

accompanied by seven prominent Indians who had agreed to journey with him to the East left the Indian country by way of Camp Apache, where three Coyotero chiefs were added to the peace delegation.⁶⁷

The delegation reached Washington on June 22, 1872, and during the next three weeks, in conferences with high officials and in a public appearance at New York, did much to strengthen the eastern sentiment for peace.⁶⁸ But the administration decided that its policy among the Apaches would never be successful unless Cochise were included; therefore, President Grant directed Howard to return to the Apache country on a second mission of peace.⁶⁹

Howard reached Camp Apache on August 11, only to find that the Coyoteros were on the verge of an outbreak. This situation had developed because of the arrest of several chiefs, and also because an *impasse* had arisen between the department of the interior and the war department over the issuance of rations. Diplomatically, the general secured the release of the prisoners; and by replacing the acting agent, Major A. J. Dallas, with Dr. Milan Soule, the post surgeon, he insured a continuance of the issues.⁷⁰

67. Howard's complete report of his mission is printed in 42 Cong., 3 sess., *H. E. D.* no. 1, vol. i, pp. 148-158. See also a detailed report of the Camp Grant council in *Arizona Citizen*, May 25, 1872.

68. *R. B. I. C.*, 1872, p. 27.

69. Grant to A. G., July 3, 1872, A. G. O., 2663.

During the spring and summer of 1872, conditions in the Cochise country became fully as serious as they had been in former years. All the depredations were attributed to the Chiricahuas. Lt. Stephen O'Connor to A. A. G., June 26, 1872, A. G. O., 3095; *Arizona Citizen*, May 4, 11, June 1, 15, 29, July 6, 1872.

70. Dallas to editor, Aug. 11, 1872, in *Arizona Citizen*, Aug. 24, 1872; Howard to Bendell, Aug. 14, 1872, I. O., *Howard Correspondence*. Hereafter this file will be designated *H. C.*

On June 25 the war department ordered its officers to stop issues to Indians. Howard's arrival temporarily solved the problem, and later an exception was made whereby supplies could be furnished. However, the issuing would have to be done by non-military men. All the correspondence is given in A. G. O., 2061, 2612 and 8985.

Most of the trouble was caused by the delay of the officials of the department of the interior in approving Bendell's beef contracts, for contractors were reluctant to make deliveries without approved contracts. But anxious for large profits, they were willing to deliver the same beef at six cents per pound (one cent extra) in exchange for certified vouchers. Howard made the concession. *Op. cit.* Howard had

Howard now moved eastward to the Tulerosa Reservation, where he hoped to complete arrangements for a conference with Cochise. But again he was forced to postpone his main mission in order to prevent a collapse of Colyer's work in New Mexico.⁷¹ During his visit of eight days with the Southern Apaches, the chiefs advanced every possible argument against Tulerosa as a reserve, and insisted that their bands be returned to Cañada Alamosa. They also pressed for a new agent, by pointing out that their blankets fell to pieces when damp. The general, of course, refused to accede to their request, but his promise to submit their questions "to the President for his decision" apparently satisfied them. However, his action in ordering a liberal increase in their rations was probably the factor that reconciled them.⁷²

Still unable to communicate with Cochise, Howard secured the services of Thomas J. Jeffords, an unusual frontiersman,⁷³ who was certain that a peace could be made, provided the general would go to the chief's stronghold in the Dragoon Mountains of Arizona. The proposal was accepted, and the party of three whites and two Indian friends of the Chiricahuas set out at once.⁷⁴

71. Out of 1,600 Southern Apaches reported to be at Cañada Alamosa in March, 1872, only 450 had removed to Tulerosa by September. O. F. Piper to Pope, Aug. 31, 1872, 42 Cong., 3 sess., *H. E. D.* no. 1, vol. i, p. 306.

72. Howard to Pope, Sept. 5, 1872, *H. C.*; Howard to Walker, Nov. 7, 1872, I. O., 383.

73. Jeffords was a close friend of Cochise. Dr. Henry S. Turrill, the post surgeon at Fort Bayard in 1872, later wrote that Jeffords gained and kept the friendship of Cochise by selling him ammunition. See *The New York Society of the Order of the Founders and Patriots of America. Publication no. 18* (N. Y., 1907), pp. 16-21. Major W. R. Price claimed he had witnesses who would testify that Jeffords had traded ammunition to the Indians for stock. Price to A. G., Aug. 1, 1873, A. G. O., 3383.

74. Howard compromised himself at this point, by giving two Southern Apache bands permission to go to Cañada Alamosa instead of Tulerosa. A rancorous correspondence during the next three months, which involved Sherman, Sheridan, Belknap, Delano and many other officials, vividly portrays the burning animosities that practically paralyzed all efforts to solve the Apache problem. The correspondence is collected in I. O., W 551.

likely erred on his first trip when he advised Bendell to accept bids which would have allowed different amounts of issues at the respective reserves. This fact would have caused unrest among the Indians—hence, the delay in approval. A. G. O., 2612.

When the Stein's Peak region was reached, early in October, smoke signals were set up, and within a few hours some sixty of Cochise's followers had made their appearance. The party was then led over deserts and mountains directly to the chief's famous retreat. The parley started as soon as the bands could be assembled. Cochise was so anxious for peace that he even agreed to move to Cañada Alamosa, but his captains would consent only to a reserve in Arizona. Howard soon realized that there could be no peace among the Apaches unless the Chiricahuas were included; therefore, when Cochise emphatically agreed to restore stolen property and to guarantee the safety of travellers in his country, the tribe was promised a reserve of their own selection. But of far greater satisfaction to the bands, was the announcement that Jeffords was to act as their agent. The next day, October 13, near Fort Bowie, Howard completed the final details of the conference, by directing the post commander to furnish the tribe rations until the department of the interior could assume the responsibility; he then left for Washington to deliver his report.⁷⁵

All the Apaches had now been drawn within the scope of the peace plan, but affairs at the reserves proved that the problem of control was yet in its infancy. Liberal subsistence at Camp Grant did not stop the raids; moreover, without a daily muster and with a ration issue every tenth day, the raiders had ample time to cover a great amount of territory and still be back at the appointed time. In fact, the increase in marauding and the development of a storm of criticism, strongly reminiscent of the situation previous to the Camp Grant massacre, forced Howard, at the start of the second trip, to replace Agent Jacobs with George H. Stevens who was popular with both the frontiersmen and

75. Howard to Crook, Oct. 13, 1872, *H. C.*; *Washington Morning Chronicle*, Nov. 10, 1872; Howard to Maj. S. S. Sumner, Oct. 13, 1872, *H. C.*; Order setting aside the Chiricahua reservation, Oct. 11, 1872, I. O., H 383. The reserve comprised the southeast corner of Arizona.

At the Pima Villages, Howard learned of unsatisfactory conditions which caused him to abolish the feeding posts at Fort McDowell and Date Creek. Howard to Crook, Oct. 13, 1872, *H. C.*; Howard to Bendell, Oct. 17, 1872, *Ariz. Misc.*

the Indians. And just after his peace with Cochise, the general, even more alarmed, ordered that the Camp Grant bands were to be removed to the San Carlos Reservation not later than January 1, 1873.⁷⁶ The situation failed to improve under the new agent, but it was not until December, 1872, that Crook was able to bring about the requirement of a daily muster. At the end of the year, Stevens reported affairs to be in a "hubbub." To Bendell's view, however, the trouble was caused by a "lack of firmness on the part of the agent."⁷⁷

Conditions at the Verde Reservation were no more favorable than those at Camp Grant. The management of the Indians collected at the former point proved to be relatively easy immediately after Colyer's visit, but in December, 1871, when Crook inaugurated military control, about five hundred of the savages fled to the mountains. During the next few months so many of the others left that General Howard gave no attention to the reserve on either of his trips. In fact, when Dr. J. W. Williams, an appointee of the Dutch Reformed Church, arrived at the agency in July, 1872, the absence of all but five of the tribesmen caused his transference to Date Creek.⁷⁸ Several bands, however, were anxious for peace, and upon being told by Captain C. C. Carr, the commandant at Camp Verde, to come in, obey orders and receive rations, some eighty Yavapai and Tontos surrendered. Many others followed until it appeared that all would return, but the killing of an important Tonto prisoner caused every Indian on the reserve to seek safety in flight. During August, a considerable number of the Indians, entirely unwilling to confine themselves to the reserve, adopted a policy of coming in for rations and then leaving. Crook solved the problem from the military stand-

76. *Arizona Citizen*, May 4, June 22, 29, Sept. 7, 14, 28, 1872; Howard to Bendell, Aug. 29, 1872, I. O., *Ariz. Misc.*; same to same, Oct. 17, 1872, *H. C.*

77. Stevens to John Wasson, Nov. 15, Dec. 10, 1872, I. O., M 127; Crook to A. A. G., Dec. 13, 1872, A. G. O., 286; Bendell to Walker, Dec. 5, 1872, *S. L. B.*, vol. ii, pp. 2-3.

78. Williams to Walker, July 6, 1872, I. O., W 91.

point by ordering their arrest and daily muster;⁷⁹ yet in taking such action he ended all possibilities for a peace without war.

In contrast to their Verde kinsmen, the 900-1000 Yavapai who had collected at the Date Creek feeding post proved to be especially coöperative for several months following Colyer's mission. Submissive to military control from the first they readily accepted, during July, 1872, the more rigid discipline introduced by their new civil agent, Dr. Williams; nevertheless, after more than one hundred hostiles had been forced in, Williams reported that the troops were "the controlling factor with them."⁸⁰

The agent improved his authority, however, until an epidemic of fever, in August, forced him to permit several hundred sick Indians to retire to the cool highlands. But, once more in their former haunts, his charges decided against ever again submitting to reservation control.⁸¹ Crook now came to his relief, and after arresting four of the Loring massacre participants,⁸² inaugurated a sharp campaign against the recalcitrants. This action, which resulted in the slaughter of seventy of their warriors, greatly humbled the bands' haughty spirit, and by December, 1872, the reserve was filled with more Indians than ever before.⁸³ Reservation control now appeared to be a reality among the Yavapai at Camp Date Creek.

79. Carr to A. A. G., July 8, 1872, A. G. O., 3188; same to same, Aug. 14, 1872, *ibid.*, 3573; Bendell to Walker, Sept. 30, 1872, *S. L. B.*, vol. i, p. 359; Crook to C. O., Camp Verde, Sept. 24, 1872, I. O., B 360.

80. Capt. Philip Dwyer to P. A., July 7, 1872, A. G. O., 3084; Williams to Bendell, Sept. 1, 1872, 42 Cong., 3 sess., *H. E. D.* no. 1, vol. i, p. 326.

81. Lt. W. J. Volkmar to A. A. G., Sept. 1, 1872, A. G. O., 3815; James Grant to C. O., Date Creek, Sept. 6, 1872, *ibid.*, 3908.

82. Several of the Date Creek Indians were involved in the crime. But of greater importance to Crook was the fact that some of them had been reserve Indians prior to the killing. Long convinced of the necessity of demonstrating to both malcontents and friendlies that none but truly peaceable tribesmen could find safety by flight to reserves, the general went to the post on September 8, and succeeded, by a clever stratagem, in making the arrests. Crook to A. A. G., Sept. 18, 1872, A. G. O., 4091; *Prescott Miner*, Sept. 14, 1872.

83. Crook to A. A. G., Dec. 13, 1872, I. O., W 721; Capt. Julius Mason to A. A. G., Oct. 27, 1872, A. G. O., 4706; Williams to Bendell, Dec. 23, 1872, I. I., *Ariz. Misc.*

Far to the east of the Date Creek Indians, the Coyotero bands of the White Mountains readily accepted reservation control as initiated by Colyer. Their favorable and friendly attitude was doubtless due to the fact that their prescribed reservation necessitated no radical changes in their habitat or mode of life; moreover, the advantage of receiving regular issues of rations made their life easier and less precarious. Some difficulties arose during the first year over the matter of subsistence, but officials felt that the appointment of Dr. Soule would end all serious embarrassments.⁸⁴ And their views proved correct, for both Soule and Bendell, by open market purchases and by advance acceptance of beef deliveries, insured themselves against any catastrophic exigencies.⁸⁵ The Indians, in addition to behaving well, worked very energetically during the growing season of 1872, and at harvest time they sold more than 80,000 pounds of corn and fodder. At peace among themselves and satisfied with their new regime, the only dangers that threatened the Coyoteros near the end of the year were those that might arise in connection with Crook's impending campaign.⁸⁶

Crook, of course, never warred against peaceable Indians, but in planning aggressive action he invariably eliminated all factors that might lead to abortive results. Therefore, with the aim of not only protecting the Coyoteros, but also of preventing the less docile bucks from joining neighboring hostile groups, he directed on November 5, 1872, that after ten days all Indians of both sexes were to concentrate within one mile of Camp Apache and submit to a daily muster; also, that if any individual should fail to conform

84. *Cf. supra*, p. 60.

85. Soule to Bendell, Sept. 12, 1872, I. O., *Ariz. Misc.*; Bendell to Howard, Sept. 17, 1872, *S. L. B.*, vol. i, pp. 317-318.

Soule accepted a six months supply of beef (700,000 lbs.) on October 10. Soule to Bendell, Oct. 10, 1872, I. O., B 567. No explanation was offered two months later when he informed Bendell that a further supply of cattle would be required from New Mexico to meet the Indian needs. Soule to Bendell, Dec. 21, 1872, I. O., *Ariz. Misc.* It is possible the contractor herded most of the supply in New Mexico.

86. *Cf. infra*, p. 69.

after a reasonable time, he was not to be received except as a prisoner of war.⁸⁷

This drastic order, by ignoring Howard's promise to the Indians of safety anywhere on the reservation,⁸⁸ left the bands exposed to summary punishment even though they actually remained within the legal boundaries. It also left them under exclusive military control except in the case of issues. So naturally they became quite disturbed when Major W. H. Brown arrived a few days later to enlist scouts and personally enforce the order. They were unwilling to leave their homes where some of their crops remained unharvested and where their stock would stray and become prey to wild beasts. Besides, they were reluctant to enlist in scout companies that might later be forced to fight against their own bands.⁸⁹ The test tried them severely, but they conformed with cheerfulness and coöperativeness. As a result, they were soon permitted to stay as far as ten miles from the post.⁹⁰

Despite the general improvement that resulted from Colyer's and Howard's efforts, the continuance of devastations and killings proved that the peace policy *per se* was insufficient as a method of Apache control. Attacks were numerous in both northern and southern Arizona during the summer months of 1872, and conditions in the Prescott area again resembled those that followed the Civil War.⁹¹ Once again the situation played into the hands of the advocates of war, and naturally it strengthened the views of those

87. A. A. G. to G. O., Fort Apache, Nov. 5, 1872, I. O., B 462.

88. Howard probably anticipated Crook's action, for he had already recommended that the Department of Arizona be modified so that the White Mountain and Chiricahua reservations should be included in the District of New Mexico. Howard to Walker, Nov. 7, 1872, I. O., H 383. Grant, Belknap and Delano favored the change, but deferred to Sherman who refused to give his approval when he found that Pope and Crook were strongly opposed to the plan. Delano to Belknap, Dec. 10, 1872, A. G. O., 5055; Sherman to Belknap, Jan. 8, 1872, I. O., W 721.

89. Pedro to Howard, Nov. 18, 1872, I. O., H 532; Miguel to Howard, Nov. 19, 1872, *ibid.* C. E. Cooley wrote for the chiefs.

90. Bendell to Walker, Dec. 31, 1872, *S. L. B.*, vol. ii, p. 33.

91. Crook to A. A. G., May 28, 1872, A. G. O., 2388; *Arizona Miner*, June 29, 1872; *Arizona Citizen*, June 29, Aug. 31, 1872.

persons who had always thought that the Apaches would have to be beaten into submission.⁹²

Crook believed from the time he first entered the territory that the Apaches would have to be reduced by war, but with great prudence he avoided all steps that might interfere with the success of the peace policy or cause an affront to public opinion.⁹³ Sheridan entertained a similar view and insisted that the government would be forced by public sentiment to "render every portion of our extensive frontier safe for a citizen to travel over or occupy." He also said that a policy was an erroneous one that taught the Indian what was right, but failed to teach him that which was wrong. Even the Washington officialdom, keenly alive to public opinion, turned to a policy of war.⁹⁴

Crook, thus supported, now determined to press his views with vigor. On September 21, 1872, he informed the war department that the Apaches on the reservations were guilty of many of the murders and devastations that occurred during the summer, and to substantiate his incrimination, sent in a long list of outrages which he branded as "a ghastly commentary upon the result." Assured that humanity at last demanded the punishment of the "incorrigibly hostile," he requested the full coöperation of the civil agents as compensation for his aid to their cause.⁹⁵

Superior officers approved his views. General Schofield announced on October 15, that "no course is open except a vigorous and unremitting prosecution of the war, until they are completely subdued, and the Department Com-

92. *New York Herald*, Sept. 10, 1872.

93. *Journal of Military Service Institution*, vol. vii, p. 264. See Crook's sagacious remarks on the Apaches in his *annual report* for 1872. 42 Cong., 2 sess., *H. E. D.*, no. 1, vol. ii, pp. 77-78.

94. Sheridan to A. G., Oct. 12, 1872, 42 Cong., 3 sess., *H. E. D.* no. 1, vol. ii, p. 35; Walker to Delano, Nov. 1, 1872, 42 Cong., 3 sess., *H. E. D.* no. 1, vol. i, p. 59. Walker said in 1874 that Crook's operations were not of the nature of war, but of discipline. F. A. Walker, *The Indian Question* (Boston, 1874), p. 45.

95. Crook to A. G., Sept. 21, 1872, 42 Cong., 3 sess., *H. E. D.* no. 1, vol. ii, p. 79. His list included forty-four killed and sixteen wounded.

mander should have ample power of restriction over reservation Indians."⁹⁶

Crook was fully prepared to make war, having used his long periods of forced inaction in arranging every detail of organization for the proper management of the impending campaign. He planned his campaign in such a way that the final crushing blows would be struck in the very center of the hostile country—the Tonto Basin. To accomplish this end, preliminary campaigns were to be waged in regions appendant to the main Indian country. These operations, he felt, would greatly reduce the warring groups and result in their final concentration in the basin proper. Then he planned for several strong, swiftly-moving columns to converge upon them from various points along the rim of the basin. Crook, on his own part, intended to help organize the columns and, with the campaign once under way, to move from point to point along the whole periphery of the battle area, exercising general supervision of movements, but leaving the details of fighting to the respective officers. With the idea of carrying war to the savages at a time when winter weather would most handicap them, November 15 was designated for the start of the preliminary movements.⁹⁷

Promptly, three separate commands of one company of cavalry and a detachment of forty Indian scouts each, left Camp Hualpai to scout through to Camp Verde by way of the San Francisco peaks and upper Verde country. The movement was unusually successful, and during the fifteen days required to reach the post, the commands destroyed numerous winter rancherías, killed thirteen warriors and captured several squaws. Meantime, Captain George F. Price, at Date Creek, sent out two expeditions with instructions to clear the country of Indians on the west side of the Verde as far down as Fort McDowell. Coöperating with him

96. Schofield to A. G., Oct. 18, 1872, A. G. O., 4316.

97. Crook to A. A. G., Dec. 13, 1872, A. G. O., 5312; *Journal of Military Service Institution*, vol. vii, pp. 262-264; E. G. Cattermole, *Famous Frontiersmen, Pioneers and Scouts* (Chicago, 1883), p. 535.

were two other commands sent from Camp Verde to scout the Red Rock and Black Hills country. Price's commands found many Indians scattered about between Date Creek and Camp Verde, but they failed to effect any decisive actions. In contrast, the two associated commands killed thirteen warriors, captured three others and pushed many hostile bands eastward into the Tonto region.⁹⁸

Crook was even more active than his subordinates. First at Camp Verde he completed his plans and then at Camp Apache he began the enlistment of extra scout companies. The Coyotero bands, near the latter post, were quite "feverish," but his "requirements were met with alacrity." Although Crook noted some discrepancies in agency administration, time was too limited for investigation, and after organizing one expedition to be commanded by Captain George M. Randall, he pushed on to Camp Grant. Here he completed arrangements for the organization of three additional expeditions, one of which was to take the field from Camp McDowell.⁹⁹

The final campaign now arranged for, the nine columns speedily penetrated into the haunts of the hostiles. Because of the hazardous terrain over which the troops were forced to operate, and also because of the decentralized nature of Apache society, the fighting naturally developed into an innumerable number of small engagements. The columns from Camp Grant, commanded by Captain W. H. Brown, did some of the most effective and spectacular fighting of the whole campaign, especially at the battle of the caves on Salt River, where seventy-six Indians were killed and eighteen others captured.¹⁰⁰

Crook's other commands, although not so spectacular, did equally effective work. During the three months fol-

98. Capt. A. H. Nickerson to A. A. G., Dec. 26, 1872, A. G. O., 172.

99. Crook to A. A. G., Dec. 13, 1872, *op. cit.*; Bourke, *On the Border with Crook*, pp. 177-182.

100. Crook to A. G., Sept. 22, 1873, I. O., 355. This communication is Crook's annual report for 1873. It arrived too late to be printed. See also Nickerson to A. A. G., Jan. 11, 1873; A. G. O., 213; *Arizona Citizen*, Sept. 20, 1873; Lockwood, *The Apache Indians*, pp. 196-199.

lowing the start of the campaign, they harried and decimated the hostile bands almost continuously. No accurate figures are available, but it is probable that nearly three hundred warriors were killed or received mortal wounds. In addition, a considerable number of noncombatants suffered a like fate, and occasionally some warriors were taken captive. All indications showed, at the end of February, 1873, that a few more punitive blows would result in a general surrender.¹⁰¹

Punishment was not long deferred. About the middle of March, some five hundred savages, who had evidently taken refuge in the region between the Gila and the Colorado, began to harry the Wickenburg country. Most of them were thought to be on the verge of surrender, but one party murdered three important citizens of the town itself. This outrage resulted in a new offensive on the part of the troops, and within a short time eighty warriors were killed and thirty squaws captured. Such losses completely broke most of the hostiles; consequently, they fairly precipitated themselves to the reservations.¹⁰² A sizeable group, however, fled into the Tonto Basin, only to lose sixty-six warriors at the hands of Major Randall's column. The major then pushed relentlessly after the survivors, and a few days later succeeded in capturing the entire group of one hundred and thirty-six souls on Turret Mountain, west of the Verde River.¹⁰³

By the first of April, great numbers of Indians, earnestly begging for peace, had collected near Camp Verde. General Crook was also ready for peace, fearing that further slaughter might arouse other peace efforts in the East. He therefore went to the post, and "being satisfied that their professions were sincere," concluded a general peace by which the

101. Bendell to Walker, Dec. 31, 1872, *op. cit.*; J. F. May to Howard, Jan. 27, 1873, I. O., H 836; *Arizona Citizen*, Mar. 1, 1873.

102. Bendell to Comm., April 1, 1873, *S. L. B.*, vol. ii, p. 195; *Arizona Miner*, Mar. 15, 1873; *Arizona Citizen*, Mar. 22, 1873.

103. J. E. Roberts to Bendell, April 29, 1873, I. O., *Ariz. Misc.*; *Arizona Citizen*, April 12, 1873.

bands agreed to stop all violence, to remain strictly upon their reservations and to comply with all regulations of their authorized agents. In turn, as long as they remained true to the treaty terms, Crook promised to be responsible for their protection. It was also agreed that after sufficient time had elapsed to enable all renegades and straggling parties to reach the reservation, the military was to pursue and force them in, destroying all who refused to surrender.¹⁰⁴

104. General Orders no. 12, April 7, 1873, Army War College; Crook to A. A. G., April 12, 1873, A. G. O., 1882.

On April 9, Crook complimented his troops as entitled "to a reputation second to none in the annals of Indian warfare," and as having "finally closed an Indian war that has been waged since the days of Cortez." General Orders no 14, April 9, 1872, Army War College.

(To be continued)

NEW MEXICO EDITORIAL OPINION ON SUPREME COURT REFORM

By FRANK D. REEVE

WHEN PRESIDENT ROOSEVELT launched his program for the reform of the Supreme Court in February, 1937, a conflict broke out in the halls of congress that left its scar on the Democratic party and that might have ended in setting the precedent for a serious modification of our governmental structure. It was said that a large majority of the newspapers of the country opposed the presidential plan. However that may be, it is true that a substantial part of the press in New Mexico was in opposition. Among thirty-two newspapers studied, seventeen or 53 per cent opposed the change with varying degrees of earnestness, ten or 31 per cent were non-committal, and five or 16 per cent favored it. Eighteen of these newspapers favored the Republican party in the campaign of 1936, eleven were Democratic, and three were non-committal. Four of the Democratic papers opposed the court change, four favored it, and three were non-committal. Thirteen of the Republican papers opposed the change in the court, one favored it, and four were non-committal.

The *Albuquerque Tribune* led the discussion with the feeling that the president had not struck at the root of the supposed evil. Instead of lessening the power of judicial review he had remained content with changing the personnel of the court and, as a result, he might expect the plan to be attacked, "and justifiably so, even by friends of the New Deal." And it soon decided that "the plan was just too clever—too damned clever." The idea of restoring a better balance of power between the judiciary and executive was sound, but it was a mistake to swing the pendulum too far back in favor of the executive.¹ The *Roswell Daily Record*

1. February 6, 8 (a Scripps-Howard newspaper).

saw in the plan "an attempt to set aside the protection afforded by the Constitution and force upon the nation the views that he [Roosevelt] and other new dealers hold." Merely forcing new deal views on the country might not be so bad, but the *Record* soon feared something more serious: "the Roosevelt administration is seeking to change the entire form of the American government."²

This serious charge appeared in many newspapers in various wordings. The *Albuquerque Journal* might favor "new blood" on the court, "but in reforming the judiciary, Congress needs to assure that there are safeguards which will prevent any executive now or later from being in a position to acquire dictatorial control over the judiciary."³ And the *Santa Fe New Mexican* saw "perhaps the most insidious attack ever made by a President of the United States." If it were successful, "we shall have just as real a dictatorship as that of Hitler, Stalin or Mussolini."⁴ The *Artesia Advocate* pointed out that the "concentration of power is a temptation to any individual that the founders of this government intended to remove." The *Magdalena News* thought that the "whole move is a dictatorial grasp of power," and concluded that those who made the charge of attempted dictatorship in the campaign of 1936 "must have known what they were talking about." The *Union County Leader* considered the move primarily "one of political expediency," designed to "eliminate the 'brake' provided by the constitution." This paper had been very impatient with the court, but "President Roosevelt has chosen the wrong way; the right way is by amending the constitution."⁵ The "peanut politicians," according to *The Roy Record*, might enact the proposal into law, but pointed out that "there may be a constitution-loving public to be reckoned with later on." On the same day *The Deming Headlight* was willing to "trail along with the vast majority of ordinary citizens who see in

2. February 6, 8.

3. February 7.

4. February 8, 9.

5. February 11.

the proposal so much danger to our governmental structure as to make it highly undesirable."⁶

In the second week of the controversy *The Albuquerque Tribune* began to "wonder what might happen to 'certain inalienable rights' under a precedent, established now because of a benign purpose, if employed by some future leadership of purpose not benign but vicious." And the *Roswell Daily Record* boiled the question down to a choice between "an independent federal judiciary" or "its subserviency to the chief executive."⁷ However, not all the editors in New Mexico were worrying about the federal judiciary. The *Evening News-Journal* (Clovis) thought that "the life of the average man is apt to be affected much more by what happens in the precincts of the run-of-mine state and county courts."⁸ But six days later it believed that "in the face of what is going on in the rest of the world, it would appear that nervousness is justified and caution wise;" hence, the proposal should be studied on its merits. Meanwhile, *The Fort Sumner Leader* had "seen so many remarkably good things inaugurated under the New Deal and carried to completion that we have faith in most anything proposed by the Administration." This faith was probably not held by everybody. *The Deming Headlight* reported that "In something over 100 interviews during the past week we found but two people who are in favor with the plan." Among the people consulted, 80 per cent were Democrats.⁹

During the third week of discussion the opposition was still pronounced, but some slight support did appear for the plan. *The Union County Leader* believed that "The president should not attempt to railroad through legislation as important as this is without submitting the proposal to a vote of the people." And *The Herald* (Hot Springs) thought that "he [Roosevelt] is taking us for a ride that will only end in a military dictatorship. . . ." *The Aztec Independent-*

6. February 12.

7. February 16, 18.

8. February 18.

9. February 19.

Review defined freedom simply as "access to a free and impartial court to decide the rights of the individual and the rights of government." *The Mountainair Independent* reasoned, however, that congress has the right to increase the membership of the court; therefore, such legislation does not strike at the foundation of the government and does not prove that the president wanted to become a dictator. But it reserved the right to examine more closely the wisdom of the proposal. This favorable sentiment was supported on grounds much broader than constitutional law when *El Defensor del Pueblo* introduced the law of nature: "Si, como es bien sabido, que se hace necesario este programa para lo que se trata es de restituir la nación y conservar la subsistencia de todos . . . las agrupaciones en general, y siendo la propia conservación la primera ley de la naturaleza, se desprende que el presidente está obrando en obediencia de esa ley redentora."¹⁰

Two weeks later *The Mountainair Independent* stated that, "As we see it, the Supreme Court, through its interpretations of the law and the Constitution, looking always to the past for guidance and precedence in such interpretations, has allocated unto itself powers which make it no longer an equal and coordinate branch of the government, but instead allow it to transcend and completely override the Executive and Legislative branches of the Government, so that neither the Court nor the other branches of the Government are any longer amenable to the wishes of the people." Therefore, it is not criminal to suggest a change.¹¹ This sentiment found support in the columns of *The Silver City Enterprise* which did "not subscribe to the idea that the addition of six new members to the supreme court would nullify the Constitution, nor would it be packed with 'spineless puppets'." New judges would interpret the law with the "view toward strengthening the Constitution rather than to nullify or destroy it." But the *Santa Fe New Mexican* saw

10. February 24, 25, 26.

11. March 11.

in the plan an "admission of fear of a popular vote. All the executive can do is to maintain the ridiculous claim that the people already have endorsed his plan."¹²

The silence of some newspapers during this controversy might be attributed to the state of mind that *The Fort Sumner Leader* found itself in: "We have an idea that [after] all the bunk explanations we've read pro and con the supreme court situation appeared about as muddled to other people as to the writer."¹³ The *Evening News-Journal*, if not muddled, was still thinking that it was "probably far more important that we do something effective about our local governments. . . ." And *The Daily Current-Argus* (Carlsbad) "had not taken sides editorially in the issue because, frankly, we were not sufficiently informed to draw definite conclusions."¹⁴

Meanwhile, *The Albuquerque Journal* was favoring a constitutional amendment as "the safer, the American and Democratic method." *The Magdalena News* was claiming that "It is becoming increasingly plain to all thinking men that this country is being governed by a madman; a fanatic; a visionary embryo dictator, . . . never apparently satisfied until the power of life and death of every citizen is placed in his hands." And the *Farmington Times Hustler* thought that "the supreme court argument is well into its silly stages, with a justice discarding his robes of judicial dignity to make political remarks at a public meeting. . . . That boner sort of evens things up with one the president pulled when he condemned the advanced old age of the justices as undesirable to his policies, only to be reminded that the oldest justice of the nine was the most liberal of the lot." The proposal of Senator Hatch to retire one justice each year found favor with the *Evening News-Journal*.¹⁵

The month of April was marked by a decrease in editorials, but a continuation of disagreement about the court

12. March 12.

13. March 12.

14. March 18, 30.

15. March 24, 25, 26, 27.

reform plan. *The Lovington Leader* believed that the "court will never command the respect it should have when it is presided over by men whose active lives are already passed." But *The Herald* thought that "The presidential veto should be abolished."! *The Roy Record* favored the Hatch compromise. And *The Daily Current-Argus* suggested that an amendment limiting the term of supreme court justices to ten years was a feasible plan.¹⁶

In May, *The Herald* still believed that the president "is fully determined to make himself the Mussolini of America. . . ." A month later the *Evening News-Journal* and *The Gallup Independent* concurred in the opinion that "The instinct for democracy as against personal rule is all-powerful in this country. The people's distrust of power concentrated in one pair of hands is ineradicable, and the man who gets such power in his hands, or even seems about to get it, is riding for a certain fall."¹⁷

When Senator Robinson died in July, *The Albuquerque Journal* and the *Evening News-Journal* thought "It would be most fortunate for the nation if the fight for the court bill would be abandoned." And *The Mountainair Independent* finally decided that the presidential plan "was a political error."¹⁸

The storm that arose in the newspapers of New Mexico around the proposal of President Roosevelt to materially alter the distribution of power within the federal government, rose to a peak in March and then subsided rapidly. The verdict of the editors was largely unfavorable. It is reasonable to conclude that any proposal to change the structure or powers of government by a method that is contrary to the spirit if not the letter of the constitution will meet with an unfavorable reception in the same group. And if editorial opinion is a reflection of public opinion, the same might be said of the people in general. At any rate, despite

16. April 2, March 31, April 2, 22.

17. May 19, June 22, 28.

18. July 15, 16, 22.

the criticism that can be made of the system of checks and balances in the American government, it still retains its hold on the minds of many of those who count in the body politic, even at the expense of their party loyalty.

BOOK REVIEWS

Álvar Núñez Cabeza de Vaca, The Journey and Route of the First European to Cross the Continent of North America, 1534-36. By Clive Hallenbeck. (The A. H. Clark Company, Glendale, Calif., 1939; 330 pp. \$6.00.)

This volume is divided into three parts. First is a paraphrase of the *Naufragios* of Álvar Núñez, with occasional reference to the Joint Report of Cabeza de Vaca and his companions. The paraphrase is based largely on the Bandelier translation of *Naufragios*, but also utilizes Buckingham Smith's version. It is largely free from subjective interpretations on the part of the paraphraser, and makes interesting and comprehensive reading.

Part II traces Núñez' route from the Texas coast to Culiacán in Sinaloa. As in Part I, the *Naufragios* is the primary source employed, the Joint Report secondary.

Hallenbeck routes de Vaca farther north than have previous students. He identifies Malhado Island as modern Galveston Island. From Galveston Island he traces the path of the Spaniards to the Colorado River, thence northward to Austin, and to the Tuna Thickets near San Antonio, Texas. From San Antonio the route runs northward and slightly westward to Big Spring, Texas, and from there westward to the Pecos River at the mouth of Toyah Creek. From there he takes them northward along the Pecos to near Carlsbad, New Mexico. A few miles above Carlsbad he turns them northwest up the Río Peñasco and Elk Creek, then across the mountains to the Río Tularosa; from the Tularosa southward along the western edge of the Sacramento Mts. and the eastern edge of the Huecos. Near the southern tip of the Hueco Mts., Hallenbeck swings the Spaniards west to the Río Grande near El Paso, then north by east along that stream to the Rincón ford. Above the ford the route again turns westward up Barranda Creek and across the divide to the Río Gila, thence southward to San Bernardino in Sonora.

The route from San Bernardino to Culiacán, down the Río which the party was actually taken by Indians as indicated in the account, rather than a mere haphazard routing. Unfortunately he does not make clear just how he determined most of the postulated Indian trails, either in text or bibliography. After several years of archaeologic and ethno-historic research in most of the area considered, and with an intimate knowledge of the geography, the reviewer seriously doubts the possibility of objectively determining most of the so-called "Indian trails." In spite of this objection, the route seems to have been worked out with the greatest of care, and the reviewer is not able to suggest other than minute changes.

Part III is a critical consideration of previous tracings of the de Vaca route by Bandelier, Bancroft, Ponton and McFarland, Baskett, Read, Twitchell, and Davenport and Wells. Hallenbeck's criticisms of these routings seem for the most part to be well taken, though occasionally he falls into the pitfall of overly and mistakenly discounting the logic and data of previous students in favor of his own interpretations. Such an instance is found on page 306. Here the author states that the Spaniards would not have used the "Salt Trail" from the Pecos River to the Río Conchos in Mexico, since said trail was first laid out by white pioneers, and was practically waterless throughout. Actually this route was an ancient one as indicated by archaeological remains. The Jumanos guided Juan Domínguez de Mendoza along it in 1684. Later a Chihuahua trail followed it, and today it is employed by the Orient branch of the Santa Fé Railway. Even in the dry season it was well watered, with the exception of one day's journey, and it is topographically the line of least resistance.

A few other criticisms may be chosen from a group of possible ones, none of which greatly affect the tracing of the route. On page 189 the northern limit of *Pinus cembroides* is given as latitude $26^{\circ} 30'$. Sperry (Alpine, 1938) lists *cembroides* as the common pine of the Chisos Mts. ($29^{\circ} 20'$)

in his check list of Chisos plants. On page 213 the author states that no trail from east or north strikes the Río Grande near the junction of the Conchos (La Junta). Actually, as indicated previously the important "Salt Trail" joins the Río Grande about seven miles below La Junta.

Furthermore, he states that the Río Grande does not flow between mountains anywhere near the mouth of the Conchos. Certainly, a subjective definition of what is meant by a "river flowing between mountains" is involved. Both above and below La Junta the Río Grande flows directly between mountains and it was the distinct impression of the reviewer, during several months of field work at La Junta, that the Río Grande flows between mountains there also (the Chinatis and the Sierras Santa Cruz and Ricos). In fact he is amazed that any other interpretation

ERRATA: P. 80, following line one, insert:

Sonora and southeastward across the Ríos Yaqui, Alaye, and Fuerte, is that previously traced by Dr. Carl Sauer.

The author's justification for this new tracing of de Vaca's route, is that he has employed Indian trails, along

therefore, with the La Junta Indians, and as a consequence Núñez was not at La Junta.

Many readers also will remain unconvinced by Hallenbeck's nonchalant disposal of sections of the account which do not fit with his own interpretations as "retrospections" or "premature references" on the part of Núñez. Two excessive and inconveniently located rivers are thus casually disposed of (pp. 192-198).

On the whole, criticism notwithstanding, the book is carefully written, and thoroughly scientific. It is an outstanding piece of research and is whole-heartedly indorsed by the reviewer, who plans to modify many of his own ideas because of it.

J. CHARLES KELLEY

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in his check list of Chisos plants. On page 213 the author states that no trail from east or north strikes the Río Grande near the junction of the Conchos (La Junta). Actually, as indicated previously the important "Salt Trail" joins the Río Grande about seven miles below La Junta.

Furthermore, he states that the Río Grande does not flow between mountains anywhere near the mouth of the Conchos. Certainly, a subjective definition of what is meant by a "river flowing between mountains" is involved. Both above and below La Junta the Río Grande flows directly between mountains and it was the distinct impression of the reviewer, during several months of field work at La Junta, that the Río Grande flows between mountains there also (the Chinatis and the Sierras Santa Cruz and Ricos). In fact, he is amazed that any other interpretation could exist.

At this point, however, the reviewer is able to add archaeological support to Hallenbeck's arguments. Archaeologic work at La Junta has established continuous occupation of that region over at least the last 600 years by pottery-making groups. The Indians mentioned by Núñez, whom previous workers have located at La Junta, were described as having no pots, but instead to have used baskets for cooking. This group, lacking pottery, cannot be identified, therefore, with the La Junta Indians, and as a consequence Núñez was not at La Junta.

Many readers also will remain unconvinced by Hallenbeck's nonchalant disposal of sections of the account which do not fit with his own interpretations as "retrospections" or "premature references" on the part of Núñez. Two excessive and inconveniently located rivers are thus casually disposed of (pp. 192-198).

On the whole, criticism notwithstanding, the book is carefully written, and thoroughly scientific. It is an outstanding piece of research and is whole-heartedly indorsed by the reviewer, who plans to modify many of his own ideas because of it.

J. CHARLES KELLEY

Sul Ross College, Alpine, Texas

Our Catholic Heritage in Texas, 1519-1936, I-(VII). Edited by the Rev. Paul J. Foik, chm. Texas Knights of Columbus historical commission. Vol. IV: *The passing of the missions, 1762-1782*. (Austin: Von Boeckmann-Jones, 1939; 409 pp.) By Charles E. Castañeda.

In previous issues,¹ the attention of our readers has been called to the initial volumes in this series. Their relation to the fourth, here reviewed, is indicated by their subtitles and inclusive dates: The finding of Texas (1519-1693); The winning of Texas (1693-1731); and The missions at work (1731-1761).

Apparently the author regards the present volume as the concluding one in the portrayal of "The Mission Era." In his opening chapter, a very excellent portrayal of "The province of Texas in 1762," Dr. Castañeda says (p. 2): "Like other frontier institutions, the missions were to continue until their work was done. Not till then were they to pass on even as the frontier itself. It is this last phase that will form the major portion of the present volume." And his concluding chapter treats of the "Beginning of secularization" in 1781-82. The seven intervening chapters record various shiftings, readjustments, and withdrawals which characterized the last decades of Spanish rule in a meagerly occupied, struggling, frontier province.

It is unique, in fact startling, to be told (p. 344) that the missions in Texas "had done their work and had accomplished their purpose. They were ready to pass on." This was not true historically in New Mexico, in Pimería, nor in California; was it true in Texas? The author's interpretation of this stage of "the mission era" strikes one as somewhat polemical; if we accept at face value the above statement, all the missions in Texas were ready to become self-supporting parishes and the missionaries would move on to evangelize other Texan tribes—whereas the voluminous records here given us show that this period was, on the whole, one of decadence rather than of fruition. In fact as

1. *New Mexico Historical Review*, xi, 352-355; xiii, 331-333.

the author himself points out (p. 262), even the four missions in San Antonio and the two in San Juan Bautista were not regarded in 1772 as ready for secularization.

We are coming gradually to recognize that the mission was the most effective colonizing agency employed by the Spanish crown, and that this was true chiefly because of two factors: the uniformly consecrated service of the missionaries and the governmental subsidizing of their work. But when financial support was not sufficient for the development and expansion of such work, and when the supply of missionary recruits became inadequate (p. 262), the inevitable result would be to "pass out" rather than to "pass on." The presidio and the civilian colony were other colonizing agencies; those in Texas contrasted very unfavorably with the missions as seen in the fine survey given by Dr. Castañeda in his opening chapter.

Throughout the book we are curious at the complete lack of any reference by the author to the work of one of his colleagues. Based in large part on the same sources used by Castañeda in his volumes, Dr. Walter P. Webb in his book *The Great Plains* (1931) devoted a chapter to "The Spanish approach to the Great Plains." It is a very illuminating analysis, especially of Texan history, for the reader who wants to recover his historical balance and perspective after reading Castañeda. Because of the abundant use of historical sources, we are apt to forget that the controlling theme of Dr. Castañeda and his sponsors is "Our Catholic Heritage."

The reviewer has had to remind himself repeatedly that whenever the author mentions "Texas" he means Texas with boundaries as adjusted in 1850. Of course, this enhances the possible claims as to "Catholic heritage," but it sacrifices historical accuracy. We have noted previously (vol. xi, p. 353) the error of identifying the Rio Grande with the Rio de las Palmas; last winter in Sevilla we photographed a letter of 23 February 1588 from Viceroy Velasco to the very Rev. Fray Andrés de Holmos in Tampico regarding certain native towns to the north of that place. A messenger had informed

him (the viceroy) that "he believes that these pueblos are *between the Rio de Palmas and the Rio Grande,*" and below in the letter Velasco desires the father to try to ascertain "what country and people there is *between the Rio de Palmas and the Rio Bravo,* and whether they have caciques and principales . . ." (Italics ours.) This should relieve Texas from, among other things, the dubious honor of listing Nuño de Guzmán among her first governors!

Nor indeed at any time was any part of the entire Rio Grande valley included in Texas prior to the boundary claims asserted by the Texan congress in 1836. Would it not be more accurate historically—and more dramatic—to depict more clearly the account of Texan origin and expansion? Apparently Dr. Castañeda attaches no significance to his casual mention (p. 224) of San Sabá as "founded on the border of Texas *and New Mexico,*" and of Carrizal as "in the jurisdiction of New Mexico." (p. 226) He wishes (p. 44) to include in Texas the presidio and missions of the "El Paso district" although he recognizes (p. 226) that they were all on the *right* bank of the river; he ignores the fact that there was no "El Paso" in the modern sense until after the Mexican War, and the further fact that that whole district—and also the missions at La Junta de los Rios (p. 44)—belonged to the province of New Mexico throughout Spanish times. (*cf.* vol. iii, pp. 211-212). And his enthusiasm carries him too far when he avers (p. 44) that if the English and French had reached the Rio Grande and New Mexico the natives "would never have known the comforts of religion." Nor was the attack on the presidio and mission of San Sabá "unparalleled . . . in the annals of Spanish colonization" (p. 99)—we need cite only the experience of Santa Fé in 1680.

The above observations suffice to show that, in relation to Southwestern history, this volume needs to be taken with some care; but the reader who bears in mind that the point of view is ecclesiastical and Texan, will, at the same time, go far with Dr. Castañeda in cordial recognition of what the

Franciscan missionaries contributed to Texan history. He will welcome the growing mass of source material which the author is making available and will watch with interest for successive volumes.

Very few typographical slips have been noticed; the indexing might have been better. L. B. B.

Epistolario de la Nueva España, 1508-1818. Compiled by Francisco del Paso y Troncoso. (Biblioteca Histórica Mexicana de obras Inéditas. Segunda Serie. Mexico, José Porrúa e hijos.)

The Librería Robredo of Mexico City in recent years has been publishing some valuable historical works. It has now undertaken the publication of the *Epistolario de Nueva España*, assembled by Don Francisco del Paso y Troncoso in the archives of Spain and other countries in Europe during his sojourn abroad between 1892 and 1916, the year of his death. This *Epistolario* will comprise fifteen volumes, with a general index at the end. It is planned to complete the publication of the series by 1940.

The work is not a collection of letters, as the title implies. It is true that the greatest bulk of the materials included consists of letters, but there are also numerous *cédulas*, ordinances, reports, etc. In Vol. I (yrs. 1505-1529) there are seventy-eight documents, some from Diego Colón, Cortés, Nuño de Guzmán and others. Six volumes (yrs. 1505-1552) have appeared to date containing 362 documents, although in a few cases only the titles are given as the text of the documents has already appeared elsewhere.

Volume IV (yrs. 1540-1546) is of particular interest for the history of New Mexico, as it includes several documents referring to Vázquez de Coronado. The first document listed in the volume is the report drawn by Viceroy Mendoza about the people who accompanied Coronado. The document itself is not published, as it had already been brought out by Pacheco y Cárdenas in their *Documentos inéditos para la historia de América*, Vol. XIV, p. 375. Docu-

ment No. 200 is a letter from Perarmíldez, dated July 28, 1541, telling of the revolt in New Galicia, the death of Pedro de Alvarado, and that the viceroy had received news from Coronado ten days before, but would not divulge them. This must allude to the letter sent by Coronado from Culiacán on August 3, 1540, informing the viceroy of the progress of the expedition. We have no other letter from him between this date and July of 1541.

No letters by Coronado himself appear in this *Epistolario*. There is one (document No. 238), however, by Licenciado Tejada, quite illuminating in regard to Coronado's life after his return from his famous expedition to New Mexico. Licenciado Tejada had been entrusted with the task of conducting Coronado's *residencia*. In this letter of March 11, 1545, Tejada tells Charles V that he has held Coronado's *residencia* and has sentenced him to a fine of 600 pesos de minas. Coronado appealed this sentence, so the *licenciado* is sending the documents to Spain. He found no charges against Cristóbal de Oñate; on the contrary he uses this occasion to praise him for his services. This Cristóbal was the father of Don Juan de Oñate, the founder of New Mexico.

In regard to Coronado's condition, the *licenciado* states he is not in his right mind; that he is more to be governed than to let him govern others. He is a very different man from what he was when His Majesty appointed him governor of New Galicia. It was thought that his condition was the result of his falling from his horse in New Mexico.¹

Licenciado Tejada looked into the cruelties and abuses committed by Coronado and his captains during the expedition to the new land. He is found guilty and placed under arrest in his home. Charges for these crimes are filed also

1. "Francisco Vásquez se vino a su casa y está más para ser gobernado en ella que para gobernar el ajena: fáltanle muchos quilates y está otro del que solía ser quando vuestra majestad le proveyó de aquella gobernación; dicen lo causó la caída que dió de un caballo en la pacificación y descubrimiento de la tierra nueva."

In this quotation two corrections have been made from the facsimile of the original, obtained in Sevilla last winter and now in the Coronado Library at Albuquerque.

against García López de Cárdenas, who is in Madrid at this time. He had left Coronado in New Mexico because of an injured arm, and also because his brother had died in Spain and he was called there to take charge of the estate. This intrepid captain discovered the Grand Canyon during an exploration trip accompanied by twelve men.

Another letter from Licenciado Tejada to the emperor is listed as document No. 244. In this letter, dated in Mexico City on the last day of August, 1545, the Licenciado notifies his monarch he has already forwarded to Spain the documents pertaining to Coronado's *residencia*. Among those papers was a report (for which the king apparently had asked) regarding the cruelties perpetrated by Coronado and his captains during the expedition to "la tierra nueva."

This *Epistolario* is being published from copies of the originals which were made by various transcribers for Señor Paso y Troncoso. For this reason the proof-readers, however careful they may be, cannot correct the errors made by the copyists. I have compared some of the documents with photostatic copies of the originals and found only small errors that in no way impair the value of the edition.² I will cite a few examples taken from Tejada's letter discussed above. On page 183, line 5, where it reads *por el ser el pueblo*, the first *el* is not in the original. The same is true of the *a* on page 184, line 6; the *la* in *la guerra* on page 184, line 15; the *que* on page 185, line 28. The *servieron* on page 185, line 29, should read *serviesen*; the *que* on page 186, line 29, should be *y*. On page 187, line 26, *de tributo* should read *de pagar tributo*. On page 188, line 24, *en* should be *es*, and *que, con que*. The first *y* on page 189, line 1, is not in the original; the second *y* on the same page, line 11, should be *que*. The *otros* on page 189, line 22, should read *los otros*. A marginal notation on the second paragraph of page 189, reading *véasse lo proveydo*, has been omitted. On page 203 *instrucción* is misspelled twice.

2. The facsimiles of the two Tejada letters are from A. G. I., *Mexico*, 68. The bulky *residencia* record mentioned by Tejada is now in A. G. I., *Justicia*, 339, and a complete facsimile is in the Coronado Library.

If the proofs could be corrected from photostatic copies of the original documents most of these small errors could be eliminated. But that would imply considerable cost and delay. The originals are often difficult to read, and far from exempt from errors, which the editors must explain in notes or correct before publication. There are no explanatory notes in the present edition of the *Epistolario*. The copyists or the editors have corrected some of the obvious mistakes found in the original Spanish texts.

As other volumes appear, containing documents bearing directly on the history of New Mexico, we will bring them to the attention of our readers.

AGAPITO REY

Indiana University

Home Missions on the American Frontier. With particular reference to the American Home Missionary Society.

By Colin Brummitt Goodykoontz. (The Caxton Printers, Ltd., Caldwell, Idaho, 1939. 452 pp., bibliography, index. \$3.50.)

"The home missionary movement was the resultant of many forces: Christian idealism, denominational rivalries, humanitarianism, nationalism, and enlightened self-interest all had their effect in producing and directing a movement designed to mold the West according to orthodox Protestant standards." (p. 39). To this summary of motives Professor Goodykoontz later adds (pp. 235 ff) the patriotic motive of improving the quality of the electorate with the coming of manhood suffrage in the nineteenth century.

"For the sake of clarity [about one-third of the book is devoted to] the work of the Congregationalists and Presbyterians, especially their joint activities through the agency of the American Home Missionary Society." (p. 7.) Other churches discussed in less space are the Baptist, Church of England, Lutheran, German Reformed, Dutch Reformed, Methodist, and Roman Catholic, not to mention some minor ones.

The first chapter deals with motives for home missions. Chapters II-IV cover the eighteenth century as a "background;" chapters V-XII deal with the nineteenth century; and the final chapter interprets the significance of the home missionary movement.

The book seems overweighted with detail, and yet it "does not purport to be an Encyclopedia of Home Missions." (p. 7.) Fortunately, some of the chapters end with a brief summary; otherwise it would be difficult to see the forest for the trees. A discussion of the several Wests is repetitious due to their common characteristics of pioneer hardships and rudeness. The paragraph construction is not always good.

Numerous quotations from letters of missionaries reveal their zeal and determination to missionize the West in the face of dangers in travel and rough living accommodations. They certainly afford evidence to substantiate the traditional concept of rugged American individualism.

A twenty-two page bibliography and abundant footnotes show intensive use of source materials. The author has done a very commendable piece of work and made a worthy contribution to the literature on the history of the West.

The Caxton Printers again display their good craftsmanship in binding and cover.

FRANK D. REEVE

University of New Mexico

"*The Mallet expedition of 1739 through Nebraska, Kansas and Colorado to Santa Fé.*" By Henri Folmer. A reprint of 13 pp. from *The Colorado Magazine*, xvi, no. 5 (Sept. 1939).

Sometimes a short article is more of a contribution to our history than many a thick book. Mr. Folmer is a graduate student at the University of Denver, and in his study here listed he has used two documents which he translated from the French text in Margry, *Découvertes et établisse-*

ments des Francais dans L'Amérique Septentrionale (Paris, 1888), vol. vi, 462 ff; 464 ff. Because of their interest in New Mexico history, we take the liberty of quoting his translation in full:

[Copy of a certificate given in Santa Fé to seven Frenchmen by the general Jean Paez Hurtado, alcalde major and captain of war in this capitol city of Santa Fé and its jurisdiction, lieutenant-governor and captain-general of this kingdom of New Mexico and its provinces.]

I certify, as much as I am entitled to captain don Louis de Sant Denis, who commands the fort at the mouth of the Red River, and to all other governors and captains, judges and justices of the Very Christian King of France and to all officers, military or civilian, who might read this, that on the 24th of July of last year, 1739, there came to the city of Santa Fé eight Frenchmen, called Pierre and Paul Mallet, brothers, Phillippe Robitaille, Louis Morin, Michel Beslot, Joseph Bellecourt and Manuel Gallien, creoles of Canada and New France, and Jean David of Europe, who were received in my presence by Mr. Dominique de Mendoza, Lieutenant-Colonel, Governor and Lieutenant-General of this Kingdom. Said Governor asking them from where they came and what their object was, whereupon said Paul answered that they came from New France and that they had come with the plan to introduce a trade with the Spaniards of this kingdom because of the close union which exists between the two crowns of France and Spain; that after having examined them, said Governor sent their rifles to the guards and tried to find lodgings for them. Because there was no place in the palace, I took them to my house, where I lodged them all. A few days later I sent for their arms and ammunition and a few objects belonging to them, which they had saved while crossing a river, where they lost nine horses, laden with merchandise and their clothes. In spite of the fact that they were almost naked, according to their report, they were determined to discover this kingdom and establish communication between New Mexico and the colonies of New Orleans and Canada and notwithstand-

ing all sorts of difficulties and dangers on the part of the wild tribes whom they met, they succeeded in visiting the Spaniards, by whom they were well received, being invited by them to eat in their houses and being lodged, while waiting nine months for the answer of the Archbishop, Viceroy of Mexico, dom Jean Antoine Bizaron. During this time the Mallet brothers, who have stayed at my house and shared my table, have led a regular and very christian life and having plans to return, I advised them, that in case they should obtain a royal cedula to trade with this kingdom, they bring on their return a certificate and a pass from the Governor, because otherwise they will expose themselves to the confiscation of their goods, which they should bring, and which will be considered contraband.

In behalf of which, etc. Made in Santa Fé, the 30th of April, 1740.

signed: JEAN PAEZ HURTADO

[Project of trade relations between Louisiana and Santa Fé. Copy of a letter, addressed to Father Beaubois by Father Sant Iago de Rebald, vicar and ecclesiastical judge in New Mexico.]

Upon this occasion, I write to you, Sir, concerning nine Frenchmen who came from New France, called Pierre and Paul brothers, La Rose, Phillippe, Bellecourt, Petit Jean, Galliere and Moreau, who have told me of their plan to introduce a trade in these provinces, which at the present time does not possess any, but, if one would allow them to execute their plan, one could easily overcome this obstacle, because we are not farther away than 200 leagues from a very rich mine, abounding in silver, called Chiquagua, where the inhabitants of this country often go to trade; and if they saw a possibility of using what they could get there, this would encourage them to exploit several mines, which they have. As these Frenchmen spoke about your Reverence, and of the good credit you possess in the province and city of New Orleans, I write to you in Spanish and not in Latin, in order not to disturb you, and to inquire about the state of your health, which I hope to be perfect and wish-

ing you prosperity, offering you my service. I occupy here the place of vicar and ecclesiastical judge in this kingdom. My Reverend Father, these Frenchmen made me understand that I could ask you for the merchandise which I need in order to provide for the needs of my family and that I could obtain it easily through your good office, because of the credit you possess among your people. I therefore profit without delay from this occasion to ask you to procure me the amount of the list herewith included and to send it to me, if possible, informing me of the price in silver or reals, which I will pay as an honest man and as soon as I can. In spite of the fact that I live in a kingdom where money flows but little, what I gain with my chaplainship is paid to me in silver or reals, which I could save, but for the future I have four thousand Piasters at Chi-quagua, which I will have sent over after receiving the answer of your Reverence, and we will know whereupon we can count, on condition that I am satisfied with the merchandise from your country; but, according to what has been told me, I presume that I shall be. Fearing to trouble you, I am the servant of Your Reverence.

In these two documents and also in the abstract of the report by Governor Bienville to Paris (for which see Mr. Folmer's paper, pp. 4-10) there are many points of interest. Hitherto we have had the understanding that these Frenchmen reached Santa Fé with sufficient tradegoods to keep them busy for nine months; that they were unmolested by the authorities, and returned to Louisiana with such profits as to encourage other French ventures. But now we know that, in fording the Kansas River, they lost practically everything but the clothes on their backs; yet they persisted in reaching Santa Fé—not for any immediate trading but in order to negotiate a trade arrangement with the Spanish authorities. Such a proposal had to be referred to the viceroy in Mexico City, and their nine months stay in Santa Fé is explained by the long distance to Mexico and the fact that "only one convoy leaves [Santa Fé] every year to make this journey." And Bienville's report continues:

When the answer of the viceroy came, according to the report of these Canadians, they were asked to stay in New Mexico. They thought that the Spaniards intended to employ them to discover a country towards the West, situated at a distance of three months' traveling according to the tradition, true or false, of the Indians. It is said that its inhabitants dress in silk and live in large cities on the seacoast. Whatever the truth may be, the Canadians preferred to return and they were allowed to leave with the letters of which a copy is herewith included.

The above letters have suffered somewhat from passing through a French translation, but we easily recognize our old friend General Juan Paez Hurtado and the governor, Don Gaspar Domingo de Mendoza (1739-1743); the "archbishop-viceroy" (1734-1740) was Juan Antonio de Vizarrón y Guiarreta. The fact that Hurtado addressed the certificate rather particularly to Captain Louis de St. Denis suggests that he may have inspired the trade proposal brought to Santa Fé by the Mallet party; we know that, some twenty years earlier, he was engaged in similar intrigue on the Texas frontier.

Father "Sant Iago Rebald" can be no other than Fray Santiago Roybal, who in 1730 had been appointed ecclesiastical judge by Bishop Crespo of Durango (Bancroft, *New Mexico and Arizona*, 240) and who at this time was the only vicar in New Mexico. He was still in active service as late as 1760 (N. M. HIST. REV., x, 185). Of course, he was unmarried, yet he wants French trade-goods for the needs of his "family." In explaining this allusion, we find an interesting side-light on contacts at Santa Fé with the French.

The vicar had a brother, Captain Ignacio Roybal whose daughter Manuela (niece of the vicar) had been the second wife of Captain Juan de Archibeque (Twitchell, *Spanish Archives*, ii, 184-5). Jean L'Archeveque, Pierre Meusnier, and Jacques Grollet were survivors of the ill-fated La Salle expedition of 1685 who later found their way to New Mexico. After Archibeque was killed in the Villazur disaster of 1720,

his widow had remarried into the Sena family; but without doubt she and her children, close relatives of the vicar, account for his especial interest in these French visitors.

Those interested may find in Mr. Folmer's paper also an annotated study of the route followed by the Mallet party.

L. B. B.

The Rebuilding of San Miguel at Santa Fé in 1710. By George Kubler. (Contributions of the Taylor Museum, Colorado Springs; 1939.)

This is a well printed and beautifully illustrated brochure of twenty-seven pages which, as stated in the opening sentence, is based on a manuscript which now "forms part of the Ritch Collection in the Huntington Library at Pasadena" (San Marino, California). However it may reflect upon the Huntington Library and those responsible for the fact that this body of papers is at present in that library rather than in the Spanish Archives at Santa Fé, this fact does not in any way reflect upon the author of the brochure. Incidentally, the endorsement "No. 277" which appears at the beginning of the document is the file-number which was put there by Don Donaciano Vigil when he was Territorial secretary and in charge of the public archives in the Palace of the Governors at Santa Fé. Similar numbers are to be found on other papers of the so-called "Ritch Collection."

Dr. Kubler has done an excellent piece of work in his annotated introduction, in reproducing the text of the original Spanish, and in his translation, of the document which records the restoration work carried out in 1709-1710. We shall look forward with interest to the larger work which he promises (note 18) on *The Religious Architecture of New Mexico*.

L. B. B.

NOTES AND COMMENTS

AT THE MEETING of the Historical Society of New Mexico, held in the library of the Old Palace, November 21, 1939, the following officers were elected for the next biennium: president, Paul A. F. Walter; first vice-president, Ex-Governor James F. Hinkle of Roswell; second vice-president, Ex-Governor Miguel A. Otero; corresponding secretary and treasurer, Lansing B. Bloom of Albuquerque; assistant treasurer and curator, Hester Jones. Twenty-one new members were elected to membership.

The secretary reported many fine gifts and other accessions as well as improvements and installations, particularly the reinstallation of the large Spanish *reredos* above a constructed altar with a railing carved and hand-painted in the style of the Santuario at Chimayó. The rail painting was done by Mrs. Gladys Temple.

The subject of state monuments and suitable marking of historic sites was brought up and discussed. The State Highway Department was praised for placing markers of attractive design on or near such sites. Dr. Edgar L. Hewett, Mrs. Gerald Cassidy and Professor Bloom were appointed a committee to recommend to the New Mexico Science Commission the creation of state monuments.

In the address of the evening Professor Bloom spoke informally on his recent archival work in Europe. He described highlights of his search for New Mexico historical sources during the past two years in archives and libraries of Rome, Florence, Ravenna, Bologna, Venice and Paris; and in Sevilla, Spain. He explained the reasons for the wide scattering of New Mexico historical material. In the days of Spanish sovereignty over New Spain and especially over what was then New Mexico, the civil and military authorities reported to Mexico City and after 1776 in part to Chihuahua; the judicial authorities reported to the *audiencia* in Guadalajara; the secular church officers to the bishop at

Durango, and the Franciscans to their headquarters in Mexico. From there reports were sent to the various central authorities in Spain and in Rome. Mr. Bloom photographed some 30,000 pages in the archives of Italy and Spain, finding it quite possible to work in Sevilla during the Spanish civil war. Many of the records secured are material relating to Coronado, Cárdenas and Vargas. He brought with him for exhibit enlarged photographs of some of this material which was scanned with much interest by those at the meeting.

Mr. Walter, presiding, announced that he had appointed Mr. Bloom officially to attend the annual meeting of the Mississippi Valley Historical Association in Omaha, May 4-6 next, where he has been invited to give a paper on early Spanish exploration.

H. J.

PLAN FOR CORONADO MONUMENT

Architect's plans for the Coronado National Monument near Bernalillo have been approved by the New Mexico Coronado Cuarto Centennial Commission, and work on the construction is already under way, with a crew of 60 men on the job, Clinton P. Anderson, managing director U. S. Coronado Exposition Commission, announced Tuesday.

"No effort is being spared to make the Coronado Monument one of the great scenic and archaeologic attractions of the entire country," Mr. Anderson said. "Through the joint coöperation of Works Progress Administration, University of New Mexico, Federal and State Coronado Commission, and the Museum of New Mexico, more than \$80,000 will be spent on construction, landscaping, and preparation of exhibits."

Plans of the architect, John Gaw Meem, Santa Fé, call for a one-story pueblo style building with raised gallery. Murals of Coronado's "Entrada," painted by the late Gerald Cassidy, will take the principal position in the gallery.

A replica of the famous old Kuaua pueblo, diorama of the Seven Cities of Cibola, and a relief map of New Mexico showing the Coronado trail and the mountain passes trav-

ersed by the Conquistadores, will also be placed in the gallery section. In one corner a display case will contain Coronado's armour and typical costumes of the period. In the opposite corner will be an exhibit of utensils and weapons of the Coronado period, prepared by the School of American Research under the direction of Dr. Edgar Lee Hewett, director of the Museum of New Mexico and the School of American Research. Dr. Hewett is in general charge of plans and construction of the Monument.

Opposite the central gallery will be two wings, one containing offices and art exhibits, and the other devoted to archaeological displays, including pottery and other material excavated from the Kuaua ruins.

The 1200-room pueblo has been excavated and walls have been raised in certain places to emphasize the vast extent of the ancient capital of the Province of Tiguex.

The Monument site lies on the west side of the Rio Grande, is visible from Highway 85. Plans for its development include landscaping down to the river bank, with a botanical garden, and provision for adequate parking space.—*Albuquerque Morning Journal*.

PURLOINED PAPERS—The Pacific Coast Branch of the American Historical Association met in annual session at Los Angeles during the holidays. At the brief business session on December 29, the following resolution was offered with the request that it be referred to the executive council for consideration and action:

WHEREAS, in the field of historical research, we sometimes encounter important source materials which have been acquired improperly by their present holders.

BE IT RESOLVED that it be the recognized policy of the Pacific Coast Branch of the American Historical Association not to publish in our historical quarterlies or otherwise recognize any paper, study, graduate thesis or other production which in any way rests upon the use of such allegedly wrongly

acquired material unless it be accompanied by a suitable printed recognition of this fact.

The motion was seconded, and without discussion the matter was referred as asked.

Immediately after adjournment we were interested in being button-holed by Dr. Herbert E. Bolton, who was somewhat perturbed by the joshing of some of his friends: "What have you been stealing now?" And he wanted to know what was back of the motion. Our reply was: "Dr. Bolton, I can illustrate out of your own experience. I understand that some years ago several entire legajos of documents which had been purloined from the *Archivo General* in Mexico City came into your possession at Berkeley . . ." That's a lie," interrupted Dr. Bolton. "Wait a minute," we continued, "Let me finish. I understand further that you saw to it that those documents were returned to the place where they belonged." "Yes," nodded Dr. Bolton, "that is correct."

We then gave him, and later the secretary of the executive council, the salient facts as to a considerable body of papers which originally were, without question, part of the old public archives in Santa Fé but which, a few years ago, were acquired by a library in another state.

Legal action can, of course, be resorted to for the recovery of public documents, but it would be much pleasanter if any library or individual who acquires such papers would emulate the example of Dr. Bolton and see that they are promptly restored where they properly belong. Probity and a regard for ethical standards are to be expected from any person or institution engaged in historical research.

LANSING B. BLOOM.

GRAN QUIVIRA—How this name ever became attached to one of the Saline pueblos has been a puzzle; we have never been able to trace back such use of the name earlier than by Gregg in his *Commerce of the Prairies* (1844). But recently in reading proof on a transcription from the journals of A. F. A. Bandelier, we came across the following entry under date of 5 November 1883:

. . . The town of El Paso del Norte is a big Indian village, below trees, except the two principal Streets, where the houses are connected. The Indians mostly live in the "Bancal" [?]. At 2 p. m. I could at last see the Cura Ramón Ortiz. He told me . . . Foundation of the church, 1656, Fray Martín de Hinajosa. *Origin* of the name Gran-Quivira being applied to the present Pueblo [Tabirá]. An ancestor of his, a Spanish officer, came hither at the beginning of this century, sent by the Spanish government after the Gran Quivira. He looked for it in the N. W. and surveyed the Pueblo Bonito &c. &c. But an old "Jumano" Indian, "Tio Juan Largo" of Socorro, called attention to the present Pueblo of Quivira, and thus the name remained.

On the other hand, as late as April 2, 1778, Fray Escalante in writing to Fray Juan Agustín Morfi expressed the opinion that

the Gran Quivira, according to the region in which they have always considered it to be, and according to what I have been able to find out until now, with all the narratives about it that I have seen or heard, is nothing else than the villages of the Panana (Pawnee) Indians . . .

(Twitchell, *Sp. Archs.*, ii, 279)

The two citations would seem to limit the time of transition within thirty years or possibly less, so that the explanation found by Bandelier is very credible.

L. B. B.

CUMULATIVE INDEX—With this issue the NEW MEXICO HISTORICAL REVIEW begins its fifteenth volume. Next fall the editors plan to publish a cumulative index of the entire series which will be supplied without additional charge to current subscribers, and to others of record who maintained their subscription for five years or more.

Libraries in this country and abroad, and individuals who make frequent use of their back files will welcome the aid of such a ready-reference volume. Instead of having to

consult fifteen separate indices, the inquirer can then see at a glance what may be available on a particular topic. It is thought also that a fifteen-year tabulation of contents and contributors will be both helpful and impressive.

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(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION
OF THE
HISTORICAL SOCIETY OF NEW MEXICO
(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

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Article 5. Elections. At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

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Article 9. Quorums. Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. Amendments. Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

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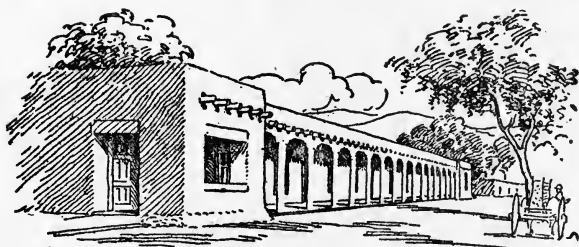
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PALACE OF THE GOVERNORS

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CONTENTS

Who Discovered New Mexico? . . Lansing B. Bloom 101

New Mexico's Fight for Statehood, 1895-1912
Marion Dargan 133

Federal Control of the Western Apaches, 1848-1886
V, VI Ralph H. Ogle 188

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WHO DISCOVERED NEW MEXICO?*

By LANSING B. BLOOM

PERHAPS WE SHOULD begin the discussion of our subject by asking what we mean by discovery. In early colonial times, this was the first phase of carrying crown rights into a new region. The European power whose subject or agent first actually visited and reliably reported a *tierra nueva* was recognized as having a prior claim to that region; and the man or men who effected such a discovery had a valid claim on royal favor. Of course, if permanent possession was to be realized, discovery had to be followed up by more careful exploration and by colonization, but in this discussion regarding New Mexico we are now interested only in the initial phase—that of discovery.

In defining "discovery" we recognize two essentials, neither of which is sufficient without the other: (1) the discoverer must himself have seen what he reports, and (2) he must report it in a credible manner. Some of us doubtless remember when Robert E. Peary reached the North Pole in April, 1909. In due course, he was recognized as the discoverer, although one Frederick A. Cook claimed to have gotten there nearly a year earlier. The evidence offered by the latter was not credited.

In this connection we might observe that no native ever rated as a discoverer. The earliest known report about the

*Paper read at the annual meeting of the Mississippi Valley Historical Association, at Omaha, Nebr., May 2-4, 1940.

Pueblo Indian country was that given to Nuño de Guzmán in, or about, 1530, by one of his slaves. As such information went, the story told by the Indian Tejo seems to compare favorably with the later reports by Cabeza de Vaca and Fray Marcos de Niza. Going as a boy with his father, Tejo had actually visited large towns in the north and his story was given weight—at least, this was true later when Guzmán seems to have used it to back up his claim to prior right of discovery in that region. But Tejo himself was not a discoverer; he was merely an Indian slave.

We need to agree on what we mean by the word “discovery”; we should also be clear in our use of the term “New Mexico.” If we are thinking of *the region* which later came to be known by that name, we may agree upon a discoverer much earlier than if we look for the first report of the region when it had this particular name. Suppose we proceed, therefore, first to trace the name back to its earliest appearance and consider the various men who claimed recognition as “discoverer of New Mexico,” and, second, to consider any earlier discoverers of the same region before it received its permanent name. With these latter, of course, the title “New Mexico” will be an anachronism.

As early as 1889, H. H. Bancroft¹ noted the appearance of the name “New Mexico” in the 1560’s, and some attention has been given by later writers to the two instances briefly described by Bancroft. From a brief *testimonio de autos* first published by Pacheco and Cárdenas² it appears that in 1568 Francisco Cano was an administrative officer of the newly opened mines of Mazapil when, with sixteen soldiers, he made a prospecting journey northwards and discovered a lake to which he gave the name “Laguna de Nuevo Mexico.” Usually Cano’s lake has been identified with the Lake of Parras in southern Coahuila, but the Mexican historian Lic. Vito Alessio Robles has shown recently³ that this dis-

1. *Bancroft's Works*, vol. xvii (Arizona and New Mexico), pp. 72-73.

2. *Colección de documentos inéditos*, xix, pp. 535-540.

3. *Coahuila y Tezas en la época colonial* (Mexico, 1938).

covery lay more to the east. In any case, it was far from the present New Mexico and is of interest to us now solely because of the light which it throws on contemporary thought.

As Bancroft remarked, there was a "tendency to find a 'new Mexico' in the north." What idea did the name "Mexico" convey to Spaniards of the sixteenth century? Today the name at once suggests the entire country which is our neighbor on the south, but under Spanish regime that country was the viceroyalty of Nueva España. For three hundred years the name "Mexico" was restricted to the rich prize which Hernán Cortés and his followers had found and won. When they marched down into the Valley of Mexico, the great lake of Texcoco was much more extensive than it is today, but it is not difficult to visualize what they saw before them: the Aztec city of Tenochtitlán like a new-world Venice with canals and causeways, temples and palaces, and around the shores of the lake other cities which paid rich tribute to the ruling Moctezuma. "Mexico" meant that valley and the Spanish city which had risen on the ruins of Tenochtitlán, mistress of the Aztec world. Is it any wonder that ardent *conquistadores* dreamed of discovering other "Mexicos"? Such dreams were to persist just so long as there were undiscovered regions beyond the advancing frontiers. "Plus ultra" was the motto of Spain and of the conquistadores.

So with Cano. In formal legal style he reported that he had found such a region: a broad rich valley with a great lake, and that many "smokes" were evidence of a considerable population. He told of "a very large number of *rancherías* of Indians, fisherfolk and warriors, of certain nations which seem to be of the Indians of Florida."⁴

Farther to the west and several years earlier, a similar use of the name "New Mexico" appeared in the activities of Francisco de Ibarra, whom the viceroy in July, 1562, had

4. *Doc. inéd.*, xix, p. 536. There are now in the Coronado Library, University of New Mexico, facsimiles of these and other documents relating to Cano, from A. G. I., Patronato 22 and Guadalajara 51.

commissioned as governor of provinces which he was to discover "beyond the mines of San Martín and Aviño." Ten months later (May 3, 1563) Don Francisco wrote a hurried but enthusiastic letter from the valley of San Juan to his uncle, Don Diego, at the mines of San Martín. Within the hour, Don Francisco had returned from a new discovery fifty or sixty leagues to the west; he meant to stay at San Juan until after the rainy season and then leave to settle the new province. Don Diego forwarded this letter, enclosed in a short one of his own, to the viceroy; and the latter in turn wrote the news to the king, transmitting the above two letters and also a written *relación*, taken by Don Diego from the soldier who had brought his nephew's letter. The viceroy's letter thus carried three enclosures.⁵

It is the last paper, undated but thus identified, which gives an intriguing account of Ibarra's new discovery. Guided by an Indian woman through and over the mountains, they had reached some plains where there were groves of trees and a river; and she told the Spaniards that, if they would climb the heights beyond, they would see the people and town known as Topiamé. Six soldiers, sent by Ibarra, reported back that they had seen many Indian houses, all white and terraced, and there seemed to be many Indians who were well dressed in white and in other colors after the manner of the Mexican people, and from the appearance of the people, "surely it must be another Mexico." The Spaniards remained concealed and that night, with the greatest caution and on foot, they approached nearer and heard the playing of *teponaztles* like the music of the Mexican people. Their guide was asked whether there were any more such towns, and she replied that the one which they had seen was as nothing to others which were on beyond other mountains which were near there. The Spaniards and their horses were so worn and exhausted and the Indians were so numerous that it had been necessary to return to San Juan, said the messenger, but the governor was talking

5. *Doc. inéd.*, xiv, pp. 553-561.

about having discovered "the new Vizcaya" and "the new Mexico."

However, Topiamé proved disappointing, and later when Ibarra pressed on "over the hills" he found to his disgust that he had come out at Culiacán, in parts already settled on the western slope. Legendary Copala, ancestral home of the Aztec people, was the principal object of his search during these years, and from San Juan on the Rio Fuerte, late in 1565, he was toiling northward and inland through the mountains of southern Sonora. The province of Paquimé which he finally reached is probably to be identified with the ruins of Casas Grandes, Chihuahua. Here Ibarra found many evidences of a well advanced native culture—but the inhabitants were gone, although it seemed that they had left but recently.⁶ Perhaps it was the sought-for Copala "whence the Mexicans had gone forth to settle in Mexico," but if so, it was an *older* Mexico and not a new one.

The over sanguine reports of Ibarra and Cano were still recent history when the name "New Mexico" finally reached its permanent home in the land of the Pueblo Indians. Here as in the other cases there was a reason, an appropriateness in the use of the name; in fact, it was its fitness which caused the name to stick and outlive the various other names proposed by early discoverers. In all America the Spaniards found sedentary Indians, natives far advanced in the arts of civilization, in only five regions; of these, the valley of Mexico was the first and most spectacular—New Mexico was the fifth and last.

To the best of our knowledge, the earliest use of the name as now applied is found in documents relating to the expedition of Fray Agustín Rodríguez which set forth from Santa Bárbara in June 1581. In Mexico City on May 16, 1582, the viceroy took sworn statements of Pedro de Bustamante and Hernando Gallegos, soldiers returned from this

6. J. L. Mecham, *Francisco de Ibarra and Nueva Vizcaya*, p. 174, says "the wooden supports had rotted away." The wording of Betanzos, "que aun estauan por pudrir las maderas," means that the timbers were still unrotted. A. G. I., Mexico, 168, Betanzos to the king, 5 junio 1566.

entrada, in neither of which does the name "New Mexico" appear.⁷ As published by Pacheco and Cárdenas, next in this group of documents is a short similar statement of another returned soldier, Hernando Barrado, at Mexico on October 20, 1582, who uses no regional name except "that country of Puaráy." Then follows an important letter of the viceroy to the king, November 1, which shows that he had twice consulted Don Rodrigo del Rio de Losa, lieutenant of the captain-general of Nueva Galicia. The two opinions given by Rio de Losa are among the accompanying papers and, although undated, they are definitely placed by their being cited in the viceroy's letter. In the earlier of the two, Rio de Losa speaks of "the new discovery which they are calling the new Mexico"⁸ and expresses the hope that the missionaries may still be alive; in the other⁹ they are said to be already dead—and here the region is called "the new Mexico and province of San Felipe," and again simply "the new Mexico."

It is a remarkable fact that the name is not found in the *relación*, the writing of which was finished by Gallegos on July 8, 1582. It seems conclusive that only with their return from the north and with the spreading of the news which they brought did these soldiers, and people generally, begin to use the name "New Mexico" in an informal and popular way. Antonio de Espejo, writing from San Bartolomé in October, 1583, shortly after he returned from his rescue expedition, said that he had spent more than a year in "seeing and discovering the provinces of the new Mexico to which I gave the name Nueva Andalucia," and he began his *relación* with mention of "the provinces of the new Mexico."¹⁰ At about the same time, Francisco Díaz de Vargas, an official in the city of Los Ángeles (Puebla), in seeking permission to follow up the new discovery expressed the view that the Mexican people had had their origin from the

7. *Doc. inéd.*, xv, pp. 80-95.

8. *Ibid.*, xv, pp. 142-146.

9. *Ibid.*, xv, pp. 137-142.

10. *Ibid.*, xv, pp. 162, 163-189.

nations and towns of that northwestern region "which is what we are now calling the provinces of San Felipe del Nuevo Mexico."¹¹ Later in the same document Díaz stated that the Rodríguez party reached the people and cities where Vázquez Coronado had had his camp and which *he* called Cíbola but which *these* named San Felipe of New Mexico."¹²

We may sum up our discussion thus far by saying that the name "New Mexico" came into use during the year 1582 as a result of the Rodríguez expedition, and that in no form or manner prior to this time was the name connected with the Pueblo Indian country.¹³

A corollary of this statement is that any undated document which uses the name was not written before that year. Take, for example, an original document, signed but undated, which we photographed last year at the Archive of the Indies.¹⁴ In it Captain Vicente González at Santo Domingo tells of being sent out by Pedro Meléndez Marqués, governor of the province of Florida, up the coast toward *los bacallaos* in search of a reported "fort of the French." In a great port which extended for thirty leagues inland González was told, among other things, that back of the mountains and distant not more than five days' travel was "the new Mexico . . . Here there are great houses four stories high and plastered outside. There are many small cattle and much silver, because the Indians themselves so informed him." Study of this paper may throw some doubt on an exploration of 1573 which has been credited to this governor¹⁵ but Lowery credits González with another later voyage in 1588. With its mention of New Mexico, this docu-

11. *Ibid.*, xv, pp. 126-137.

12. *Ibid.*, xv, p. 131.

13. As first used in the *Crónicas* of Baltasar de Obregón (Hammond and Rey edition, p. 41) the name is an anachronism. Obregón finished this writing at Mexico City in April, 1584, nearly six months after the return of the Espejo party. He simply uses the name already then in vogue when speaking of the interest of Viceroy Luís de Velasco in the 1550's in reports of *tierras nuevas*.

14. A. G. I., Mexico 1841.

15. See Woodbury Lowery, *Spanish Settlements in the U. S.: Florida, 1562-74*, pp. 381, 459.

ment could not be as early as 1573, whereas 1588 is credible.

If our name "New Mexico" came into use first in 1582, we may well show vigorous disrespect for some inscriptions which have been imposed on our friends in Arizona. Apparently about ten years ago, someone laboriously made a group of rock inscriptions in Pima Cañon, a few miles out from Phoenix—in an effort, we judge, to prove that Estevanico, Fray Marcos de Niza, and Coronado passed that way. I believe that it was Dr. Harold S. Colton of the Museum of Northern Arizona at Flagstaff who, in 1933, first identified the alleged "Coronado" inscription as a clumsy plagiarism from the well known Vargas inscription at El Morro, New Mexico. The last half of that inscription reads: "*a la real corona todo el nuevo mexico a su costa, año de 1692.*" The Phoenix fake shows, in the same style and arrangement, the words italicized, and the date is altered to read 1539. The names of Estevanico and Fray Marcos are scratched nearby, and of the above legend you are expected to accept "corona to" for Coronado. It was a fatal mistake for the perpetrator of the hoax to retain the words "el nuevo mexico"! We have not a shred of evidence showing that name in use before 1582, and a stick of dynamite would be well expended in definitely ending the imposition.

Turning now to consider the various men who claimed to be "discoverers of New Mexico," we take first Don Antonio de Espejo. Various writers seem to regard him as most entitled to the honor, and much might be said in favor of this view. For example, at Madrid in the summer of 1748, Juan Antonio Valenciano submitted a voluminous narrative describing the provinces in the viceroyalty of New Spain.¹⁶ In the section upon the province of New Mexico the first paragraph reads:

The Kingdom of New Mexico is found situated between the 29th and the 39th degrees of north latitude, extending on the north as far as Quivira

16. A. G. I., Mexico 1849. Its compiling had been ordered by the king a year before.

and on the east to Florida. It ends to the south with the Kingdom of Mexico and on the west with the sea of California; and likewise the same name is given to the Provinces which are found at the source of the Rio del Norte. It lies at a distance of 400 leagues from the City of Mexico, and was discovered by Don Antonio de Espejo in the years 1581 or 1582.

The point of interest here is that, nearly two centuries after the event, Espejo should officially be mentioned as the one who discovered New Mexico. From the dates given it is evident that the rescue party—as we may call the Beltrán-Espejo party—was not distinguished from the preceding missionary party,—as we may style the Rodríguez-Chamuscado party. The rescue party left San Bartolomé (now Allende, Chihuahua) in the fall of 1582 and did not return until a year later. Then, from October 1583 until late in 1586, Espejo was seeking royal favor which would allow him to follow up his discovery with an occupying and developing of the new region. The records show that his claim as “discoverer” received tacit recognition at court; but his petition was not granted. He had influential connections, but his record was against him.¹⁷

But meanwhile, as already noted, the soldier-survivors

17. His son-in-law, Pedro González de Mendoza, was probably related to the historian, Juan González de Mendoza; at any rate, the latter made use of Espejo's *relación* in his important history which was published in Madrid in 1586.

On the other hand, Espejo was one of the defendants in a criminal suit involving the death of two men which was initiated at Querétaro in April 1581. In writing to the viceroy on Oct. 31, 1583, he hoped to prove his innocence; but in April 1586 he was petitioning for pardon. He seems to have secured this in December of that year, but meanwhile his petition to be allowed to follow up his discovery in New Mexico was simply ignored.

That Espejo was, however, even then tacitly recognized as discoverer of New Mexico is shown, for example, in a royal cedula of Apr. 21, 1585, which commended to the favorable attention of the viceroy his son-in-law. As recited in the cedula, González had presented a *relación* of the services of his own father; he wanted to emulate that example; he was married, and lastly he had come to Spain to report “the discovery by his father-in-law Antonio de Espejo of New Mexico, in which he had expended much of his property.” (A. G. I., Mexico 1091, C 11.) The very next cedula entered in this record book and of the same date ordered that Pedro Múñoz de Espejo and Juan Rodríguez be allowed certified copies of the criminal case against them—doubtless the same one in which Don Antonio was involved.

of the Rodríguez party had returned in the spring of 1582 and their reports had at once been transmitted to Spain by the viceroy. In fact, Hernán Gallegos (who had been made their leader upon the fatal sickness of Captain Chamuscado during the return journey) was sent by the viceroy to report in person at court. At least a year before Espejo's agents were at court urging his claims, Gallegos himself was there—and was being referred to officially as “the discoverer of New Mexico.” In March, 1583, he addressed the following petition to the king:¹⁸

Very Powerful Lord: [I], Captain Hernán Gallegos, discoverer of New Mexico, state that, by a previous petition and memorial and records which I presented, it is shown how I came from the provinces of New Spain by order of Your viceroy, to report to Your Highness how I went with eight others, companions, and with three Religious, having a permit from Your said viceroy for the discovery of the said New Mexico; and [to report] what happened to us on the said journey, to me and to the others, as is set forth in the records which are in Your council [of the Indies], in which I prayed Your Highness to do me the favor to command that I be given the conquest and pacifying of that country, in accord with the laws and ordinances and as has been done with others who have gone on similar discoveries.

And it seems that Your Highness has not granted me [the favor] because I did not declare in the said petition that the conquest would be at my cost.

And since it is, and always has been, my purpose to serve God Our Lord and that those barbarous people be reduced to the fold of the Holy Mother Roman Church and [be made] subjects of the government of Your Highness, acknowledging You as king and lord:

BY THIS [PETITION] I say and offer that, if Your Highness so please, I will undertake the said conquest at my expense and cost, and will furnish

18. A. G. I., Guadalajara 10.

500 men and more for the pacifying of the said country, if I am allowed the [same] terms and conditions as those which Your Highness ordered made with Francisco de Ybarra, your late governor of the province of Chiametla, which is the most nearly adjacent country of Christians, and with any other terms convenient to secure the said pacifying of the said province.

LIKEWISE I say that, since for the said conquest there is no need of people going from these parts—owing to the many in New Spain who will be glad to go with me on the said journey—and since, nevertheless, I am told that in this court and in the city of Sevilla there are many persons who have served Your Highness in those parts and who will be of much use and benefit since they can serve as officers of war on the said journey, I pray and supplicate Your Highness to order that I be given a permit to take along of these said soldiers up to the number of thirty for the said purpose, since this will be agreeable to the service of Your Highness.

Hernan Gallegos (rubric)

Accompanying this petition and of earlier date is what seems to be a brief summary of the earlier petition mentioned by Gallegos.¹⁹ It reads as follows:

S. C. R. M. [Sacred Caesarian Royal Majesty]

Captain Hernán Gallegos, native of Sevilla, says that he went to the provinces of New Spain some ten years ago, wishing to be employed wholly in the service of Your Majesty, and God has been pleased that he should realize his desire well. Not contenting himself with what he might accomplish in following up the purpose and measures taken by others, he chose to venture his person and property in going to the discovery of New Mexico—whither went Cabeza de Vaca and Francisco Vásquez Coro-

19. Dr. France V. Scholes reports that there is a *probanza* record of Hernán Gallegos in A. G. I., Patronato 77-1-7. Study of it may show whether our surmise is correct, but the papers here given make the situation sufficiently clear. This brief is such as was usually made by a fiscal or secretary of the Council of the Indies.

nado and others, and they were not able to accomplish the said discovery.²⁰

He brings information of that discovery, certified by the royal audiencia of Mexico, that there were eighteen cities and fifty-three pueblos with six discoveries of mines. Of these the viceroy ordered an assay to be made, which showed thirty-six marks to the hundred weight—as appears from the *relación* and the *memorial* which he brings thereof, and [also] of other great matters which are worthy of being heard and understood.

He prays that Your Majesty command a consideration of the records which he brings regarding all that is here stated, whereby will be evident the services he has rendered, and his expenditure of more than 8,000 pesos and the dangers [encountered] and the benefit which may come out of all this, so that God our Lord and Your Majesty may be served.

And in accord with his labor and costs and expenses incurred in the journey which he has made on behalf of the discoverers²¹ [he prays] that you make him a grant, in conformity with the ordinances relating to entrance for discovery, both of the trading-rights and administration (*factoria y alguazilazgo mayor*) of the province of San Felipe del Nuevo Mexico, and of succor for the said journey, [all] in the form and manner which are customary in granting such governments. For he hopes in our Lord, from what he saw and learned and the dangers and captivity which he endured²² that there will be as much profit from this discovery and from what remains to be discovered (which is, without compare, more and better than that here stated) as the greatest that there has been in all the province of New Spain. For there are cities of which the houses have from one to seven stories, and a great number of herded cattle and land fertile with many fruits and great har-

20. More of these two men later. The meaning here is that a discovery not followed up is not "accomplished."

21. He thus includes his fellow-soldiers in his petition.

22. This must refer to the trouble he had with officials of Nueva Viscaya upon his return from New Mexico.

vests, besides the said mines and towns for the developing of them.

And since he comes to give news to Your Majesty of all that is here stated, as the one who remained as leader of the people who were found in the said [journey of] discovery, and it is convenient that he return shortly for its continuation, he prays Your Majesty that he be succored and dispatched promptly, because he came in this packet-ship with the assistance given him by the viceroy for this object, [and] he asks the same succor of Your Majesty for his maintenance and return from the said journey. And [he says that] it would be of much importance that he depart with this fleet which is now being made ready.

This summary of his first petition was endorsed on March 14, 1583, and referred to the Council of the Indies, where its disposition was indicated by a line: "This matter is already cared for as is convenient," while a similar endorsement on the petition of March 30 said in effect: "Let Gallegos take his appeal to the viceroy."²³

This does not mean necessarily that Gallegos and his companions were discredited as discoverers.²⁴ The very fact that the record as drawn up and certified in the Audiencia of Mexico was filed among the archives of the *Patronato* shows that this discovery was regarded as important in any validating of Spanish crown claims in New Mexico.

But now we come to still another Spaniard who claimed to be the original discoverer of New Mexico, a Captain Melchior de Alava. This aspirant to the honor seems to have been quite unknown hitherto, and yet in 1584 he made

23. The two endorsements read: "Ya esta proueydo esto como conviene"; "que acuda al Virrey." The explanation seems to be that reports direct from the viceroy regarding New Mexico had already been acted upon, and it had been decided to have him find the right man to follow up the discovery. Although the royal cedula so ordering was not dated until April 19, these Gallegos papers would show that the decision had been reached some weeks earlier.

24. See, for example, a *recomendación* of 18 October 1583 in A. G. I., Guadalajara 230, secured for Gallegos by Gonçalo Rodríguez, "for services since he came of age, and for going with Chamuscado and eight others to the discovery of New Mexico."

the remarkable claim that it was he who had first given news of New Mexico not only to Espejo but also to Fray Agustín Rodríguez! Moreover, he declared that, ten years before (1574), he had brought news of that country to the king in Spain—although at that time, as we shall see, he called the new country “the land of Quivira.”

Fortunately we have a pretty clear picture of the part played by Alava on the northern frontier through a *probanza* of the year 1584.²⁵ From various endorsements on the opening pages of this record we gather the following facts: that the *probanza* was dated at Guadalajara on March 6 of that year, and was presented to the Council of the Indies in Madrid on October 27 following. The secretary, Juan Ledesma, wrote at the top of the cover-page: “Captain Melchior de Alava asks the office of *alguazil mayor* of the mines of Sombrerete,” and it was then turned over to a *relator* named Varros who, immediately below, added the following summary of the various documents embodied in the *probanza*.²⁶

Captain Melchior de Alava, resident of the Villa of Llerena and the Mines of Sombrerete which is in the New Kingdom of Galicia [represents]:

That he came to this court in the year 1574 to give an account to His Majesty of the services which he has effected, from the mines of Zacatecas to Santa Bárbara, in discovering and pacifying the country and settling it all with General Rodrigo del Rio de Losa as it is now settled by Spaniards. He has been serving for twenty-seven years in this and in other ways which have offered and as he has been ordered by the Audiencia of Guadalajara.

Likewise, that he gave news to His Majesty of the country and settlements of New Mexico and Quivira; wherefor His Majesty granted him a cedula so that he might confer with the viceroy,

25. A. G. I., Guadalajara 34.

26. A last endorsement here notes that on Oct. 30, 1584, the matter was seen by four men named,—evidently members of the Council to whom Alava's case was referred. Its disposition will appear below.

Don Martín Enríquez, regarding the discovery of that land.

That while he was sick, three Religious of Lord Saint Francis asked for a permit to go with seven companions to this discovery and, through the account which he gave them, they entered and found to be true all that of which he had given account to His Majesty.

And [that] Antón de Espejo arrived in that season at Sombrerete, like a man who might be of service to the Religious so that they should not be killed among the Indians; and the same Melchior de Alava gave to Antón de Espejo the same [information] so that he might not lose his way, because he [Alava] remained in Sombrerete serving His Majesty in his office as lieutenant alcalde mayor. And in view of this, and of the reports which he presented with the opinion of the Audiencia of New Galicia—HE REQUESTED the office of alguazil mayor of the Villa of Llerena and Mines of Sombrerete; and His Majesty directed that he should ask something else.

Also he gave an account of the great frauds which were being, and might be, committed against the "royal fifths" in the dealings of shopkeepers, exchanging of metals, miners who refined silver, and other things which result therefrom: and His Majesty conferred on him the favor of appointment as judge in all the mining settlements of New Galicia and Vizcaya, and in this form the grant was transmitted to the president and members of that audiencia, and instead of judge they appointed him [public] accuser, which likewise His Majesty made him in addition to the said grant of recommendation. These grants, he says, have been without benefit to him and [thus] to the injury of the royal treasury. And always he has served although without being compensated; and now, thus burdened, he has come to make new representations of his services, discoveries and settlings, with a letter of recommendation from the audiencia [of Guadalupe] approved by the fiscal, in order to seek greater favors, [desiring that] His Majesty may recognize the service he has rendered and with **what toil and expense, with his sons and arms and**

horses, against infidel highwaymen and always to the benefit of His Majesty's treasury.

[He represents] that he is married with a daughter of one of the first conquerors of New Spain and New Galicia, named Ana de Bobadilla, lawful daughter of Pedro de Bobadilla; and that one of his sons was killed in His Majesty's service in the fights with Indians.

In view of his age and extreme poverty and because he has three marriageable daughters, and in view of what has been stated, he prays that he be granted the wand [office] of alguazil mayor which he requested ten years ago; also the office of judge representing His Majesty in collecting the "royal fifths." He asks also a renewal of the recommendation [of 1574].

It is of passing interest to know that Alava did secure his new recommendation, ²⁷ but our concern just now is to know what basis Alava had in 1584 for saying that he had discovered "New Mexico" by 1574.

An *información de oficio* which was drawn up at Guadalajara in February-March, 1574,²⁸ yields various facts as to Alava's services in the mining camps of Nueva Vizcaya and in defending the towns and roads against hostile natives, but it has not a single allusion to the country north of Santa Bárbara; also when he secured this document, the favor for which he meant to ask the king was appointment as *alguazil mayor* or *corregidor* of the villa of Llerena. Late in 1574, however, he was in Madrid and presented two petitions which were more ambitious. In one, directly to the king, he offered to post 100,000 ducats in bonds if he might have a contract for the supplying of quicksilver at the seven mining camps from Llerena to Coneto and Santa Bárbara; and again there is no mention of regions beyond. But the

27. Endorsement to this effect on Nov. 30 is on the cover-page. The resulting cedula, dated 5 Dec. 1584 and renewing that of 12 Dec. 1574, is registered in A. G. I., Mexico 1091, C 11.

28. A. G. I., Guadalajara 47.

second petition gives us the information we want. It reads as follows.²⁹

Very powerful Lord

I, Melchior de Alava, resident of the villa of Llerena and the mines of Sombrerete in the New Kingdom of Galicia, say that I have long been engaged in the service of his majesty, conquering and subduing the Chichimeca Indians, highwaymen who roam in the neighborhood of the said villa of Llerena and mines of Sombrerete and their ranches and mines of San Martín, Harhuites and Santiago, Coneto, Abiño and many other places and highways, who have done and are doing very great abuses, killing and robbing, on the roads and in the said mines and their settlements, the Spaniards who reside in them or who are going there to prospect, seizing their pack-trains and supplies and the silver of his majesty and of private citizens which is being transported; and so serious has been, and is, the damage which the said Chichimecas have done, and are doing, that they have put, and are putting, the said miners every day to great trouble and distress. And just lately in the month of January last, they stole from Pedro Gil and Francisco de Munera some sixty mules from their [patio] mills, so that the reducing of ore by these miners was stopped; and since there was no captain nor anyone with authority of Your Highness³⁰ to go against the said Chichimecas, they accomplish what they please without meeting any resistance.

And by information [gotten] from some of them [the Chichimecas] whom at times I have captured, I have received reliable [news] that, a hundred leagues inland to the north, there is a great population of natives who treat and trade with the said Chichimecas and encourage them and give them aid and assistance in order to commit the said injuries [on the Spaniards]. They barter profitably with hides and metals rich in silver (this is what

29. A. G. I., *Sección de Indiferente*, 1384.

30. This petition was signed with rubric by one, Alonso de Herrera, who seems to have acted for Alava in bringing it before the Council of the Indies. Written in the first person, it begins with references to the king in the third person—and here, curiously, switches to direct address.

the said Chichimecas use to decorate and paint their bodies) for the mules, horses, Christian Indians and slaves which they [the Chichimecas] steal in this way. It will be of much benefit to your royal service for that people to be discovered, conquered and brought under your royal service. They have the name Quibira.³¹ From this will follow two results: one will be to take away the strength of these Chichimecas so that it may not cause the injuries to which it gives rise, and second [will be] the discovery of this new country, giving the light of faith to the natives thereof, where it is reported there are many mines and that it is a rich country. And since I am one of the residents of that country who have the most friends among persons who are experienced in new discoveries and the pacifying of natives and with means to expend in the discovering and pacifying of this [new] country what may be necessary, I have determined to discover, conquer and subject it to your royal service if Your Highness will be pleased to grant to me the power and authority therefor, and to settle it according to the order and manner which Your Highness has provided in the instruction and order regarding new discoveries.

I pray Your Highness, since from this will result great service to God our Lord and increase to Your royal patrimony and the general good of the commonweal in that kingdom, that I be given the requisite authority, for therein I shall receive favor.

Alonso de Herrera (rubric)

There is nothing here to warrant Alava's claim in 1584 to the title of discoverer. Doubtless his operations against hostile Indians took him far beyond the frontier at Santa Bárbara, down the valley of the Conchas river and perhaps some distance up that of the Rio Grande; but his own representations in 1574 do not claim that he had reached the Pueblo Indian country. Any knowledge which he furnished

31. The use of this name in 1574 is significant. It identifies the people of whom Alava is talking with the region discovered by Coronado in 1540-42, and is one of the clues to information then current on the northern frontier.

the missionaries and Antonio de Espejo he had gained only from native informants—captured Chichimecas, as he says.³² After the ordinances to regulate new discoveries were promulgated in July, 1573,³³ it may well be that Alava was the first to seek the license now necessary in order to follow up such reports on the northern frontier. But this request was merely referred to the viceroy in Mexico and nothing then came of it; later, in 1579 when Fray Agustín Rodríguez became interested, Alava intimates that he himself could not share in the enterprise because he was sick. After December 1584, he drops entirely out of the picture.

We are fortunate in having a contemporary history of considerable merit, written during the year 1584 by Baltasar de Obregón.³⁴ Also there are two accompanying letters³⁵ in one of which Obregón spoke of himself as “a humble vassal of your majesty in the conquests of New Vizcaya, California, Cíbola and New Mexico, as is fully recorded in the reports that this royal audiencia is sending to the royal council of your majesty.” In the other letter he offered his services to “discover, investigate and explore 600 leagues beyond San Felipe de Nuevo Mexico”—provided he were furnished everything necessary for the expedition.

Obregón's assertion that he had already served in Cíbola and New Mexico must be regarded as an exaggeration. The *información de officio* to which he alludes has turned up,³⁶ and of seven witnesses examined at Mexico City during March, 1584, two testified that Obregón had gone in company of the late Governor Francisco de Ybarra “to the

32. There might be a suspicion here that Alava belonged to the frontier breed of Spanish slave-hunters, but in the various papers which have turned up there is nothing to substantiate such a surmise.

33. These are twice alluded to in Alava's petition. Their text may be found in the *Doc. inéd.*, xvi, 142-187.

34. From the original which is in A. G. I., Patronato 22, there are now in the U. S. various facsimile copies, but our citations will be to the English edition by George P. Hammond and Agapito Rey, *Obregón's History* (Los Angeles, 1928).

35. The letters are dated Mexico City, April 17 and April 26. *Op. cit.*, xxvii-xxix. The originals accompany the history in A. G. I.

36. A. G. I., Mexico 217.

discovery of New Mexico at his own cost." One of them said that he had seen the Ybarra party leave San Miguel, and had also seen them return ten months later. Clearly this was Ibarra's northern expedition which, as we have already seen, reached Paquimé but fell short of reaching the Pueblo Indian country—a fact which is twice definitely admitted by Obregón in his history. He relates that they could not understand an "Indian of the plains" whom they captured, because their interpreter had run away; unable to learn about the country beyond, they failed "to reach New Mexico."³⁷ Again, in the council of war, Obregón explains that the "cowardly soldiers" outvoted the "good soldiers" and so "we failed to carry out the undertaking and to reap the benefits and honor of the discovery of New Mexico. . . We may rightfully affirm that we saw the walls of its enclosures and towns, and had we gone ahead it would have been discovered. . . ."³⁸

Almost in his next breath, Obregón contradicts himself and asserts that where Ibarra turned back they did obtain "much good news of provinces and towns," of storied houses, of peaceful industrious people who wore cotton blankets and harvested corn, beans, calabashes and fruits, who possessed all sorts of game and fowl and made great use of the "woolly cattle." Apparently he was here confusing his sources of information. The history which he finished in Mexico City in April 1584 was based, as he himself states in various places, on facts learned in part from members of the Beltrán-Espejo party (only recently returned from the north); in part also from soldiers who went earlier with the missionaries; and lastly he says that he talked with men who had been with the Coronado expedition. As a youth in Mexico City, Obregón must have known Vázquez Coronado himself by sight—it may even be that he talked with him. At least, Obregón was able to write: "I have com-

37. *Op. cit.*, pp. 198-199.

38. *Op. cit.*, pp. 210-214.

pared these three expeditions,"³⁹ and he showed that the "tierra nueva de Cibola" discovered and explored by Vázquez Coronado in 1540-1542 and the "San Felipe de Nuevo Mexico" reached by the Rodríguez party in 1581 were at least in part identical. Yet of the latter he wrote: "It is a new discovery and I do not doubt that they saw some towns not visited by Francisco Vázquez Coronado or his captains,"⁴⁰ and later in his portrayal of the new discoveries he speaks repeatedly of "Cibola, Paquimé, New Mexico and the other provinces in these regions" as if they were distinct from each other.⁴¹

An analytical study of Obregón's history suggests that, when he began to write it, he intended to arrange his material in three books, leading up respectively to the discovery of Cibola, Paquimé, and New Mexico. Later, realizing that the journey to Paquimé had not attained its goal, the first two were combined in one book, and the second book was then devoted to "the new discovery" of 1581-1583. Lastly, he seems to have realized that what, after Coronado's time, was popularly called "the new country of Cibola" and what in 1582 was first named "New Mexico" were really one and the same region which had merely been reached by different routes; so we find him distinguishing between "first" and "second" discoveries. In the prologue to his second book, Obregón avers that men are entitled to immortal fame "if they have preceded others in discovering and bringing new lands to our knowledge and dominion," and he exclaims: "The will of God our Lord will enable us to convert, rule, and exploit the natives of the newly found provinces of San Felipe of New Mexico."

He then continues: "The places were discovered by Father Agustín" who "obtained the grant and commission for the leader and the people who discovered it."⁴² Throughout his account of the Rodríguez-Chamuscado expedition he

39. *Op. cit.*, p. 216.

40. *Op. cit.*, pp. 216-217.

41. *Op. cit.*, pp. 225; 314.

42. *Op. cit.*, p. 268.

speaks of its members as "discoverers," but when they crossed the trail of Alvar Núñez Cabeza de Vaca and his three companions of 1536, Obregón explains that "the *first* account of these lands was obtained because those four wanderers had gone through them. To follow this up, the viceroy Antonio de Mendoza sent forth Father Marcos de Niza and the negro Estevanico, who were the *second* explorers."⁴³

By this reasoning, the members of the Coronado expedition would be the next discoverers, and the Rodríguez party would be fourth.⁴⁴ In other words, those earlier journeys had for him, and they have for us, historical importance because of their relation to that region where the Pueblo Indians and their culture were found—but a region to which the name "New Mexico" was not given until a generation later.

As we now take up this second phase of our discussion, we might ask whether anyone would deny to Christopher Columbus the distinction of having discovered America—although he never called his discovery by that name? We need only recall the heraldic honor conferred on him by Ferdinand and Isabella, with the motto:

Por Castilla y por León
Nuevo mundo halló Colón.

By strict definition, Hernán Gallegos and his fellows were the first discoverers of "New Mexico"; but certainly there were European explorers in our Southwest a long generation before the Rodríguez expedition.

The earliest of them were the four famous survivors of the Narváez expedition to Florida, Alvar Núñez Cabeza de Vaca and three companions, who finally made their way across to the Pacific slope and walked into Mexico in the summer of 1536. Students of their place in the early his-

43. *Op. cit.*, p. 282. The italics are ours.

44. In his first book, Obregón touched only lightly on Cabeza de Vaca, Fray Marcos, and Coronado, using them merely to build up his account of the services of Ibarra which culminated in reaching the abandoned Paquimé.

tory of our Southwest have varied greatly in trying to locate the wandering trail which they followed. Some have trailed them north into the heart of the Pueblo country and west to Zuñi before heading southward to Culiacán and Mexico; others have questioned whether they even entered New Mexico. We are fortunate in having a recent very able study of this route by Cleve Hallenbeck.⁴⁵ The widely variant routes offered by earlier writers have been analyzed, and the sources have been restudied in the light of the author's intimate acquaintance with much of the region, its climate and life forms. If we accept his well reasoned tracing of the route, this little party did enter what is now New Mexico—indeed, they crossed nine of its thirty-one counties; yet even so, they did not actually see a single town of the Pueblo people.⁴⁶ What they said later in Mexico City about “Quivira” was based solely on what they had learned from native informants.⁴⁷ We cannot, therefore, regard them as discoverers of New Mexico within our definition of these terms.

More discussed recently than the route of Cabeza de Vaca has been the part played by Fray Marcos de Niza, the Franciscan missionary who was selected by Viceroy Antonio de Mendoza to follow up the news regarding a civilized people in the northland. In fact, the controversy regarding Fray Marcos has raged intermittently for four centuries, having been begun by Francisco Vásquez de Coronado in a long letter which he wrote to the viceroy, August 3, 1540, from the Pueblo town which he had named the “city of

45. *Alvar Núñez Cabeza de Vaca; the Journey and Route of the first European to cross the continent of North America, 1534-1536.* (A. H. Clark Co., 1940) See also an interesting review by J. Chas. Kelley in the *NEW MEXICO HIST. REVIEW*, xv (Jan. 1940), pp. 79-81.

46. Twice they were within 70 or 80 miles of them. On the Tularosa river they were not far from the Saline pueblos; later when they struck west from the Rio Grande they were even nearer to the Piro towns.

47. The place-name “Quivira” seems to have originated with this party. It is not an Indian word but appears to be a Spanish form of the Arabic *quivir*, meaning “big.” As the negro Estevanico came from the west coast of Morocco, he may have been responsible for its use. Before this party reached Mexico, there had been talk of the fabulous “Seven Cities” which Nuño de Guzmán had sought in the unknown north; after their arrival the term “Quivira” first appears in the records.

Granada.”⁴⁸ Speaking of the road which they had followed, he declared that “everything which the friar had said was found to be quite the reverse,” and again, after giving much circumstantial detail, he said, “In brief, I can assure you that in reality he has not told the truth in a single thing that he said, but everything is the reverse of what he said, except the name of the city [Cíbola] and the large stone houses.” We might remember that Fray Marcos accompanied the Coronado expedition, that he was in Cíbola when the above letter was being written, and when it was dispatched Fray Marcos went along (as the soldier-historian Pedro de Castañeda later wrote) “because he did not think it safe for him to stay in Cíbola, seeing that his report had turned out to be entirely false, because the kingdoms that he had told about had not been found, nor the populous cities, nor the wealth of gold, nor the precious stones which he had reported, nor the fine clothes, nor other things that had been proclaimed from the pulpits.”⁴⁹

The veracity of Fray Marcos was vigorously defended by Adolph Bandelier just fifty years ago.⁵⁰ Winship, who completed his work on the Coronado expedition only three years later, studied the evidence pro and con very carefully and has given us the famous dictum, “Friar Marcos undoubtedly never willfully told an untruth about the country of Cíbola, even in a barber’s chair,”⁵¹ yet in the same paragraph he qualified this by saying, “Friar Marcos was not a liar, but it is impossible to ignore the charges against him quite as easily as Mr. Bandelier has done.”

In 1924 “The question whether Niza ever saw the famous ‘Seven Cities’” was again discussed by Henry R. Wag-

48. The text is given by Geo. P. Winship in his *The Coronado Expedition, 1540-1542*, published by the B. A. E., *14th Annual Report*, Part I (Washington, 1896), pp. 552-563. This text will be cited below as *Winship*.

49. *Winship*, pp. 484-485. Castañeda also tells us (p. 483) that when the Spaniards first saw Cíbola, “such were the curses that some hurled at Friar Marcos that I pray God may protect him from them.”

50. *Contribution to the history of the southwestern portion of the United States* (Cambridge, 1890).

51. *Winship*, p. 366.

ner, who expressed himself in the negative.⁵² Two years later, Percy M. Baldwin offered a fresh English translation of the Fray Marcos *Relación*, and in his introductory discussion of sources and commentators, he reviewed adversely the early statements by Hernán Cortés and Pedro de Castañeda, remarking that "some historians have been almost as unkind to Fray Marcos." Among those favorable to the missionary he listed Frank Cushing, Bandelier, Winship, and Charles F. Lummis; and he himself concluded that Fray Marcos had not even exaggerated.⁵³

In 1932 appeared a monograph by Carl O. Sauer which was a regional as well as documentary study of the matter, and in which the findings presented were decidedly disparaging to Fray Marcos.⁵⁴ This author concluded that it was a physical impossibility for Fray Marcos to have traversed the distance involved within the time allowed by his own report. Henry R. Wagner followed in 1934 with additional evidence which seemed to discredit the missionary's reputed claims;⁵⁵ and in 1937 Sauer was able to clear up some points in his earlier study with data which he had secured later.⁵⁶ Such are the high lights of this controversy in its recent stages, and some regard the matter as conclusively settled. May I say that I do not regard the case as closed, simply because not all the evidence has been properly weighed.

Without attempting a complete review of the evidence already offered, we recognize that at present the consensus of opinion seems decidedly adverse to Fray Marcos' veracity.

52. H. R. Wagner, *The Spanish Southwest, 1542-1794* (edition 1924; re-edited 1937 through the Quivira Society).

53. "Fray Marcos de Niza and his discovery of the Seven Cities of Cibola," in *New Mexico Hist. Review*, i (April, 1926), pp. 193-223. Later the New Mexico Society issued this with the Spanish text as *Publications in History*, vol. I (Nov., 1926), 59 pp. Citations below will be to the latter. Baldwin's conclusions drew vigorous dissent from Wagner. *N. M. H. R.*, i, p. 371.

54. *The Road to Cibola*, in the series, *Ibero-Americana*, No. 3 (Berkeley, 1932).

55. "Fray Marcos de Niza," in the *New Mexico Hist. Review*, ix (Apr., 1934), 184-227.

56. "The discovery of New Mexico reconsidered," in *ibid.*, xii (July, 1937), 270-287.

We have two extremes, some plainly expressing the view that he was a liar and his alleged discovery a hoax; others that he was "absolutely truthful."⁵⁷ Certainly both of these opinions cannot be right, possibly neither of them is. Whether the issue will ever be resolved satisfactorily depends in part on a more judicious use of source material than we have had thus far. As Baldwin remarked when editing the *Relación*, "When all is said, the fairest treatment we can give him [Fray Marcos] is to let him speak for himself."⁵⁸

It is unfortunate that, until now, not one of us has made careful use of Fray Marcos' original text. Among the first documents which I listed at Sevilla in 1928 for facsimile reproduction were two Niza titles which I found in Patronato 20, and they have been available at the Library of Congress to any student since 1930.⁵⁹ I must confess that I did not study these papers until this last winter, when we got them out in connection with work on a series of Coronado publications. We at once found that, photographed as they had been found in Sevilla, the sheets were not in proper sequence. When placed in proper order, we have two complete certified copies of the original *Relación* of Fray Marcos.⁶⁰

Naturally these official copies should be basic in any reasonable study of questions at issue regarding Fray Marcos, and our present use of them has brought out some interesting facts. Collating with the text as it was published by Pacheco and Cárdenas,⁶¹ the one relied on most generally by

57. See Chas. F. Lummis, *The Spanish Pioneers* (1893), p. 80.

58. Baldwin, *op. cit.*, p. 8.

59. Because the Librarian of Congress had requested me not to work at Sevilla independently, we had agreed to secure such material through the Library.

60. Dr. Wagner, in describing these papers in the Archive at Sevilla (*The Spanish Southwest*, both 1924 and 1937 editions), says that they are "quite readable" but his misstatements show that he has not really studied them, or even read them through. If he had, he would have discovered that the leaves are not in proper sequence.

When sorted out, the two copies do not run page for page; not counting title-pages, one copy runs to 18 pages; the other, written more compactly, has 15 pages. This is fortunate, because where the edges of one copy are damaged the reading is supplied by the other. The text is identical except for unimportant variations like the abbreviating of a word.

61. *Colección de documentos inéditos . . . del Archivo de Indias*, iii, 325-351. This text may be consulted also in Baldwin, *op. cit.*, pp. 37-59.

students, shows numerous mistakes in the latter, most of them of minor importance. There are several, however, which are worthy of attention.

We find, for example, that Fray Marcos spoke of Totontec as *west* from Cíbola, not southeast.⁶² Again, early in his account he tells of a settled region reported inland, which he decided to leave until his return because "my *intention* was to stay near the coast."⁶³ The original shows that he wrote "my instruction," referring of course to the directions given him by the viceroy. Fray Marcos embodied these in his report and it might be wise for his critics to study them—and then restudy his various observations regarding the South Sea coast. If he had meant to misrepresent, would he not have reported the depositing of letters and the marking of trees as he was instructed to do?

In this connection we might remember how dependent Fray Marcos was on Estevan and the Indian *lenguas* (tongues, interpreters) furnished him by the viceroy; as he proceeded northward he relied on these "tongues" in talking with the natives. In a similar way Fray Marcos relied on the eyes of native messengers and informants to supplement the sight of his own eyes. His report is of what he *saw and heard* and does not always clearly distinguish between the two. We may say that the issue involved is whether Fray Marcos intentionally misrepresented (1) as to information which he gathered, and (2) as to what he himself had done.

As to the first, I submit that if we read for ourselves the true text of the *relación*, especially in the original Spanish, we shall find it one of the most human and dramatic documents we have ever read. We see the negro Estevan on in advance, heading for "Quivira"—and sending back messages of a discovery which was big, bigger, the biggest of anything yet known. Fray Marcos, trailing along several

62. Cf. Baldwin, *op. cit.*, pp. 22, 49. *For a la parte de Sueste read a la parte del ueste.*

63. *Ibid.*, pp. 14, 42.

days behind this braggart slave, certainly did not know him as well as did those who had trudged across the continent with him, but he evinced considerable scepticism of him and his messages. Yet as he pressed northward—and herein the dramatic element is most strongly revealed—the confirmatory evidence became more and more circumstantial and convincing. And then, when according to his own account Fray Marcos was still three days' journey from Cíbola, came word of the killing of Estevan—so disastrous for Fray Marcos' plans. I believe that one who enters into the spirit of the document will find it conservative rather than extravagant; the facts as therein stated check remarkably well with the Pueblo people and their culture as we know them today.

As to what Fray Marcos himself had done, the case against him has been analyzed in greatest detail by Dr. Sauer; and this brings us to another and more serious error in the printed text on which he relied. The textual mistake occurs in the latter part of the *relación*, of which Dr. Sauer has offered no analysis, simply brushing it aside with the comment "I consider [it] impossible."⁶⁴ When Fray Marcos received the last message sent him by Estevan (to the effect that the negro was then entering the last *despoblado*), the fraile says that he himself was then 112 leagues "from the first place where I had news of the country;"⁶⁵ also *for three days* he had been traveling through a settled valley and was at a place where the natives informed him that "there was a *despoblado* four *jornadas* thence, and from the beginning of it to the city of Cíbola would be a march of fifteen days." Pacheco and Cárdenas have the misreading "four *leagues* thence,"—and correcting it invalidates the Sauer analysis. The true reading fits in with the San Pedro-Gila region. Fray Marcos states that he entered that "last

64. *The Road to Cíbola*, p. 28.

65. Baldwin, *op. cit.*, p. 23.

despoblado" on May 9⁶⁶ and, according to the travel arrangements made by his native friends, "journeyed twelve days." This should have put him within three days of Cíbola when he got word of the killing of Estevan.

Neither Dr. Sauer nor anyone else has seriously questioned that Estevan was killed at Cíbola—which means that he certainly crossed that last wild stretch from the Gila valley to the Zuñi country. To regard the Cananea plateau as "the last *despoblado*" does not make sense.

And may I suggest that, comparing the facts regarding time and distances as given by Fray Marcos with the analysis offered by Dr. Sauer, we may arrive at a very different conclusion from the latter? From Culiacán to Vacapa⁶⁷ took eleven days of travel; to the Mayo river was three days more—Estevan did this in two days. If, as Dr. Sauer says, this was a fourth of the distance to Cíbola, forty-two days more at the same rate of travel would suffice to reach the goal. After Fray Marcos realized that the negro was not waiting for him, he says repeatedly that he hurried on, yet various delays on the way are evident in his account. If we say it was May 25 when he had his view of Cíbola from a distance, could he have gotten back to Compostela by early July?⁶⁸

By his own account, there was no dallying on the return trip. After emerging from the first *despoblado*, he says, "I hastened in fear. . . The first day I went ten leagues, then I went eight and again ten leagues, without stopping until I had passed the second *despoblado*." In other words, he

66. This was considerably behind schedule. Accepting Sauer's identification of the crossing of the Mayo river as the place where, on April 9, he got the "first news" and whence the natives told him he could reach Cíbola in 30 days' travel, Fray Marcos, a month later, was still 15 days' travel from his goal.

67. Even bearing westward to watch the trend of the coast, according to one of his explicit instructions. Apparently it was here that Fray Marcos reported islands in the offing.

68. It has been argued that Fray Marcos was in Compostela before July 15, on which day Coronado was writing about him in a letter to the king, when reporting on various matters in his governorship. The original was photographed in A. G. I., Guadalajara 5; parts of it have been used by both Wagner and Sauer. We shall speak of this letter again, but for the moment we follow the trail with Fray Marcos.

traveled at an average of twenty or twenty-five miles a day back to the Mayo river—the place where he had been told that it was thirty days' travel to Cíbola. We should infer that on the back trail he bettered that time. Also this point was approximately halfway from Cíbola to Compostela; so before the end of June he could have been in Culiacán; and from there, perhaps with horses, he might have reached Compostela about July 10. From there, according to his *relación*, he immediately sent his first reports to the viceroy and the provincial of his order. He awaited in Compostela the reply of the latter, and then himself proceeded to Mexico and there, on August 26, the attested, signed and sealed *Relación* was prepared. A week later, a certification before the viceroy and audiencia was added (to each of the two copies) and they were dispatched to the king.⁶⁹

Perhaps we have discussed this matter sufficiently to show that it is quite unnecessary to picture Fray Marcos as rushing along at forty miles a day. Half that speed during the return to Compostela would have sufficed. However, even this average was not essential—if we correctly interpret the above letter of Coronado. A reference in that letter to Estevan gives the clue; when Coronado was writing it on July 15, he did not know that Estevan was dead—therefore, Fray Marcos had not yet returned. How, then, was Coronado able to write as he did about what Fray Marcos had found?

If we turn again to the "instructions" we read: "Always arrange to send news by the Indians, telling how you fare and are received and particularly what you find. . . Send word by Indians or return yourself to Culiacán." The only long stay made by Fray Marcos on his entire journey was one of two weeks at Vacapa which (according to Dr. Sauer's analysis) was only eleven days distant from Culiacán—where Coronado had stopped to begin his campaign against

69. Each copy has a title-endorsement: "Relación del frayle para su magestad," and there is an additional cover-title: "Relación q. envyo don antonyo de m[endoz]a del descubrymiento de las syete cibdades."

rebellious natives. It was during this stay at Vacapa that Estevan had sent back from the Mayo river the first "very great cross" with messengers, one of whom had himself visited "the greatest country in the world," the first city of which was named "Cíbola."⁷⁰ It would be exceedingly strange if Fray Marcos did not send off from Vacapa his first reports to both the viceroy and Coronado; and he could easily have sent later news after he reached the Mayo river—perhaps even from the Sonora valley. However, reports from Vacapa, supplemented by routine correspondence between the viceroy and Coronado, can account for anything in the Compostela letter of July 15, 1539.

This survey of a long-standing controversy is not intended to be either comprehensive or final, but it will suffice to show that we ought not to ignore Fray Marcos de Niza in discussing our main subject. So we now ask: did he discover New Mexico?

Even if we take his own account at its face value, there is nothing to show that Fray Marcos saw and talked with a single individual of the Pueblo people. Like Moses and the Promised Land, he saw one of the towns of Cíbola from a distance but did not enter in. The ethnological data which he gives checks remarkably well with what we know today of the culture of this people, yet he had nothing of this at first hand until he returned the following year with the Coronado expedition and actually entered one or more of the Cíbola towns.

No, Fray Marcos fell short of real discovery. Crushed by the angry resentment of the Spaniards who felt that they had been bitterly deceived, again he took the back trail—this time never to return. His name will ever be associated with the "new country of Cíbola" but its actual discovery and exploration were carried out by those whom he had guided thither.

As the first discoverers of New Mexico I give you, therefore, Don Francisco Vázquez de Coronado and his fol-

70. Incidentally, this is the earliest appearance of this name.

lowers, the 400th anniversary of whose coming into the Southwest we are celebrating this year. They were the first Europeans who really entered and explored the country of the Pueblo Indians; and as we have seen, it was the culture of this native people which gave rise, a generation later, to the name "New Mexico."

To go into any discussion of the Coronado expedition would take us beyond the scope of our subject. Whatever of praise or blame may attach to that historic event—and there has been much of both; whatever were its successes and failures, we recognize and honor those Spaniards of 1540 as the true discoverers of New Mexico.

NEW MEXICO'S FIGHT FOR STATEHOOD (1895-1912)

By MARION DARGAN

III. THE OPPOSITION WITHIN THE TERRITORY (1888-1890)*

THE GREAT MAJORITY of the politicians and of the newspapers of New Mexico in the late nineties enthusiastically championed the immediate admission of the territory to the union. What, however, was the attitude of the people? Did they have the same enthusiasm as their leaders? How much popular opposition was there, and why?

It is easy for the historical worker to find the opinions of those who supported statehood forty or fifty years ago. The fight was taken up by the most articulate groups in the territory. Countless editorials, reports of speeches, letters—all advocating immediate admission—are found in the newspaper files available today. But it is unnatural for human minds to agree so unanimously. Hence, one suspects that there was considerable opposition among the people of New Mexico to the program outlined by the leaders. When, however, we attempt to determine the extent of this feeling and to determine the reasons for it, we run into difficulties. The statehood movement became more and more a popular crusade which it was dangerous to oppose. It was felt that men who expected to get along in New Mexico and to prosper

*The first two articles in this series, which appeared in the REVIEW for January and April, 1939, deal with the attitude of the political leaders and that of the territorial press in the latter half of the 1890's. However, on turning my attention to the attitude of the people, I have chosen the year 1888 as the best starting point, in view of the material available. As considerable opposition was evoked by the statehood efforts of 1890, this article will close with the vote against the constitution in October. The fourth article will then trace the story of popular opposition through the decade.

I am indebted to Mr. Archie M. McDowell for assistance in collecting newspaper sources for this study and the one to follow. His thesis, "The Opposition to Statehood within the Territory of New Mexico, 1888-1903," may be found in the University of New Mexico library.—M.D.

must have faith in their fellow citizens and in the future of the territory. To express doubts of either was unpatriotic, and might even be disastrous for the individual. Under such circumstances it is naturally difficult today to find much evidence of opposition within the territory. Men "hollared" for statehood, even though they did not believe it would attract the immigration and capital predicted by enthusiasts. Their real opinions were rarely expressed except in private. Occasionally, however, one finds signs of dissent and opposition. Later, the politicians and newspapers combined to silence the opposition. Even then, one finds occasional proof that some independent thinkers refused to go along with the leaders on the statehood question.

The fullest expression of opinion from the citizens of New Mexico throughout the entire struggle for admission came toward the close of the 1880's. This was not spontaneous, however, so we must first consider the legislation pending in congress which evoked it.

The oldest of the territories, New Mexico had been subject to remote control from Washington for almost forty years. For four years she had had a Democratic governor, Edmund G. Ross, who had been appointed by President Cleveland in 1885. A native of Ohio, Ross became a journeyman printer at an early age and edited half a dozen newspapers in the middle west, Kansas and New Mexico during his career. In the fifties he led an armed party of "free-staters" to Kansas and took part in the border wars of the time. A union officer during the Civil War, he is said to have had three horses shot from under him and his shoulder straps shot away in one battle. While serving as a United States senator, he was repudiated by the people of Kansas as a "traitor" and a "skunk" when he voted—in spite of tremendous pressure—for the acquittal of Andrew Johnson. Defeated for the governorship of Kansas in 1880, he had moved to Albuquerque two years later. After three years as a journeyman printer, he was appointed governor of the territory. His administration was marked by struggle with

what he asserted was a corrupt ring, and he antagonized Democrats as well as the Republican legislature. Able, honest and fearless, Ross was headstrong and brusque and seemed to rejoice in opposition. Fortunately so, since he was in hot water throughout life. Possibly his most bitter enemy in New Mexico was Col. Max Frost, who showed his hatred and contempt in almost every issue of the *New Mexican*.¹

Shortly after the inauguration of President Harrison, Ross was replaced by the appointment of Le Baron Bradford Prince. A member of an old Long Island family, and a descendant of Governor Bradford of Plymouth, the young New Yorker had studied law at Columbia and then served in the state legislature. His break with Roscoe Conkling in 1876 led President Hayes to offer him the governorship of Idaho. Declining this post, Prince had accepted that of chief justice of New Mexico in 1879. Here he readily adjusted himself to frontier conditions, a circuit as large as his native state, primitive means of transportation and the use of the Spanish language. In spite of long hours in the court room, he published a compilation of the laws of the territory in 1880. Having resigned from the bench two years later, he devoted the next five years to the practice of law, yet found time for historical research and for writing for the press. He helped to establish the bureau of immigration of the territory and the Historical Society of New Mexico. A keen politician and an ardent Republican, he was closely associated with the bitter enemies of Governor Ross. His own administration, like that of his predecessor, was a stormy one, especially since his advocacy of bimetalism for a time split the Republican party in New Mexico. No one was a more persistent champion of statehood for the territory than Governor Prince. He never ceased to work for the cause until the goal had been reached. He then published a brief sketch of the movement which closed with the triumphant note:

1. *Dictionary of American Biography* (20 vols., New York, 1928-37), vol. XVI, pp. 175-76; Twitchell, Ralph Emerson, *The Leading Facts of New Mexican History* (Cedar Rapids, Iowa, 1912), vol. II, pp. 496-97.

"The people of New Mexico were no longer serfs but Free-men; no longer subjects but Citizens; no longer to be treated as aliens but as Americans. HALLELUJAH!"²

The delegate to congress from New Mexico from 1885 to 1895 was Antonio Joseph. One of the ablest political leaders in the history of the territory, Joseph had a remarkable career. His father, Antonio Joseph Treviz, was Portuguese—a native of the Azores who had been shipwrecked on the gulf coast. Making his way to New Mexico in 1840, he had opened the first general store in Taos. He married a woman from New Orleans and their son, Antonio Joseph, was born in August, 1846, a week after Colonel Kearny entered Santa Fé. Two years later, the father's store was destroyed by the Indians, and Antonio and his mother were carried into captivity and held for several months until rescued by Col. Sterling Price and his troops. The boy received a good education, attending Bishop Lamy's school in Santa Fé and a business college in St. Louis. After his father's death in 1862, Joseph took charge of the mercantile establishment which he continued as long as he lived. In 1880 he moved to Ojo Caliente, long famous as a health resort, where he established a hotel and sanitarium. He was never wealthy, but came to own considerable property in land, hotels, and stores.

A popular man, who had a real sympathy for the people, Joseph naturally turned his attention to politics. After fighting a losing battle with the Republicans for some years, he finally experienced a streak of luck. The Republicans of the territory having split, Joseph was elected delegate to congress in 1884. Furthermore he went into office just when the Democrats were taking over the national government. This gave him control of the patronage in the territory from post offices to the governorship. He was soon so well entrenched that he continued to win elections even after the

2. Prince, L. Bradford, *New Mexico's Struggle for Statehood* (Santa Fé, 1910), pp. 127-28. For Prince, see the article by Paul A. F. Walter in *Dictionary of American Biography*, vol. XV, pp. 229-30; *New Mexican*, Dec. 9, 1922.

Republicans had secured control of the patronage with the inauguration of Harrison in 1889.³

Joseph was not as persistent a champion of statehood as Governor Prince. Apparently indifferent to the cause during his early years in congress, he gave it his support for a time—only to withdraw it when it appeared that the Republicans might win a partisan advantage if the territory were admitted immediately.

When Ross was in the middle of his term as governor of New Mexico, almost one-third of the total area of the United States was still under the rule of congress.⁴ For twelve years there had been no chance for a successful statehood movement for any of the territories. After their mistake in admitting Colorado in time to cast three decisive votes against their candidate for the presidency in 1876, the Democrats had little disposition to admit any more new states. It was not until March, 1889, that the Republicans gained full control of the government. Meanwhile, Dakota, the largest of the territories and the nearest to the east, clamored for admission as two states. The Democrats offered single-statehood only, refusing to believe that the majority of the people wanted a division of the territory. The people of Montana and Washington had formerly been indifferent, but were beginning to show signs of statehood life.⁵

A number of statehood bills were introduced in congress in the 1880's without success: several to divide Dakota, others to admit that territory as one state or to confer statehood upon Washington or Montana. Doubtless the first "omnibus bill" presented in the Fiftieth Congress was drawn up on instructions from the Democratic caucus for party reasons. At the same time, Daniel W. Voorhees, the Demo-

3. Twitchell, *op. cit.*, p. 464, vol. IV, p. 453; *Albuquerque Morning Journal*, April 19, 1910; *Albuquerque Tribune Citizen*, April 19, 1910; *New Mexican*, April 19, 1910; interview with B. C. Hernández.

4. Frederick Logan Paxson, "The Admission of the 'Omnibus' States, 1889-90," *Proceedings of the State Historical Society of Wisconsin at its Fifty-Ninth Meeting Held October 26, 1911* (Madison, 1912), pp. 77-96.

5. Utah persisted in its struggle for statehood, but need not be considered here, as it was not included in the "omnibus" bill.

cratic leader of the senate who sponsored the bill,⁶ had a personal reason for being interested in the outcome. "The Tall Sycamore of the Wabash,"⁷ as he was sometimes called, has been described by James G. Blaine as "a Democrat of the most pronounced partisan type."⁸ His son, Charles Stewart Voorhees, sat in the house as a delegate from the territory of Washington.⁹ The father, who held his seat in the senate for twenty years, attaining "the eminence attached to long service and oratorical ability,"¹⁰ may have entertained hopes of Washington's becoming a Democratic state and sending son Charles to sit by his side in the senate. At any rate, on Dec. 12, 1887, Senator Voorhees being absent, a bill to admit Washington, Dakota, Montana, and New Mexico to the union was introduced at his request by a colleague.¹¹ A similar bill was presented to the house by Delegate Voorhees on the tenth of the following month.¹²

On studying the four bills referred to it, the house committee found itself divided strictly along party lines. Accordingly on March 13, 1888, it brought in a majority and a minority report, each of which went into conditions in the territories in considerable detail.¹³ The former, presented by the chairman, William M. Springer of Illinois, introduced, as a substitute for the Voorhees bill, another "omnibus bill" which provided for the admission of the same four territories.¹⁴ The author of this bill was described by the *Silver City Enterprise* some months later as "a true friend of New

6. James A. Barnes, *John G. Carlisle, Financial Statesman* (New York, 1931), p. 276.

7. *Dictionary of American Biography*, vol. XIX, p. 291.

8. James G. Blaine, *Twenty Years in Congress*, vol. II, p. 600. See also I, 329; II, 138, 436. Voorhees, who was an outspoken critic of Lincoln during the Civil War, was accused of being a "Copperhead," but the evidence is inconclusive. *Dictionary of American Biography*, vol. XIX, p. 291.

9. *Dictionary of the American Congress, 1774-1926* (Washington; Government Printing Office, 1927), p. 1652.

10. *Dictionary of American Biography*, vol. XIX, p. 291.

11. *Congressional Record*, vol. 19, part 1, p. 29.

12. *Ibid.*, p. 362.

13. *Congressional Record*, vol. 19, part 3, p. 2021.

14. *House Reports, Fiftieth Congress, First Session*, vol. 4, Report no. 1025, pp. 1-18, esp. 13-17.

Mexico.”¹⁵ The *Enterprise* added: “Mr. Springer has frequently visited New Mexico, and is perfectly familiar with our resources, our people and our needs.”

The minority report was presented by Representative I. S. Strubble of Iowa. It recommended that each territory stand on its own merits: that Montana, Washington and South Dakota be admitted to statehood; that North Dakota be organized as a territory and New Mexico be continued in that status. This report aroused great indignation in New Mexico, especially because it included very uncomplimentary and out-of-date quotations regarding the customs, morals, superstitions, education and agricultural methods of its people.¹⁶

Several of the concluding paragraphs of this report are quite pertinent to the present discussion. The report said:

Finally, we submit that the people of New Mexico are not now seeking admission into the Union, and have not since 1875. No agitation of the question in late years has been noticeable. Neither the Delegate from that Territory nor any one has for years, in so far as we are advised, introduced a bill looking to its admission. Neither he nor Governor Ross, now and for months at the capital, has urged action by Congress, and it can truthfully be said, so far as the minority of your committee have information, that the only person responsible for the suggestion that New Mexico should come in with the other three Territories named in the substitute is the honorable chairman of the Committee on the Territories, who introduced the bill a few weeks ago.

It seems to the minority of your committee somewhat remarkable that, with an intelligent and able Delegate in Congress from New Mexico, and an experienced legislator and ex-Senator of the United States in the person of her governor, himself present during most of the pending session, it should remain for the chairman of the Committee

15. *Silver City Enterprise*, Jan. 18, 1889.

16. *House Reports, Fiftieth Congress, First Session*, vol. 4, Report no. 1025, pp. 27-54.

on the Territories to decide upon the time and qualifications of New Mexico for admission into the Union. If her people were as fully prepared for statehood as are those of Dakota, Montana, and Washington, the minority of your committee would regard it a matter of solicitude if they were not desirous of joining our great and beneficent Union of States, for we conceive it wise to enlarge this Union to the extent of all the Territories as soon as the people thereof become entitled in all those respects relating to qualifications of statehood, to be members thereof.

The majority of the statehood committee while conceding that no official action by the legislative assembly of New Mexico, looking to admission of the Territory, has been taken since 1874, and while knowing full well that of recent years no bill has been introduced in Congress except that one introduced recently by the honorable Mr. Springer, and that no convention has been held by the people on this subject, attempt to maintain and to show that they do in fact desire admission into the Union.

This claim has its sole foundation upon a newspaper article quoted by the majority. While all reliable expressions of the people of New Mexico on the subject of admission should receive due consideration, the minority do not feel that such action as the correspondence of a single paper in the Territory with certain other papers and persons should be accepted as conclusive of the desire of the people for admission in the face of non-official or convention action, and also in the face of the silence of the various Delegates from the Territory since 1874.

It would seem, if a general desire for admission existed, it would be made to appear from the action of the people of the Territory through their legislative assembly, or by a convention held for the purpose of memorializing Congress.¹⁷

The bill introduced by Delegate Voorhees was the only one mentioning New Mexico before the committee when Representative Springer decided to include it in his "omni-

17. *Ibid.*, p. 53.

bus bill." New Mexico had not asked for admission. Apparently its people were indifferent. The conclusion is therefore obvious that the proposal to admit the territory at this time was a bit of strategy on the part of Democratic leaders in congress who hoped to slip in a territory that seemed to be Democratic to offset others which promised to be Republican.

On February 14, 1889, when the Fiftieth Congress was discussing the Springer bill, Representative G. G. Syme of Colorado pointed out that during the preceding congress neither Delegate Joseph nor Governor Ross had ever appeared before the committee to ask for the admission of New Mexico.¹⁸ He stated that in concurring with the minority report of March 13, 1888, he had put his opposition "to the admission of New Mexico on the ground that her governor, delegate to Congress, or her people have not in any way asked for admission at this time."¹⁹ The gentleman continued:

When the Fiftieth Congress met it appeared that the matter of admission to statehood had been worked up in New Mexico. How it had been worked up I do not know and I do not care. Suffice it to say that the people of New Mexico did then come before the territorial committee of the Fiftieth Congress and ask for an enabling act.²⁰

The Springer report had raised the question: "Does New Mexico desire admission?" In reply, the report cited two documents. The first of these was a memorial to congress adopted by the legislative assembly in 1874. Arguing that the population of the territory entitled it to statehood, the memorial claimed that the legislaure "being able to know and understand the wishes and views of the people on this subject, which has been so long and so fully discussed

18. *Congressional Record*, vol. 20, part 2, p. 1909.

19. *Ibid.*; *House Reports, Fiftieth Congress, First Session*, vol. 4, report no. 1025, p. 54.

20. *Congressional Record*, vol. 20, part 2, p. 1909.

among them, speak for and in their behalf" in urging the immediate admission of the territory.²¹

After citing failure of the statehood efforts in the middle seventies, the report stated:

Since the failure of New Mexico to secure admission during the Forty-third and Forty-fourth Congresses, there has been no authoritative expression of the people of that Territory on that subject. Since the introduction, during this session, of a bill to provide for the admission of New Mexico, there has been considerable discussion of the question of admission in the newspapers of the Territory. The daily *New Mexican*, published at Santa Fé, has given special prominence to the subject, having addressed circular letters to prominent citizens and the press of the Territory on the subject, soliciting opinions. A recent editorial in that paper is as follows:

"To the *New Mexican's* circular, calling on prominent citizens of New Mexico to give their views regarding statehood and the advisability of the Territory's admission into the sisterhood of states, 122 replies were received. Every county in the Territory is represented therein. There were 91 in favor and 31 against the admission of the Territory. Of the 91 in favor there were 41 Republicans, 33 Democrats, and 17 of no particular party affiliations, or whose politics were not known. Of the 31 opposed there were 11 Democrats, 10 Republicans, 6 of no particular politics, and 4 who professed to be independent.

"The 91 in favor contained 26 lawyers, 16 merchants, 15 stockmen, 3 bankers, 6 mine owners, 4 real-estate agents, 2 clergymen, 7 farmers, 2 surveyors, 2 Federal officials, 1 school-teacher, and 7 newspaper men, who wrote individual opinions. Amongst the 31 opposed there were 12 merchants, 11 stockmen, 2 bankers, 1 lawyer, 1 dentist, 1 Federal official, and 3 farmers.

"Of the newspapers in the Territory the following are in favor of statehood: *The Citizen*

21. *House Reports, Fiftieth Congress, First Session*, vol. 4, report no. 1025, pp. 15-16.

(daily), at Albuquerque, Republican; the *Chieftain* (daily), Republican, at Socorro; the *Sentinel* (daily), at Silver City, Democratic; *Headlight* (weekly), Republican, at Deming; *Leader*, Republican (weekly), at White Oaks; the *Stockman*, Republican (weekly), at Springer; the *N. W. New Mexican*, at Chama, Republican (weekly); *Rio Grande Republican*, Republican (weekly), at Las Cruces. Opposed to statehood there are the *Enterprise*, Republican (weekly), at Silver City; the *Democrat*, Democratic (daily), at Albuquerque; *Independent* (weekly), at Lincoln, Democratic. The other papers published in the Territory, and there are a good many of them, have hardly expressed sufficient of an opinion to be classed either for or against statehood; furthermore, the opinions of one or two of these are not worth repeating or considering.

"From the above and from communications and interviews with prominent Republicans and Democrats other than those published (because permission to publish could not be had), and from its knowledge of the affairs of the Territory and the people of New Mexico, the *New Mexican* is of the opinion that a large majority of the people of New Mexico desire statehood, and that the proposition would be carried by a large majority if submitted to the people.

"The newspaper accounts sent out by certain interested parties, that only politicians desired the admission of New Mexico as a State, are untrue in every particular. The classification above shows this to be quite the reverse. Some of the very best citizens and largest tax-payers in the Territory desire statehood. The *New Mexican* believes the Territory is in every respect fitted for statehood, and that its citizens are as good to-day as those of any other State or Territory."²²

The replies to its circular filled column after column of the *New Mexican* during the early months of 1888. Unfortunately we cannot assume that these letters were truly representative of the people of the territory. In announcing

22. *Ibid.*, pp. 16-17.

the results of its enquiry, the Santa Fé paper stated that it had received a letter from "a member of Congress, a Democrat in politics and a man of great prominence in his party" who wished to know "how the people of New Mexico feel in regard to the admission of the territory."²³ We scarcely need to say that this enquiring statesman was Representative Springer, and that he thus secured the hearty coöperation of the cleverest master of propaganda in New Mexico. Col. Max Frost, editor of the *New Mexican* was by nature a strong partisan who possessed few scruples. As he fought consistently for statehood for years, it is natural to assume that he eagerly undertook the task of furnishing the evidence needed. With a congressional committee anxious to recommend the admission of the territory, there was not a chance in a thousand that the wily editor would report that the people of New Mexico were indifferent to, or opposed to, statehood.

Since the most articulate groups in the territory and the manager of the survey were likeminded, we can be sure that the dice were loaded from the start. It is probable that a good proportion of the enquiries sent out were addressed to politicians, newspapers and others known to favor statehood. Nor can we be certain that those selected for publication are truly representative of all received. Some writers stipulated that their replies were not for publication. Very likely these opposed statehood; at any rate all of the replies appearing in the later issues of the *New Mexican* were favorable. The headlines used in the issue of February 16 were significant: "Swinging into Line. And Still the People Continue to Clamour for Admission to the Union."²⁴ Two weeks later it was announced: "The *New Mexican* has sifted the question well and is able to say to the world that the people of New Mexico are ready and anxious to be admitted to the union of states. If called upon formally to express this

23. *New Mexican*, March 8, 1888.

24. *Ibid.*

desire at the polls, they will vote for the state of New Mexico."²⁵

The effect of the publication of these letters on statehood varied with the individual. D. P. Carr of Georgetown, N. M., wrote the editor of the Silver City *Enterprise* as follows:

I have, as you know, been an opponent of the immediate admission of New Mexico as a state. One objection was that made by Congressman Symes of Colorado . . . that there was no demand for it by the people. Until recently I was not satisfied that any but the scheming leaders of both parties, who could see visions of congressional halls, the governor's office and the judicial bench graced by their presence, was desirous of the admission of the territory as a state. The recent expression of public opinion in conventions throughout the territory and through the press, convinces me that a majority of the people are in favor of statehood. This disposes of one principal objection. Other objections relating to the expense of maintaining a state government are disposed of by the donation of public lands for state institutions, and the proud privilege of home rule.²⁶

Other readers, however, came to quite different conclusions. One of these was Numa Reymond of Las Cruces, a native of Switzerland who had come to New Mexico in the fifties and made a fortune from his stage coaches and star route contracts to carry the mail. The survivor of many fierce encounters with Indians and outlaws, he became a merchant and a cattleman after the coming of the railroad. He was a short stocky man with shrewd, blue eyes and a hot temper. While he never lost his European mannerisms entirely, he was a leader in politics as well as in business, and one of the best known men in the southern part of the ter-

25. *Ibid.*, March 1, 1888.

26. *Silver City Enterprise*, Jan. 25, 1889. Apparently Carr changed his mind again during the year. The *Morning Democrat* for Dec. 3, 1889, stated that Carr, "although a republican, opposes statehood under the constitution drawn up by the convention dominated by republicans."

ritory. He is said to have been largely responsible for the location of the agricultural college at Las Cruces, and served on the first board of regents of that institution. In his reply to the *New Mexican*, Mr. Reymond said: "I notice all the politicians on both sides favor statehood, and all the business men and tax payers are not in favor; so I am not in favor of statehood at this time."²⁷

Miguel A. Otero, the future governor of New Mexico, was at that time a young business man of twenty-nine. He tells us that he "was greatly interested in reading" the letters in the *New Mexican*, and that he "rather favored" the answer made by Mr. Reymond. After quoting the gentleman mentioned, Otero adds:

In checking up the different answers I found the situation just as stated by Mr. Reymond, and as a whole the opinions were about equally divided. For a great many reasons I did not think that New Mexico was ready for statehood at this time. The taxes, I thought, would be much too heavy for our citizens to carry, and, as we were without a system of public schools in the territory, I believed that this condition would prove unsatisfactory to the people, generally, throughout the United States.²⁸

In order to avoid repetition, the reasons which other citizens gave in their replies to the *New Mexican* for their opposition to the admission of the territory to the union may be summarized as follows:

The native people—which comprise three-fourths of the population—cannot be easily moulded into a free, self-governing commonwealth.

Race prejudice, fostered by the existence of two different languages, prevents the voters from selecting the best men for public office.

The backwardness of the state of Nevada and the rapid development of the Territory of Dakota show that it is a fallacy to expect statehood to bring

27. *Rio Grande Republican*, Nov. 9, 1889; *History of New Mexico* (Pacific States Publishing Co., Los Angeles, 1907), vol. II, p. 564.

28. Otero, Miguel Antonio, *My Life on the Frontier, 1882-1897*, vol. II, pp. 222-23.

any great increase in population or wealth to New Mexico.

The increased cost of state government would make taxes so high that people would be driven from New Mexico.

Getting the land titles of the territory settled is more important and would bring an increase of population and wealth, state or no state.

Statehood should be delayed until the laws and finances of the Territory have been put in good shape and the people have been educated to think and act independently.²⁹

According to the *New Mexican*, "By far the most frequent and perhaps the strongest objection urged is the supposed increase of expenses and consequently of taxes.³⁰ Apparently "the danger of the native people controlling the new state" came second.³¹ The two or three editors who opposed statehood at this time were charged with "trying to make the outside world believe that 'the level of intelligence is lower' in New Mexico than in any other state or territory of the United States"³² While the *New Mexican* admitted that some good men were opposed to statehood, it declared that the arguments of the two or three territorial editors who opposed statehood "show very plainly that they are sorely afflicted with race prejudice and are the very worst enemies to society in the territory."³³ Moreover, it announced that New Mexico would soon be a state, "much to the chagrin of the non-progressive element and the Mexican haters."³⁴

The *Las Vegas Stock-Grower* noted that "various news-

29. Santa Fé *New Mexican*, Jan. 19, and 26, 1888.

30. *Ibid.*, Feb. 9, 1888. The *New Mexican* stated that this argument had been used for years to keep Colorado out of the union. "And with what result? The rate of taxes was not raised a mill on the dollar (when the territory was admitted) but rather lowered. The increased valuation of all property all over the state, the exemption from carpetbag rules that governed, or mis-governed as the whim suited them, increased values so much that the percentage of taxation was rather decreased than otherwise."

31. *Ibid.*, March 22, 1888.

32. *Ibid.*, March 15, 1888.

33. *Ibid.*, March 1, 1888.

34. *Ibid.*, March 8, 1888.

papers of New Mexico" were "whooping up the question of statehood for the territory." Admitting that there was a "very faint possibility" of congress passing an enabling act, the *Stock-Grower* said:

The cattlemen do not wish to gratify the ambitions of politicians and grabbers and have the territory become a state at present and of this same opinion is the great majority of good tax-paying citizens. To the tax payers statehood means doubling of the tax assessment, to say nothing of elevating to power a host of petty officers, many of whom are wholly inefficient by reason of the preferences and prejudices of the heavy end of the population.

It may be said that the cattlemen are few and their wishes in the matter are not worth consultation—but remember that the cattle industry pays nearly one-half of the entire tax of the territory and would be called on to do the same for the state of New Mexico.

In conclusion, the *Stock-Grower* declared that it would be better if the cattlemen paid more attention to politics, and that it was "time that this statehood farce was dropped—New Mexico is not yet ready for statehood—explanations are not necessary—there are many reasons and we know the most of them."^{34a}

It will be interesting to cite editorials from some of the newspapers which the *New Mexican* so scorchingly denounced. The *Las Vegas Optic* suggested that there were two sides to the question. It said:

At least some of our best citizens so think. They say in general that the advantages of statehood cannot be denied, but that ours is a peculiar case—in fact, so peculiar that it cannot be estimated by general rule. According to the census of 1880, out of a population of 119,565, nearly one-half, or 57,156, are set down as unable to write their names, a very large proportion cannot write, read

34a. *Las Vegas Stock-Grower*, quoted by *Santa Fé Herald*, March 24, 1888.

or speak the English language, they are no more Americanized than they were the day the country was wrested from Old Mexico. They know not the independence of thought and action common to the American voter. They are led by a few old and wealthy families, and any movement these leaders may agree upon will be sure of securing a majority of the votes cast. These few leaders will have the destinies of New Mexico in their hands; and should they be actuated by a dislike of the present regime and a desire for the return of affairs which existed before the American came into the country, a feeling with which some of them are charged, they could easily manage affairs so that the anticipated influx of men and money would never be realized.³⁵

The *Deming Headlight*—so the *Silver City Enterprise* for Jan. 28, 1888, declared—

admits that there is a vast amount of ignorance among the native population but draws consolation from the fact that they are always controlled by a few intelligent leaders. This is all true, but the *Headlight* should be careful in using such an argument in favor of a state, as it is apt to prove a boomerang with intelligent people. A people that is controlled by a "few intelligent leaders" can hardly be considered competent to govern themselves. When the few intelligent leaders are deposed as rulers, then it will be high time to ask for admission.

Several weeks later the *Enterprise* published an interesting commentary on the forces for and against statehood. It said:

New Mexico had never sought entrance. Her people do not ask it. Some of the papers are in favor of the measure, but the papers generally speak the opinion of the politicians. Letters pro and con have been published, but the majority of business men and the masses have not spoken. Perhaps three out of five have not weighed the

35. Quoted in the *Silver City Enterprise*, March 16, 1888.

question enough to have a decided opinion. In the lead in this movement has been the *New Mexican*, which has ever been the organ of parties willing to be senators. In opposition there are two of the best dailies, the *Las Vegas Optic* and the *Albuquerque Democrat*. The bill provides that the chestnutty name "Montezuma" shall be hung like a millstone around this territory. The Washington politicians evidently think that the admission of New Mexico will give more senators to the Democratic party. But we believe that the territory would be a Republican state if each of the nominees should be of Mexican descent, and if neither were. The wish of the Democratic party in regard to the wool-tariff being removed would be one great influence, as is proved by the haste with which Delegate Joseph has avowed his opposition. As to the political result of admission it looks as if the rings at Santa Fe have agreed to pull in support of the bill and each take a senate plum for the first term. The capital city is also desirous of having a long drawn out constitutional convention and an annual legislative session. We believe statehood will help politicians and newspapers but will burden the people at present.³⁶

Late in January, 1889, the president pro tempore of the senate, John J. Ingalls of Kansas, presented an unusual document to that body.³⁷ This was referred to the committee on territories and ordered printed. It read as follows:

PROTEST OF CITIZENS OF NEW MEXICO AGAINST
THE ADMISSION OF THAT TERRITORY INTO
THE UNION OF STATES

The honorable Senate and House of Representatives of the United States:

The undersigned, your petitioners, would respectfully represent that it is not to the business interests, nor is it the desire of a great majority of New Mexico's citizens who are engaged in commercial pursuits, that New Mexico should at the present time be admitted into the Union as a State.

36. *Ibid.*, March 2, 1888.

37. *Congressional Record*, vol. 20, part 2, p. 1233.

Your petitioners would further represent that New Mexico is at present totally unfitted for the responsibilities of statehood, because first, the greater part of her population are unfamiliar with the English language, and, though honest and of good intentions, are a class of people over whom the designing, dishonest, and untruthful politicians readily acquire a power that enables the latter to sway the former almost without limit; second, because up to the present time it has been demonstrated that political power in our Territory has been controlled and held by those whose movements and whose apparent aims are inimical to an honest, upright, and intelligent administration of public affairs, and that the average character of our legislatures has been such as causes the gravest fears that if left to enact laws, which the people could not take to your honorable bodies to have annulled, that our code of statute laws would become a disgrace to us as a State and to our sister States, with whom we would be associated in the National Government, and would bring ridicule upon us from the entire civilized world; third, that our political leaders have been politicians for revenue only; the only limit to their rapacity has been the amount of money raised by taxation, and the amount of indebtedness they could heap upon the Territory at a profit to themselves, and the only check to their unconscionable schemes has been a realization of the fact that our governors and judges have been appointed by the different Presidents, and were not subject to the whims and caprices of these political vampires.

Your petitioners would further respectfully represent that they are not office-holders, but are, and for a long time have been, residents of the city of Albuquerque, and are all personally engaged in business pursuits in Albuquerque, which is now the commercial center of New Mexico; and that it is your petitioners' earnest belief that before our Territory should be admitted to statehood, your honorable bodies should provide some convenient, speedy, inexpensive, and certain method to settle the present anomalous condition of title to the vast area of our most valuable lands, which are

now claimed largely by unscrupulous and designing persons as grants from the Mexican and Spanish Governments; and that your honorable bodies should enact such laws as would compel our territorial officers to transact all public business and keep all public records in the English language, and require the English language to be taught in our public schools, and make it a qualification of teachers, jurymen, and officials of all kinds that they should be able to speak and write the English language. When you have done this, when the masses of citizens come to thoroughly understand the true responsibilities and privileges that are theirs, as voters and citizens of the United States, and would be theirs, as citizens of a State, when our wonderful agricultural, timber, and mineral lands have the present clouds, in the shape of land grants, removed from their title, so that an intelligent immigration will come among us to take advantage of our productive soil, unsurpassed resources, and salubrious climate, and when we can be assured that the spoilsman and the political mountebank no longer has the masses fettered, bound, and under his control, and we know that honesty, economy, and virtue will prevail in the administration of public affairs, then will your petitioners be most urgent in the claim that New Mexico should be admitted to statehood, and to assume the duties and responsibilities of State government; but until then we will ever most earnestly protest against our Territory being admitted to the Union as a State.

Ernest Meyers, of the firm of Lowenthal & Meyers, wholesale merchants.

Joshua S. Reynolds, president First National Bank of Albuquerque.

T. M. Folsom, vice-president Albuquerque National Bank of Albuquerque.

F. M. Rose, general machinery merchant.

Solon E. Rose & Bro., plumbers.

S. Neustadt, clerk.

J. W. Malette, of the firm of Malette & Weiller, general merchandise.

D. Weiller, of the firm of Malette & Weiller.

Howard J. Clark, clerk.
 M. Mandell, of Mandell Bros. & Co.
 F. Mandell, of Mandell Bros. & Co.
 D. Mandell, of K. Mandell & Co., of New York.
 M. Mammoth, book-keeper.
 J. A. Weinman, of Goldstein & Weinman,
 wholesale and retail dry goods.
 F. Lowenthal, of firm Lowenthal & Meyers,
 wholesale merchants.
 W. Y. Walton, druggist.
 John F. Pearce, M. D., physician and surgeon.
 A. W. Culano, jr., wholesale grocer.
 W. S. Burke, editor.

And thousands of others if necessary.

Approximately half of the signers of this protest were Jewish business men of Albuquerque. Two of special interest were Gentiles. Joshua S. Reynolds was one of the most prominent bankers in the territory. A native of Canton, Ohio, he had known William McKinley from boyhood, so we may be sure that his name must have carried a good deal of weight, not only with the popular congressman from Ohio, but with the many friends of the latter as well. The name of W. S. Burke³⁸ also attracts attention, since the editors usually favored statehood.

An indignation meeting was held in Old Albuquerque, and several counter petitions were sent to the territorial legislature and to congress. One signed by 178 citizens of Albuquerque denounced the original protest as "misleading and false," declaring that it did not "represent the sentiment of one per cent of the actual residents" of that city.³⁹ These were not printed in the *Congressional Record*, however, and were probably lost in the files of the committee on territories. There can be little doubt that the unusual protest against statehood attracted much attention. Shortly before, Chairman Springer had written Governor Ross that "the greatest

38. See my article on the attitude of the territorial press in the REVIEW for April, 1939, esp. p. 127.

39. *Proceedings of the Legislative Council of the Territory of New Mexico. Twenty-eighth Session* (Santa Fé, 1889), p. 257. See also pp. 259, 260, 262; *Congressional Record*, vol. 20, part 3, p. 1999.

impediment in the way of New Mexico's becoming a state is the impression that the people do not desire the change."⁴⁰ Consequently when a printed copy of this petition lay on the desk of every member of congress, we can be sure that this impression was greatly strengthened.

Appearing when the rivalry between various towns of New Mexico had been intensified by competition to secure the location of projected territorial institutions, this petition did nothing to increase good feeling in the territory. When Albuquerque sent a large delegation to Santa Fé to try to secure the agricultural college, the *Las Cruces Rio Grande Republican* queried: "Wonder if it contained any of the signers of the petition against statehood."⁴¹

During the second session of the Fiftieth Congress, certain New Mexico leaders exerted themselves to work up a statehood movement in the territory. Apparently L. Bradford Prince, who was to serve as governor of the territory from the spring of 1889 to 1893, started things off. He issued an appeal from New York on Dec. 15, 1888, declaring that a number of territories were to be admitted, and that if New Mexico were not among them, it would be taken as proof of her backwardness and lack of progress. He said:

Every acre of our land would lose value and every industry be injured by such an event. Dispatches appear every day from Dakota, Montana, and Washington on the subject. Scarcely a day passes that I am not asked whether New Mexico will not have population enough before a great while to make application! My answer that we have had population enough for years, and are far more ready in every respect than either Montana or Washington, is received in surprise and perhaps a little incredulity, and they say, "Why, I haven't noted any movement there on the subject."⁴²

Developments came fast during the closing days of the

40. *Las Vegas Optic*, Jan. 2, 1889.

41. *Rio Grande Republican*, Feb. 9, 1889.

42. Quoted by Delegate Joseph during the debate on the omnibus bill, January 16, 1889.

session. Delegate Joseph spoke on January 16 and again on February 14, demanding statehood for New Mexico.⁴³ Representative Samuel S. Cox of New York,⁴⁴ widely known as a ready and witty speaker, took part in the debate on the last named day, showing that he was interested in the development of the west, as well as in tariff reform and civil service. Reference had been made to rumors that efforts would be made to get the house to recede on the omnibus bill, and that several members, including Cox, were going to recede. That gentleman then stated that he favored the bill, but that "it was temporary and was so intended."⁴⁵ He said plainly that the effort to bring in the bill was in pursuance of caucus instructions, that personally he would have preferred that each of the territories should come in on her own merits. Furthermore, he despaired of securing the consent of the Republican senate. Consequently he proposed new instructions for the conferees with that body. The first of these, "That the Territory of New Mexico be excluded from the bill," was adopted by a vote of 134 yeas and 105 nays, with 84 not voting.⁴⁶ The next day Delegate Joseph introduced a separate bill for the admission of New Mexico, and on the following day Chairman Springer reported it favorably.

A well advertised movement was soon under way in New Mexico, and a decided effort was made to secure immediate statehood. These efforts were doomed to defeat by opposition within the territory, which manifested itself in lack of coöperation among the leaders and an adverse vote of the people of the territory.

It had been suggested from Washington that New Mexico was handicapped because she did not have a constitution to present for the inspection of congress, hence the territorial council on February 28, 1889, authorized a convention to supply this lack. The bill, which had been introduced by Col. George W. Prichard, a Republican member

43. *Congressional Record*, vol. 20, part I, pp. 862-67. *Ibid.*, part II, p. 1911.

44. D. A. B., vol. IV, pp. 482-83.

45. *Congressional Record*, vol. 20, part 2, p. 1905.

46. *Ibid.*, p. 1912.

from San Miguel County, provided for 73 delegates apportioned among the various counties. The Albuquerque *Morning Democrat* declared that the apportionment designated would give the Republicans control, which would be unfair, since the last three elections had shown that New Mexico was Democratic by a majority of 1,500 to 2,000. Although Governor Ross allowed the bill to become a law without his signature, other Democratic leaders refused to accept it as fair to their party. L. Bradford Prince confessed twenty years later "perhaps there was some merit in their objection."⁴⁷ Committees of both parties sought to effect a compromise.⁴⁸ The Democrats offered to allow the Republicans 37 delegates in the convention to their 36—giving warning that the rejection of this proposal would mean the failure of statehood.⁴⁹ As their opponents refused to agree, the Democrats, acting on instructions from W. B. Childers, chairman of their central committee, declined to take any part in the election. The result was that only one Democrat was elected as a member of the convention. This strongly partisan body, however, went to work and in nineteen days produced a constitution. English and Spanish copies of the document were then widely circulated throughout New Mexico, but it was not voted upon by the people.

The Albuquerque *Morning Democrat* may be taken as representative of newspapers which strove to belittle the whole movement for a constitution. Commenting on the small vote cast for delegates to the convention, the *Democrat* remarked that "the people have shown M. S. Otero and his gang that they would prefer smallpox to statehood under the control of the republican gang bosses . . ."⁵⁰ The constitution was "designed to perpetuate boss rule in New Mexico,"⁵¹ but the election showed that "the people are opposed to statehood as promulgated by the bosses Perea, Catron, Chaves,

47. Prince, *op. cit.*, p. 48.

48. Albuquerque *Morning Democrat*, June 2, 1889.

49. *Ibid.*, June 25, 1889.

50. *Ibid.*, Aug. 8, 1889.

51. *Ibid.*, July 14, 1889.

Pritchard, &c.”⁵² Finally the *Democrat* declared that the document was “three times as long as the constitution of the United States, including all amendments. It re-enacts that document,” the editorial critic declared, “the bill of rights, the declaration of Independence, and the moral law and enlarges and improves upon all of them in the estimation of the constitution carpenters. The fact that the conventioners attempted legislation so largely, shows their want of confidence in subsequent legislatures, and is a strong argument vs. statehood.”⁵³

About the time of the adjournment of the convention the Hillsboro *Advocate* asserted that “everybody in southern New Mexico, with the exception of a few self-seeking politicians, is dead opposed to statehood at the present time.”⁵⁴ This conclusion was immediately discounted by the Republican press, and during the following months various groups and sections of the territory were claimed in support of the new state constitution. “The majority of the native population of New Mexico” were said “to favor statehood and free schools.”⁵⁵ “The leading stockmen of northeastern New Mexico favor statehood pretty generally.” It was predicted that the central and the northwest portions of the territory would give large majorities for the constitution when a vote was taken. It was claimed that the counties of Lincoln, Chaves, Eddy, Socorro, Sierra, and Grant would favor the constitution by majorities of 500 or 1,000. In the late spring of 1890 the Silver City *Enterprise* summed matters up by saying, “The sentiment in favor of statehood is growing rapidly throughout the territory,” while the *New Mexican* announced “The statehood movement is crystalizing despite the Democratic sorehead politicians, who hope to ride into popularity opposing it.” The Clayton *Enterprise* rejoiced that statehood was gaining friends even in northeast New Mexico and that Colfax County was “the only county in the

52. *Ibid.*, Aug. 11, 1889.

53. *Ibid.*, Oct. 30, 1889.

54. Quoted in the *Rio Grande Republican*, Sept. 28, 1889.

55. *Daily Citizen*, Nov. 30, 1889.

territory where the non-progressive newspapers are in the majority."

During her sixty years as a territory, New Mexico sent a number of delegations of her citizens to the national capital to work for her interests. Without doubt, the strongest of these and the most successful was the group sent in the spring of 1890. The suggestion apparently came from Col. William L. Rynerson of Las Cruces, one of the most prominent men in the southern part of the territory. Born only a few miles from Lincoln's birthplace, the young Kentuckian had walked over a part of the Oregon trail, arriving in California in time to do some mining before enlisting in the union army in the sixties.⁵⁶ Settling in New Mexico after the war, he had taken up the practice of law and had been promptly elected to the territorial legislature. Aroused by the bitter, slurring criticism of John P. Slough, chief justice of New Mexico, Rynerson had killed the latter in 1867 and been acquitted on a plea of self defense. District attorney and member of the territorial council for a number of years, Rynerson was also a member of the constitutional convention. When he and Catron visited Washington early in 1890, they carried a letter of introduction to President Harrison which identified them as "the two leading Republicans in New Mexico."

It was at this time that the Las Cruces leader penned the following letter which appeared in the *New Mexican* under the headlines "Statehood and Rynerson. Wake Up, Fellow Citizens."

To the Editor of the *New Mexican*, Santa Fé, N. M.
Washington D. C., February 10, 1890.

As you are aware I have been here some time and while here I have taken notes of the prospects of New Mexico's admission as a state. I believe we have a good prospect if we make the proper effort. *The delegation* of the leading citizens of the territory should at once be sent here in the interest of

56. Twitchell, *op. cit.*, p. 412.

statehood. Such delegation should include such men as the Hon. M. S. Otero, Col. J. F. Chavez, Judge Trimble, John H. Riley, Gov. Prince and Major Llewellyn. Others who could come should do so. Their earnest and united effort would gain us admission. The senate committee have unanimously agreed to report in favor of the admission of Idaho. Wyoming and Idaho will be promptly admitted, and we might have been admitted if we had voted and adopted our constitution as those two territories did. We should convince our Republican friends in congress that our territory is certainly Republican and furnish them with statistics and proof to wipe out the many slanders that have been and are now being used against the people of the territory.

I hope that our people will wake up to the importance of action and at once go to work.

Yours, etc.,

W. L. Rynerson.⁵⁷

Commenting on this communication, the editor stated that he had received "similar information from other sources and from members of congress." Furthermore, he pointed out that Rynerson was "a keen observer," and an excellent judge of the situation. Accordingly the *New Mexican* strongly advocated acting on these suggestions. The matter was taken up by the bureau of immigration, which was controlled by Editor Frost, its secretary, and Governor Prince was formally requested to appoint the delegation.⁵⁸

Thoroughly in accord with the idea, that official appointed a large committee, headed by himself and three former chief justices of the territory. Of the fifty-four named, only twenty-nine actually went to Washington. The group was acclaimed by the press as a representative one, but it is interesting to note that only one Spanish-American made

57. *New Mexican*, Feb. 15, 1890.

58. *San Marcial Reporter*, quoted by *New Mexican*, May 13, 1890; Prince, *op. cit.*, p. 74.

the trip.⁵⁹ The press made a variety of comments regarding the personnel of the delegation. The *Daily Citizen* described it as "well supplied with facts and figures relating to the resources of New Mexico."⁶⁰ The unsympathetic *Morning Democrat* quoted Senator Edmunds of Vermont as follows: "Since seeing that delegation from New Mexico I am more than ever convinced of the necessity of public schools in that territory."⁶¹ The *Industrial Advertiser* thought that "if the Governor would have Congress understand the true situation of affairs he should appoint a few anti-statehooders."⁶² As Governor Prince was a strong champion of statehood, we may be sure that he did not intend to act on this suggestion, but time was to show that he did so unwittingly.

Of course, establishing a lobby for statehood was only one of several purposes behind the appointment of the delegation. Congress was also to be urged to provide for the settlement of the vexatious question of Spanish and Mexican land grants in New Mexico, and to grant the territory lands to support schools and institutions of higher education. In fact, it was along these lines that the delegation won its greatest success. Its work led almost immediately to the creation of the special land court and, after several years, to the donation of lands for educational purposes. A correspondent writing to the *Denver News* from Santa Fé county at this time opposed the admission of the territory to statehood "until the titles to these lands are settled and the territory is more largely filled with Americans."⁶³ It is not

59. Trinidad Alarid of Santa Fé, who was territorial auditor at the time. See Twitchell, *op. cit.*, p. 513. The names of all who actually went to Washington are given by Prince, *op. cit.*, p. 75.

60. *Daily Citizen*, April 21, 1890.

61. *Morning Democrat*, May 20, 1890.

62. *Industrial Advertiser*, March 29, 1890. This paper evidently thought that there was little chance of an enacting bill being passed by congress. In the same issue, it said: "It is painful to see a few papers struggling to make people believe that New Mexico is about to be admitted as a state. . . . New Mexico stands about as much show of being admitted as Max Frost has of becoming an angel."

63. *Denver News*, as quoted by *New Mexican*, May 9, 1890. The *News* added: "He speaks of a Santa Fé ring which seeks admission with a view to electing two Republican United States senators and officers of the proposed new state."

unlikely that some members of the delegation entertained the same sentiments.

Contemporary press accounts of the objects of the delegation differ widely. After discussing the other aims, the *Chicago Tribune* gave only a single disparaging sentence to the statehood aspect of the matter. It said: "There appears to be no haste on the part of the New Mexicans to assume the expensive responsibilities of statehood and to get from under the protecting wing of the federal government."⁶⁴

On the other hand, the *Denver Republican* said:

It is probable that while in Washington some of the delegates will take occasion to say something in favor of the admission of New Mexico into the union. There is a possibility that congress will pass an act at this session allowing New Mexico to enter the union under the constitution framed by the convention which met in Santa Fé last fall. There is a considerable element in congress in favor of such action; but it is rendered inactive by the opposition of a large number of the inhabitants of New Mexico. If the delegation which is now on the way to Washington should urge the passage of a bill permitting the people to adopt a state constitution, a bill of that sort might be passed.

Naturally the appearance of a large delegation to voice the needs of a remote territory attracted considerable attention in congress and in the national press. Calls were made upon the president and other federal officials, there were hearings before seven congressional committees, and many conversations were held with prominent members of congress.

Max Frost rejoiced that the *New Mexican's* fight for statehood was "assuming grand proportions," and that the territory was getting lots of "free advertising."⁶⁵ This was quite true, but, unfortunately from the standpoint of the editor of the *New Mexican*, differences of opinion among the

64. *Chicago Tribune*, quoted in *New Mexican*, April 29, 1890.

65. *New Mexican*, April 24, 1890.

citizens of the territory on the subject of statehood were given wider publicity at the same time. The *Denver News* suggested that not all of the delegation favored statehood, and evidence was soon forthcoming that this was correct.

Before the delegation arrived in Washington the *Kansas City Journal* published an interview with one of the delegates who threw discretion to the winds and boldly opposed statehood. This gentleman, Mr. A. J. Bahney, the Democratic postmaster of Socorro, was quoted as follows:

We are going to Washington to present our claims to congress. We want a public school law that will allow us to levy taxes, issue bonds and build school houses. We want an endowment for our school of mines at Socorro, and an allotment of school lands, as has been made to most of the states. We also want an appropriation for a national park. The site chosen, in the mountains north of Santa Fé, is the most captivating in the world and should be taken advantage of by the government. If the government allows us these requests there is no doubt but that New Mexico would gladly become a state. The trouble has been that we were afraid to trust such legislation to the state legislature we were certain to get. The Mexicans can outvote us and will elect their class to make the laws to govern the state when the territory is admitted, and by their past life we are assured that they will not urge the cause of public education as it would be. Unless we have such laws as we ask from Congress it would only retard our progress to make a state of New Mexico.⁶⁶

66. Quoted from the *Kansas City Journal* by the *New Mexican*, April 25, 1890.

The *New Mexican* reproved Mr. Bahney for his indiscretion in its issue of April 25, 1890., and A. L. Morrison contributed a letter to the *New Mexican* for April 28, in which he further criticized the Socorro man. In defense of the native people, he said: "As I understand the case these 'Mexicans' and their fathers have inhabited these mountains for nearly four centuries, and have earned the proud title of Americans if any people on the continent have. I don't know when the first Bahneys honored the world with their presence, but I do know that if they landed at Plymouth Rock from the *Mayflower* the heroic sires of these 'Mexicans' were in New Mexico half a century or more before them, and if the men of today are worthy sons of the men of that day they will not permit themselves to be insulted in their own land by Mr. Bahney, nor the party he represents. . . . One thing is certain, and that is that the *New Mexican* voiced the feelings of the Republicans of New Mexico when it condemned so

We may be fairly certain that other members of the delegation had doubts about the advisability of immediate statehood, even though they avoided discussing them with newspaper men. Thus Henry L. Waldo, the general solicitor of the Atkinson, Topeka and Santa Fé railroad in New Mexico, had the reputation of being a difficult man to interview. He evidently kept his usual reserve, when a reporter for the *New Mexican* found him on his return from Washington. After stating that the principal object for which Judge Waldo worked was the settlement of land titles in the territory, and praising the excellent work being done by other members of the delegation, the interview concluded:

Judge Waldo took no particular interest in the statehood matter, representing only the interests of the Santa Fé railroad company, more particularly in the matter of the settlement of the land grant question, and did not think it proper to have anything to do with any matters political.⁶⁷

Many of the delegation were strongly in favor of statehood, and felt that they were getting in some effective work for the cause. One of these was W. C. Hazledine of Albuquerque, general solicitor for the Atlantic and Pacific railroad, whose attitude toward the cause had been shown by an interview which he had released early in January. "The speaker said he had travelled through the territory," so the *New Mexican* reported,

and discussed the state movement with a large number of citizens, and he felt certain that interest in the subject was constantly growing. In his travels east and west throughout the country he

67. *New Mexican*, May 12, 1890.

promptly and emphatically the insults flung in the faces of the native citizens of New Mexico. The Republican party . . . will trample down any and every attempt to draw a line of demarkation between the ancient race whose forefathers landed with Cortez at Vera Cruz, and the other race or races who arrived here yesterday. Any man who holds opposite views to this is not worthy to become a citizen of the state of New Mexico, and should depart for some more congenial clime as rapidly as possible. In the meantime we commend Mr. Bahney to the 'Mexicans' of Socorro and hope they will be able to convince him that 'their class,' as Mr. Bahney calls them, is worthy 'to make the laws to govern the state when the territory is admitted.'"

found New Mexico a topic of great interest to public men, and many who have for years opposed, through a misapprehension of facts, state government for this territory are today our friends, ready and anxious to help us if we only display an earnest effort to help ourselves. At Washington city our cause has made rapid advancement since the last session of congress; many of the leading newspapers there have displayed the most friendly interest and will say a kindly word when the proper time comes.⁶⁸

Hazledine returned to New Mexico some time before the other members of the delegation. The *New Mexican* reported that he had "been very successful in greatly modifying the views of persons hitherto strongly opposed to our admission, and has secured many strong and ardent supporters to statehood."⁶⁹ Catron wrote Hazledine, congratulating him upon the good work he had done in Washington, but expressing the fear that "the cosmopolitan delegation which went on, may undo what you have done."⁷⁰ Whatever their private fears, however, statehood supporters continued to express confidence in the work of the delegation. In describing the hearing before the house committee, the *New Mexican* said: "The visitors made a good impression and manifested no trace of bickerings which have heretofore hindered the progress of the statehood movement."⁷¹ Having stated that "The whole matter is now in the hands of the sub-committee," the paper added: "When this committee was appointed several weeks ago, a majority was hostile to the admission of New Mexico, but since receiving further information on the subject, it is now quite probable the matter will be considered favorably." A few days later, the *New Mexican* reported that the New Mexico people in Washington had "made a formidable showing before the senate committee on territories, and the questions which the com-

68. *New Mexican*, Jan. 9, 1890.

69. *New Mexican*, April 26, 1890.

70. Catron to W. C. Hazledine, April 26, 1890.

71. *New Mexican*, May 2, 1890.

mitteemen put were answered in such a frank and satisfactory manner as to make it certain New Mexico is making friends for her statehood movement."⁷² In reviewing the labors of the delegation after their return to the territory, Governor Prince said "many opponents of statehood have been transferred into friends. . . ." He concluded: "I had a long talk just before leaving with Judge Struble, of Iowa, who is chairman of the house committee and has hitherto been much prejudiced against us, and his views are greatly changed."⁷³

Meanwhile, however, all hopes of immediate action on the part of congress had been blasted by the attitude of Delegate Joseph. On May 1, the *New Mexican* had reported that he "was working in harmony with the good citizens of this territory in the matter of the admission of New Mexico." The following day the same paper said: "The Democratic would-be bosses and Ross *et al.* are hot under the collar at Delegate Antonio Joseph because he has come out openly in favor of statehood." It appeared later that, when the question of a united push for statehood was discussed by the delegation in Washington, Mr. Joseph had written several prominent Democrats in New Mexico as to whether the constitution drawn up by the Santa Fé convention was acceptable, and that most of the replies he received were unfavorable. Hence he felt it necessary to oppose the movement, although personally he had been willing to coöperate to gain admission. C. H. Gildersleeve stood with him. Headlines screaming "Democracy Afraid to Face the Music—A Clean Back Down" announced that New Mexicans were still divided on statehood matters, and all hopes that the lobby would push an enabling act through the Fifty-first Congress were gone.

Several months earlier, the *New Mexican* had printed a Washington despatch under the headlines: "The New States. Bright for Two, but Sad for New Mexico." After referring

72. *New Mexican*, May 10, 1890.

73. *New Mexican*, May 22, 1890.

to favorable committee reports which led to the admission of Wyoming and Idaho, the despatch said:

It is thought that if the New Mexico people had come forward united in support of a good constitution they would have had a better chance of favorable action. The disagreement among the politicians there has operated to keep the territory out of the union. It is probable that congress will take no favorable action on the question of the admission of New Mexico until the people of that territory succeed in healing their differences.⁷⁴

The fact that the constitution of Wyoming had been adopted by popular vote, and that this action was approved in the committee report did not escape the attention of the New Mexico delegation in Washington. Ex-Governor Axtell, a member of the group, said later in a speech in the campaign that the delegates were told in so many words to submit the constitution to the people for their ratification, after which New Mexico would be admitted if the people approved the constitution. Consequently, the leaders reassembled the constitutional convention in Santa Fé for two days in August, 1890. After making a few minor changes in the document, the convention resolved to submit it to a popular vote on October 7.

During the campaign that followed the leading Republican politicians of New Mexico held meetings in all parts of the territory and urged the voters to support the constitution. They were assisted by the one Democratic member of the constitutional convention—Lawrence S. Trimble, a former congressman from Kentucky who was practicing law in

74. *New Mexican*, Feb. 22, 1890. Cf. the following editorial comment from the *Denver Republican*: "The people of the territory have themselves largely to blame for their failure to obtain a favorable answer to the petition for admission. All the objections based upon the alleged ignorance of many of the inhabitants and the use by a large number of them of a language foreign to the English could, in all probability, have been done away with if the people had been united among themselves, and if they had earnestly asked that they be let into the union. But local differences and a trivial question of party representation in the constitutional convention were allowed to interfere, and as a result the New Mexicans see themselves left out while Wyoming and Idaho are about to be admitted." Quoted from *New Mexican*, Feb. 22, 1890.

Albuquerque.⁷⁵ Opposition speakers included W. B. Childers, H. B. Fergusson, Felix Martinez, N. B. Field, C. H. Gildersleeve, J. H. Crist, N. B. Laughlin, Ex-Governor Ross and others. Republican papers attacked them with vigor. The *San Marcial Reporter* said:

The gentlemen who are now travelling through the territory opposing statehood, two years ago were howling for it. Then they thought they would secure the loaves and fishes; now it's the "other fellow" who stands the best show. Great patriots these!⁷⁶

Though few in number, results were to show that this group were effective. In his report to the Secretary of the Interior for 1891, Governor Prince said:

Public speakers traversed the territory in opposition, and easily excited prejudices among the large portion of the people who had never lived in a State, knew but little of the results of State Government, and whose fears of the unknown were thus aroused against any change from the system with which they were familiar.⁷⁷

Considering the high percentage of illiteracy in the territory, printer's ink was poured out very generously in the campaign that followed. Copies of the constitution, a defense of the same by a committee of fifteen, an appeal from the Democratic convention at Silver City to reject the document, and Republican circulars—all printed in English and in Spanish—were distributed in large editions. The opposition professed to believe that every copy of the constitution "placed in the hands of an intelligent man makes a vote against it," but they were accused of distributing "bogus constitutions" instead of the genuine article.⁷⁸ The

75. Trimble was a member of congress from 1865 to 1871. Having moved to Albuquerque in 1879, he practiced law there until his death in 1904. *Biographical Dictionary of the American Congress*, p. 1628.

76. *San Marcial Reporter*, Oct. 4, 1890.

77. *Report of the Governor of New Mexico to the Secretary of the Interior, 1891* (Washington, Government Printing Office, 1891), pp. 9-10.

78. *Socorro Industrial Advertiser*, Sept. 13, 1890; *Optic*, Sept. 30, 1890.

“tons of literary documents against the constitution,”⁷⁹ circulated throughout the territory were denounced as “Sheer waste of printer’s ink.”⁸⁰

Special efforts were made to reach the Spanish-American vote. While ten thousand copies of the constitution in English were being distributed, the *New Mexican* stated that twenty thousand in Spanish would be put into the hands of the people the following week.⁸¹ J. Francisco Chaves, one of the most prominent leaders among the native people, who had presided over the convention, served as the chairman of the committee which issued “An Address to the People of New Mexico.” While T. B. Catron drafted it himself, he wrote Chaves:

I have prepared it, as you will observe, more for the Mexican people than for the Americans. They know less about the question of State than the Americans, and I thought that it ought to be more particularly directed to them.⁸²

He asked his correspondent to translate the manifesto into Spanish, so that Max Frost could “strike off copies enough to enable us to send it to every voter in the territory.” Catron supplemented his broadside by sending checks to some of the native people who were to work for statehood. In writing to Nestor Montoya he added the argument:

If we are admitted, you will see good times. Immigration and capital will come into New Mexico, and everyone will receive good wages. As long as we are kept in the condition of a territory, foreign money will be excluded under the law of the United States, and money from the States not having any competition, will not be brought here. We will be forced to sell our property at a sacrifice, and people will be without wages or with insufficient wages. There is nothing in the world which

79. *Albuquerque Daily Citizen*, Sept. 27, 1890.

80. *Optic*, Sept. 18, 1890.

81. *New Mexican*, Sept. 17, 1890.

82. T. B. Catron to J. Francisco Chaves, July 7, 1890.

will be of such benefit to the laboring classes as an influx of immigration and foreign capital. The immigrants who will come to this country will all bring some means. Foreign capital is compelled to employ labor in the mines and on the lands in order to make it productive. You can readily see the advantages and place them before the people. See that every vote for the state is turned out and votes.⁸³

Statehood papers warned their readers that if a large popular majority voted against the constitution, the nineteenth century would close on New Mexico as a territory, and that immigration would go elsewhere.⁸⁴ This would mean "business stagnation and retrogression . . ."⁸⁵ They were confident, however, that the cause was gaining strength daily and that the constitution would be ratified. Every effort was made to belittle the "anti's." Their meeting was described as "a flat failure" or "a fizzle," conducted by "would-be statesmen" who drew small crowds and little applause. A meeting in Albuquerque was said to have been "a disgrace to the town," while in Las Vegas Governor Prince was said to have "wiped the floor" with Childers. "The gang," said to be "fighting the best interests of New Mexico," was accused of all sorts of tricks to win the election. It was said that Democratic county commissioners had been secretly instructed to send out none but anti-constitution ballots, and to send them out "in the ballot boxes wherever possible, and to instruct the judges of election in safely Democratic precincts to roll up a good vote against the constitution, no matter if any such vote is cast or not."⁸⁶ Three weeks before the election the *New Mexican* said:

The dark tricks, the buying up of votes, slandering the people, abusing political adversaries, stuffing ballot boxes and the like shall and will be left to the gang, that now runs the Democratic

83. Catron to Nestor Montoya, Sept. 20, 1890.

84. *Citizen*, Oct. 4, 1890.

85. *Optic*, Sept. 22, 1890.

86. *New Mexican*, Oct. 2, 1890.

machine, the Joseph campaign and the anti-statehood fight. They are adepts in that line, but their tricks will not succeed this time.⁸⁷

Opposition speeches were constantly ridiculed as "the veriest bosh." Only occasional references by pro-statehood speakers revealed the arguments which they were attempting to refute. Thus at a meeting in Santa Fé Major J. D. Sena is reported to have said: "It is an insult to the descendants of Hidalgo, Morelos and Iturbide when the opponents of statehood say 'we' are not fit to govern ourselves."⁸⁸

The *New Mexican*, which was practically closed to the reasonings of "the blatant anti-state soreheads" who "talk of the pending constitution as if it were a cast-iron document"⁸⁹ impossible to amend, could hardly refer to Childers without speaking of "his hot southern blood" and "his intense partisanship which left him angry and disgusted because forced to defend a losing cause."⁹⁰ Fortunately, a much fairer picture of the Democratic leader and of his line of thought is found in a letter contributed to the *Optic* for October 3, 1890. Its author, Frank Springer, who was one of the most brilliant lawyers in New Mexico and the president of the bar association at the time, had been a member of the constitutional convention. He now undertook to answer the arguments presented by Childers at a meeting in Las Vegas. He described his opponent, who had come to New Mexico about the same time that he had, as "one of the ablest men in the democratic party in the southwest." He said: "He is of keen and subtle mind, clear and incisive in speech, full of resource in argument, and skillful in debate; in short, a trained and sagacious lawyer" Passing on from the man to his address, Springer said:

He spoke upwards of an hour, and rapidly, as is his habit. We learned at the outset that he was not opposed to statehood, but that he and his party

87. *New Mexican*, Sept. 17, 1890.

88. *New Mexican*, Sept. 23, 1890.

89. Quoted from the *New Mexican* by *Las Vegas Optic*, Oct. 2, 1890.

90. *New Mexican*, Sept. 18, 1890.

were in favor of it on general principles, and he would not consume time arguing about it, but would proceed at once to expose the iniquities of the constitution, which he declared to be so "vicious" that he was not willing to enter the union under it.

These objections were as follows:

First, That the constitution was compiled from other constitutions.

Second, That state taxation is limited to one per cent, and state debts to \$500,000.

Third, That the provisions regarding taxation are framed to enable land grants to escape taxation.

Fourth, That the judges of the supreme court are to be appointed.

Fifth, That the constitution requires mines to be taxed upon their gross output.

The Democratic convention, held at Silver City, had advised its adherents to vote against the constitution on about the same grounds. Two other objections, mentioned in the platform adopted, may be summarized as follows:

The governor may be suspended from office during impeachment. The apportionment for the election of members of the legislature practically disfranchises opponents of the Republican party.⁹¹

Springer criticized Childers' objections as "the veriest bosh." Denouncing the third one as "humbug," the Republican leader added that its author knew that the members of the convention were not "ready to commit political suicide," which, he said, they would surely do, if they attempted "to foist such a scheme of boundless stupidity upon the people of this Territory."⁹² He declared that the Democratic speaker "would have us believe that the constitutional convention was a nest of conspirators, from which all honest men had been excluded and who counseled harmoniously together in

91. *To the People*, broadside issued by S. B. Axtell, chairman of the Territorial Republican central committee. Copy found among the Catron Papers.

92. *Las Vegas Optic*, Oct. 3, 1890.

some dark scheme to defraud the people of their liberties." Expressing regret that a man whose friendship he valued should allow "partisan heat to carry him so far," Springer concluded by declaring that the truth was

that the constitutional convention was the most independent body of men ever assembled in New Mexico. There were no bosses nor room for any. Men who were together today on one proposition would be found next day fighting each other most energetically on another. Many of the most important provisions were adopted only after long and earnest debate in which opposing theories were thoroughly presented and advocated.⁹³

If there is only scanty evidence for the arguments of the speakers for the opposition, it is much more abundant for the position taken by the editors who opposed the constitution. It is interesting to note that their editorials seemed to feature economic reason for opposing the constitution. Possibly we may more easily introduce their point of view by first referring to a speech which Delegate Joseph made in congress on February 14, 1889.

A congressman from Iowa had just asked why he had not introduced a bill providing for statehood for New Mexico "until nearly the close of the session."⁹⁴ Joseph replied: "It was not because our people did not want admission. There has been every manifestation by the people of New Mexico, thoroughly irrespective of politics, favoring the admission of New Mexico."⁹⁵ He cited, however, only one piece of evidence for this change of mind on the part of "the people"—a memorial unanimously adopted by the territorial legislature in favor of statehood. He suggested, however, that certain economic problems helped to bring about the change. He said:

New Mexico has more than 10,000,000 acres of the best land in the world, the titles to which are

93. *Ibid.*

94. *Congressional Record*, vol. 20, part 2, p. 1911.

95. *Ibid.*

now clouded by either Spanish or Mexican land grants. We have tried repeatedly upon the floor of this House to get legislation to adjudicate these titles, but have failed. We also have upwards of \$5,000,000 in the way of Indian depredation claims. My people are getting overly anxious on seeing that Congress has failed for more than forty years to provide a remedy for those defective titles and to grant an adjudication of these Indian depredation claims, and they have come to the conclusion that statehood is the only solution of our present difficulties. They now come and ask for admission into the Union.⁹⁶

Joseph was one of the largest grant holders in New Mexico himself.⁹⁷ Did he mean that certain "interests" in the territory were behind the current "agitation" for statehood? Students of American history have been told that the famous Philadelphia convention of 1787 which framed our federal constitution was a rich man's convention, that its members represented various kinds of wealth, and that in providing for a strong central government, they were creating conditions which would cause their slaves, western lands and government securities to appreciate in value.⁹⁸ Were the leaders who drew up a constitution for the proposed state of New Mexico in 1890 likeminded with the "fathers" who had met in Philadelphia one hundred and three years earlier? Must one call in the economic interpretation of history in order to understand the statehood movement of 1890?

The territorial editors who opposed the constitution of 1890 had never read *An Economic Interpretation of the Constitution of the United States*, but they had the point of view which Charles A. Beard was to set forth twenty-three years later. They declared that money was being used to promote "the statehood boom," and they were convinced that they

96. *Congressional Record*, vol. 20, part 2, p. 1911.

97. *New Mexican*, Oct. 6, 1890.

98. Beard, Charles A., *An Economic Interpretation of the Constitution of the United States*. (N. Y., 1913.)

knew where it came from.⁹⁹ Their analysis of the economic interests of the members of the convention was not as thorough as Beard's, but it is very suggestive. They pointed out that the fourteen most prominent men in the convention were interested, either as owners or attorneys, in large land grants, which amounted, all told, to 9,457,106 acres.

These leaders were named, with the grants in which they were interested, and the acreage of each. The article, which appeared under the title "Land Grants and the Constitution," concluded as follows:

The 14 gentlemen whose names are given virtually embrace the prominence, power, intelligence and practicability of the convention framing the constitution. The other fellows were in the roll call, but in these 14 is found the convention. Take out Catron, Otero, Springer, Clancy, Hazeldine and Rynerson and what of brains or force would you have left? Now let some Diogenes with his lantern look for the clause in that constitution that would hurt a land grant.¹⁰⁰

The opposition press also pointed out that the territory was heavily in debt and that the expenses of a state government would materially increase the rate of taxation. Furthermore the burden would not be borne by all classes of property and people alike. Through unscrupulous manipulation assessments on large land grants would be kept down to one-tenth of their value. Furthermore, the constitution provided that the rate should not exceed one per cent on taxable property, but there was no limit as to "particular articles" and occupations. Accordingly it was claimed that the tax burden would be shifted to the shoulders of the poor to such an extent that even steadfast Republicans were denouncing the constitution "as for the few and against the interests of the mass of the people of New Mexico."¹⁰¹

99. *Socorro Industrial Advertiser*, Sept. 13, 1890.

100. *Morning Democrat*, quoted in *Industrial Advertiser*, Sept. 27, 1890.

101. *Socorro Industrial Advertiser*, Sept. 20, 1890.

One way in which this aim would be achieved was described by the Socorro *Industrial Advertiser* as follows:

The clause in the constitution empowering the legislature to levy a tax upon unpatented mines was inserted for the especial benefit of a few large land grant holders. Just at present Catron is worrying over the miners who have settled on grants in Santa Fé county. The mineral is not reserved for the grants and therefore is open for location, so several mining towns are now in existence on Catron's grants. As these mines cannot be patented he has conceived the idea of running off the miners by taxing the gross output of all unpatented mines, which would work ruination to the poor miner and clear the grants of miners. If the mining men of New Mexico vote for the constitution they vote an unlimited tax upon themselves in order that a few land grabbers may clear all the grants of miners, which cannot be done in any other way. The mineral belongs to the men who uncover it not to the grant owners and the taxing of the output of unpatented mines is a scheme to defeat the objects of the laws of the land by making it impossible to work a mine on a grant by taxing it heavily.

It was charged that certain men who had bought up hundreds of thousands of dollars' worth of fraudulent militia warrants for almost nothing were scheming to get them paid. Eastern capitalists had openly predicted that when New Mexico was admitted to the union, these warrants would be paid by the first state legislature. Mariano S. Otero was said to hold several hundred thousand dollars' worth of these warrants, while those held by T. B. Catron, A. A. Staab and others "will more than make a million dollars." The first state legislature was sure to be Republican under the apportionment made by the constitution adopted by the convention at Santa Fé, and therefore under the control of "the ring." The new state having assumed the indebtedness of the territory, statehood would mean prosperity for the men who held these warrants.¹⁰²

102. *Ibid.*, Sept. 13, 1890.

While the opposition press laid great emphasis upon economic objections to the constitution, it of course did not ignore party objections. Thus *La Voz del Pueblo* declared that anyone who had the interest of New Mexico at heart should vote against the proposed constitution, as it was designed to further the political ambitions of Catron, Otero and Chaves. The *Morning Democrat* agreed, though it said that the Las Vegas paper had omitted the name of the worst one—"that mongrel, Max Frost."¹⁰³ Some months earlier the *Democrat* had commented bitterly on the political ambitions of Col. Chaves. "As for his going to congress," it said, "a good deal depends on who controls the new state—the Catron-Chaves-Perea gang or the decent people—whether he goes to congress or the penitentiary."¹⁰⁴

While Democratic speakers and editors elaborated on the political and economic objections to the constitution, religious and educational objections were being used effectively by the Catholic clergy. Early in September, 1889, while the constitutional convention was in session, the Most Rev. J. B. Salpointe, Archbishop of Santa Fé, contributed a letter to the territorial press, which attracted wide attention. The core of this communication was as follows:

. . . the Catholics of the territory demand of the constitutional convention a fundamental school law which shall be truly liberal, in the right sense of this word, by recognizing the right of the parent to educate his child according to the dictates of his conscience. We demand a system of elementary schools which will give the citizens of the territory, of every shade of belief, equal facility to educate their children in a manner they believe will conduce to bring about their happiness.¹⁰⁵

The *Rio Grande Republican* admitted editorially that the archbishop's letter was "an adept argument in favor of denominational schools, that is to say that the public school

103. *Morning Democrat*, Sept. 1, 1890.

104. *Ibid.*, Oct. 15, 1889.

105. *Rio Grande Republican*, Sept. 7, 1889.

funds be divided between the different religious denominations, or that the dominant church be permitted to select the teacher."¹⁰⁶ The editor, however, declared that this idea had already been "the subject of frequent contentions in the States," and had been "overwhelmingly rejected by the American people." In conclusion, he predicted that any constitution which embodied "the ideas contained in this letter, will be overwhelmingly rejected by both the people of New Mexico and the Congress of the United States."

The answer of the convention to Archbishop Salpointe's appeal was given in the first section of article IX of the constitution, which is as follows:

Provision shall be made by law for the establishment and maintenance of a uniform system of public schools, which shall be open to, and sufficient for, the education of all the children in the state, and shall be under the absolute control of the state, and free from sectarian or church control; and no other or different schools shall ever receive any aid or support from public funds. No sectarian tenet, creed or church doctrine shall be taught in the public schools.¹⁰⁷

The *Rio Grande Republican* for Oct. 26, 1889, said:

We understand that Father Groom preached a sermon last Sunday at Parkview, denouncing the action of the constitutional convention in supporting non-sectarian schools, and abusing the members of the convention in the roundest terms.

The *New Mexican* declared seven months later that . . . the article, as adopted, passed without a dissenting vote, after full discussion, and that not one of the thirty or more members of the constitutional convention, natives of New Mexico, of Spanish blood and Roman Catholics in religion, opposed the

106. *Ibid.*

107. *The Constitution of the State of New Mexico Adopted by the Constitutional Convention, Held at Santa Fe, N. M., September 3-21, 1889; and Amended August 18-20, 1890 (Santa Fé)*, p. 23.

provisions contained in the article or voted against it.¹⁰⁸

The editorial alleged that the cry against the school provisions in the constitution was being made by the "Democratic would-be bosses and boodle sheets" with the hope of setting "the people against the constitution, if possible."

Early in July a secret circular was mailed to Catholics all over the territory. It was marked "confidential" and bore no signature, but was supposed to have come from high authorities in the church. This interesting document is as follows:¹⁰⁹

IN CONFIDENCE

All faithful members of the Holy Catholic Church, and especially all of our people of Mexican blood, to whom this sign shall come, are invoked to read with much care and to weigh well its contents.

We ask of you to respect all that is contained in this paper as something told in strict confidence. You are called on by this because we believe you are a faithful son of the church and we know that you are a man of considerable influence. A convention to make a constitution of the new state of New Mexico will be held in the town of Santa Fé, September 3rd. next. It is the declared intention of the enemies of our religion to send delegates to that convention, who will so form the organic law as to force you to deny your children all kinds of education excepting that of the world. The plan is to provide in that constitution that *you be obliged to pay taxes to sustain public schools*, notwithstanding you cannot on account of conscientious scruples permit your children to be educated in said places. No faithful son of the church, nor any man of the Mexican caste, who understands what he owes to himself and to the tradition of his fathers will submit to this. The struggle in our last legislature proved that so great is the danger that this execrable, wicked education will be forced upon us. The escape then was barely an escape on a board.

108. *New Mexican*, April 23, 1890.

109. *Rio Grande Republican*, July 13, 1889. The circular appeared in part only in the *New York Tribune*, July 14, 1889.

Now we have it in our power to avoid this calamity, taking the matter in good time and working well and hard for the right.

The election for delegate is ordered for the 5th of August. We have to organize and work together and untiringly so that our own people and men of our faith shall govern in that convention. We solicit you to join other friends who are in sympathy with our sentiments. Show them, in confidence one with another, this invocation: Work In Silence! Choose faithful men to be nominated as delegates—men on whom we can depend and who will agree in secret to defend our church and our people always against the spirit of sacrilege and arrogance which now is threatening us. It is well to do it at once but with care, keep the secret of our own intentions. Do not permit personal ambition, or preference to cause difficulties one with another. Ever have in view the design to defend our religion and our people from the declared intention to swindle and subject us.

What they call progress is progress to perdition. The boastful energy is what they are relying on to take our houses and professions from us.

But by means of a united effort now, we can secure the adoption of a constitution recognizing our most holy religion and having safegurrds [sic] against the usurpations of these adventurers. Again we say, keep all in secret, and work with vigilance. Manage well your primary meetings and see that the delegates to this convention are men who will recognize the demands of their religion and of the Mexican caste.

Pro-statehood papers denied that the Catholic authorities had anything to do with this secret circular. They declared that it was "a cowardly move" on the part of the Democratic leaders. They admitted, however, that it and the Democratic "pronunciamento" could "be depended upon to do their work, and do it effectually, as they appeal to the race prejudices of the ignorant masses."¹¹⁰

T. B. Catron, who was said by some of the newspapers

110. *Silver City Enterprise*, July 19, 1889; *Albuquerque Citizen*, July 19, 1891.

to have been responsible for the defeat of the school bill by the council early in 1889, was much concerned about the line of attack taken by the opposition. He wrote Senator W. M. Stewart of Nevada: "Many of the priests of the Catholic church have been delivering sermons against it [the constitution] on account of the school clause which is made irrevokable."¹¹¹ Always full of bright ideas, he induced his friend to introduce a bill which would require jurors in the territories to read and write. He argued that if the Associated Press sent out prompt word of this proposed law it would furnish a practical argument for education which would save "many thousand votes." He added: "I fear we may lose the election if you do not help us; if we can get in, I am sure of going to the Senate, and you will surely have another friend to assist in our common measures to aid the West." Stewart accordingly introduced the bill "by request" on the last day of the session and it was referred to the committee on territories.¹¹² Catron was evidently disappointed with the results of this strategy. On the eve of the election he wrote Stewart: "The Bill you introduced has raised considerable fuss! I fear it was introduced too late to do us much good as our election comes off tomorrow." He added: "If it should be known that I requested it, it might hurt me very seriously particularly as the whole Catholic church would jump on me, and all the Mexicans who cannot read and write also—I hope you will keep my name *entirely secret*."¹¹³

The Democrats, however seem to have guessed the truth. After Childers, chairman of the Democratic central committee, had received a telegram from the secretary of the senate confirming the fact that Senator Stewart had introduced the bill by request, the *Morning Democrat* stated that it was not certain for whom the Nevada senator was acting but that he and T. B. Catron were "fast political and per-

111. Catron to Wm. M. Stewart, Sept. 24, 1890.

112. *Congressional Record*, vol. 21, part 11, p. 10764.

113. Catron to Stewart, Oct. 6, 1890.

sonal friends."¹¹⁴ The editorial denounced the bill itself as "a mere trick to deceive voters. . . . Every intelligent man knows that it has no chance of passing and was not intended to. It was introduced for the sole purpose of affecting the election next Tuesday. Our Mexican fellow citizens will not be deceived by so shallow a trick. The voters generally should rebuke these schemes by an overwhelming vote against the land grant constitution."¹¹⁵

Some of the Catholics of New Mexico gave strong support to the cause of statehood. Of the thirteen men listed by Prince as having taken a prominent part in the speaking campaign throughout the territory in favor of the constitution, no less than four were Catholics. All of these were uncompromising Republicans and were widely known throughout the territory. Three were native sons who had been born under the Mexican flag. Three were veteran soldiers, two having fought bravely against the Confederate invasion at Valverde. Doubtless a word or two regarding these leaders will give the reader a better appreciation of the value of their adherence to the statehood cause.

The oldest of the three Spanish-Americans and the most powerful politically was Col. J. Francisco Chaves. He has already been mentioned as the president of the constitutional convention and chairman of a committee to disseminate literature in favor of the constitution. Five years prior to the Mexican War, his father had told him: "The heretics are going to overrun all this country. Go and learn their language and come back prepared to defend your people."¹¹⁶ Thus admonished, the young Mexican had entered St. Louis University. Later he had studied medicine in New York. A very versatile man, after his return to New Mexico, he made

114. Albuquerque *Morning Democrat*, Oct. 5, 1890.

115. The authorship of the unpopular bill continued to be discussed after the election. The *New Mexican* for October 11, 1890, said: "Mr. Joseph's supporters are very busy telling the Spanish speaking voters that he, Joseph, if re-elected will defeat the Stewart bill; they are equally as busy telling the English speaking voters that he, Joseph, secretly and through personal friends induced Senator Stewart, to introduce the bill and if he, Joseph, is elected he will do his utmost to defeat it."

116. Twitchell, *op. cit.*, p. 400.

overland trips to California, fought the Navajos and Confederates, and took up the practice of law. An able politician, the colonel represented the territory in congress for three terms following the Civil War.¹¹⁷ He was also president of the territorial council for eight sessions. A farmer and stock-raiser, as well as a political leader, Chaves was a man of many contacts and a wide influence. His home was in Valencia County, and the results of the election suggest that he must have done some good work with his own people.¹¹⁸

Major José D. Sena of Santa Fé was four years younger than Chaves. During the battle of Valverde, while other companies refused to cross the Rio Grande, he had bravely led his men across the river through a shower of bullets. At the close of the war, he had been in charge of the rebuilding of Ft. Marcy. After serving as sheriff of Santa Fé County for a dozen years, he had been a skillful interpreter in the courts for many years and then a successful criminal lawyer. Major Sena not only spoke in favor of the constitution of 1890, but also published a manifesto in Spanish, summarizing the reasons for statehood.¹¹⁹

The youngest of the three native leaders, Mariano S. Otero had scarcely learned to walk before the land of his birth was ceded to the United States. He was a member of one of the most prominent families in the territory, and was educated at St. Louis University. Possessed of a natural gift for politics, he served New Mexico as delegate to congress from 1879 to 1881.¹²⁰ He received the Republican nomination for that office in 1888 and again in 1890, but was defeated by Antonio Joseph due to the fact that the schism in the party had not yet healed. He was a large land grant holder—a fact which did not escape the opposition editors, as we have seen. One grant which he held contained 100,000

117. *Biographical Dictionary of the American Congress*, p. 805.

118. See election returns, below.

119. *History of New Mexico* (Pacific States Publishing Co., Los Angeles, 1907), vol. I, p. 295; Prince, *op. cit.*, p. 54.

120. *Biographical Dictionary of the American Congress*, p. 1375.

acres. He and his uncle, Miguel A. Otero I, together owned the Jemez Hot Springs.¹²¹ A stock raiser on a large scale, Mariano Otero was usually present when "the cattle barons" of southern Colorado and northern New Mexico met in Las Vegas and staged the famous poker games described by his cousin, Miguel A. Otero, II, in *My Life on the Frontier*.¹²² Otero traded in wool and finally became a banker. "He wielded great influence during his career," says Col. Twitchell, "was shrewd in business affairs, of progressive ideas and in every sense a representative New Mexican."¹²³

The remaining Catholic among these leaders was Alexander A. Morrison who had been born in Ireland a year earlier than Chaves. Arriving in New York during the Mexican War, he volunteered for military service, only to arrive in New Mexico when the fighting was practically over. While this was undoubtedly a supreme disappointment for an Irishman, he apparently harbored no prejudices against the Southwest. After thirty odd years in the East and Middle West—during a part of which time he served in the Illinois legislature, he returned to New Mexico as a "carpetbag politician." Through the goodwill of three Republican presidents, he served the territory in various capacities for fourteen years. All good posts, too: U. S. marshal for New Mexico, register of the land office in Santa Fé, and collector of internal revenue. Furthermore, Morrison proved a good administrator, winning high praise in official reports.¹²⁴

Some old timers speak of Colonel Chaves as an "abandoned Catholic," and are doubtful as to whether Otero could be considered a very good representative of the church. Sena and Morrison, however, were strong churchmen. In November, 1905, after the latter had left public office, he

121. Otero, *My Life on the Frontier*, vol. I, p. 237.

122. *Ibid.*, I, pp. 156-57.

123. Twitchell, *op. cit.*, vol. II, p. 407, note 332.

124. *History of New Mexico* (Pacific States Publishing Co., Los Angeles, 1907), vol. II, p. 643.

became one of the founders of the *Western Catholic Review*, a monthly published in Prescott, Arizona.¹²⁵

These Catholic laymen took as prominent a part as any of the leaders in the pro-statehood campaign. A few priests also assisted, addressing their congregations in favor of the constitution. There were also other priests who did not attempt to influence the voting, one way or another.¹²⁶

There can be no doubt, however, that the strength of the church was thrown against the constitution. On the day before the election the *New Mexican* referred to reports that "at the Catholic cathedral and San Miguel chapel yesterday and at several other points throughout the territory strong sermons were preached advising the people to vote against the constitution and against statehood."¹²⁷ Prominent laymen were bitterly opposed to the school clause. Pedro Perea was one of the leading Republicans in New Mexico.¹²⁸ Three times a member of the territorial council, he was twice (1889 and 1897) a candidate for the governorship of the territory, yet he did not support the constitution endorsed by his party. His attitude was, however, not surprising. The *Council Journal* shows that during the twenty-eighth legislative session he had persistently opposed the Kistler school bill.¹²⁹ According to the press he had declared "I would rather see all legislation fall to the ground than to have the word 'non-sectarian' go into that school bill."¹³⁰ Nor was Perea the only Catholic leader whose legislative record furnished the key to his opposition the following year. During the same session Juan José Baca, a member of the council from Socorro County, was also credited "with announcing in the strongest possible language that he was opposed to any measure that favored a non-sectarian school."¹³¹

125. *Ibid.*

126. *Silver City Enterprise*, Oct. 10, 1890; *San Marcial Reporter*, Oct. 18, 1890.

127. *New Mexican*, Oct. 6, 1890. See also *Rio Grande Republican*, Oct. 26, 1889.

128. *Biographical Dictionary of the American Congress*, p. 1401.

129. *Proceedings of the Legislative Council of the Territory of New Mexico, Twenty-eighth Session* (Santa Fé, 1889) pp. 337, 377, 378, 393, 413, 414, 423.

130. *Rio Grande Republican*, March 9, 1889.

131. *Silver City Enterprise*, March 3, 1889.

Possibly the church had other grounds for opposing statehood. The higher officials may have feared the unsettling effects of the predicted influx of settlers and capital into the territory. Such changes might mean a diminution of the influence which they exerted over the faithful. This, of course, is mere conjecture. Even if the leaders entertained such thoughts at times, we could hardly expect them to record them for posterity.

As every student of New Mexico history knows, the constitution was voted down on Oct. 7, 1890, by a vote of 16,180 to 7,493. Grant and Valencia were the only counties to return a majority in favor of the constitution. The vote by counties was as follows:¹³²

Counties	For	Against
Bernalillo -----	870	2,073
Colfax -----	234	651
Doña Ana -----	669	1,010
Grant -----	699	544
Lincoln -----	379	710
Mora -----	265	1,536
Rio Arriba -----	428	1,272
San Juan -----	87	182
San Miguel -----	790	3,211
Santa Fé -----	1,068	1,549
Sierra -----	227	717
Socorro -----	447	1,068
Taos -----	212	1,227
Valencia -----	1,118	430
Total -----	7,493	16,180

It is, of course, impossible to say how many of the 16,180 voters who opposed the admission of New Mexico to the union under the constitution of 1890 were opposed to statehood itself. In his report to the Secretary of the Interior for 1891, Governor Prince, who was an ardent champion of statehood, confessed that "At first sight" the vote against the constitution "might appear to indicate a disin-

132. *Report of the Governor of New Mexico to the Secretary of the Interior, 1891* (Washington: Government Printing Office, 1891), p. 9.

clination on the part of the people to assume the condition of statehood. This, however, is not the case," he explained. "The circumstances were peculiar." In fact, the circumstances were so peculiar, that the governor discreetly mentioned only one of them: the determined opposition of the Democrats on the ground that the apportionment of delegates to the convention was unjust to their party. He suggests, however, that prejudices were excited, and that "All interests opposed to statehood, or to any particular provision of the constitution in question" worked through the Democratic machine. What these "interests" were is quite clear from our study of contemporary newspapers. Common people who owned little or no property felt that large grant owners had cleverly drawn a constitution which would throw the weight of taxation upon the shoulders of those least able to pay. Catholics felt it their religious duty to fight against the establishment of non-sectarian public schools.

Dispatches from New Mexico to Eastern newspapers after the election attempted "to lay the whole blame on the Catholic Church." The Albuquerque *Daily Citizen*, however, declared that this was "not just."¹³³ As evidence, it declared that 90 per cent of the whole population of Valencia County were Catholics, although it had given "the constitution the largest majority it received in any portion of the territory." There can be little doubt that the role of the Catholics in the election has been exaggerated, and that political and economic objections to the constitution did much to swell the adverse majority.

Gov. Prince concludes his analysis of the election results as follows:

It should be noted, however, that the political orators and party leaders most active in their opposition all repudiated the idea that they were opposed to statehood itself, and asserted that their opposition was solely to the proposed constitution

133. Albuquerque *Daily Citizen*, Oct. 13, 1890.

and the method of its formation, and that on the main question they were as progressive as those they opposed.

This, of course, was the easiest course for opponents of statehood to take. With a constitution open to criticism from several angles, it was safer to concentrate on objections to the document before the people. The newspapers available that were published during the campaign give practically no hint of any opposition to statehood itself. Yet Governor Prince refers to "interests opposed to statehood," and T. B. Catron has left convincing evidence of the existence of such opposition. Referring to statehood in a letter to Nestor Montoya, Sept. 20, 1890, he said: "The great opposition amongst many is, that they are afraid of the Mexican people, and that they would control the State to the injury of the Americans." He continued:

This you and I know is not true. The Mexicans have always divided up the offices fairer with the Americans, and they are divided in politics just the same as the Americans, it would be impossible for them to get together to control the State exclusively in their own interest and against the interests of the Americans. Besides, they have no disposition to do so.

Evidently fear of "Mexican" domination was a factor in the vote on the constitution of 1890. This of course meant opposition to statehood itself, and not simply to certain provisions of the instrument of government.

FEDERAL CONTROL OF THE WESTERN APACHES 1848-1886

By RALPH H. OGLE

CHAPTER V

THE CONTEST BETWEEN THE CIVIL AND THE MILITARY AUTHORITIES

THE PEACE made at Camp Verde did not solve the problem of Apache control. Its consummation merely indicated that the military power had cleared the way for the work of civilization. Moreover, the cessation of fighting meant that, if events were allowed to come to a logical end, the military would eventually be unnecessary and the management of the Apaches would become strictly a function of the civil government.

General Crook undoubtedly envisaged such a future, but he did not minimize the work or the time that would be required to produce such a result. However, the general was so sure the war was "virtually at an end," at the time of the peace, that he immediately promulgated instructions designed to aid in the development of civil government. To retain and strengthen his control over the surrendered Indians, a small number of his former scouts were to be selected from the various tribes to constitute the police force of the reservation. They were to conform to regular discipline, but in order that they might "serve as a nucleus for the establishment of civil government," they were to be "required to cultivate the soil and perform the various industries prescribed by the Indian Department, the same as other Indians."¹

The commanding officers were to aid the "agents in instructing the Indians in civil government in its simplest form," so that the latter could gradually learn "its benefits

1. Crook to A. A. G., April 12, 1873, A. G. O., 1882; Crook to A. G., Sept. 22, 1873, I. O., I 355; Gen. Orders no. 13, April 8, 1873, Army War College. In the case of the Office of Indian Affairs, the names Indian Office, Indian Bureau, Indian Department, Indian Service and Bureau were used by officials in their reports. These names will henceforth appear variously and will be cited as I. O.

as contrasted with their own barbarous forms and customs." The instruction was also to be gradually enlarged, with the hope that the savages would eventually become good citizens "capable of self-government." They were to be treated mildly except for offenses of serious import, but always as "children in ignorance, not in innocence." Even more important, the general earnestly enjoined the civil and military officers to have "perfect harmony in their official relations, and directed them not to take action on any disputed question until he had issued instructions.²

But perfect harmony was very improbable as long as Crook continued to reiterate his confidence in General Orders no. 10 and their enforcement as a strict requirement.³ A portent of approaching conflict was further indicated by the inspector general's recommendation that when the departments "do not work together the Indian Department must succumb to the military to insure peace and prevent bloodshed."⁴ Yet most of the field officers, both civil and military, agreed that all promises made to the Indians should be faithfully kept, and that liberal financial outlays should be provided for their wards' maintenance.⁵

Indian administration itself was sharply reorganized just before Crook concluded his first campaign against the Apaches. Early in February, 1873, congress, through the efforts of Representative James A. Garfield, abolished several superintendencies, including that of Arizona. This action was taken to simplify Indian management and to increase and facilitate the efficiency of the respective agencies. Each agency was to purchase its own supplies and report directly to the Indian Office. To insure against laxity on the part of the agents and to guarantee expert ad-

2. *Ibid.*

3. Crook to A. G., Sept. 22, 1873, *op. cit.*

4. Col. D. B. Sacket to A. A. G., July 1, 1873, A. G. O., 3074. Schofield involved himself with Secretary Delano by charging that the Modoc troubles were caused through the interference of the Oregon superintendent. Schofield to Hdqrs. of Army May 5, 1873, A. G. O., 1882; Walker to T. B. Odeneal, April 12, July 6, 1873, A. G. O., 2669.

5. Bendell to Walker, Jan. 14, 1873, I. O., B 594; Crook to A. G., Sept. 22, 1873, *op. cit.*; 42 Cong., 3 sess., *H. E. D.* no. 105 *Arizona Citizen*, June 28, 1873.

vice, the president was empowered to appoint five Indian inspectors, who were authorized to visit and examine each agency at least twice each year. They were to be held strictly responsible to the secretary of the interior.⁶

The building of a telegraph line to the Apache country also worked a profound transformation in the administration of both the military and civil affairs. McCormick, with the support of Garfield and Belknap, seized an opportunity to amend the sundry civil appropriation bill on January 21, 1873, to include \$50,000 for the construction of a line from California to Arizona. The work started at San Diego on August 23, and with a branch to Fort Whipple was completed at Tucson in slightly more than three months' time.⁷ Thus, with instantaneous communication from Washington, instead of a delay of twenty days when dependence had to be placed on the telegraphic termini at Santa Fé and San Diego, sufficient economies were effected in the letting of contracts and in increasing the effectiveness of scouting parties, to pay for the line in less than a year.⁸

But the real problems of Apache control had to be met at the reservations. These problems were to be solved, according to the "Peace Plan," by Christian civilian agents nominated by the Dutch Reformed Church. Should their peaceful methods fail, the military was to step in to enforce obedience; and in the case of a complete breakdown of authority, an army officer was temporarily to assume the duties of the agent. Naturally, a condition of chaos was to

6. *Arizona Citizen*, Mar. 22, June 21, 1873; *Laws and Instructions Relating to the Duties of Inspectors of the United States Indian Service* (Washington, 1885), pp. 3-4. Bendell resigned on March 26, but stayed at his post until relieved by J. A. Tonner on June 3. The superintendency ended on June 30, 1873. Comm. to Bendell, Mar. 26, 1873, *L. B.* no. 112, p. 27. Dr. Bendell returned to Albany, New York, where he resumed his profession of medicine. He died November 14, 1932, at the age of 89. *New York Times*, Nov. 15, 1932.

7. *Arizona Citizen*, April 12, Sept. 13, Dec. 6, 1873.

The first telegram over the line was sent by General Schofield, on October 29, congratulating Crook upon his promotion to brigadier general. This promotion was made by President Grant over the heads of thirty-four senior officers. *Ibid.*, Nov. 15, 22, 1873.

8. 43 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 4.

exist most of the time, with such a fertile field for the development of jealousies and personal animosities.⁹

The church was handicapped from the start, due to the few frontiersmen among her converts. The church officials fully agreed with Governor Safford that an agent's religious views had little to do with his ability to manage savage and erratic Indians, but the officials also knew that their organization would be held accountable for their appointees' moral conduct. They were therefore compelled to appoint eastern men whose reputations were fully established. The church was further handicapped because of the difficulties her agents encountered in finding the right kind of employees, especially at the low wages paid.¹⁰

Regardless of difficulties, the problem of Apache management after the surrender at Camp Verde was essentially a concern of the civilian agents. But almost all that could be attempted at first was to ration the Indians and impose mild restraints upon them, designed to check their propensities for roving. The Campe Verde Reservation presented an especially difficult problem. The Indians had never craved this region for a permanent home and during the period of hostilities none had remained there on their own accord. In fact, when over one thousand came in at the time peace was made, they did so because of sheer exhaustion. Fevers and dietary troubles soon carried away more than three hundred individuals; then the toll was greatly increased by whooping-cough and eye diseases. Sedentary life induced unsanitary conditions, which, in turn, were made worse by the Indians' meager knowledge of cooking. With no medicines available,

9. The arrogance of the military was not lessened by Sherman's statement that nearly all the civilizing and Christianizing of the Indians had been done under army supervision. *Arizona Citizen*, May 10, 1873.

10. Safford to editor, Nov. 30, 1872, *Arizona Citizen*, Dec. 7, 1872; *R. B. I. C.*, 1870, p. 111, 1873, p. 126.

Superintendent L. E. Dudley, of New Mexico, in suggesting that the churches should consider other traits besides piety, wrote that a "competent bad man will in the long run cost the Government less than an incompetent good man." Dudley to Smith, Nov. 15, 1873, 43 Cong., 1 sess., *H. E. D.* no. 1, vol. iv, p. 638.

except the little furnished by the military, the condition of the savages grew rapidly worse.¹¹

There was a great fluctuation in numbers during the summer and fall of 1873. Certain renegades and several straggling parties stayed in the mountains at the time of the surrender, hoping to remain unnoticed, but numerous punitive expeditions during the following weeks forced them to give up. And in May the number was further increased by the addition of about five hundred Indians from Date Creek.¹² This change endangered the already weak control of the reserve, for the presence of many new squaws caused much violence among the warriors. However, Agent Williams, now returned from Date Creek, diplomatically displaced the old chiefs with young men who could enforce order. A better attitude was also induced, in August, when the military forced certain settlers to pay damages done to the Indians' fields by roving stock.¹³

All the field officials from the time of Colyer's visit considered the Verde Reservation to be a permanent home for the savages, and Agent Williams, who appears to have had the Indians' welfare at heart, eagerly looked forward to the inauguration of the methods of civilization. Unfortun-

11. J. W. Williams to Bendell, April 28, 1873, I. O., *Ariz. Misc.*; Dr. L. Sanderson to Smith, June 29, 1874, *ibid.*

When 1500 tribesmen became ill at one time, Crook's prompt action in increasing the strength of the Verde post prevented a general hegira. Thus frustrated, and egged on by jealous medicine men, the bands killed a number of "witches." Dr. W. H. Corbusier, *ms.*, B. E., pp. 13-16.

12. Although Agent Williams had no trouble at the Camp Date Creek agency during the winter and spring of 1872-1873, Crook and Bendell decided in the following April, 1873, that the bands while still cowed by the recent campaigns should be moved to the Verde Reserve. The removal was made on May 1, unfortunately too late to plant crops in the Verde Valley. Four hundred and twenty-five Indians were taken to the Verde Reservation at the time, but despite the fact that Crook posted a strong force of troops around Camp Date Creek two hundred and forty-four others escaped to the mountains. The troops then pushed them to the Colorado Reserve, and later, on June 18, Crook ordered their transference to the Verde Reservation. By September, the Apache question in western Arizona had ceased to exist. Williams to Bendell, Feb. 24, 1873, I. O., *Ariz. Misc.*; Crook to Bendell, April 9, 1873, I. O., B 145; Bendell to Comm., April 9, 1873, *S. L. B.*, vol. ii, p. 202; Crook to A. G., Sept. 22, 1873, I. O., I 355.

13. A. G. Buttner to Bendell, April 14, 1873, I. O., *Ariz. Misc.*; Lt. W. S. Schuyler to A. A. G., Sept. 1, 1873, A. G. O., 5228.

ately, his initial plans which were largely agricultural failed due to the late date of the peace in April, 1873 (too late to plant crops) and to the still later removal of the Date Creek Indians. Tools were not made available because of bureaucratic slowness, and the meager cultivation undertaken was done with those implements lent by the military. He moved his charges from near the post to a healthful region eighteen miles away, where he expected to build an agency; but with no funds available he found little work to do except to make plans for the next year.¹⁴

Williams planned an irrigation ditch ten miles long that would irrigate 2,000 acres. Such an area of cultivated land to supplement the excellent grazing land of the reserve caused him to contemplate the Indians as transformed into peaceful farmers. Surprised to find that the Apaches were not averse to labor, he asked for an advance of \$5,000 to begin the canal so that the crops could be planted early in 1874. But he was soon even more surprised, for his request was refused upon the ground that the Indian Office had under consideration a proposal to remove the Verde Indians to the San Carlos Reservation.¹⁵

Thus, unable to make fundamental plans, Dr. Williams gave his attention to the Indians' health and comfort; and he succeeded in winning the bands' confidence to a high degree. They improved their cooking, dressed better and built healthier huts; besides they effectively policed their camps and many of them cut hay for the military. But sickness persisted to an alarming degree and a large number of individuals migrated to the highlands to escape the fevers of the river valley. In fact, during November, 1873, out of the 2058 Indians registered on the agency books, only 992 were present for ration issues. Yet, Inspector William Vandever, who visited the reservation in the early winter, reported to Delano that despite the unsatisfactory condition the untiring

14. Williams to Smith, Sept. 1, 1873, 43 Cong., 1 sess., *H. E. D.* no. 1, vol. iv, p. 655.

15. Williams to Smith, Sept. 15, 1873, I. O., W 1237; Smith to Williams, Nov. 6, 1873, *L. B.* no. 113, p. 504.

efforts of Williams indicated a bright future for the next year.¹⁶

The military had no difficulty with the Indians on the Verde Reservation during the winter of 1873-1874, and General Crook, after visiting them in early February, informed Commissioner of Indian Affairs E. P. Smith that an outlay of \$25,000 on an irrigation project would result in the development of self-sufficiency, with an annual saving of \$50,000. The overburdened Indian Office was unable to take such a constructive step, but the sudden insanity of Dr. Williams practically gave full control to the military. As a result, the military decided to direct all agency activities with the exception of keeping the records, which work was to be continued by Oilver Chapman, the agency clerk.¹⁷

A dam was started on the Verde River at once. Materials were bought with money saved by buying hay from the bands and by funds derived from the sale of beef hides that were collected at the beef issues. Bribes and excess ration issues induced the Apache captains to persuade the Indians to furnish the labor. Forty acres of excellent vegetables were thus placed under cultivation, apparently to the great satisfaction of both the military officers and the tribesmen.¹⁸

But divided authority at the agency quickly proved to be a failure. Chapman criticized the military methods of issue and discipline, especially when the officers assumed full credit for the successful work of the summer of 1874. Disgusted because some of his mail had been opened by order of Crook, and declaring he received no instructions from the Indian Office, he prepared to leave for California.¹⁹ In the meantime, the commissioner of Indian affairs decided to concentrate the Verdes on some other reservation, but he had not decided when. However, the military was to have

16. Williams to Comm., Nov. 21, 1873, I. O., W 1690; Vandever to Delano, Nov. 5, 1873, I. F., 1400. See the Commissioner of Indian Affairs' views in *R. B. I. C.*, 1873, p. 57.

17. Chapman to Smith, April 23, 1874, I. O., C 346; Crook to Smith, April 24, 1874, I. O., C 579.

18. Capt. J. W. Mason to Crook, April 23, 1874, I. O., C 579.

19. Chapman to Smith, Aug. 12, 1874, I. O., (n. f.).

full control until the removal should be effected. Strangely, poor Chapman first learned of the new arrangement when an army lieutenant appeared and forcibly took over the agency.²⁰

The military strongly opposed the bureau's plan to remove the Indians of the Verde Valley. To Crook's view these heterogeneous bands could only be controlled by a continuous military threat. If removed to the White Mountain country, troop movements would be difficult, he said, and there would be little arable land; while if removed to the Colorado, the bands would be quickly exterminated by the vicious inroads of social diseases. He also insisted that a removal would violate his treaty of the preceding year. But the commissioner of Indian affairs, supported by the board of Indian commissioners and the Dutch Reformed people, persisted in their plans for concentration.²¹

Chapman was now restored as special agent through the influence of the church. He assumed charge on November 13, 1874, but military hostility, insufficient supplies and an atmosphere of uncertainty about removal, made him reluctant to do any work of a constructive nature. Nevertheless, he prevented an outbreak when his supplies became exhausted by entering into a temporary contract with Arizona dealers for 200,000 pounds of flour, 12,000 pounds of barley and 10,000 pounds of corn. He also procured 500 blankets that had been ordered the year before.²² In December, the wheels of officialdom moved, and in the interests of efficiency and economy, a decision was made to move the Verde Indians to San Carlos.²³

20. Comm. to Delano, May 23, 1874, *R. B.* no. 24, p. 408; Chapman to Smith, June 24, 1874, *I. O.*, C 490.

21. Crook to A. G., April 10, 1874, *A. G. O.*, 5228; J. M. Ferris to Smith, Sept. 23, 1874, *I. O.*, F 418; *R. B. I. C.*, 1874, p. 107.

22. Chapman to Smith, Nov. 23, 1874, *I. O.*, C 1057.

According to Chapman, the military interfered in the work of the agency because they were filled with "feelings of jealousy and chagrin at seeing so much accomplished without military coercion." Chapman to Smith, Dec. 1, 1874, *I. O.*, C 1062, Jan. 11, 1875, C 123.

23. Delano to Comm., Dec. 21, 1874, *I. O.*, I 1516.

Colonel L. E. Dudley, the former superintendent of New Mexico, was selected to direct the removal. He arrived at the reserve, early in February, 1875, only to find that interested persons were protesting the removal through Territorial Delegate McCormick, and that General Crook looked upon the undertaking as an impossibility. However, the general furnished him an escort and a packtrain of fifty-three animals. The Indians resisted the move in council, but due to their severe punishment in 1873, they dared use no force to avoid their transfer. On February 27, Chapman with a small escort led 1,400 individuals away from the reservation that had been promised them forever, and upon which had been constructed many permanent improvements that pointed the way to a civilized life.²⁴ Seven days were required to cover the distance of one hundred and eighty miles to San Carlos, and en route a desperate factional fight resulted in the killing of seven Indians and the wounding of seven others. Upon the arrival of the several bands, Agent John P. Clum, the San Carlos agent, relieved the tension by assigning the opposing groups different locations; then, a few days later, he diplomatically induced them to give up their arms.²⁵ The Verde removal, thus consummated, ended the Apache question in west-central Arizona from the geographical standpoint; but in concentrating the Verde bands upon the San Carlos Reservation, the real problem of their control was perhaps more difficult than ever before.²⁶

The removal of the Verde bands—a sharp modification of Apache management as originally planned by Colyer and

24. Dudley to Smith, April 3, 1875, I. O., D 200; Gen. August V. Kautz to Col. O. E. Babcock, Oct. 20, 1875, I. O., P 518. (This letter was sent direct to President Grant's secretary.)

A large wagon train, retained at an expense of \$7200, hauled all the bulky property and the infirm Indians by way of Phoenix.

25. Chapman to Smith, Mar. 20, 1875, I. O., 487; Clum to Smith, Mar. 28, 1875, I. O., C 484. Clum ignored Chapman as subagent. The commissioner therefore abolished the Verde subagency. Courteously, he gave Chapman a leave of sixty days in which to find work. Smith to Chapman, April 26, 1875, *L. B.* no. 124, p. 126, June 11, 1875, *ibid.*, p. 445.

26. The Verde Reservation was abolished by an executive order of April 23, 1875. See *Executive Orders Relating to Indian Reservations*, p. 5.

Howard—did not interrupt the constructive trend of the regime initiated at Camp Apache among the Coytero bands in 1871-1872. Dr. Soule, who became agent at the time of Howard's second visit, was relieved early in December, 1872, by James E. Roberts, a nominee of the Dutch Reformed group.²⁷ Fortunately, the Indians reacted most favorably to the change and they caused no trouble until several severe epidemics sharply reduced their numbers in the following February. Great numbers of the survivors then relieved their distress by inebriation, and in the violence that naturally followed, many individuals were killed and numerous attacks were made on citizens. Some of the braves, in trying to conceal the criminals from the agent, also evinced a tendency towards insubordination.²⁸

Roberts, from the time of his arrival, felt that an increase in the tribesmen's private property would make them less inclined to go to war. For this reason he pressed and succeeded in getting the fifteen head of cattle that President Grant had promised Miguel at the time the chief visited Washington with General Howard. In addition Commissioner Smith provided the Coyoters with fourteen extra heifers and one hundred sheep. The Indians were greatly elated, and bestowed such care on the stock that Inspector Vandever, late in 1873, reported stockraising to be a civilizing influence which would soon make the Indians conservative, provided the Indian Bureau issued sufficient breeding stock to take full advantage of the opportunity.²⁹ Roberts also maintained that the Indians would "become civilized just as soon as they became lovers of money." And to get the money he suggested that the commissary at the posts

27. Bendell to Roberts, Dec. 9, 1872, *S. L. B.* vol. ii, p. 9. Dr. Soule, as a military surgeon, was moved to the Department of California at his own request. Soule to Walker, Nov. 28, 1872, *I. O.*, S 364.

28. Roberts to Bendell, Feb. 28, 1873, *I. O.*, *Ariz. Misc.* To prevent the making of "tiswin" Roberts asked for meal in place of corn. He also requested soda instead of the vast quantities of soap that were sent him. Roberts to Smith, July 13, 1873, *I. O.*, R 232. *The Arizona Miner* (June 2, 1873) charged that soap was ordered for the reserves purely for graft.

29. Comm. to Roberts, Aug. 15, 1873, *L. B.* no. 113, p. 90; Vandever to Delano, Oct. 2, 1873, *I. F.*, 1404.

purchase all the crops that the Indians might raise.³⁰ The military evidently shared the view, for the adjutant general ordered that during 1874 all the hay and grain produced at the various reserves should be bought, and that the contractors should be required to "purchase as much as practicable from the Indians."³¹ But of greatest discomfiture to the Arizona contractors was Roberts' action in suggesting that contracts for goods be filled at Santa Fé. Supplies from this point could be furnished at much less cost and delivered in four months less time than those from San Francisco. This fact, he thought, would be especially important in the case of tools, which, when heretofore ordered for spring use, had always arrived in the fall.³²

Roberts soon proved himself to be an excellent disciplinarian. Not only were several recalcitrant Tonto bands subjected to the regular agency routine of metal tags, descriptive lists and frequent musters, but after Miguel's band had become insubordinate several chiefs were arrested. And Captain Chiquito, charged with harboring numerous murderers and also with trading stolen stock to the Zuñis, was sent to the Yuma prison. Several other bands guilty of inattention to their crops and stock had their liberty of roaming about withdrawn, while still others accused of theft were punished by a cessation of ration issues until they returned the stolen animals and brought in the uncontrolled "bad men." After the bands had come to respect the agent's authority, he further cemented his position among them by persuading the commissioner of Indian affairs to authorize an issue of 1400 blankets.³³ In fact, Inspector Vandever in October, 1873, delighted to find that the Coyoteros would

30. Roberts to Smith, Aug. 14, 1873, I. O., R 282. With almost no tools the Coyoteros were cultivating 283 acres of corn.

31. Gen. E. D. Townsend to Schofield, Sept. 16, 1873, I. O., W 1156. The officials thought that the plan would prevent the contractors from bringing in Mexican laborers, who frequently sold ammunition and liquor to the Indians.

32. Ferris to Delano, April 11, 1873, I. O., F 6.

33. Roberts to Bendell, May 4, 1873, I. O., B 548; Roberts to Smith, Sept. 11, 1873, I. O., R 372, Sept. 20, 1873, I. O., R 374; Smith to Roberts, Oct. 28, 1873, *L. B.* no. 113, p. 450.

have 6000 bushels of corn to sell, quickly confirmed Major George M. Randall's report that they were "peaceable, well disposed, and under better discipline than ever before."³⁴

The Indians maintained their coöperative attitude for several months, and during the spring of 1874 Roberts induced them to dig five miles of irrigation ditches with which three hundred acres of new land were made available near the agency. This was a fortunate project, for it was scarcely finished when Crook ordered that no farming would be allowed except near the post.³⁵ But less fortunate for the success of Roberts' regime was the fact that the military began to interfere in the details of reservation administration. In July, 1874, Major Randall ordered the punishment of all Indians who carried passes issued by the agent.³⁶

Roberts now reported to Commissioner Smith that the reserve had been virtually operating under military control. The officers, he said, were having secret councils with the Indians, making new chiefs, interfering with farming and breaking down the morale of the agency assistants. The Indians, led to believe that Crook alone had authority, were naturally mystified at the intricacies of the white man's control. Furthermore, Roberts said he was unable to disarm his charges, because of the whiskey that came to them through the post trader. With the military looking upon him as "nothing more or less than a commissary sergeant," he held that the peace plan could never be successful so long as the troops had their hold at Camp Apache. His views appeared to be well-founded when in September, 1874, the military began to supervise the issuance of rations.³⁷

But of greater misfortune to the integrity of the civil

34. Vandever to Delano, Oct. 2, 1873, *I. F.*, 1414; Randall to A. A. G., Aug. 23, 1873, A. G. O., 5228.

35. Roberts to Smith, April 7, 1874, I. O., R 299; Roberts to Smith, Aug. 31, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. 1, p. 594.

36. P. A. to Roberts, July 2, 1874, I. O., R 450.

37. Roberts to Smith, July 6, 1874, I. O., R 561; Ferris to Smith, Sept. 25, 1874, I. O., F 409.

In October, Inspector J. W. Daniels found that Roberts had issued cattle at eight hundred pounds when their real weight was only six hundred pounds. Daniels to Smith, Oct. 19, 1874, I. O., D 1173.

authority than the opposition of the military was the part Roberts played in the reduction of the White Mountain Reservation. Proposals for the reduction of the reserve had first been made in 1873 when it became evident that the eastern portion, near the present Clifton, Arizona, was rich in mineral deposits.³⁸ Charles Lesinsky and later E. M. Pearce, who declared they did not know their properties were on reservation territory, had brought in over one hundred men, expended perhaps as much as \$75,000 for equipment and had been taking out copper ore since the summer of 1872. When the true wealth of the region became obvious, Surveyor General John Wasson, Delegate McCormick and Governor Safford began attempts to have the coveted area returned to the public domain. A petition from Lesinsky on December 10, 1873, started political manipulation between territorial and federal officials, which soon enmeshed Agent Roberts. And after a winter of varied and voluminous correspondence³⁹ from many sources, Commissioner Smith on April 20, 1874, asked Roberts to reply by telegram regarding the desirability of reduction. But instead of complying, Roberts compromised himself during the next two months in a series of conferences he started at Tucson with territorial officials.⁴⁰ He

38. *Arizona Citizen*, Nov. 8, 22, 1873; Safford to Delano, Nov. 26, 1873, I. O., S 802.

39. The entire correspondence of the episode is collected in one file. See I. O. R 809.

40. L. C. Hughes, the territorial attorney general, appears to have been the chief conspirator. Stating that considerable expense had been involved in the segregation efforts, Hughes pressed Lesinsky to know how much could be paid to get the mine segregated. When Lesinsky wished to know further particulars, Hughes wrote that he was "not at liberty to state who the parties are, what the expense is or has arisen from, or who has paid it;" but saying that he wanted to know "what is the best you can do," assured Lesinsky that "this whole matter will be conducted in good faith on our part." A few days later, Hughes told Lesinsky in a personal conference that "all United States business is conducted on basis of buy and sell." In I. O., R 809 file, see especially: Hughes to Lesinsky, June 23, 1874. (Hughes had written Lesinsky an earlier letter with no date.). Pearce to Wasson, July 13, 1874. (Pearce charged that Hughes had made the same proposal to him.). Lesinsky to Wasson, July 13, 1874, and Wasson to Smith, July 18, 1874. Openly charging extortion, Wasson exposed the scandal in the press. See *Arizona Citizen*, July 25, 1874. Safford removed Hughes from office on July 30, after the local bar association had voted the attorney general as being unethical. *Ibid.*, Aug. 1, 1874. According to the commissioner of Indian affairs, Hughes wanted \$5,000 for the deal. Smith to Ferris, Oct. 27, 1874, *L. B. no. 120*, pp. 405-407.

then tried to avoid his implication by recommending the proposed reduction;⁴¹ but finding his reputation clouded, declared that he had been thrust into a plot designed to bring about his removal.⁴² An investigation that followed in the fall revealed nothing new, although the commissioner of Indian affairs did decide that the agent had been made the unconscious victim of a plot.⁴³

Conditions might have improved at the reservation, but in December Roberts, still in conflict with the military, resorted to drunkenness and formed a liaison with a Mexican strumpet. Lawlessness soon became so flagrant that the military merely awaited an opportunity to seize the agency. The occasion arose several weeks later when Roberts arranged to hold a count of the bands on February 26, 1875. Immediately, the military announced that instead they would count the Indians on the 27th, and they invited the agent to act a witness. A prolonged snow storm kept Roberts from making his count, but he kept the Indians peaceable by continuing to make issues to them on a basis of former records. There was some delay, however, and when certain chiefs remonstrated, Captain F. D. Ogilby seized the agency by force, ousted Roberts and declared that a bloody outbreak had been narrowly averted. Much perplexed, Commissioner Smith solved the dilemma by transferring the Camp Apache Agency to Agent Clum.⁴⁴ Thus, as in the case of the Verde Indians, the problem of Coyotero

41. Roberts waited until in July before taking this action. Instead of sending a telegram direct from Tucson, he returned to Camp Apache and by mail sent one, dated July 1, to Dr. R. A. Wilbur of Tucson, to transmit to Commissioner Smith. Wilbur did not get the letter until July 16. Ordinarily letters from the post reached Tucson in two to four days. Smith to Ferris, Dec. 28, 1874, *L. B.* no. 122, p. 137.

42. Roberts to Smith, Aug. 6, 1874, I. O., R 510. John Titus, the former territorial chief justice, declared Roberts had been persecuted by three or four grafters controlled by a knot of federal officials. Titus to Smith, Aug. 8, 1874, I. O., T 593. Commissioner Smith said that Titus encouraged Roberts to get extra pay for the segregation. Smith to Ferris, Oct. 27, 1874, *op. cit.*

43. *Ibid.*; Daniels to Smith, Dec. 2, 1874, I. O., D 1223. Commissioner Smith, in December, declared that Roberts would be required to resign unless he explained his delay in correspondence. Smith to Ferris, Dec. 28, 1874, *L. B.* no. 122, p. 138. Neither Roberts nor the Bureau appear to have taken further action.

44. Roberts to Smith, Mar. 3, 1875, I. O., R 156; Ogilby to A. A. G., Mar. 11, 1875, A. G. O., 1677; Smith to Clum, Mar. 31, 1875, *L. B.* no. 124, p. 77.

management was also merged with that of the San Carlos bands.

The peace plan from the time of its inception among the Verde and Coyotero bands was sharply modified by military interference. But among the Chiricahuas, the experiment of peace was to be shaped by civil hands throughout. In fact, immediately after the peace with Cochise was made in 1872, Agent Jeffords settled down without military aid to carry out Howard's generous promises. He was not long in learning that little tangible support was to be expected from his superiors. At first he was furnished sufficient beef, but nothing else; and when he made some unauthorized purchases the superintendent reprimanded him. Later, in the spring of 1873, the Indian Bureau sent him a consignment of subsistence supplies valued at \$4,069.⁴⁵

The agent was quite satisfied with the excellent conduct of his charges who, to the disgust of "prophetic croakers," did not leave the reservation at the close of the winter. Cochise coöperated by turning over all stolen animals and Jeffords led an arduous life keeping the bands "straight." Apparently no aid came to him during the summer of 1873; neither was anything of an official nature done for the Indians. But by furnishing medicines at his own expense and by exchanging his excess flour for trader's corn Jeffords saved the Chiricahuas from the usual epidemics of fevers and dietary troubles.⁴⁶ Such irregular practices, of course, brought him into disfavor with his superiors, but as a consequence they were led to consider his problems. In August, 1873, the Indian Bureau promised to pay the indebtedness of \$6200 owed by the Chiricahua Agency, and a few weeks later when such "satisfactory results of the peace policy" became apparent, the acting commissioner liberally supplied the Indians for the first time.⁴⁷

45. Jeffords to Smith, Aug. 31, 1873, 43 Cong., 1 sess., *H. E. D.* no. 1, vol. iv, p. 659; Bendell to Jeffords, Jan. 2, 1873, *S. L. B.* vol. ii, p. 39; Jeffords to Bendell, April 15, 1873, I. O., B 229.

46. Jeffords to Howard, May 25, 1873, I. O., H 495; Jeffords to Smith, July 25, 1873, I. O., J 583.

47. Acting Comm. to Delano, Sept. 26, 1873, I. D.

Unfortunately, conditions among the Chiricahuas were not promising for the future. The warriors, well supplied with guns and ammunition, preferred to hunt and make "tiswin" rather than to take up the practices of sedentary life. Cochise was also losing his influence with advancing age; besides, there was little harmony among his bands. Furthermore, Inspector Vandever reported that the very inaccurate count of over 1100 Indians probably included four hundred disaffected and insubordinate visitors who were only too eager to encourage raids into Mexico. In characterizing the Chiricahuas as a group of wild mountain Indians adverse to civilization and instruction, he insisted that they would never work as long as they could get a living by any other method. Neither were the agent's methods encouraging: obedience was purely voluntary; the Indians were never mustered; visiting braves were rationed; and rations enough for whole bands were issued every fifteen days to a few individuals who were supposed to represent the larger groups. From Jeffords' viewpoint reform was impracticable.⁴⁸

The problem of Chiricahua management was further complicated, because the southern boundary of the reserve was identical with fifty-five miles of the northern boundary of Mexico. Crook's superiors had early characterized the location of the Chiricahuas next to Mexico as a "breach of good neighborhood," and there appeared to be much truth to the assertion, especially when it was learned that the most vicious Indians from the Tulerosa, San Carlos and White Mountain Reservations gravitated toward the Chiricahua country, where they there joined the incorrigibles in raids against the nearby Mexican settlements.⁴⁹ Crook, fearing that embarrassing diplomatic difficulties might arise, early in 1873 decided to enforce General Orders no. 10 among the Chiricahuas. However the undertaking was immediately

48. Vandever to Delano, Oct. 18, 1873, *I. F.*, 1397; Jeffords to Smith, Aug. 31, 1873, *op. cit.*, p. 660.

49. Schofield to A. G., Dec. 26, 1872, A. G. O., 286; Crook to A. G., Feb. 11, 1873, A. G. O., 831.

dropped, for the general not only learned that Howard had promised Cochise immunity from the military, but also that the chief understood raids into Mexico were not to be considered as a violation of the peace. Howard was now pressed for a definitive statement regarding the detailed provisions of the treaty, but a voluminous and tiresome correspondence throughout the summer merely tended to substantiate the view that the Chiricahuas were to be managed without the use of troops.⁵⁰

Meanwhile, Jeffords continued his paternal but loose management of the Chiricahuas, and the fact that the tribe failed to advance towards civilization was mainly caused by factors beyond his control. In September, 1873, he removed the bands from Sulphur Springs to the San Simón, where the prospects for agriculture were brighter; but the unhealthy nature of the new location caused Inspector Vandever, in November, to order them removed to Pinery Canyon, a region where sedentary life was impossible. Requests for a school now failed; the Indian Office even neglected to provide a sufficient amount of annuity goods for the winter of 1873-1874.⁵¹ The younger braves were only deterred from raiding by the most vigorous labor of Cochise and Jeffords, and the reserve would have been deserted had not the agent been able to issue a fairly regular supply of corn and beef. As an added weight to his burdens, he felt compelled to feed about four hundred visitors, who as recalcitrants at the other Apache reserves had taken refuge with the Chiricahuas.⁵²

Although the department of the interior was unwilling to modify its civil policy as regards the Chiricahuas, the idea of removing them to some other reservation was taking root. Vandever's report in January, 1874, indicated that their

50. *Ibid.* See also, Sherman to Secty. of War (with an endorsement by Howard), Feb. 28, 1873, I. O., 783; Gov. I. Pesquera to Safford, Mar. 14, 1873, in *Arizona Citizen*, April 5, 1873; Smith to Howard, Sept. 19, 1873, I. D.; Howard to Comm., Sept. 23, 1873, I. D.

51. Jeffords to Smith, Sept. 1, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 595.

52. *Ibid.*; Vandever to Comm., Jan. 23, 1874, I. D.

reserve would always be a center for renegades, a source of trouble with Mexico and a place devoid of the requisites for the development of a civilized life. He was therefore in favor of removing them to New Mexico, but Commissioner Smith thought the proposal impossible. Nevertheless, in order to provide a future reservation, if needed, Cañada Alamosa was withdrawn from the public domain.⁵³

Superintendent Dudley of New Mexico was now ordered to sound the Chiricahuas regarding the possibility of their removal. He reached their reserve late in May, 1874, only to find Cochise at the point of death;⁵⁴ but of more serious import, the attitude of the chief's bands convinced him that they would resist removal to the bitter end. However, he was surprised to find that the two hundred and fifty Southern Apache visitors were quite willing to return to Cañada Alamosa. Thus, with the general situation so delicate, the superintendent decided against making any specific recommendations.⁵⁵

Jeffords reluctantly retained his position as agent, largely as a matter of duty. Although he had no difficulty in keeping his charges quiet, the evidence was plain that they were making no progress towards civilization. Early in September, he reported that 930 individuals were under his control, but two weeks later Inspector J. W. Daniels observed that only 645 Indians were present for rations. Yet Daniels strongly insisted that the results of Jeffords' civil control were superior to those obtained at the other Apache reserves where the military played a prominent part.⁵⁶

Many of Jeffords' troubles were due to the fact that the Chiricahuas' close kinsmen, the Southern Apaches, had not been reduced to satisfactory reservation control. In fact,

53. Delano to Secty. of War, Jan. 7, 1874, *Land Division L. B.* no. 14, p. 106; *Arizona Citizen*, Feb. 7, 1874; Dudley to Smith, Mar. 28, 1874, I. O., D 339.

54. Cochise died on June 8, 1874. The bands immediately chose Tahzay, Cochise's eldest son, to be their chief. Jeffords to Smith, June 10, 1874, I. O., J 705; *Arizona Citizen*, June 13, 1874.

55. Dudley to Smith, June 30, 1874, I. O., D 1002; Jeffords to Smith, Sept. 1, 1874, *op. cit.*

56. Daniels to Smith, Sept. 29, 1874, *I. F.*, 121, Nov. 7, 1874, I. O., D 1163.

a great portion of this group instead of moving from Cañada Alamosa to Colyer's Tulerosa Reservation, either roamed about their former haunts or took refuge with the Chiricahuas. Those bands that did move to Tulerosa quickly tired of both the reserve and the agent and, in the hope of forcing the government to return them to Cañada Alamosa, attempted to intimidate the agency officials. But their new agent, B. M. Thomas, from the time of his appointment in January, 1873, maintained his control as far as agency management was concerned. The military coöperated with Thomas, and to prevent the usual spring exodus they kept five companies of cavalry near the reserve limits. The command nonchalantly moved about a few miles at day, but always with no special objective in view. This unusual action was quite effective in restraining most of the warriors; nevertheless, during the summer some scattered raids were made against the Rio Grande settlements. Major W. R. Price attempted to arrest the culprits on July 25, but the approach of his three troops of cavalry was the signal for a general flight; and en masse, the Southern Apaches fled towards the Chiricahua country.⁵⁷

The problem of their control now became more difficult than ever before, for out of the six hundred individuals rationed during the winter of 1872-1873, four hundred were presumed to have taken refuge with Cochise.⁵⁸ The commissioner of Indian affairs ordered Jeffords to stop issues to all visitors without permits and Inspector Vandever insisted that all transients should be arrested. However, the inspector was careful to state that more progress could be accomplished with less military participation in the management of the reserves. Jeffords, faced with the actual problem of managing the visitors, issued enough extra rations to keep them at peace.⁵⁹

57. Thomas to Dudley, Sept. 4, 1873, 43 Cong., 1 sess., *H. E. D.* no. 1, vol. iv, p. 643; Vandever to Delano, Sept. 22, 1873, *I. F.*, 1384; Price to A. A. G., July 30, A. G. O., 3323.

58. Vandever to Delano, Oct. 13, 1873, *I. F.*, 1397.

59. Smith to Jeffords, Nov. 21, 1873, *L. B.* no. 115, p. 42; Vandever to Comm., Jan. 23, 1874, *L. D.*

Two hundred of the Southern Apaches returned to the Tulerosa Reservation during the summer and fall of 1873. But still yearning for their old homes at Cañada Alamosa, they remained with Agent Thomas only through fear of military punishment. Yet they proved to be docile, and during the following winter sent some of their children to school, handled agency stores for pay in merchandise and constructed a crude irrigation project. In the spring of 1874 they planted the new irrigated area to vegetables, but a killing frost in June and rumors that the government intended to transfer them back to Cañada Alamosa, destroyed what little interest they retained for the Tulerosa Reservation.⁶⁰

The Southern Apaches, in fact, perplexed the Indian Office almost as much as the Chiricahuas. Colyer had moved them to the Tulerosa Reservation in order to inaugurate the "Peace Plan," but now the officials believed that the Indians would be less troublesome if returned to Cañada Alamosa. Telegraphic correspondence proved that Superintendent Dudley had also changed his mind: He reported that a reëstablishment of the agency at Cañada Alamosa would satisfy the citizens and Indians, induce a sedentary mode of life and allow a successful concentration of the Chiricahuas at the same point.⁶¹ Then Commissioner Smith ordered further investigation, but an executive order issued by President Grant on April 9, 1874, which designated the area to be a reservation, proved that a decision had already been made.⁶²

The decision to transfer the Southern Apaches to Cañada Alamosa was undoubtedly made in an effort to keep them away from the Chiricahua Reservation. But even after the removal Jeffords was authorized to feed visiting groups so that they might be deterred from going on into Mexico.⁶³ Those bands that did move to Cañada Alamosa refrained from marauding upon the surrounding settlements, but a

60. Thomas to Smith, Aug. 31, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 617.

61. Dudley to Smith, April 14, 1874, *I. O.*, D 425.

62. Smith to Dudley, April 15, 1874, *L. B.* no. 118, p. 43; *Executive Orders Relating to Indian Reservations*, p. 120.

63. Comm. to Jeffords, June 30, 1874, *L. B.* no. 118, p. 394.

traffic in domestic animals that came from the Chiricahua Reservation, indicated that the old association remained unbroken. Officials now realized that the Chiricahua and Southern Apaches problem was far from a satisfactory solution; they were also aware that any acts of hostility by either of the two groups would call for the most drastic action on the part of the government.⁶⁴

Despite the fact that the affairs of the Chiricahuas and the Southern Apaches were far from a satisfactory state, the evidence shows that the peace plan had proved immediately effective in reducing the difficulty of controlling these two erratic Apache groups. A similar result had been attained in the case of the Verde bands. And even in the face of a hostile military opposition at Camp Apache, the peace plan had improved the government's relations with the friendly Coyoters. But at the Camp Grant Reservation the plan failed to effect any decided change in the status of the Arivaipa and Pinal groups. This single exception probably occurred because of General Howard's decision that it would be necessary to remove them to the isolated San Carlos Reservation and also because of the difficulty in finding a competent agent for the bands.

The difficulty in finding a satisfactory agent for the Camp Grant Indians is shrouded in deep mystery—it appears that the territorial politicians were having great influence in the management of the reserve at the time. George H. Stevens, whom Howard made temporary agent in August, 1872, was replaced on December 20, by Charles F. Larrabee of Maine. Since several weeks were required for Larrabee to reach his post, Stevens was apparently not notified of the change.⁶⁵ During the interval the Indians appeared to be satisfied, and although the agent conducted

64. Capt. A. B. Kauffman to A. A. G., Sept. 25, 1874, A. G. O., 4188; Dudley to Smith, Oct. 27, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 610.

65. Walker to Larrabee, Dec. 20, 1872, *L. B.* no. 110, p. 231.

A malicious sergeant of the First Cavalry wrote a scurrilous letter against Howard, which, posed as a work of Stevens, led to the latter's replacement. Walker to Howard, Dec. 21, 1872, *L. B.* no. 110, p. 231; Stevens to McCormick, Sept. 6, 1873, I. O., M 127.

affairs smoothly the superintendent vaguely accused him of "bad management" and "official corruption." But evidently certain political machinations were occurring, for Dr. R. A. Wilbur of Tucson was placed in temporary charge on February 9, 1873.⁶⁶

The next day, General Crook, while holding a conference with the chiefs, learned that the bands were eager to remove to San Carlos at once. He quickly persuaded Wilbur to take action, and giving complete military coöperation, had the satisfaction of seeing the entire group of 1,500 Indians transferred during the next five days to their new home.⁶⁷ The change in location naturally produced a temporary relaxation of discipline among the bands, with the result that disruptive conflicts for leadership broke out. The Indians also irked by the presence of two companies of cavalry threatened war if the troops were not removed at once.⁶⁸

Just at this most inopportune moment Larrabee arrived and assumed his duties as agent, relieving Dr. Wilbur. But Wilbur had probably contemplated to stay much longer and "being thus immediately ousted, did all that a thoroughly bad man could do." He fomented opposition against the new agent in the hope that the Indians would either kill or drive him from the reservation. Should this occur, Wilbur felt he would be retained in office and thus be in a position to control the purchase of the reservation supplies to his own and his friends' advantage.⁶⁹

The Indians probably would have eliminated Larrabee within a short time had not rivalry among the bands made it expedient to use him as a go-between. As a result, he became an important figure in their councils, and by promising them liberal supplies succeeded in getting the bands to start an irrigation ditch and to plant sixty acres of corn. But

66. Bendell to Walker, Feb. 1, 1873, *S. L. B.*, vol. ii, p. 91; 43 Cong., 1 sess., *H. E. D.* no. 1, vol. iv, p. 657.

67. Wilbur to Smith, Mar. 3, 1873, *I. O.*, *Ariz. Misc.*; Larabee to Comm., Mar. 29, 1873, *ibid.*

68. Larrabee to Comm., April 30, 1873, *ibid.*

69. Larrabee to Bendell, Feb. 23, 1873, *ibid.*; Titus to Smith, July 25, 1873, *I. O.* L 208.

unfortunately the long-standing leadership of Eskiminzin and Chiquito was challenged by two aggressive warriors, Chuntz and Cochinyay. Even worse, the favorite wife of Chiquito was seduced by one of Chuntz's followers; and almost as if compensation were governing, one of the latter's headmen was shot dead by a partisan of Eskiminzin. Several days of intense excitement followed these occurrences, and Larrabee, realizing the impracticability of managing the Apaches without the aid of the military, requested that a company of cavalry be posted at the agency.⁷⁰

The immediate arrival of the troops probably prevented a general stampede of the Indians, but the proximity of the military offered no check to the nefarious plotting of Dr. Wilbur.⁷¹ Larrabee's control weakened meanwhile, and on a ration day near the last of May, 1873, Sheshet, a notorious warrior belonging to Cochinyay's band, attempted to assassinate him. In the resultant melee, Lieutenant Jacob Almy, in temporary charge of the troops was brutally murdered. Larrabee now gave the military full control and deciding a few days later that his influence was completely destroyed sent in his resignation with a recommendation that a military man be named as agent.⁷²

The military, of course, seized the opportunity to lash with fury at the incompetence of the civil administration. Captain W. H. Brown informed Crook that "it is not disputed that this reservation has been rotten to the core. The Indians have been tampered with, the agents have been rascals and knaves, the Interpreters have been liars and thieves . . ." ⁷³ The general even charged that the "criminal conduct of Dr. Wilbur," which he now "virtually confessed,"

70. Larrabee to Comm., Mar. 29, 1873, I. O., L 53; *Report*, Board of Investigation on Lt. Jacob Almy's Death, A. G. O., 2933.

71. By liberal gifts Wilbur won the confidence of both Eskiminzin and the agency interpreter. Wilbur wanted the agency beef to be delivered on hoof (graft was easy by this method), while Larrabee insisted that it be furnished on the block. When Wilbur saw that he could not "put a head" on Larrabee, he was ready to sacrifice life "to gain his purpose." *Ibid.*

72. *Ibid.*; Larrabee to Capt. W. H. Brown, June 1, 1873, I. O., B 586; Larrabee to Smith, June 30, 1873, I. O., L 208.

73. Brown to A. A. G., June 15, 1873, A. G. O., 2933.

was merely "the outcropping of the old rottenness at Camp Grant." ⁷⁴

Fully determined to put a stop to the "weak and vacillating policy" as administered by the Indian Office, Crook instructed Brown to inaugurate a "firm and decided" policy of "impartial justice to all who do well, the olive branch to all who desire to be at peace, but certain punishment to the wrongdoers."⁷⁵ Brown had evidently anticipated the instructions and by a series of daily counts found that there were only 1,200 Indians on the rolls instead of the 1,500 reported by Larrabee. More important his rigid discipline and exact rationing not only reduced drunkenness but also brought order and obedience.⁷⁶

A constant interest in the growing crops was maintained by many of the Indians—especially by the chiefs and headmen. Thus convinced that farming would rapidly expand, Brown continued the work upon Larabee's irrigation ditch. The Indians also showed great interest in the eighty-three head of stock cattle that were sent them during the summer, and Brown, noting that their sense of ownership was greatly heightened, reported that "their industry only needs the proper direction to make it permanent and profitable."⁷⁷ Because of Brown's careful efforts, the Indians were soon willing to conform to the wishes of the government. But the civil authority was not content to allow this important position to remain in military hands. The commissioner of Indian affairs, therefore, in late October, ordered the captain to turn over the San Carlos Indians to Agent Roberts of the Camp Apache Agency.⁷⁸

74. Crook to A. A. G., July 3, 1873, *ibid.* Wilbur acknowledged that his conduct had been "wrong" and "indiscreet." He wrote Larrabee that he was willing to make "proper amends for the past." Copy of letter of June 30, 1873, I. O., L 208.

75. A. A. G. to Brown, July 3, 1873, A. G. O., 2933.

76. Brown to A. A. G., June 15, 1873, *op. cit.*

77. Brown to Comm., July 7, 1873, I. O., B 640, July 31, 1873, B 734. Brown thought that if the contracts were let in Washington the consequent removal of "local prejudices" would render the "position of the Agent more free from embarrassment." Brown to Comm., Aug. 31, 1873, I. O., B 820.

78. Vandever to Delano, Oct. 13, 1873, *I. F.*, 1390; Comm. to Brown and Roberts, Oct. 29, 1873, *L. B.* no. 114, p. 365.

However, this bureaucratic move appears to have had no effect on the hold of the military, for Major Randall, who replaced Captain Brown as commandant of the agency guard, assumed at once a dominant role in agency affairs.⁷⁹ Much to the Indians' displeasure, he initiated a very harsh scheme of discipline, and later, on January 1, 1874, either through fear or malevolent designs arrested Chief Eskiminzin.⁸⁰ Three days afterward the chief escaped only to be followed into the mountains by seven sympathetic bands. Most of them returned within a short time, but because of the severe weather conditions that prevailed they were allowed to erect their lodges on the high ground across the Gila from the agency. While they were thus encamped, a heavy flood cut off their communication with the agency officials. Chuntz and his fellow conspirators now seized this propitious opportunity to again establish themselves as leaders, and on January 31 while the Gila was still impassable, induced a band of inebriated warriors to attack a party of freighters who had been forced to encamp near the Indian village. This outrage convinced the mass of the Indians that they would be punished for the crime of a few; therefore, leaving behind nearly all their possessions, they fled in pandemonium from the scene of the attack.⁸¹

Most of the Indians kept within the limits of the reservation, but some fifty vicious braves raided through to Old Camp Grant and on to Tempe, killing six persons and destroying much property.⁸² In conformity with the "Peace Policy" all the Indians absent from the agency now became objects

79. Roberts, on December 9, 1873, assigned the San Carlos Agency to Dr. John B. White, the agency physician. White to Smith, Aug. 9, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 597.

80. Daniels to Smith, Oct. 17, 1874, *I. F.*, 122. Crook fully supported Brown's action. Crook to A. G., April 10, 1874, A. G. O., 1562.

81. White to Roberts, Feb. 1, 1874, *I. O.*, W 349; *Arizona Citizen*, Feb. 7, 1874. Crook in explaining that a "temporizing policy" was considered "expedient" at San Carlos, substantiates, to a great degree, Clum's later charge that civil-military conflict, lack of discipline and failure to arrest renegades, caused the outbreak. Crook to A. G., April 10, 1874, *op. cit.*; John P. Clum, *The Truth About the Apaches* (Los Angeles, 1931), p. 3.

82. *Arizona Citizen*, Feb. 14, 28, 1874.

of military management, and troops immediately organized to pursue them were directed to "take no prisoners." This action indicated that the military was bent on a policy of ruthless extermination. Fortunately for the Apaches, only a few commands were available for pursuit and these were kept practically inactive due to raging floods. But after a short period of terrific hardships, the Indians, fully realizing the folly of their ill-advised flight, fairly begged to surrender. And when Crook gave them this privilege in April all the bands returned much crestfallen and with a most coöperative attitude.⁸³

During the next three months the penitents proved by their conduct that they were susceptible of civilization. They now not only furnished scouts to run down the numerous criminals and renegades among their bands, but also, by promptly punishing all fellow members guilty of an outrage, proved that they had come to regard discipline as an absolute necessity. Moreover, they successfully cultivated two hundred and sixty acres of vegetables and grain. Dr. John B. White, the nominal agent, had little difficulty in persuading them to adopt revolutionary changes in sanitation. They built more healthful lodges, used less eye paint, avoided tainted foods, changed their bathing habits to avoid fevers, and the medicine men took up Dr. White's medicinal practices as far as possible. Much impressed with the changed attitude of his charges, White wrote Commissioner Smith a long and sanguine letter on August 5, 1874, in which he suggested that "honesty of purpose" would bring "substantial improvement" to the Apaches.⁸⁴ This suggestion indicated that Apache control needed a revitalization. And, in fact, a new order for the San Carlos bands was close at hand, for six days later John P. Clum, their new civilian agent, determinedly assumed charge of the San Carlos Agency.⁸⁵

83. Clum, "Eskiminzin," in *N. Mex. Historical Review*, vol. iii, p. 408, *et seq.*; *Arizona Citizen*, Feb. 28, 1874.

84. White to Smith, Aug. 5, 1874, in *Arizona Citizen*, Dec. 5, 1874. See also White to Smith, Aug. 9, 1874, *op. cit.*; Crook to A. A. G., Aug. 31, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 61.

85. Clum to Smith, Aug. 11, 1874, I. O., C 704.

CHAPTER VI

JOHN P. CLUM AND THE TRIUMPH OF CIVIL CONTROL

THE ARRIVAL of John P. Clum at San Carlos on August 8, 1874¹ marked the beginning of a new era in Apache affairs. Appointed as agent on the recommendation of the Dutch Reformed Church, he was especially well fitted for the difficult task that awaited him.² In addition to superior education and frontier experience, he possessed extraordinary energy and tenacity of purpose; furthermore, he had a natural bent for journalistic controversy—a valuable asset for any official on the frontier.

Even before Clum assumed his duties he began to suspect that most of the Apache troubles emanated from a deadly mixture of civil and military control known to prevail at the reservation. Accordingly, he made a careful study of the tribe, confirmed his suspicions and determined to eliminate the interference of the military in all Indian matters of a purely civil nature.³

He had likewise decided that the best way to eliminate the military was to ignore it; therefore, three days after his arrival, and without the aid of a military officer, he successfully inspected the villages and counseled with the chiefs. This bold start made him very aggressive, and in hastening to inform the commissioner of the Indians' intelligent, pacific and coöperative attitude, he let it be known that he was formulating recommendations designed to further curtail the prerogatives of the military group.⁴

But the military was not content to be so easily ousted. Lieutenant J. B. Babcock, in command at San Carlos, informed Clum that the military had controlled Apache affairs since the January outbreak, not to usurp the agent's control,

1. Clum to Smith, Aug. 8, 1874, I. O., C 682.

2. Delano to Comm., Mar. 2, 1874, I. O., I 227.

3. Clum to Comm., Aug. 31, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 297.

4. Clum to Comm., Aug. 11, 1874, I. O., C 704.

but merely to obtain a permanent peace. He suggested that all future councils with the Indians should be held jointly to promote harmony and that the military was willing to sustain the civil authority if the agent would endorse orders given under General Crook's instructions.⁵ Clum, of course, agreed that harmony was very essential, but his decisive reply settled the question that in all non-military matters he intended to exercise sole control.⁶

Despite this rebuff, Babcock still insisted upon coöperation "where duties touch closely at the edges." He immediately had a friendly conference with Clum, and then informed Crook that although the agent resented the "slightest touch" of military control, he nevertheless saw the sense of military supervision of passes and counts. He also reported that Clum was in full accord with the military policy "to punish wrongdoers, to keep out outlaws and to make the Indians work."⁷ But Crook did not waver, and on August 20 he instructed Babcock to disregard the agent's wishes if they became an impediment to the safety of the reservation. Thus fortified, Babcock resolved to retain the advantages the military had gained "with or without permission" of the agent.⁸ But that very day the agent withdrew the right to make counts and issue passes, stating moreover, that all facts of record would be available for inspection at the agency office.⁹

Crook now faced a dilemma, and after inviting instructions,¹⁰ sent Major Randall from Fort Apache to iron out the difficulty. Even this move failed, for Clum announced that all coercive measures would be reported directly to the secretary of the interior. Randall therefore decided against interference although in making this decision he was

5. Babcock to Clum, Aug. 15, 1874, A. G. O., 4003.

6. Clum to Babcock, Aug. 15, 1874, I. O., C 789.

7. Babcock to A. A. G., Aug. 18, 1874, A. G. O., 4003.

8. Crook to Babcock, Aug. 20, 1874, *ibid*; Babcock to A. A. G., Aug. 29, 1874, *ibid*.

9. Clum to Babcock, Aug. 29, 1874, I. O., C 789.

10. Crook to A. A. G., Sept. 3, 1874, I. O., W 1654. The general was no doubt sincere in believing that lack of proper surveillance might result in another Camp Grant Massacre affair.

prompted by the thought that the inexperienced agent would soon be glad to call in the help of the military.¹¹

During the time of the short and decisive controversy Clum's time had not been sufficiently monopolized to interfere with his regular agency duties. He first won the Indians' confidence, and then inaugurated a simple plan of self-government whereby the bands were to be policed by four bucks of their own choice. The plan demonstrated its immediate efficacy, for the bands not only submitted to disarmament, but they also gave up the manufacture of tiswin.¹²

With equal energy, he struck at the lack of proper agency facilities by starting a building program within ten days after his arrival. He requested \$5,000 for the work, but got \$12,000.¹³ Thus encouraged, and more convinced than ever that labor was one of the most effective ways to civilize the Indians, he employed them to as great an extent as possible. An office and quarters for the personnel were first started; then he elaborated his plans with the aim of making the work last for several years. The Indians responded eagerly and were willing to do any kind of work at fifty cents per day. Clum suggested to the commissioner, however, that payment in goods would have a greater civilizing effect upon them than money wages alone.¹⁴

He also included in his plans a reorganized farm program. Each of the ten bands was to be given an equal allotment of land from the agency farm, and they were to remove their villages close to the scene of their work. He asked for

11. Clum to Smith, Sept. 8, 1874, I. O., C 789.

A little later when Clum learned that the Indian Office was elated with the outcome of the controversy, he grew much bolder, announced that the military was the chief obstacle to the consummation of the peace policy, and requested that all the troops be withdrawn beyond the limits of the reservation. Smith to Clum, Oct. 6, 1874, L. B. no. 120, p. 265; Clum to Comm., Oct. 16, 1874, I. O., C 887.

12. Clum, *Apache Agent*, p. 184, *et seq.*

The idea of Indian police was not new in Arizona. A force had been used successfully on the Navajo reservation in 1872. See *R. C. I. A.*, 1872, p. 296. The Dutch Reformed officials advocated a police force in 1873. See *R. B. I. C.*, 1873, p. 180.

13. Smith to Clum, Sept. 14, 1874, L. B. no. 119, p. 464.

14. Clum to Comm., Aug. 22, 1874, I. O., C 707.

scales, blacksmith and carpenter tools, harness, oils, wagons, mule shoes and several teams of mules. If supported in his program and furnished necessary equipment, he predicted that within a year he could show the Indian Office unexpected results.¹⁵

The Indians readily adjusted themselves to the new administration. The men were counted daily and the women and children every Saturday. With the aid of an "Apache court" the enforcement of discipline practically ceased to be a problem. Rations were issued on a weekly basis, each individual receiving the same amount. Frequently, friendly groups pooled their quotas in order to receive a full sack of flour or a whole beef.¹⁶

When Inspector Daniels visited the agency in October, he was struck with the changed attitude of happiness and satisfaction noticeable among all the bands. It was obvious to him that their success in agriculture had already placed them far ahead of any of the other Apaches in his district, and he urged the introduction of sheep as an added incentive to keep them near home and out of the mountains. The agent received praise for his initial success and he was moreover strongly supported in his contention that the civil authority should have sole control over reserve affairs.¹⁷

Of even greater importance, the inspector learned about military interference at first hand. In a council with the chiefs¹⁸ he was asked to return certain San Carlos Indians who had been held captive at Fort Apache since the

15. Clum to Comm., Aug. 31, 1874, *op. cit.*, p. 298.

Although he had been at San Carlos only a short time, he was nevertheless very severe on the military in his annual report. Their tardiness in arresting drunken renegades, he believed, had been the cause of most of the late disasters. He did think, however, that the recent campaign had demonstrated that outlaws would be captured, and that bands could be prevented from leaving and returning at their own pleasure. *Ibid.*

16. Clum to Comm., Aug. 26, 1874, I. O., C 753. A weekly ration for each one hundred Indians consisted of: 300 lbs. of beef, 50 lbs. of flour, 8 lbs. of sugar, 4 lbs. of coffee, 1 lb. of salt and 2 bars of soap. Clum, *Apache Agent*, p. 148.

17. Daniels to Smith, Oct. 17, 1874, *I. F.*, 122.

18. Eskiminzin was once again headchief. He had recently been released from Fort Grant through the efforts of the new agent. Clum, "Eskiminzin," in *N. Mex. H. Rev.*, iv (Jan., 1929), 4.

January outbreak. He agreed to try, and, after reaching the fort secured the release of twenty-nine prisoners from Agent Roberts. Within a short time after they had been started for San Carlos, a troop of cavalry under the command of Major Ogilby, arrested the Indians and hurried them back to the post. Although the major admitted that his action was partly motivated by his personal feelings towards Roberts, yet he insisted that it was in conformity with General Orders No. 10.¹⁹

Such action naturally won the enmity of the Dutch Reformed officials. They denounced military interference with the work of their agents and threatened to cease their coöperation if the Indian Office failed to render the proper support.²⁰

Evidently the commissioner was impressed, for he informed Secretary Delano that the Indians at San Carlos and Camp Apache were sufficiently under civil control to warrant the removal of the military for "quite" a distance and that their permanent removal at an early date would have a beneficial effect on all agency administration.²¹

No action followed, but for several months after the departure of the inspector, affairs at San Carlos became more routine. The agent fed his Indians well, made them labor for everything they received, induced them to sow one hundred acres of cereals, and won the hearty approval of the press. Even the governor spoke felicitously of agency management to the legislature.²²

The Indians appeared very happy with the new regime; only thirty-two recalcitrants were taken during the winter,

19. Clum to Comm., Oct. 18, 1874, I. O., C 906.

20. Ferris to Smith, Sept. 25, 1874, I. O., F409; Ferris to Smith, Oct. 17, 1874, I. O., F 468.

21. Smith to Secty., Nov. 1, 1874, 43 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 369. The board of Indian commissioners also demanded support for the agent against the military. *R. B. I. C.*, 1874, p. 107.

22. *Arizona Citizen*, Dec. 19, 1874; *Journals of Eighth Legislative Assembly*, 1875, p. 37.

and by February not a renegade could be found in their former haunts.²³

By the use of 2500 pounds of soap every three months and immunization against smallpox, the health of the Indians was greatly improved. Already the agent noted a decided increase in the birth rate.²⁴ With plentiful funds,²⁵ he rapidly pushed his building program and planned its extension. In March when he received congratulations for his "progress" and "success" from the commissioner, it appeared that he had conquered all obstacles at his agency.²⁶

Events and policies²⁷ elsewhere, however, were to bring a profound transformation in the complexion of affairs at San Carlos. The arrival and addition of the Verdes in March, 1875, occasioned such a change.²⁸ Naturally, the move greatly increased Clum's responsibilities, but after a brief period of uncertainty he subjected the new charges to his regular system of discipline. As soon as they started building houses he admitted them to his scheme of self-government by appointing four of their own men as police. The Verde group then realized that they were an integral part of the San Carlos organization.²⁹

Just at the time of the removal of the Verdes, an open rupture in the civil-military controversy at Fort Apache resulted in a military *coup*. The agency was seized, Agent Roberts deposed and the Rev. J. M. Mickly appointed as temporary agent.³⁰ Commissioner Smith weighed the situation for a brief time and determined to hold on to his legitimate rights at all hazards. He therefore ordered Clum to

23. *Arizona Citizen*, Jan. 23, 1875; Capt. Brayton to A. A. G., Feb. 5, 1875, A. G. O., 1123.

24. Clum to Comm., Mar. 1, 1875, I. O., C 406.

25. He had already been furnished \$25,187 for agency expenses. Clum to Comm., Jan. 1, 1875, I. O., C 100.

26. Smith to Clum, Mar. 16, 1875, *L. B.* no. 123, p. 445.

27. The policy of placing smaller bands upon the larger reserves, and sometimes the shifting of larger groups to new locations had been added to the peace plan. Dunn, *Massacres of the Mountains*, p. 19. It appears that the idea of a general concentration of all the western bands was as yet unformed.

28. *Cf. supra*, p. 194, *et seq.*

29. Clum to Editor, Sept. 1, 1875, *Arizona Citizen*, Sept. 18, 1875.

30. *Cf. supra*, p. 201.

take charge at Camp Apache until a permanent agent could be selected.³¹ With fifty dependable San Carlos Indians, Clum proceeded to Camp Apache, receipted for the agency to Roberts, and arrested the Rev. Mickly for opening Roberts' mail. Then, following a few days of counseling in which the Indians came to understand that all orders were to come from him, he counted them.³²

As this was the first count that had been held at Fort Apache without military supervision, the commander, Major F. D. Ogilby, became much excited. Clum was informed that the military would maintain its control, and count the Indians the next day even if an attack had to be made on him and his Indians at a ration issue that had been set for the same time. But Major Ogilby realized that it was dangerous to his commission to fight peaceable Indians, and when Clum went ahead with his plans, the major desisted, dismissed his Indian scouts and stopped resistance to the new agent's program.³³

Military efforts to wreck the civil administration now took a different form. Since the arrival of the Verdes at San Carlos, the agent had found it necessary to arrest numerous recalcitrant troublemakers. These were turned over to the commanding officer, who confined them in the military guardhouse. Likewise, the same arrangement had prevailed at Fort Apache. Angered at the outcome of his first bout with the new agent, Major Ogilby quickly perceived that the recent changes had strained agency discipline to the breaking point. As a result, he ordered the release of all prisoners held at the two points, and directed that no more should be received.³⁴ In desperation, Clum requested to be ordered to Washington where it might be finally decided whether he, or the officers who were trying to overthrow him, should exercise control.³⁵

31. Smith to Clum, Mar. 31, 1875, *L. B.* no. 124, p. 77.

32. Clum to Smith, April 15, 1875, *I. O.*, C 600.

33. Clum to Smith, April 24, 1875, *I. O.*, C 686; Clum to Vandever, May 27, 1877, *I. F.*, 1660; Clum to Comm., Sept. 1, 1875, *R. C. I. A.*, p. 216.

34. Post Adjutant to Lt. Ward, April 22, 1875, *I. F.*, 1660.

35. Clum to Smith, May 1, 1875, *I. O.*, C 686.

On May 1, when another general count was held at Camp Apache, it was apparent by the tiswin brawls and fighting around the camps that the situation was dangerous. When Clum requested to know if he could rely on military aid if it should be needed in bringing about order and subordination, he was told that the military would neither "interfere" with the Indians, nor guard any prisoners. He also learned that the commanding general had issued instructions which only authorized protection to government property and citizens located at the agencies. As the officers had already given this information to the Indians, Clum charged them as being "instigators of insubordination and hostility."³⁶

By this time the commissioner had decided to end the deadlock, and the agent was ordered to report at Washington.³⁷ At the commissioner's office Clum insisted that the military post at Camp Apache should be removed beyond the limits of the reservation. This, the commissioner decided was too difficult an undertaking, but he suggested that it might be feasible to remove the Coyoteros to San Carlos. Almost at once General Schofield informed the war department that the military had the Coyotero troubles solved—that a removal to San Carlos would merely undo the success already made. The Dutch Reformed Church supported the commissioner, and thus encouraged, he advised the secretary of the interior on June 9, that the successful removal of the Verdes to San Carlos fully justified a similar removal of the Coyoteros. There, he believed, in an accessible agricultural region, they would rapidly advance towards civilization.³⁸ On June 16, Clum was ordered back to Arizona to effect the removal at once.³⁹

36. Clum to Capt. Worth, May 2, 1875, *I. F.*, 1660; Worth to Clum, May 2, 1875, *ibid.*; Clum to Comm., Sept. 1, 1875, *op. cit.*

37. Smith to Clum, May 14, 1875, *L. B.* no. 124, p. 307.

38. Clum, *Apache Agent*, p. 161; Schofield to A. G., June 2, 1875, *I. O.*, W 1032; Ferris to Smith, June 9, 1875, *I. O.*, F 258; Smith to Secty. of Interior, June 9, 1875, *R. B.* no. 26, pp. 265-266.

39. Acting Secty. to Comm., June 16, 1875, *I. O.*, I 764.

While Clum was in Washington, he received word from Acting Agent Sweeney

When Clum reached San Carlos, he prepared for the removal by selecting former agent George H. Stevens and Chief Eskiminzin with sixty braves to assist him. As all these Indians were very friendly with the Coyoteros, he counted on them to do most of the diplomatic work. Clum and his assistants reached Camp Apache on July 22, and immediately began a series of powwows. It was found impossible to move three bands of about four hundred Indians because their chiefs and leading men were serving as scouts for the military. But among the remaining fourteen hundred, about five hundred who had formerly lived near old Camp Goodwin were eager for the change. Many of the others hesitated to move until their crops were harvested; and some of them resisted the plan because of the promises made by General Howard in 1872. A great many, no doubt, were deterred by military rumors that they would eventually be taken to a distant county and killed. Nevertheless, after Clum had worked out a plan by which six hundred were to remain on passes at Camp Apache to harvest their crops, the remaining eight hundred were started towards San Carlos on July 26. The cavalcade reached its destination on July 29, and two days later rations were issued at a general count. At first all the bands were located near the agency, but after they had become adjusted to the change, some four hundred and fifty Indians were allowed to move twenty miles up the Gila to the site of their former home.⁴⁰

40. Clum to Comm., July 1 (?), 1875, *I. D.* The agent was perhaps suffering from enthusiasm in this report when he wrote: "Thus about 1400 Indians were then and there virtually transferred to the San Carlos without trouble, notwithstanding the strong opposition." See also, Ogilby to A. A. G., July 25, 1875, A. G. O., 4730; Clum to Comm., Sept. 1, 1875, *op. cit.*, p. 215. Clum informed the commanding general that 700 were removed. Clum to Gen. Kautz, July 26, 1875, A. G. O., 4730.

When Maj. Ogilby was asked for his coöperation in making the removal a success, (Clum to Ogilby, July 20, 1875, *I. F.*, 1660), he replied that he could not "interfere" as long as the Indians were at peace. Ogilby to Clum, July 20, 1875, *ibid.* Two weeks after the removal was made the commanding general ordered Ogilby to furnish Clum an escort for his personal protection during the removal! The troops, however, were to compel no Indian to remove. A. A. G. to Clum, Aug. 14, 1875, *ibid.*

that Major Ogilby had ordered Lieutenant Ward "to take no action whatever," in case of an outbreak, "but to allow the Indians to proceed at pleasure," and that after the order became known, all Indians arrested showed a tendency to resist. Clum to Smith, June 17, 1875, *ibid.*, (n. f.).

The removal of the Coyoteros, although official, was far from complete. Less than half of them were actually removed, and recent developments at Washington threatened to undo all the work that had been done. Agent Clum must have had an inkling of the trouble, for hastening to Tucson, he wired the commissioner of the removal, and requested that the Coyoteros be left in his hands to save disorganization and dissatisfaction.⁴¹ Nevertheless, he was quite surprised to meet "Colonel" W. E. Morford, who had just arrived from New York as agent for the Camp Apache Reservation. Morford, it developed, had been appointed through the vagaries of politics on July 2, only two weeks after Clum had been ordered back to Arizona to move the Coyoteros away from Camp Apache.⁴² Clum was greatly humiliated by this apparent lack of support and confidence on the part of his superiors, but he determined to resist Morford's claim to the position on the grounds that the position no longer existed. Morford was therefore informed that the agency buildings at Camp Apache had been destroyed by a fire almost at the time the Indians were removed.⁴³

But Morford was not to be so easily baffled. He bargained the commissioner with telegrams and letters, and his friend, Rufus Ingalls, quartermaster general of the army, interceded for him.⁴⁴ As a result, the commissioner ordered Clum to "turn over the Camp Apache Indians to Agent Mor-

41. Clum to Comm., Aug. 4, 1875, I. O., C 1014.

42. Smith to Morford, July 2, 1875, L. B. no. 124, pp. 537-539.

43. When the fire was discovered, evidence showed that the seven buildings had been fired simultaneously. It was also observed that L. C. Jenkins, the sub-agent, and his party left for San Carlos about time the buildings started to burn. Lt. C. W. Bailey to Ogilby, Aug. 14, 1875, A. G. O., 4730.

A communication signed "Jenks," and in Jenkins handwriting was picked up and sent to the commanding general. It apparently compromised Jenkins and Clum, carrying the news that the Coyoteros interpreted the "burning rightly," as "the death of affairs connected with them and a change of base." It also said, "Now that we have conquered . . . I will father all that is done that you do not want to . . ." Kautz to A. A. G., Aug. 14, 1875, *ibid.* In 1877, Clum admitted that the "useless buildings" were destroyed. Clum to Smith, July 21, 1877, I. D.

44. Morford to Ingalls, Aug. 5, 1875, I. O., M 666; Morford to Smith, Aug. 9, 1875, I. O., M 724; Morford to Smith, Aug. 10, 1875, I. O., M 662.

In these communications, Morford said that Clum while at Washington learned about the probability of his appointment, and that he should have protested then.

ford. There is no other way for the present.”⁴⁵ As soon as the two agents reached San Carlos, Morford learned that nine hundred Indians were still at Camp Apache. He instantly decided to establish himself at that point, but Clum now refused to transfer the Indians, saying his instructions only required the transfer of the remaining agency property.⁴⁶ In the next move, when Morford suggested that the reservation be again divided into two jurisdictions, the commissioner compromised, telling Morford to complete the removal and then take charge, but to leave Clum in control during the interim.⁴⁷

But Morford, with ideas of his own, went on to Fort Apache, formed an alliance with the military, and opened an agency. And again the fight over removal was reopened, perhaps with more vehemence than before. Morford reported that affairs were in great confusion with two-thirds of the Indians unremoved, and many returning from San Carlos. Charging Clum with deceit and falsity, he said the only reason removal had been attempted was to displace the contractors of New Mexico with those of Tucson and San Francisco.⁴⁸ Such a verbal barrage appears to have left Clum nonplussed for a time, but Inspector Kemble came to his defense by declaring Morford insincere, insubordinate and untrustworthy; and he characterized Morford's argument of Fort Apache being a better home for the Coyoteros than San Carlos, as a “weak echo” of the military.⁴⁹

45. Smith to Clum, Aug. 14, 1875, *ibid.*

46. Morford to Smith, Aug. 12, 1875, I. O., M 682.

Clum's refusal to transfer the Indians would indicate that he actually had received the commissioner's earlier instructions regarding Morford's appointment. For instructions, see, Smith to Clum, July 2, 1875, *L. B.* no. 124, p. 537.

47. Smith to Morford, Aug. 30, 1875, *ibid.*, p. 218. Both of the agents were to execute the order “faithfully in spirit as well as in letter.”

48. Morford to Smith, Aug. 19, 1875, I. O., (n. f.); Clum to Smith, Aug. 23, 1875, I. O., C 1049; Morford to Ingalls, Oct. 12, 1875, *I. D.*

Clum reported that two hundred Coyoteros were allowed to return to Camp Apache to gather corn. *Arizona Citizen*, Oct. 2, 1875.

49. E. C. Kemble to Smith, Jan. 18, 1876, I. F., 719.

Clum also received strong support from the *Arizona Citizen*. No doubt his belief that removal would divert the Indian trade from New Mexico to Arizona, “where it properly belongs,” was the deciding factor in his gaining this aid. Clum to Comm., Sept. 1, 1875, *op. cit.*, p. 218. In addition to publishing his news reports, the paper

The military, of course, seized the opportunity to aid Morford, hoping thereby to undo Clum's work by preventing the completion of his removal plans. They advanced arguments to show that his success was merely the fruition of their own early efforts and that their help would be necessary to continue it, but that after all, no harmony could be expected unless the department of the interior sent out an agent of a more docile type. Moreover, the new department commander insisted that a continuation of the concentration plan would necessitate the building of an expensive four-company post at San Carlos if control were to be retained over so many diverse hands.⁵⁰ In this view he was supported by General Schofield, who now said that, although he had formerly been in favor of civil control, the present predicament convinced him that the Indian bureau should be turned over to the department of war so the purer service of the military could eliminate the graft of the civil officers. While he was willing to carry out the peace policy, he declared his troops would not be allowed to war against "peaceable Indians upon the demand of an Indian Agent."⁵¹

In the meantime, Agent Morford conducted his pseudo-agency on an independent basis with aid and supplies furnished by the military. Evidently everything worked to his ends, for the chiefs, representing 1,003 Coyoteros, soon informed him that they would make their bands self-sufficient within six years if allowed to remain where they were. Fortified with this proposal, he informed the commissioner the agency should be rebuilt at Camp Apache to avoid the desperate resistance sure to follow any attempt at removal.⁵²

50. Gen. August V. Kautz to A. A. G., Aug. 31, 1875, 44 Cong., 1 sess., *H. E. D.* no. 1, vol. ii, p. 133; Kautz to A. A. G., (n. d.), A. G. O., 1834. Kautz had assumed command on Mar. 22, 1875, when Crook was transferred to the department of the Platte.

51. Schofield to A. G., Sept. 20, 1875, 44 Cong., 1 sess., *H. E. D.* no. 1, vol. ii, p. 122; Schofield to A. G., Jan. 5, 1875, A. G. O., 304.

52. Morford to Smith, Sept. 6, 1875, I. O., M. 768.

began to carry praiseworthy articles about his administrative policies. The editor also wrote the commissioner numerous personal letters in his support. Wasson to Smith, Aug. 12, 1875, I. O., W 1426; Wasson to Smith, Aug. 26, 1875, I. O., (n. f.). See also, Smith to Gov. Safford, Oct. 18, 1875, in *Arizona Citizen*, Oct. 30, 1875.

The commissioner, however, detected the intrigue and wired him immediately, that a continuance of his perversity would necessitate the abolition of his office.⁵³ But Morford now hewed to the letter of his orders and asked for military aid to remove the 1,400 Coyoters who he thought would not go in peace; this, as expected, the military refused to furnish.⁵⁴ Within a short time, when it became obvious that the agent was resisting removal to keep his son in as his chief clerk and to get his daughter appointed as teacher, the department of the interior acted, and by order of the president, the Camp Apache Agency was discontinued, and the Indians placed in charge of the San Carlos agent.⁵⁵

Nevertheless, Morford was not done. In an apologetic letter he explained how his troubles had largely resulted from a confusion of instructions; and also, how easily the Indians could be removed to San Carlos if they were allowed to remain at Camp Apache until cold weather made them "tractable as lambs." More important, Morford had political influence. This was soon shown when the commissioner not only informed him his letters explained everything, but also appointed him as agent to fill a vacancy at the Colorado River Reservation.⁵⁶

During this time there had been other developments of note. In September, Agent Clum in reply to a questionnaire which really suggested the answer, boldly stated to the board of Indian commissioners that an Indian police force entirely superseded the necessity of the military on a reservation.⁵⁷ Naturally, General Kautz was moved to action by this show of hostility emanating from men in high positions of honor and trust. He knew that the Clum-Morford fight had left the

53. Smith to Morford, Sept. 7, 1875, *L. B.* no. 126, p. 277.

54. Morford to Ogilby, Sept. 10, 1875, *I. O.*, M 83; Ogilby to Morford, Sept. 11, 1875, *ibid.*

55. Morford to Smith, Sept. 16, 1875, *I. O.*, M 853; Acting Secty. to Comm., Sept. 22, 1875, *I. O.*, I 1251.

56. Morford to Smith, Oct. 2, 1875, *I. O.*, M 948; Smith to Morford, (n. d.), *L. B.* no. 126, p. 524. The commissioner deleted the "Morford Affair" from Clum's annual report for 1875. See *R. C. I. A.*, 1875, p. 218.

57. Clum to Bd. of Ind. Comms., Sept. 18, 1875, *R. B. I. C.*, 1875, p. 95.

Indians throughout the reservation more insubordinate and unsettled than at any time since Clum took charge; therefore, he seized the opportunity to ask the agent if he wished the troops removed from San Carlos. If Clum refused, he would open himself to ridicule; if he agreed, the general hoped that subsequent events would require the recall of the troops and thereby prove the inefficacy of civil control. But the troops were removed on October 27 at the agent's request, and thus for the first time he had an opportunity to conduct a program of purely civil control at his main agency.⁵⁸

This concession, however, did not apply to the Camp Apache Reservation from which several hundred Indians were yet to be removed. Clum knew that as long as Kautz retained the forty Indian scouts in his service, it would be impossible to remove at least two hundred other Indians who were members of their families. He therefore requested Kautz to discharge them. In refusing to comply, Kautz expressed his fear that the agent would soon lose control of the Indians, whereupon, the military would again need the services of the scouts. Kautz also told Clum that the retention of the scouts would not prevent a complete removal of the others if they were "not opposed to removal" and that if five-sixths of them were already removed, as reported, then the removal was practically effected. But he agreed to discharge certain chiefs who might facilitate the work.⁵⁹

When Clum went to Camp Apache a few days later to close the agency, he made no especial efforts to bring the remaining Coyoteros to the Gila, but he reported that they had sold their crops and were returning to San Carlos.⁶⁰

This visit evidently convinced Kautz that Clum was

58. Lt. G. S. Anderson to Clum, Oct. 9, 1875, *I. F.*, 1660; Clum to Kautz, Oct. 9, 1875, *ibid.*

Clum's bitter letter (Clum to Editor, Sept. 1, 1875, in *Arizona Citizen*, Sept. 18, 1875) against the military also influenced Kautz to make the concession. Kautz to Babcock, Oct. 20, 1875, *op. cit.*

59. Clum to Kautz, Oct. 9, 1875, *I. F.*, 1660; A. A. G. to Clum, Oct. 19, 1875, *I. F.*, 713.

60. Clum to Smith, Oct. 16, 1875, *I. O.*, (n. f.).

about to be successful, for he again took up the cause against removal, this time directly to President Grant. Informing General Babcock, the president's secretary, that he anticipated trouble "if the present Indian Policy is carried out," he struck at the commissioner's action in breaking Howard's promise as "not accidental but premeditated." Concentration, he believed, was unwise in a thinly populated region like the Southwest, but if persisted in, it should take place in the isolated White Mountain country instead of the valuable and accessible region near San Carlos which he felt would soon be encroached upon by miners and settlers. When this should occur, he predicted it would necessitate the presence of several companies to preserve peace, as well as the maintenance of posts at Verde, Apache and Grant to command "the country to which the discontented Indians will flee." Furthermore, he was sure that Tucson and California contractors were engineering the removal because they found it impossible to compete with New Mexican contractors in supplying Camp Apache. Not half of the Indians had actually been removed, he said, and none wished to live at San Carlos, except one band that wished to be near their kinsmen, the troublesome Chiricahuas. Basing his final conclusion on the crops the Coyotereros had raised at Camp Apache during the summer, he predicted they would soon be self-sustaining if allowed to remain.⁶¹ No official instructions came back to him, but it is very probable that his communications aroused enough sympathy in high circles to prevent the consummation of a complete removal.

The Indian Bureau, still convinced that military opposition was the sole cause for the Indians' failure to remove, now sent Inspector Kemble to investigate. He reached Camp Apache the last of November, just a short time after the scout company had been re-enlisted. A careful check of the seven bands revealed that although 881 Indians had not removed, a considerable number were on their way to San

61. Kautz to Babcock, Oct. 20, 1875, *op. cit.* Kautz sent a similar report to division headquarters. Kautz to A. A. G., Oct. 20, 1875, A. G. O., 5770.

Carlos. All the others would go, he believed, if the military did not interfere, with the exception of nearly three hundred, who would never remove until the scouts were dismissed. The imprudence of Clum and the schemes of the army officers at Fort Apache, he maintained, had produced a civil-military *impasse* that would have to be settled at Washington.⁶²

It was evident by this time that the civil-military conflict had greatly retarded the agent's civilization program; yet, despite impediments, substantial improvement had been made. To civilize Indians, Clum felt they should do regular work, engage in agriculture and help to enforce their own discipline. Fortunately, his building program, the necessity of clearing new land, preparing it for irrigation, and the digging of the required ditches, furnished a vast amount of work, and this gave him an opportunity to provide his Indians with an incentive to work. He paid them fifty cents a day in script of different denominations, redeemable at the agency in annuity goods. As the Indians received much greater quantities of goods than could be bought at the Indian trader's store at the same cost, Clum usually had more Indians willing to work than he could employ.⁶³

The Indian work in agriculture was especially satisfactory during the year, although the agent failed to increase the amount of land under cultivation over that of 1874. But a virtual increase resulted, for after two hundred acres of early crops were harvested, one hundred and seventy-five acres of corn were planted as a second crop. Disalin and Eskiminzin took their bands to spots somewhat removed from the agency, cleared and irrigated new land, and began farming on a private basis with commendable success. In his annual report the commissioner enthusiastically reported that the San Carlos Indians had harvested 625 bushels of

62. Kemble to Smith, Dec. 1, 1875, Jan. 3, 5, 7, 1876, *I. F.*, 713.

When the Indians came to San Carlos and in exactly what numbers, remains indefinite. After the chiefs were dismissed, Clum said "the Indians were gradually brought to San Carlos." (Clum to Comm., Oct. (?), 1876, *R. C. I. A.*, p. 10.). The *Arizona Citizen*, Feb. 12, 1876, reported that 1600 were removed.

63. Clum to Comm., Sept. 1, 1875, *R. C. I. A.*, 1875, p. 220.

wheat, 2,000 bushels of corn, 625 bushels of barley and 9,200 bushels of potatoes. As the agency paid cash for much of the grain raised, many of the Indians became eager for small individual farms.⁶⁴

Clum's greatest success during the same period was in the field of order and discipline, and his ability to maintain and enforce these was, no doubt, the most important factor in his success as an Indian agent. Believing that Indians should be "compelled to control themselves" through their own officers, he appointed a small police force at the time of his arrival. Later, when the Verdes were brought to San Carlos, he increased his force to eight, and when the Indians at Camp Apache were placed in his charge, he increased the number of twenty-five. Armed with the latest type Springfield needle guns, they effectually maintained order among the bands, enforced prohibition, arrested white intruders and upheld the authority of the agent. Much of their success was due to their captain, Clay Beauford, who had seen several years experience as scout and guide in the Indian country. Clum believed that in return for subsistence and protection his Indians should readily submit to regulations that were "neither numerous nor unreasonable." This view was soon law on the reservation, and from then on every symptom of insubordination was "speedily controlled and suppressed." When he encountered the opposition of the military, he asked for the removal of the troops, insisting that the effectiveness of his policy guaranteed the safety of the reservation. Even after the troops had been removed and special emergencies had required the appointment of additional temporary police, he still insisted his police were superior to the troops as disciplinarians. Evidently he was correct, for nearly all visitors and travellers to San Carlos reported the law and order of the reservation fully equal to that found in any civilized community on the frontier.⁶⁵

64. Clum to Comm., Sept. 1, 1875, *op. cit.*, p. 218; Smith to Secty., Nov. 1, 1875, *R. C. I. A.*, 1875, p. 187.

65. *Arizona Citizen*, June 26, 1875; Clum to Smith, July 31, 1875, *I. D.*, Clum to Comm., Sept. 1, 1875, *R. C. I. A.*, 1875, p. 215. See also, John P. Clum, "Victorio," in

When Inspector Kemble visited the reserve in December, 1875, he was amazed by the cheerfulness, obedience and satisfaction evident among the bands. To him this was not only a complete vindication of Clum's administration but also a sound example of the constructive nature of the peace policy. A bit of criticism could not be avoided, however, for Clum at times had assumed authority at the expense of the more orthodox methods. Some of his disbursements were unauthorized, and he had paid a teacher who only nominally fulfilled the office. There were inaccurate records as well as deficiencies in certain supplies. The inspector also regretted that Clum had sought the press. Nevertheless, he recommended strong moral and financial support to prevent the agent from resigning.⁶⁶

For several months after the winter inspection the even course of events at San Carlos was characterized by the agent as a period of "peace and good fellowship."⁶⁷ No difficulties developed, and the Indians continued to work industriously. They were greatly encouraged in January by the distribution of 4,000 sheep which the commissioner hoped would tend to check their nomadism.⁶⁸

Near the end of February, the agent again tested his police when he sent fifteen of them under Captain Beauford to run down a band of renegades in the Tonto Basin. Their success was complete, and after killing sixteen, they returned with twenty-two captives.⁶⁹

Regardless of the success of his administration, Clum

66. Kemble to Smith, Jan. 5, 1876, *I. F.*, 713.

The agent's brother, G. A. Clum, conducted a school for a few weeks during the summer. Clum to Smith, Oct. 1, 1875, *I. O.*, C 1333; G. A. Clum, "Our Advent into the Great Southwest," *Arizona Historical Review*, Oct. 1929, pp. 83-84.

67. Clum, *Apache Agent*, p. 170.

68. Clum to Comm., Oct. (?), 1876, *R. C. I. A.*, 1876, p. 12.

69. Clum to Comm., Mar. 18, 1876, *I. O.*, C 247.

N. Mex. Hist. Rev., iv (Apr., 1929), 114; Clum, "The San Carlos Apache Police," *ibid.*, iv (July, 1929), 203-210; H. E. Dunlap, "Clay Beauford-Welford C. Bridwell," *Ariz. Hist. Rev.*, Oct., 1930, p. 14 *et seq.*

The reliability of the police was put to a severe test in December when Chief Disalin tried to kill the whites at the agency. The police did their duty without orders, and Disalin fell dead pierced by several bullets, some of them fired by Taulclyse, his brother. Clum to Kemble, Dec. 21, 1875, *I. F.*, 720.

was still disheartened over the Morford affair. He also feared that the "injudicious economy" of the Bureau threatened his future work. Thus, somewhat disgruntled, he resigned on February 26, and a month later the commissioner decided to release him as soon as a successor could be named.⁷⁰ But a sudden outbreak of the Chiricahuas disrupted the plans, and instead of being relieved Clum was asked to remove the tribe to San Carlos. It will therefore be necessary to review the Chiricahuan affairs during the year preceding the outbreak.

During 1874 the Chiricahuas had remained peaceable, but they had made little progress towards civilization. Nevertheless, Inspector Daniels preferred Jeffords' loose civil control to the military management he had witnessed elsewhere.⁷¹ Jeffords in dealing with Indians was essentially a realist, and as such he refrained from any innovations that might drive his suspicious charges from their reserve. He maintained order with his personal influence, but reliance was also placed on a small police force whose personnel he frequently changed. By this scheme he attempted to avoid the development of factions.⁷² His Indians were allowed to keep their arms and ponies, and they enjoyed perfect liberty to go where they wished. The counts were as irregular as the issues were unsystematic, for the clerk, convinced that he knew every face and the number in each family, dealt out rations "with a rapidity and a power of ready reckoning that surpassed the lightning calculator."⁷³

Visitors from other reserves were a great source of worry to the agent, and on the average he rationed two hundred of them per month. This was done in an attempt to prevent them from leading his young men away on raids. Frequently, however, the visitors merely passed through the reserve with their plunder, but in any case all the depredations were attributed to the Chiricahuas. Although the worst

70. Secty. of Interior to Comm., Mar. 18, 1876, I. O., I 278; Clum to Comm., Mar. 25, 1876, I. O., C 335.

71. Cf. *supra*, p. 204, *et seq.*

72. Jeffords to Bd. of Ind. Comms., Sept. 11, 1875, R. B. I. C., 1875, p. 93.

73. Kemble to Smith, Dec. 30, 1875, I. F., 718.

offenders came from the Warm Springs Reservation, the Coyoterios from San Carlos also caused complications. In fact, after their removal from Fort Apache, over two hundred were reported in the vicinity of Fort Bowie. These visitors frequently had passes "to gather their crops" but many of them claimed they could not live at San Carlos because of feuds among the bands. Their visitations continued until December, when a series of tiswin fights resulted in the death of a prominent Chiricahua. After this the vengeance of the aggrieved tribe acted as a powerful deterrent against the use of their reservation as a refuge for the disaffected ones.⁷⁴

That raiding into Mexico was greatly diminished during 1875 is shown by the paucity of complaints from Mexican officials. Some raiding went on, however, but most of it was doubtless done by Indians other than the Chiricahuas. One G. H. Howard, who travelled through Sonora in April, reported that the constant raids had so alarmed the citizens that they had abandoned many of their mines and much of their agricultural land. As he left Sonora, he followed the outgoing trail of a band of forty raiders almost to the Chiricahua agency.⁷⁵

H. C. Hodge, an important observer of the time, after visiting the Chiricahuas, also reported numerous raids, but he concluded that the raiders consisted of portions of the Chiricahua bands that made Mexico their home. He believed that they frequently escaped danger by fleeing to the Chiricahua Reservation where they sold and traded their stolen property to Jeffords' Indians.⁷⁶

In July, the prefect of Magdalena charged that a large number of mules had been taken to the Chiricahua Reservation. Jeffords failed to locate them and attributed this and other thefts to visiting Indians. But he admitted that he had some men who could not be held in check and who joined the

74. Jeffords to Comm., Aug. 21, 1875, *R. C. I. A.*, 1875, p. 711; Kautz to Babcock, Oct. 20, 1875, *op. cit.*; Jeffords to Comm., Oct. 3, 1876, *R. C. I. A.*, 1876, p. 407.

75. Howard to Wasson, April 29, 1875, in *Arizona Citizen*, May 8, 1875.

76. Hodge to Wasson, May 10, 1875; *Arizona Citizen*, May 22, 1875.

raiders. General Kautz tersely insisted that most of the raiders were Chiricahuas who raided undetected because of Jeffords' imperfect counts. He believed that a rigid system of counting would end the devastations.⁷⁷

Jeffords might have inaugurated a more rigid system of control, but after Cochise's death he could find no Indian with sufficient leadership to be of much help. Without such aid, he believed any attempt at rigidity would be followed by an outbreak in which the frontier would be ravished. Nevertheless, he exerted himself strenuously to help the Indians while he protected the interests of the whites. His success in restoring stolen animals to their rightful owners won the acclaim of the citizens; moreover, it acted as an effective check against the Indians bartering in them. But a new problem arose: a great many freighting and immigrant parties passed through the Apache Pass, which was within easy access of the agency at Pinery Canyon, and here the more restless bucks soon learned that the travellers were only too willing to trade whiskey for horses. Jeffords perceived at once that the trade would have to be checked if raids on both American and Mexican ranches were to be prevented. He, therefore, asked permission to move his agency to Apache Pass where he could exercise proper surveillance.⁷⁸

Commissioner Smith, however, was now fully convinced that the Chiricahuas should be removed to Hot Springs where their management would be more economical and "vastly simplified."⁷⁹

He accordingly directed Superintendent Dudley to gain

77. Placido R. Aragon to Gov. of Ariz., July 27, 1875, *Arizona Citizen*, Aug. 21, 1875; Jeffords to Comm., Aug. 21, 1875, *op. cit.*, p. 712; Kautz to A. A. G., Aug. 31, 1875, *op. cit.*, p. 132.

78. Jeffords to Smith, Jan. 2, 1875, I. O., J 89; *Arizona Citizen*, Jan. 16, Mar. 6, 1875; Jeffords to Bd. Ind. Comms., Nov. 27, 1875, *R. B. I. C.*, 1875, p. 103.

79. Smith to Delano, Nov. 1, 1874, 43 Cong. 2 sess., *H. E. D. no. 1*, vol. 1, p. 62. No doubt he was partly influenced to make this decision by Delegate Elkins, Governor Giddings and Superintendent Dudley of New Mexico. These politicians worked for this removal in order to benefit New Mexican contractors. See, Dudley to Elkins, April 14, 1874, I. O., E 50; Giddings to Dudley, April 14, 1874, I. O., D 425; Smith to Dudley, April 15, 1874, *L. B.* no. 118, p. 43.

their consent.⁸⁰ Dudley counseled with them on April 16, and again the Indians threatened war if molested. The commissioner then relented and allowed Jeffords to establish himself at Apache Pass.⁸¹ Apparently this move solved the difficulty, for the Indians committed no outrages during the summer. They remained obedient and well behaved, but they made no advance towards civilization. In fact, their inferiority in the arts prevented the agent from sending any collection to the Centennial Committee. When Inspector Kemble made his winter visit, he saw little hope for their progress as long as they remained under Jeffords' control. A different agent, he believed, might disarm and prepare them for removal to a better place.⁸²

Up to this time, Jeffords had kept his Indians well rationed, but so many visitors had drawn from his supplies that he faced a shortage. Besides, the Bureau had cut his beef quota from 889,000 pounds to 650,000 pounds.⁸³ In February the beef supply became so scanty that he allowed some of his bands to move to the Dragoon Mountains to hunt for game. Within a short time a quarrel arose among them resulting in the killing of three Indians, one of whom was a grandson of Cochise. Chief Tahzay returned immediately to the agency with most of the Indians, but Skinyea, with twelve men and their families remained in the Dragoons.⁸⁴

In March, a few men from this party joined some Coyoters on a raid into Sonora and returned with \$100 in precious metals. Soon they obtained whiskey from one Rogers who owned a trading post on the reservation, and Pionsenay, a brother of Skinyea, while inebriated, killed his two sisters. A few days later he did penance by killing Rogers and a cook named Spence. When other restless bucks joined with him, a series of devastations followed in the San Pedro

80. Smith to Dudley, Dec. 19, 1874, *L. B.* no. 122, p. 106.

81. Jeffords to Comm., Aug. 21, 1875, *op. cit.*

82. Jeffords to Comm., Dec. 17, 1875, *I. O.*, J. 1; Kemble to Smith, Dec. 30, 1875, *I. F.* 718.

83. Jeffords to Smith, Jan. 19, 1876, *I. O.*, J 122.

84. M. J. O'Brien to Safford, April 21, 1876, *I. O.*, M 297; Jeffords to Smith, April 27, 1876, *I. O.*, J 476.

Valley, culminating in the murder of two prominent ranchmen.⁸⁵ These events frightened all the Chiricahuas and a general outbreak was threatened, especially when troops from Fort Bowie pursued the marauders into the San José Mountains. Jeffords and Tahzay, however, by assuring the bands that no punitive action was intended against peaceable Indians, quieted them sufficiently to prevent a catastrophe. During the next month the innocent Indians under Skinnyea were allowed to come in while Pionsenay, undisturbed by the military, was allowed to move nearer the agency into the Chiricahua Mountains.⁸⁶

In the meantime, events moved rapidly elsewhere, for Governor Safford and the *Arizona Citizen* had already begun a terrible tirade against Jeffords and the Chiricahuas.⁸⁷

Safford, on April 19 wired John Wasson at Washington that the reserve should be abandoned and the Indians moved to San Carlos or Hot Springs and that no one but Agent Clum had the "nerve, ability and confidence to do it."⁸⁸ Washington officials were evidently alarmed over the situation, for the next day Congress provided funds for the removal. On May 3, Clum was ordered to suspend Jeffords, and if "practicable" to remove the Chiricahuas to San Carlos.⁸⁹ He refused to act, however, until a sufficient military force was in the field for any emergency. After a delay of three weeks in which pressure was placed on the war department, General Kautz personally moved into the field with twelve companies of cavalry and two of Indian scouts.⁹⁰

85. Jeffords to Smith, May 12, 1876, I. O., J 524.

86. Jeffords to Comm., Oct. 3, 1876, R. C. I. A., 1876, pp. 407-408.

87. "... the kind of war needed for the Chiricahua Apaches, is steady unrelenting, hopeless, and indiscriminating war, slaying men, women and children, . . . until every valley and crest and crag and fastness shall send to high heaven the grateful incense of festering and rotting Chiricahuas." *Arizona Citizen*, April 15, 1876. See also issues of May 20, 1876, and Mar. 24, 1877.

88. Safford to Wasson, April 19, 1876, I. O., W 467. Clum had already talked to Safford and offered the services of 235 San Carlos special police. Clum to Safford, April 14, 1876, I. O., C 388.

89. Smith to Clum, May 3, 1876, L. B. no. 133, p. 92.

90. Safford to Smith, May 6, 1876, I. O., S 351; Sherman to Schofield, May 22, 1876, I. O., W 571; Kautz to Secty. of War, Sept. 15, 1876, 44 Cong., 2 sess., H. E. D. no. 1, vol. ii, p. 98.

At Clum's request he agreed to move his force near the reservation.⁹¹ When the troops and Clum with his body-guard of fifty-four Indian police approached the reserve on June 4, the Chiricahuas realized that a crisis had arrived in their affairs. That night a council was held to decide the question of war or peace. Skinyea and Pionsenay were unable to prevail against the peaceable counsels of Tahzay and his brother Nachee, and a purge of the war leaders followed in which Skinyea and five of his leading men were killed.⁹²

The next day when Clum reached the agency, the chiefs and headmen readily consented to removal. Another closely related band reputed to belong in Mexico, and led by Geronimo, Juh and Nolgee, also wanted to be included in the removal. Clum agreed, and gave the chiefs three days in which to collect their followers. But the astute chiefs merely wanted time to effect their escape. They therefore fled headlong with their bands across the border into the Sierra Madre, safely eluding the strong force of cavalry that pursued them.⁹³

On June 12, three hundred and twenty-five Chiricahuas were started to San Carlos, where they arrived and were safely located six days later. Thus, in Clum's over-sanguine words: "The terrible shade of that tribe's dreaded name had passed away, and the imaginary army of four or five hundred formidable warriors had dwindled to the modest number of sixty half-armed and less clothed savages."⁹⁴

91. Clum to Kautz, June 8, 1876, I. O., C 540.

92. Jeffords to Smith, June 5, 1876, I. O., J 587. Pionsenay, though seriously wounded, escaped. He was arrested four days later, but shortly after Clum turned him over to the territorial officers, he again escaped. For this and other details, see, Clum, "Geronimo," *N. Mex. Hist. Rev.*, iii (Jan., 1928), pp. 8 *et seq.*

93. Jeffords to Comm., Oct. 3, 1876, *op. cit.*

94. Clum to Comm., Oct. (?), 1876, *op. cit.*, p. 10.

The number that evaded removal was never satisfactorily determined. Clum thought that about one hundred went to Sonora and Hot Springs. Clum to Comm., Oct. (?), 1876, *op. cit.* Jeffords, however, insisted that 140 went to Hot Springs and that 400 continued to roam at large. Jeffords to Comm., Oct. 3, 1876, *op. cit.* General Kautz believed that Jeffords overestimated the number to protect himself from charges of graft in rationing. He also thought that the Indians refused exact counts to appear more formidable by an exaggeration of their numbers. Kautz to A. A. G., June 30,

The supervision of the Chiricahua Reservation was transferred to General Kautz on June 13, with the request that he treat as hostile any Indians found thereon.⁹⁵ No devastations occurred for a month, but on July 14, the murder of two miners near Forth Bowie brought orders for the troops to run the murderers down.⁹⁶ Although they frequently found trails that led towards Mexico, they accomplished nothing. Within two months the toll had mounted to twenty persons killed and over one hundred animals stolen. In contrast to the impotent Arizona troops, those in New Mexico trailed a band of Arizona marauders into the Florida Mountains, fought them there, and killed twenty bucks.⁹⁷ This inflamed the territorial officers against Kautz, and despite the fact that he established a new post in the troubled region,⁹⁸ they attributed the continued devastations to his inactivity. Safford asked the secretary of war for five hundred guns and threatened to call out the militia.⁹⁹

The threat of competition stirred Kautz into action again, and he ordered Captain T. C. Tupper with a command of fifty cavalrymen, and a company of Indian scouts to scour the region. After an extended search the captain reported the area the "safest country against Indians that he had ever scouted through."¹⁰⁰ Kautz now attributed the killings to renegade whites from Mexico and suggested that prominent Arizonians exaggerated the disorders so more soldiers would be sent to the region.¹⁰¹ But when it was suggested

95. *R. C. I. A.*, 1876, p. 396. The reservation was abolished, Oct. 30, 1876. *Executive Orders Relating to Indian Reservations*, p. 6.

96. Kautz to A. A. G., Sept. 15, 1876, *op. cit.* Officers were to disregard all boundary lines.

97. *Arizona Citizen*, Sept. 23, Oct. 7, 1876.

98. Camp Thomas was established Aug. 12, 1876, near the present Fort Thomas, Arizona. Barnes, *Arizona Place Names*, p. 442.

99. Safford to Kautz, Sept. 25, 1876, in *Arizona Citizen*, Sept. 30, 1876.

100. Kautz to A. A. G., Aug. 15, 1877, 45 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 134.

101. A caustic battle was waged in the newspapers between Kautz and Safford in the spring of 1877. See their letters in *Arizona Citizen*, Feb. 14, and Mar. 17, 1877. Also, in *Arizona Miner*, Mar. 9, 1877.

1876, A. G. O., 4028. During 1877, Safford charged that 200 were not removed because of Kautz's negligence. Safford in *Arizona Citizen*, Feb. 17, 1877.

that a change of commanders would bring results, Kautz decided that recent thefts near Old Camp Crittenden were real, and a vigorous scout under Lieutenant J. A. Rucker followed. Rucker's command of fifty-two men and thirty-four Indian scouts pursued the marauders' trail 230 miles east into the Liedendorf Mountains of New Mexico. Here, in a surprise attack on a sixteen-lodge village, they killed ten hostiles and captured the Indians' property consisting of forty-six horses and a large amount of supplies that had come from the Chiricahua Reservation. The lieutenant reported the region overrun with hostiles.¹⁰²

Kautz now decided that the Chiricahuas were at large in greater numbers than he at first supposed, and that they were probably being reinforced by restless bucks from the Hot Springs Reservation. When Dr. Whitney, the acting agent at Ojo Caliente, confirmed this view, Lieutenant Austin Henely was sent to the Rio Grande to investigate.¹⁰³

In the meantime, Arizona suffered a "reign of terror." During the first half of February, fifteen men were killed and over one hundred animals were stolen in the Sonoita region alone.¹⁰⁴ Troops dispatched to the scene from Forts Apache and Bowie merely caused most of the hostiles to melt away untouched into Sonora. One band, however, was intercepted by Lieutenant Rucker and pushed into New Mexico, but despite the fact they made straight for Ojo Caliente, he failed to overtake them.¹⁰⁵

Naturally, such results further inflamed the already seething citizens against the military, and Governor Safford, reflecting this attitude, wrote a scathing denunciation of Kautz's tactics, charging that a continuation of his methods would require the services of the entire army for the next twenty years to reduce the marauders.¹⁰⁶ Opposition

102. Rucker to P. A., Jan. 14, 1877, A. G. O., 1005. A nephew of Geronimo was captured.

103. Kautz to A. A. G., Aug. 15, *op. cit.*, p. 135.

104. *Arizona Citizen*, Feb. 10, 17, 1877.

105. Rucker to P. A., Mar. 11, 1877, A. G. O. (n. f.).

106. Safford to editor, Mar. 17, 1877, in *Arizona Citizen*, Mar. 24, 1877. Kautz expressed himself in the *Arizona Miner*, see issue of Mar. 9, 1877. Kautz was con-

against Kautz also took a more direct form when, on February 8, the legislature at the governor's request, appropriated \$10,000 to put a company of friendly Indian scouts into the field¹⁰⁷ to be armed with rifles made available by order of the secretary of war.¹⁰⁸ By the last of February, Captain Beauford with a command of forty-five scouts equipped to stay in the field for two months, was out on the hunt of the hostiles.¹⁰⁹

It was evident by this time that a great deal of the troubles in Arizona was due to causes emanating from the Hot Springs Reservation on the Rio Grande. Indeed, little except failure had resulted since its reestablishment as a reserve three years before.¹¹⁰ The change appears to have satisfied the Indians, but even though the agent received strong military support from Fort McRae,¹¹¹ his reports for 1875, were pessimistic in tone. In language laudatory to his efforts, he explained that as long as his charges received plentiful rations they remained peaceable more from "self-interest" than from any moral changes. Only a few, he said, could be induced to farm and ditch, and he predicted the introduction of a regular system of labor would have to be very gradual. In the case of liquor sellers and intruders he found his control threatened at every hand, but he cautioned the commissioner that his charges were too wild for the creation of a police force.¹¹²

Even with these hazards the agent had no trouble during the winter of 1875-1876. Early the next spring, however, he suddenly reported that a shortage of rations endangered the peace of the region, and for that reason he requested permission to exchange his surplus sugar for extra flour and

107. *Arizona Citizen*, Feb. 10, 1877.

108. *Arizona Citizen*, Feb. 24, 1877.

109. *Ibid.* See *N. Mex. Hist. Rev.*, iii (Jan., 1928), 12-26. The command accomplished nothing. *Arizona Citizen*, June 16, 1877.

110. *Cf. supra*, p. 207.

111. Special Orders no. 117, Nov. 11, 1875, A. G. O., 4145.

112. J. M. Shaw to Smith, Sept. 1, 1875, *R. C. I. A.*, 1875, p. 836; Shaw to Bd. Ind. Comms., Sept. 30, 1875, *R. B. I. C.*, 1875, p. 96.

vinced Safford was connected with Tucson contractors who wanted more troops to feed. Kautz to A. A. G., Aug. 15, 1877, *op. cit.*, pp. 138-140.

beef held by the military. The commissioner refused to authorize such an irregular procedure, insinuating in his refusal, that a new agent might be needed unless greater economy was effected. Shaw immediately enlisted the aid of Stephen B. Elkins, territorial delegate from New Mexico, who appears to have used his influence in getting a sufficiency of supplies for the reserve.¹¹³

Nevertheless, some Indians did go out on raids, but when a force of cavalry was placed west of the reserve a general exodus was prevented. Even then the visiting with the Chiricahuas was kept up, and a number of young insubordinate Chiricahuas that came to Hot Springs to make their permanent homes greatly increased the discipline problem of the agent.¹¹⁴

In order to ascertain the exact condition of affairs at Hot Springs, Inspector Kemble scrutinized the agency in May. The deplorable condition of affairs was reflected in the outright graft that existed in the issuance of supplies. Where only 330 Indians had been rationed just before Shaw took charge, 1,150-1,300 were now supposed to receive subsistence. The agent had neither counts nor issue tickets, but he sent in grossly exaggerated false returns, and only one-fourth of the hay issued was consumed by the animals at the agency. The fact that government blankets could be found in every home along the Rio Grande supported the report that surplus supplies were exchanged for whiskey at Cañada Alamosa. Kemble believed that the 600-700 Indians actually on the reservation were masters of the agent, controlling his issues at their pleasure. For these reasons he suggested the immediate removal of Shaw if a bloody outbreak were to be avoided.¹¹⁵

Despite the unfavorable outlook, the vigorous activity of the New Mexican troops in connection with the Chiricahua outbreak prevented the Southern Apaches from exten-

113. For correspondence, see, 44 Cong., 1 sess., *S. M. D.* no. 91.

114. Shaw to Comm., Sept. 1, 1876, *R. C. I. A.*, 1876, p. 516.

115. Kemble to Comm., May 17, 1876, *I. F.*, 733.

sive maraudering. Nevertheless, twenty animals were stolen at the Clifton mines on one raid. The situation looked much worse, however, when about one hundred Chiricahuas under Chief Gordo at the time their reserve was abolished took refuge at Hot Springs.¹¹⁶ On August 10, James Davis replaced Shaw as agent. Davis appears to have been a constructive agent, and he worked hard during his short term to improve his charges' condition. He assured them a more adequate food supply by replacing the issues of beef on hoof which they usually bartered away, with beef on the block. He also cut off their supply of corn, and thus reduced the source of their whiskey. By the time Lieutenant Henely reached the reservation on March 17, Davis had induced some of them to start farming and ditching.¹¹⁷

Lieutenant Henely arrived none too soon, however, for he not only learned that the Warm Springs Indians were joining the renegade Chiricahuas on their raids, but also that many of the renegade Chiricahuas were using Hot Springs as a rendezvous for rest and rations. He was quite surprised to find that Geronimo who had just returned with one hundred stolen horses "was very indignant because he could not draw rations for the time he was out."¹¹⁸ No time was lost in making a decision, for the department of the interior was thoroughly aroused over its failure to solve the Chiricahua-Southern Apache problem. On March 20 the commissioner wired Agent Clum to arrest and hold the renegades on charges of murder and robbery. He was to remove them to San Carlos, and his police force was to aid in the undertaking.¹¹⁹

Clum hesitated for a short time, sent in his resignation, and then proceeded with plans for removal.¹²⁰ Governor Saf-

116. Gen. Hatch to A. A. G., July 14, 1876; *I. D.*; Kautz to A. A. G., Sept. 15, 1876, *op. cit.*, p. 99.

117. Davis to Comm., Aug. 10, 1877, 45 Cong., 2 sess., *H. E. D.* no. 1, vol. viii, p. 588.

118. Safford to Comm., Mar. 18, 1877, *I. O.*, A 131; Kautz to A. A. G., Aug. 15, 1877, *op. cit.*, p. 135.

119. Smith to Clum, Mar. 20, 1877, *L. B.* no. 132, p. 553. J. Q. Smith had recently replaced Edward P. Smith as commissioner.

120. Clum, *The Truth about the Apaches*, p. 28 *et seq.*

ford returned the Indian police to agency service, but General Kautz avoided coöperation, pointing out that the Indians were in the District of New Mexico.¹²¹ General John Pope, commanding the Division of the Missouri, ordered General Edward Hatch to render full aid, and nine companies of troops were ordered to Hot Springs.¹²²

Without delay, Clum with forty additional police joined Captain Beauford's scouts at Silver City, and the combined force of over one hundred men set out for the Rio Grande. A march of four hundred miles brought the command on April 20 to an obscure point within striking distance of the reservation. Learning that Geronimo and his followers were encamped near the agency, Clum took twenty-two scouts and moved into Ojo Caliente to reconnoitre. Here he learned the troops were two days away, and, fearing that a delay would hazard his plans, he decided to arrest the renegades forthwith. During the night Captain Beauford's reserves were brought up and secreted in a large commissary building near the main agency building. Early the next morning Geronimo and the other chiefs came for a talk, convinced they could easily overawe the small force that had arrived the evening before. Within a few minutes Geronimo's arrogant and bellicose attitude brought the conference to an *impasse*. Calling on his hidden reserves, Clum was successful in taking into custody Geronimo, Gordo, Ponce, Francisco and thirteen other noted renegade leaders. Unfortunately, Pionsenay and Nolgee were away raiding in Sonora and Arizona, and already reports of their bloody deeds had reached the agency. In the hope that these renegades might be intercepted, Captain Beauford and seventy-five of his scouts were ordered back to Arizona by way of the Dos Cabezas Mountains.¹²³

121. Clum, "Geronimo," *N. Mex. Hist. Rev.*, iii (Jan., 1928), p. 27; Kautz to Clum, Mar. 31, 1877, A. G. O., 3063.

122. Clum to A. A. G., April 2, 1877, A. G. O., 2265; Pope to C. O., April 3, 1877, *ibid.*

123. Clum to Comm., Mar. 29, 1877, I. O., S 201; Clum to Maj. J. F. Wade, April 22, 1877, I. O., S 398; Clum to Editor, April 24, 1877, in *Arizona Citizen*, May 5, 1877; Clum to Comm., Sept. 18, 1877, *R. C. I. A.*, 1877, p. 32.

Now convinced that even more drastic changes were needed, the commissioner ordered the removal of all the Warm Springs Indians to San Carlos.¹²⁴ Victorio, the chief of the Warm Springs Indians and his followers readily assented to removal, and the first count showed a total of 434 Indians. At the next count the number had dropped to 175 due to a drunken spree which Clum learned had inclined most of the tribe to wander away. Major James F. Wade, however, by immediately making an energetic demonstration so frightened the recalcitrants, that at the following counts they were all present, unarmed and unmounted.¹²⁵

Within a week all arrangements for the removal were completed. The war department ordered General Hatch to cooperate throughout, and "more out of compliment than necessity," Clum asked for a small escort entirely to San Carlos.¹²⁶ On May 1, M. A. Sweeney with the aid of the escort started by trail with 453 Indians, while Clum and his police took the renegades in wagons and joined the cavalcade at Silver City.¹²⁷ From here the procession pushed on without incident, reaching San Carlos on May 20. The prisoners were placed in the guardhouse, and the authorities notified,

124. Smith to Clum, April 17, 1877, *L. B. no.* 136, p. 77.

125. Clum to Wade, April 24, 1877, I. O., S 398; Gen. Hatch to A. A. G., April 27, 1877, A. G. O., 2554.

126. Gen. Sherman to Gen. Sheridan, May 1, 1877, A. G. O., 2420; Clum to Smith, July 28, 1877, *op. cit.*

A controversy over the escort followed. Hatch requested Kautz to relieve him at the Arizona-New Mexico line, but when an escort was proffered, Clum declined it, wiring Kautz that "no escort has been asked from Arizona and none will be accepted." The war department considered this action a "breach of personal and official courtesy," and when General Sherman endorsed the telegram, he strongly denounced Clum saying he had "no business" to refuse Kautz's escort. In explanation, Clum wrote that General Sherman had "no business" to interfere with "his business." This correspondence is collected in, A. G. O., 3063; also in *Arizona Citizen*, Aug. 18, 1877.

Clum no doubt, was incensed over Kautz's refusal to furnish an escort at the beginning. Kautz explained, however, that Clum had refused to allow a recruiting officer to enlist a company of scouts at San Carlos at the time the request was made and that the delay that followed in getting Hualpai scouts prevented the sending of an escort. Kautz to A. G., April 12, 1877, A. G. O. 2308.

127. Clum to Comm., May 1, 1877, I. O., S 369.

The reserve was transferred to Major Wade with instructions to treat all remaining Indians as hostiles. Clum to Wade, May 1, 1877, I. O., S 553. Population figures at Hot Springs were indefinite, but it is probable that nearly 200 avoided removal. See, Whitney to Clum, April 23, 1877, *ibid.*

but the main body of the Indians was given the same privileges which other San Carlos bands enjoyed.¹²⁸

Beginning with the removal of the Chiricahuas and continuing up until his return with the Warm Springs Indians, Clum's frequent and extended absences from San Carlos had left him little time for agency management. Besides much of his remaining time was consumed in bitter controversies with the military. After the Chiricahuas were satisfactorily settled at San Carlos in June, 1876, no event of importance disturbed the agency routine for the rest of the year. In fact, affairs appeared so hopeful in July that the agent carried out a dramatic project he had long anticipated—that of taking a group of Apaches to the East.¹²⁹

While Clum was in Washington, the commissioner persuaded him to withdraw his pending resignation on the promise of more pay, full support against the military and the assignment of no duties that would require him to leave the reservation. Thus reassured, he returned to his post, with high hopes for the future.¹³⁰

But he was soon again embroiled with the military. About March 1, 1877, three bucks killed an old Indian woman near Fort Apache. No report was made of the affair, and a little later when Clum heard the murderers had gone unscathed, he decided the military was deliberately shielding them, thereby hoping to undermine his authority as agent. Without hesitation he sent a company of scouts to the scene to arrest the murderers or kill them. The scouts proceeded as directed, and on March 11 killed one of the murderers, but

128. Clum to Comm., May 28, 1877, *ibid.*

For details of removal, see Clum, "Geronimo," *N. Mex. Hist. Rev.*, iii (Jan., 1928), pp. 26 *et seq.*; Clum, "Victorio," *ibid.*, iv (Apr., 1929), pp. 107 *et seq.*; Clum, *Apache Agent*, chaps. xxviii-xxxiii.

129. Clum to Comm., Sept. 18, 1877, *R. C. I. A.*, 1877, p. 34.

The trip was partly financed by "Wild Apache" shows in the larger cities along the route. Unfortunately, Chief Tahzay died at Washington. He was buried in the Congressional Cemetery. After visiting the Centennial Exposition, the Indians were conducted back to the reserve by Marijildo Grijalba, the interpreter. Clum then took a sixty days leave, returning to San Carlos January 1. See, *Apache Agent*, pp. 185, *et seq.*; Clum, "Apaches as Thespians in 1876," *N. Mex. Hist. Rev.*, vi (Jan., 1930), pp. 76-99.

130. Clum, *The Truth About the Apaches*, p. 29.

in doing so fired upon an Indian soldier. Major Ogilby now sent out a detachment of troops and chased the police a long distance, disregarding the fact that they were within the limits of the Indian reservation.¹³¹

Clum immediately reported Major Ogilby's conduct to General Kautz, charging also that the military kept the favor of the few Indians remaining at Camp Apache with liquor, guns and ammunition. He furthermore asked that Major W. S. Worth be court-martialed for buying an Apache squaw from her relatives and forcing her to remain in his quarters.¹³²

General Kautz countercharged that Clum's "raid" was merely an attempt to drive the non-combatants of Chief Pedro's band to San Carlos while Pedro's men were away scouting against renegade Chiricahuas. Declaring that Clum's actions had created a very dangerous situation at Fort Apache, Kautz ordered the scouts back to the post.¹³³ Clum retorted that Kautz was guilty of "criminal inactivity" in leaving southern Arizona exposed to the renegades; nevertheless he had the satisfaction of getting Captain Worth's conduct investigated.¹³⁴

While this imbroglio was taking place, Clum learned that General Kautz had already made gross insinuations against his management at San Carlos, but he did not know that the adjutant general had been notified on February 12, that many unreported renegades had strayed away because of bad treatment and lack of food and that the resultant saving of rations probably accrued to "those who issue them."¹³⁵ When he heard of these latter charges, he was

131. Clum to Marijildo Grijalba, Mar. 7, 1877, *I. F.*, 1660; Clum to A. A. G., Mar. 17, 1877, *ibid.*

132. *Ibid.*

133. Kautz to A. G., April 12, 1877, A. G. O., 2308.

134. Clum to Comm., April 21, 1877, I. O., S 360.

The court of inquiry practically exonerated Worth. Clum, however, was accused of preferring charges against Worth in an effort to draw attention from his agency mismanagement. Kautz to Comm., June 7, 1877, I. O., K 183.

135. Kautz to A. G., Feb. 12, 1877, A. G. O., 1190. Kautz also wrote that most of the troop's labors were "provided by the inability or inefficiency, to say nothing of the reputed criminality of the agents . . ." Kautz's letter was published in the *Arizona Citizen*, May 19, 1877, at Clum's request.

just ready to start for Hot Springs to arrest the renegades. At first he threatened to quit, but when the commissioner promised an investigation, he went on with his task.¹³⁶ As no formal charges were sent to the interior department, the commissioner directed Inspector Vandever, who was on his way to the agency, to review the case. In due time Vandever reported the charges of Kautz as strictly "vague and malicious."¹³⁷

But Clum did not let the matter rest. Assailing Kautz through the press, he violated rules of common courtesy by publishing answers to the general's official communication of February 12. His answers took the form of a diatribe against the general's entire administration of the Department of Arizona by comparing the activity and success of the troops with that of the agency police. Evidence was arranged to show that the police had killed and captured 159 Indians, including many noted renegades while the troops had only killed and captured 120, including none of note, instead of 186 as reported by the general.¹³⁸

Kautz now evidently decided he could not usurp the agent's authority directly. He therefore informed his superiors that they treated him unfairly in expecting him to pursue and punish recalcitrants when he had neither means of gaining information regarding conditions at the reserve, nor troops present to exercise control when needed.¹³⁹ In April he requested them to authorize the stationing of an officer at San Carlos to watch the movements of the Indians and to inspect their supplies.¹⁴⁰ Political influence was doubtless brought into play, for on April 28 the secretary of the interior requested that such officers be stationed at the agencies in general.¹⁴¹

136. Comm. to Clum, April 9, 1877, *L. B.* no. 136, p. 56.

137. Vandever to Comm., May 31, 1877, *I. F.*, 1646.

138. Clum to Editor, June 11, 1877, in *Arizona Citizen*, June 23, 1877; Clum at Vandever's request, had already written an official letter covering the same subjects. Clum to Vandever, May 24, 1877, *I. F.*, 1660.

139. Kautz to A. G., Feb. 12, 1877, *op. cit.*

140. Kautz to A. G., April 9, 1877, A. G. O., 2304.

141. Secty. of Int. to Secty. of War, April 28, 1877, *I. D.*, *L. B.* no. 18, p. 154.

When Clum returned from Hot Springs with the Southern Apaches, he was greatly incensed to find that an officer with an escort had already arrived for inspection duty. Feeling that he lacked the "pledged" support of the commissioner, and that his success in removal "had actually been penalized," he decided to quit rather than become a party to political schemes which he believed would be certain to result in confusion and disaster.¹⁴² He therefore asked to be relieved at once unless the commissioner would allow him more pay and two extra companies of police, in which case he agreed to control all the Apaches in Arizona without military aid.¹⁴³

The officials of the Indian Office were naturally unprepared for such a radical proposal and they peremptorily refused to accept it. Clum, equally inflexible, and always headstrong and self-righteous, was never more certain of his ground than now. Determined not to yield an iota to his superiors, he at last made good his threat of resignation. On July 1 he regretfully rode away from San Carlos and the bewildered Apaches.¹⁴⁴

142. Clum, *The Truth About the Apaches*, pp. 34 *et seq.*; Clum, "Geronimo," *loc. cit.*, p. 124.

At the time, Clum was not so philosophical, merely saying that military inspection "to insure purity and justice" was an "insult to the honor, integrity and manhood of an agent." Clum to Smith, June 6, 1877, I. O., S 505.

143. Clum to Smith, June 9, 1877, I. O., S 525.

144. Smith to Clum, June 9, 1877, L. B. no. 136, p. 309; Clum to Comm., June 19, 1877, I. O., S 557; Schurz to Comm., Aug. 16, 1877, I. O., I 583.

Clum's resignation had already been accepted pending the appointment of a successor. Schurz to Comm., April 13, 1877, I. O., I 333.

(To Be Continued)

The Historical Society of New Mexico

(INCORPORATED)

Organized December 26, 1859

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CONSTITUTION
OF THE
HISTORICAL SOCIETY OF NEW MEXICO
(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

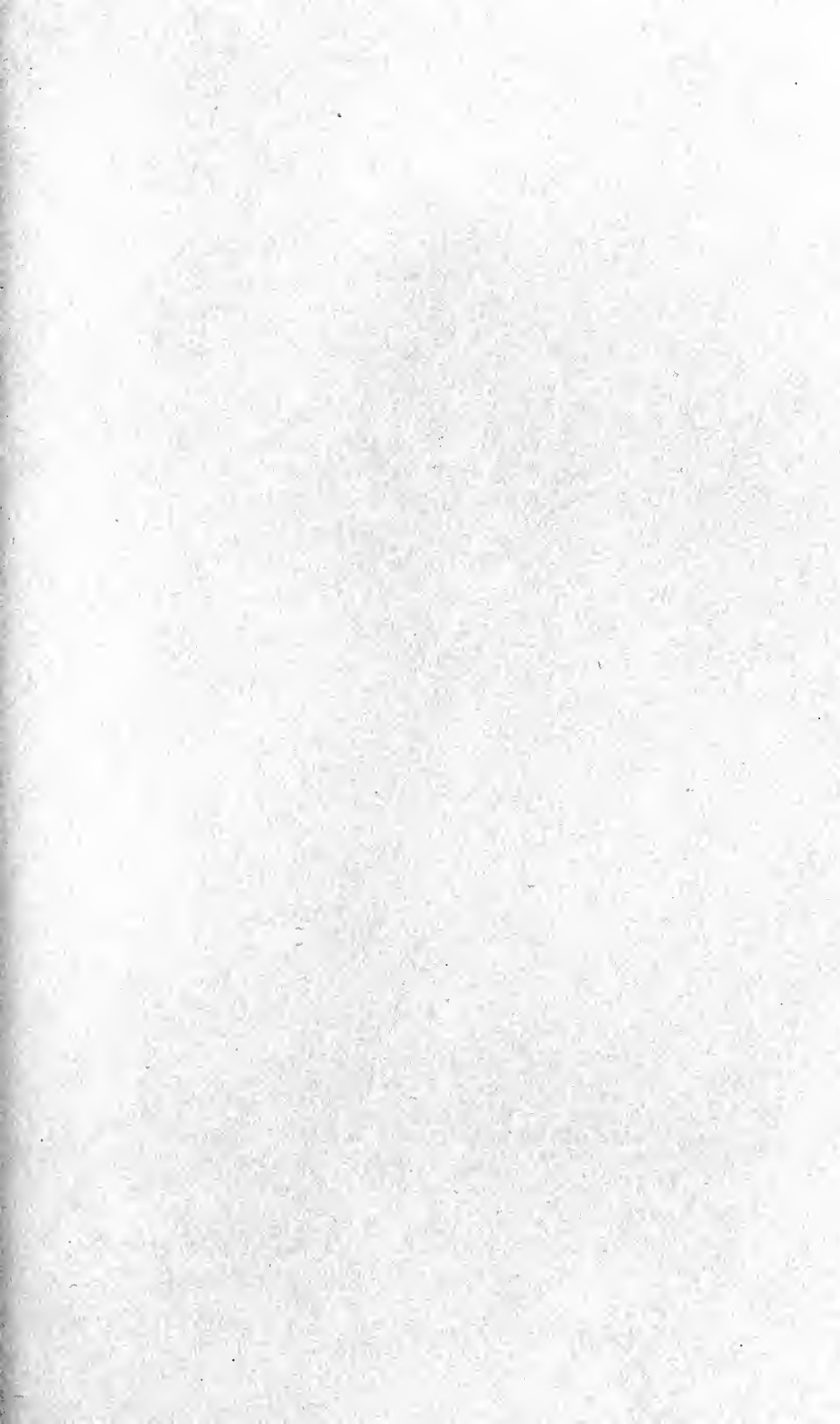
Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.



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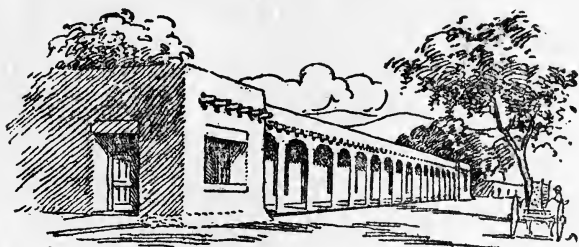
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NEW MEXICO HISTORICAL REVIEW

VOL. XV

JULY, 1940

No. 3



PALACE OF THE GOVERNORS

PUBLISHED QUARTERLY BY
THE HISTORICAL SOCIETY OF NEW MEXICO
AND
THE UNIVERSITY OF NEW MEXICO

NEW MEXICO HISTORICAL REVIEW

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CONTENTS

Troublous Times in New Mexico, 1659-1670 (cont'd.)	
	France V. Scholes 249
Federal Control of the Western Apaches, 1848-1886 (concl'n)	Ralph H. Ogle 269
Book Reviews:	
Hammond and Rey, <i>The Coronado Narratives</i>	P. A. F. W. 336
Brooks, <i>The Adams-Onís Treaty of 1819</i>	John H. Caughey 339
Kubler, <i>Religious Architecture of New Mexico</i>	L. B. B. 341
Steck, <i>Ensayos históricos hispanoamericanos</i>	L. B. B. 343

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TROUBLOUS TIMES IN NEW MEXICO 1659-1670

(Continued)*

By FRANCE V. SCHOLES

CHAPTER VI

THE YEAR 1662

I

THE EX-GOVERNOR Juan Manso returned to New Mexico toward the end of March, 1662. The dispatches from the Holy Office, containing orders for the arrest of Nicolás de Aguilar, Diego Romero, and Francisco Gómez Robledo, the instructions to take appropriate action in the case of Cristóbal de Anaya Almazán, and the appointment of Manso as *alguacil mayor*, were delivered to Custodian Posada at Santo Domingo on April 1. Posada immediately notified Manso of his appointment as *alguacil mayor*, and together they made plans for the arrest of the accused parties.

At this time Aguilar and Romero were in the Hopi area serving with Peñalosa, who was making a *visita* of that district. Gómez was in Santa Fé. It was agreed that Aguilar and Romero should be arrested as soon as they reached Isleta on their return from the west, and that the seizure of Gómez should not take place until the others had been taken

* Note: With this installment Mr. Scholes resumes publication of this series which has been suspended since the appearance of Chapter V in the January, 1938, number of the REVIEW. (Ed.)

into custody. In some manner it soon became known that orders for the arrest of various persons had been received, and the news reached Peñalosa and his associates in the west. In order to prevent the escape of Aguilar and Romero, Posada went to Senecú, leaving an agent in Isleta to inform him at once of the return of Peñalosa and his party.

The governor arrived in Isleta on May 1, and Posada, being notified, hastened north and reached the pueblo about midnight. On the following day, May 2, he arrested Aguilar and Romero with the aid of soldiers in Peñalosa's company. Friar Salvador de Guerra, Posada's secretary, was then sent north with instructions for Manso to arrest Gómez Robledo in Santa Fé. These orders were executed on May 4. The three prisoners were taken to Santo Domingo and placed in cells that had already been prepared for this emergency. Posada also took immediate action to investigate the charges against Cristóbal de Anaya Almazán. Convinced that the evidence was sufficient to warrant Anaya's arrest, and having received reports that the accused was preparing to flee, Posada took him into custody at Sandía on May 14. He was immediately transferred to a cell at Santo Domingo. Finally, in accordance with the instructions of the Holy Office, Posada embargoed the property of the prisoners, and took possession of the same in sufficient quantity to provide for their transportation under guard to Mexico City and the costs of their trial.¹

Although Peñalosa quietly acquiesced in the arrest of Aguilar and Romero at Isleta, he clearly demonstrated his general attitude by taking possession of their horses, arms, saddles, and other personal belongings at the time the arrests were made. Posada made no issue of this action, although he duly noted it and later sent a full report to the Inquisitors.² Within a few days, however, a more important issue was raised.

1. The arrest of the soldiers is described in a letter of Posada to the Holy Office, El Paso, November 24, 1662. *Proceso contra Peñalosa*.

2. *Ibid.*

Both Gómez and Romero were *encomenderos* and Posada moved to embargo their *encomienda* tributes.³ He took this action for two reasons: (1) he regarded the tributes as part of the property of the prisoners, and therefore subject to embargo; (2) he believed that Peñalosa planned to take advantage of the situation in order to obtain the revenues for himself. Accordingly, Posada sent orders to the *alcaldes mayores* of the areas in which the *encomiendas* were located instructing them not to permit collection of the tributes by third parties under pain of excommunication and a fine of five hundred pesos.⁴

The purpose of the *encomienda* system in New Mexico was to maintain a small group of semi-professional soldiers to serve as the core of the local militia. In return for the revenues of their *encomiendas*, the *encomenderos* were under obligation to maintain arms and horses, and to be ready to answer the call for military service whenever needed. For many years the number of these soldier-*encomenderos* had been fixed at thirty-five, and in case *encomiendas* were inherited by women or by minors incapable of military service, *escuderos* were appointed who received part of the tributes and served as active soldiers in their place. The tributes were normally collected in two installments, in May and October of each year.

In an *auto* dated May 12, 1662, Peñalosa called attention to these facts and announced that in view of his obligation to maintain provincial defenses he deemed it necessary to appoint *escuderos* for the *encomiendas* of Gómez and Romero. The tributes in each case were to be divided into two parts, one for the *escudero* and the other for the imprisoned *encomendero*, and Posada was ordered to confine his embargo to the latter half. In order to provide funds for support of the prisoners and the costs incidental to their arrest, the May installment of tributes, then due, were to

3. Gómez held the *encomienda* of Pecos. Romero held half of Cochití and half of Sía.

4. Posada to the Holy Office, Santo Domingo, September 21, 1662. A. G. P. M., Inquisición 598.

be collected by Posada on behalf of the Holy Office, and the October installments were to be reserved for the *escuderos*. Beginning with the year 1663, each installment would be divided half and half, pending further instructions from Mexico City.⁵ On May 15 Peñalosa also sent Posada a sharply worded letter in which he pointed out that *encomiendas* were royal *mercedes* and questioned whether they could be subject to the jurisdiction of the Holy Office. He complained bitterly against Posada's action in giving orders to the *alcaldes mayores*, and made pointed suggestions concerning the manner in which the prelate should proceed in such matters. With biting sarcasm, he suggested that "it is not the desire of Your Lordship to intervene in what does not belong to your jurisdiction . . . or to create conflict with the governor and captain general."⁶

The decree of May 12 was formally presented to Posada at Santo Domingo on May 25. The prelate replied that his instructions from the Holy Office extended only to the embargo of the property of the prisoners, and that he had no authority to make such an allocation of the property embargoed as Peñalosa proposed. Moreover, in the case of Romero, the entire *encomienda* revenues would not be sufficient to provide for the support of the accused and the costs incidental to his arrest. He suggested that instead of making actual payments to the *escuderos*, it would be better to wait until instructions were received from Mexico City on the legal questions involved. Finally, he pointed out that the *encomenderos* had already effected collection of most of the May installments in advance, and that consequently the governor's scheme for allocating the revenues would be prejudicial to the interests of the Holy Office.⁷ These representations had no effect, and the governor insisted on acceptance of the procedures outlined in the *auto* of May 12.

The death of Francisco de Anaya Almazán on July 18 complicated the problem. The deceased was *encomendero*

5. *Auto*, May 12, 1662. A. G. P. M., Inquisición 598.

6. Peñalosa to Posada, Santa Fé, May 15, 1662. *Proceso contra Peñalosa*.

7. A. G. P. M., Inquisición 598.

of Cuarac, La Ciénega, and half of Picurís. By the laws of succession his eldest son, Cristóbal, then a prisoner of the Holy Office, was the heir to the *encomienda*, and Posada sent Manso to the Anaya home to embargo the *encomienda* papers and titles. But Peñalosa had anticipated this action, and had already taken possession of the papers. A younger brother of the legitimate heir, Francisco de Anaya, *el mozo*, was named *escudero*.⁸

Thus the *encomienda* question created a jurisdictional conflict between the governor and the prelate. The latter limited his actions to formal protests, leaving the final decision to the authorities in Mexico City. In his dispatches to the Holy Office he pointed out that although the *auto* of May 12 implied that *escuderos* for the *encomiendas* of Gómez and Romero had already been appointed, this was not the case. At a later date Peñalosa announced that Martín de Carranza and Pedro de Montoya had been appointed, but Posada noted that they were close associates of the governor and that Carranza was too young to perform active service as a soldier. The governor's purpose, he alleged, was to collect the tributes for himself.⁹

Posada's assertions concerning the appointments of Montoya and Carranza are confirmed by other evidence. Shortly before Peñalosa left New Mexico in 1664, he issued titles of *escudería* for the *encomiendas* of Romero and Gómez to Cristóbal Durán y Chávez and Juan Domínguez de Mendoza, but the titles were antedated to May 4 and 7, 1662! Domínguez was absent from the province from the autumn of 1662 to the latter part of 1663, and consequently could not have served as *escudero* in any case. Durán testified that he received his title in early January, 1664. In short, it is obvious that Montoya and Carranza never actually served as *escuderos* and that the titles issued to Durán and Domínguez were intended to cover up this fact. There

8. Posada to the Holy Office, Santo Domingo, September 21, 1662. and enclosures. A. G. P. M., Inquisición 598. *Proceso contra Peñalosa*.

9. Posada to the Holy Oáce, El Paso, November 24, 1662. *Proceso contra Peñalosa*.

is also evidence that Peñalosa collected three full installments of the Anaya tributes, as well as one or more of those belonging to Romero and Gómez, and that he kept the revenues for himself.¹⁰

II

As noted in Chapter III, the *Audiencia* of Mexico, by a *real provisión* dated February 1, 1661, had decreed the restoration to ex-governor Manso of all the property that had been seized or embargoed by López during the year 1659-1660, and had transferred jurisdiction in the case to Peñalosa. The main purpose of Manso's return to New Mexico was to seek execution of this order. Preliminary legal action was initiated in April, 1662, but the major litigation took place after the return of Peñalosa from the Hopi area.¹¹

On June 9 Manso formally presented the *real provisión*, petitioned for execution of the same, and asked for an embargo of López' property pending settlement of his claims. López countered by calling into question Peñalosa's authority and competence to serve as judge in the case, and filed notice of an appeal in advance if the governor exercised jurisdiction. Peñalosa brushed aside López' legal arguments and admitted Manso's petition. The embargo on Manso's property that had been in effect since 1660 was revoked, and orders were given to seize property belonging to López in sufficient quantity to ensure satisfaction of Manso's claims. Numerous items of furniture, household supplies, clothing, and hides, and 275 *fanegas* of piñon were removed from López' house, and 187 mules and twenty-one steers were brought from Taos where López kept his herds. This property was placed under embargo, pending litigation.

During the months of July and August Manso pressed legal action to prove his claims for property alleged to have been unjustly seized by his successor. The charges recapitulate much of what has already been outlined in Chapter III,

10. *Proceso contra Peñalosa*.

11. The record of the litigation in execution of the *real provisión* of February 1, 1661, is found in A. G. P. M., Tierras 3286.

section I. Claims were presented for thirty-two Apache servants, twenty-seven oxen, one hundred mantas, 231 *fanegas* of maize, two carts, fifty-one *varas* of *jerga*, mules, one hundred marks of silver, salary paid to guards during Manso's imprisonment in Santa Fé, and miscellaneous items of furniture, clothing, and personal effects. López made a spirited defense in the form of long counter petitions, and succeeded in convincing Peñalosa on certain points. The proceedings were still in progress when the legal situation was complicated by other events of major importance.

III

On August 18, while the Manso litigation was in progress, a messenger arrived in Santa Fé and delivered to Peñalosa the *real provisión* of May 12, 1662, containing the sentence of the *audiencia* in the *residencia* of López. As outlined in Chapter V, section II, the *audiencia* found López guilty on sixteen of the thirty-one charges included in Peñalosa's preliminary sentence, and absolved him on the remaining fifteen. Fines of 3500 pesos and costs were imposed, and López was ordered to satisfy numerous claims filed by friars, colonists, and Indians. Peñalosa immediately promulgated the sentence, and prepared to execute its provisions.¹² Before he could take further action, however, he received an important communication from Custodian Posada.

The same messenger who delivered the *residencia* sentence also brought the orders from the Holy Office for the arrest of López and his wife, Doña Teresa de Aguilera. These were turned over to Posada at Santo Domingo on August 19. For several months López had been held under guard by order of Peñalosa pending settlement of the *residencia*, and Posada realized that it would be necessary to give the governor some kind of advance notice before the decrees of the Holy Office could be executed. Consequently,

12. The record of the procedures in execution of the sentence of the *audiencia* in López' *residencia* is found in A. G. P. M., Tierras 3268.

Friar Nicolás de Freitas was sent to Santa Fé to inform Peñalosa that the prelate had "urgent business" with López and to request removal of the guards. The sealed *pliego* from the Holy Office had passed through Peñalosa's hands before it was delivered to Posada, and the communication of Father Freitas left no doubt in the governor's mind as to the nature of the "urgent business." Indeed, Posada informed the Holy Office at a later date that he strongly suspected that Freitas, an intimate friend of Peñalosa, had blurted out the whole story.¹³

The impending arrest of López on orders from the Holy Office introduced a new element in an already delicate situation. Peñalosa realized that the arrest would be followed by another embargo of López' property, and that such action would create a number of problems in which he would be involved. As noted in the preceding chapter, he had taken possession of silver bullion valued at 2904 pesos, the proceeds of goods sold in Sonora for López' account. Moreover, the action to force repayment of the Pacheco loan had been characterized by very questionable proceedings, if not by flagrant illegality and fraud, and it was generally believed that the property turned over to satisfy the claim and to pay the costs of collection, assigned to Pedro Martínez de Moya and Martín de Carranza, had passed into Peñalosa's hands in one form or another.¹⁴ Thus embargo of López' property by the Holy Office would immediately result in a claim for the silver bullion, and it was also probable that the litigation on the Pacheco loan would be subjected to scrutiny.

The arrest of López and embargo of his property by the Holy Office would also create serious jurisdictional questions. Peñalosa had already taken possession of large quantities of hides, finished leather goods, *mantas*, shirts, and other textiles belonging to López under the guise of an embargo to provide payment for the soldiers of López' guards and to

13. Posada to the Holy Office, El Paso, November 24, 1662. *Proceso contra Peñalosa*.

14. Chapter V, section IV.

cover pending *residencia* claims,¹⁵ and the execution of the sentence of May 12, 1662, would undoubtedly involve additional seizures of property. And, as noted above, action of the same kind had already been applied as part of the Manso litigation. How would the arrest of López and embargo of his property by Posada affect these procedures? It was the point of view of the Holy Office, as expressed later, that such action automatically removed López and his property from Peñalosa's jurisdiction.

Prior to eight P. M. on August 26 Peñalosa had no *official* information that the arrest of López had been ordered. It is obvious, however, that he was certain that the arrest was impending and that he decided to anticipate this action and, insofar as possible, to embarrass Posada in carrying out the instructions of the Holy Office, regardless of any question of jurisdictional conflict. On August 24 Peñalosa summoned Doña Teresa de Aguilera to the Santa Fé church and told her that Posada was preparing to arrest her husband. A long and acrimonious conversation took place during the course of which the governor suggested that Doña Teresa and her husband should turn over to him whatever property they still possessed, in order to prevent it from falling into Posada's hands. Doña Teresa refused to consider this proposal.¹⁶ Failing in this effort, Peñalosa adopted another line of attack. On the afternoon of August 26 he had López moved to the house of Pedro Lucero de Godoy and placed under guard, and when this had been done he went to López' residence and seized a large quantity of goods, even dismantling the beds and rummaging through desks and trunks. The legal record of this action indicates that the seizure was in the nature of an embargo to guarantee execution of the *residencia* sentence.¹⁷ Posada insisted, however, that Peñalosa's purpose was to anticipate action in the name of the Holy Office, and that Doña Teresa, who pro-

15. *Ibid.*

16. Doña Teresa gave a full report of this conversation during her hearings before the Holy Office in 1663. *Proceso contra Doña Teresa de Aguilera.*

17. A. G. P. M., Tierras 3268.

tested duress when she handed over the keys to the store-rooms, understood that this was the case.¹⁸ An illuminating sidelight on the proceedings is provided by a remark attributed to Peñalosa: "I have left goods worth 3000 pesos for the Holy Office. Let them be satisfied with that, or search for more!"¹⁹

During the evening of August 26 Posada and his notary, Friar Salvador de Guerra, arrived in Santa Fé. They had been met at La Ciénega by Father Freitas, who had warned them that Peñalosa would refuse to permit the arrest of López unless Posada presented the formal orders from the Holy Office. Consequently, they proceeded at once to the Casa Real, where a heated discussion took place. In the end Posada was obliged to produce the orders and to make a written request asking the governor's permission to execute them. At ten P. M. Posada and Manso, his *alguacil mayor*, took López into custody, and two hours later Doña Teresa was arrested. Within a few days the two prisoners were taken to Santo Domingo and placed in quarters already prepared for them.²⁰

On the day following the arrest, Posada made an inventory of the goods still remaining in López' residence. This property included a large quantity of clothing and bedding, *mantas*, wax candles, etc. The most important single item consisted of 410 *libras* of chocolate, the remainder of a large supply that López had brought from New Spain for sale. The goods were boxed and sent to Santo Domingo. Prior to his removal to Santo Domingo, López made a long declaration giving a detailed statement of his property and the debts owed him by various individuals. In this list he included the silver bullion resulting from the sale of goods in Sonora, his unsettled claim against

18. Posada to the Holy Office, El Paso, November 24, 1662. *Proceso contra Peñalosa*.

19. Testimony to this effect was given by several witnesses. *Ibid.*

20. Posada to the Holy Office, El Paso, November 24, 1662. *Proceso contra Peñalosa*. The official documents on the arrest of López by Posada and embargo of his property are found in A. G. P. M., Tierras 3268, 3283.

Francisco Xavier for goods sold in Parral,²¹ the hides and other effects valued at 1500 pesos embargoed by Peñalosa earlier in 1662 pending settlement of his *residencia*, the property taken to satisfy the Pacheco loan and Manso's claims, and the goods seized by Peñalosa on August 26.²²

On August 27, and again a few days later, Posada published an edict calling upon all persons who had property belonging to López in their possession to declare and present the same without delay, under penalty of excommunication. A few citizens turned over goods in small amounts, and a few debts were liquidated. Peñalosa handed over a few odd items of goods belonging to López, but in general he disregarded Posada's edict. The most important question was the status of pending litigation and procedures. Peñalosa realized that the arrest of López had created a serious jurisdictional problem, but his own selfish interests were at stake and with obvious haste he concluded the Manso litigation and pressed action in execution of the *residencia* sentence.

At eleven P. M. on August 26, one hour after López had been taken into custody by Posada, the governor appointed a *curador* to serve as López' representative during the remainder of the Manso litigation, and on August 29 he pronounced sentence. He found López liable in the sum of 1202 pesos plus other claims to be adjusted that finally brought the total to 1316 pesos. Following the customary legal forms, part of the property under embargo to satisfy these claims was sold at auction on September 20. The proceeds amounted to 1565 pesos, 4 tomines. Manso received the amount due him in accordance with the sentence of August 29, and 221 pesos were paid as costs of the litigation.²³ In the same manner, Peñalosa carried on proceedings in execution of the *residencia* sentence, and on September 10

21. Chapter III, section II.

22. The inventories and declarations of property are in A. G. P. M., Tierras 3268, 3283.

23. A. G. P. M., Tierras 3286.

part of the property under embargo for this purpose was sold.²⁴

It was widely known that a large part of the goods that were sold at this time was purchased by persons acting as Peñalosa's agents, that free bidding was not permitted, and that goods were knocked down at prices far below actual value. Posada informed the Holy Office that the governor openly told him: "If I can have [the goods] for a lower price, why shouldn't I do so?"²⁵ As a matter of fact, sales to the governor or his agents, regardless of the prices paid, would be little more than a bookkeeping operation, for the proceeds would still remain in the governor's hands, presumably to be used to satisfy the provisions of the sentence in López' *residencia*. The property that remained unsold after the auctions held on September 10 and 20 was deposited with persons appointed by the governor, with the stipulation that the proceeds would eventually be applied on payment of the fine imposed by the *residencia* sentence and other claims. Peñalosa took care, however, to appoint as *depositarios* members of his own clique, or persons who would not dare to oppose his selfish schemes. It was the governor's purpose to retain possession or control of López' property in one form or another, and to dispose of it for his own advantage. Evidence of a later date indicates that few of the persons who had claims against López ever received a settlement.

During September and October five carts loaded with piñon, hides, and other goods were prepared for shipment to Parral, Zacatecas, and Mexico City. Lucas de Villasante and Tomás de Granillo, servants of Peñalosa, were in charge of the shipment, and it was announced that the owners of the shipment were Villasante and Pedro Martínez de Moya. In January, 1663, after the shipment had been embargoed on orders from Posada, Martínez presented wit-

24. A. G. P. M., Tierras 3268.

25. Posada to the Holy Office, El Paso, November 24, 1662. *Proceso contra Peñalosa*.

nesses in Santa Fé to prove his ownership, and these witnesses testified: (1) that Martínez had been engaged in trade between Parral and New Mexico; and (2) that he had purchased the goods sent in the carts with the proceeds of European and Mexican products sold in Santa Fé.²⁶ This *probanza*, undoubtedly characterized by perjury, was intended to cover up the true facts concerning the shipment, for it was well known in New Mexico that Peñalosa was the owner and that the goods consisted of property formerly belonging to López.

Both Villasante and Granillo testified concerning Peñalosa's ownership in declarations before the Holy Office in 1663, and the instructions for disposition of the shipment unmistakably prove that Peñalosa was the organizer and owner. Part of the goods were consigned to Peñalosa's agents in Nueva Vizcaya, and several bundles of hides, numerous sacks of piñon, and other items were sent as gifts to various persons in Mexico City, including the viceroy, *oidores*, treasury officials, and friends of the governor.²⁷ Likewise, several Apache servants, part of a group of forty formerly belonging to López and seized by Peñalosa's orders, were sent with the carts as gifts to friends in the viceregal capital. A large herd of livestock—cattle, sheep, mules, and oxen—was also made ready and turned over to Juan Varela de Losada for sale in Parral, and it was well known that most of the stock carried López' brand. The documents are not explicit about the number of head in this herd, but the evidence indicates that the herd included part of the sheep and steers that had been seized to liquidate the Pacheco loan, as well as some of the mules embargoed to satisfy Manso's claims.²⁸ Finally, there was rumor that the shipment sent with Villasante and Granillo included the silver bullion

26. A. G. P. M., Tierras 3283.

27. *Ibid.*

28. A. G. P. M., Tierras 3268, 3283, and Inquisición 593, 598. Also *Proceso contra Peñalosa*.

worth 2904 pesos that had been realized on the sale of property for López in Sonora in 1660.²⁹

Apparently Peñalosa was anxious to dispose of part of his ill-gotten gains as quickly as possible, and also to ingratiate himself with highly placed personages in Mexico City by sending them gifts of New Mexican products. He accompanied the carts to the Río Abajo area and saw that they got a head start on the wagon train in which López and the other prisoners of the Holy Office were being sent to Mexico. On the way he seized one hundred *fanegas* of piñon belonging to López that was stored in a private ranch house and turned it over to Fray Juan Ramírez, director of the mission caravan. Ramírez claimed that Peñalosa sold him the piñon; others insisted that the deal called for sale of the piñon in Mexico and a fifty-fifty split of the proceeds.³⁰

Posada was aware of what was going on, but for several weeks he was in no position to take action. He was fully informed concerning the increasingly hostile attitude of the governor in all matters relating to Inquisition activities. Ever since the beginning of the controversy over *encomienda* tributes, Peñalosa had become more and more bitter and caustic in his language about the Holy Office and its local representatives. He belittled Manso for serving as *alguacil mayor*, saying that it was beneath the dignity of an ex-governor. He made disparaging remarks about Posada and Guerra, calling them "those poor friars."³¹ And Posada reported that the governor "talks a great deal about all these matters, saying that he alone constituted the supreme authority and that it would not come to pass that ministers of the Holy Office should act without his consent, even saying that if a tribunal [of the Holy Office] existed in this kingdom he would preside and see that it was restrained [within

29. A. G. P. M., Tierras 3268, and Manso to the Holy Office, Parral, February 6, 1663, Inquisición 598.

30. Tierras 3283; *Proceso contra Peñalosa*; *Proceso contra Ramírez*.

31. Testimony of several witnesses in *Proceso contra Peñalosa*.

proper limits]."³² These and other remarks were duly noted and reported to the Inquisition.

IV

Throughout the entire summer of 1662 the four soldiers who had been arrested in May were kept in close confinement at Santo Domingo in cells where "they saw neither sun nor moon." On Posada's orders they were forbidden any communication with their families and relatives, although messages were apparently secretly delivered to them from time to time. They also made holes in the walls separating their cells and were able to converse and exchange gossip.³³

The chief concern of López subsequent to his arrest was the fate of his wife, but the persons who were permitted to see him refused to satisfy his anxiety on this point. He also protested his innocence and denounced the injustice of his arrest. To Father Guerra he exclaimed on one occasion: "Father, is it possible that the Inquisitors should place in such a plight an illustrious man like myself, the representative of illustrious forbears and of a line which has produced bishops, governors, and Inquisitors, and other persons of great importance? Father, who do you think the Inquisitors are? Sons of cobblers and tavern keepers are made Inquisitors, merely because they prove that they are old Christians. But governors have to be gentlemen (*caballeros*) like myself. By the Virgin Mary, I know I have not erred, either in malice or in ignorance, for I act wisely, being a man of learning and judicious in my actions."³⁴ This outburst and others in similar vein illustrate López' state of mind during the period following his arrest, and the apprehension and fear that troubled him. When he and his wife were moved to Santo Domingo, they were placed in separate cells, and day by day they begged the persons who guarded

32. Posada to the Holy Office, El Paso, November 24, 1662, *Ibid.*

33. *Proceso contra Cristóbal de Anaya Almazán*, and letter of Pedro Lucero de Godoy, August 15, 1662, A. G. P. M., Tierras 3268.

34. Certification of Friar Salvador de Guerra, Sandía, October 9, 1662. *Proceso contra López*, II.

them for news, but to no avail.³⁵ Posada was under strict orders from the Holy Office on this points, and he was determined to enforce them to the letter.

The regular triennial mission supply caravan had arrived in May, with Friar Juan Ramírez in charge, and it was decided that the prisoners should be sent to Mexico City when the caravan returned in October. Carts were requisitioned for the transportation of López, Aguilar, Gómez, Romero, and Anaya. One of López' carriages was assigned for Doña Teresa's use during the journey. Part of López' property embargoed by Posada on August 27 and at later dates was sold, but the bulk of it was prepared for shipment with the caravan. During September Posada was busily occupied in making the necessary plans. Guards were appointed to be responsible for the prisoners, and their salaries fixed. Manso, as *alguacil mayor*, was given general responsibility for their custody and safe delivery to the Holy Office.

Finally, on October 6 the prisoners were brought from their cells and placed in the carts assigned to them. Special precautions were taken in the case of López and heavy shackles were placed on his feet. When the irons were being fastened on by one of the friars, López stated: "Well, Father, if there is no mercy nor law of God, put as many fetters on me as you like; put six pairs on my feet and fifty on my neck. I swear by Christ— Look here, Father, hang me or shoot me and with that we shall have done." When he was taken to his cart, he called out to Indians who were looking on: "See, my sons, how much the Fathers can do, since they hold me a prisoner." To some Spaniards he said: "Gentlemen, look on your governor. Regard my fate, and see what the Fathers do. Do you not see that the Custodian holds me a prisoner?" Posada protested these remarks and quietly stated that he had not acted as a friar or Custodian, but as Commissary of the Holy Office. To this López replied: "Such a thing has never happened except to a God

35. *Ibid.*

Man and now to me. I swear to Christ that I am a better Christian than all the men in the world. Look, gentlemen, there is no longer God or a King, since such a thing could happen to a man like me. No! No! There is no longer God or King."³⁶

Father Guerra tells us that from time to time, as the caravan moved south toward El Paso, the distraught ex-governor continued his excited speech, protesting the injustice of his fate and eagerly beseeching news of his wife. And as the wagons rumbled along, he peered out from his cart, anxiously looking toward the carriage in which his wife traveled and shouting to persons nearby. His actions finally caused Posada to give orders to have heavy leather curtains fixed at each end of the cart, leaving only a small opening at the front.³⁷ Despite these strict precautions and the orders to the guards not to permit unauthorized persons to communicate with any of the prisoners, López received messages from his wife and other friends in the caravan from time to time. Moreover, after the arrival of the caravan in New Spain, letters were sent ahead to members of his family in Mexico City, and the answers were delivered in due course.³⁸

It was known that López owned a quantity of piñon stored at Las Barrancas, the estancia of Francisco Gómez, in the Río Abajo district, and when the caravan reached this place the piñon was loaded and listed with the other property under embargo.³⁹ Again, at El Paso, another large supply was found, apparently the stock that Francisco Xavier had left there when he took a shipment of López' goods to Parral for sale in 1660.⁴⁰ There was so much of it, however, that only part could be loaded, the rest being left in a warehouse

36. *Ibid.*

37. *Ibid.* See also orders by Posada, Isleta, October 13, 1662. *Proceso contra López*, II.

38. *Proceso contra López*, II, III; *Proceso contra Doña Teresa de Aguilera*.

39. A. G. P. M., Tierras 3283. Part of the piñon at Las Barrancas had already been seized by Peñalosa, as noted in the text above.

40. Chapter III, section II.

of Andrés López de Gracia, *alcalde mayor* of the El Paso area.⁴¹

The caravan halted at El Paso for more than two weeks while Posada prepared long reports for the Holy Office and attended to final details. It was at this time that a messenger brought news from Mexico City which caused Posada to make a very important decision.

V

During the long period when he had been held under guard in Santa Fé, prior to his arrest on orders from the Holy Office, López had tried to send reports to Mexico City protesting against the conduct of Peñalosa. At one time he made arrangements with Peñalosa's consent to send Toribio de la Huerta as messenger. Then, without warning, the governor arrested De la Huerta, apparently on trumped up charges, and held him in jail for several months. In the spring of 1662 López was finally able to send another representative, Capt. Francisco Domínguez de Mendoza, and the latter on his arrival in Mexico City, contacted López' brother. An appeal was made to the *audiencia*, citing the fact that López was being held a prisoner in Santa Fé and enumerating all the grievances against Peñalosa, especially his interference with dispatches sent by López in 1660,⁴² his seizure of property, and his arbitrary conduct of López' *residencia*.

The *audiencia* had already pronounced sentence in the *residencia*, execution of which has been described above. Nevertheless it accepted this new appeal, and on July 20, 1662, issued a *real provisión* as follows: (1) Peñalosa was directed to free López from imprisonment on presentation of bond guaranteeing appearance of the latter before the *audiencia*; (2) all of López' property was to be returned, and López was to be given wagons for the transportation of his household and family to Mexico; (3) in case Peñalosa

41. A. G. P. M., Tierras 3283.

42. Chapter IV, section II.

refused to execute this order, Capt. Francisco Domínguez de Mendoza was authorized to do so.⁴³

Domínguez immediately set out for New Mexico to seek execution of the decree. Along the way he learned of the arrest of López by the Holy Office, and at La Toma, below El Paso, he was informed about the carts and livestock that were being sent to Parral by Peñalosa. Fearing the governor's displeasure and realizing that a part of López' property had already been shipped out of the province, he decided not to proceed to Santa Fé. When the mission caravan arrived at El Paso, he notified the *real provisión* to Posada, and petitioned him to take action, as representative of the Holy Office, to embargo the carts and livestock being conducted to Parral by Villasante, Granillo, and Varela.⁴⁴

Posada received testimony from several soldiers and colonists in the caravan to substantiate the claims that Peñalosa had illegally and fraudulently come into possession of property that had belonged to López. On the basis of this evidence and by virtue of the *real provisión* of July 20, which was interpreted as nullifying the embargoes imposed by Peñalosa and invalidating the subsequent sales of the property, Posada gave orders to Juan Manso to proceed with all haste in pursuit of Villasante and Varela and embargo the carts, goods, and livestock. Francisco Domínguez and his brother Juan were instructed to accompany Manso and act as López' representatives.⁴⁵

This was bold procedure, but the arrival of Domínguez was the opportunity for which Posada had been waiting and he made the most of it. He realized that such action would undoubtedly cause a furore in New Mexico and arouse the governor's wrath, but he acted without hesitation. The sequel will be told in one of the succeeding chapters.

Late in November Posada turned over to Friar Juan Ramírez a mass of documents and reports containing a complete record of his proceeding subsequent to April 1, when the first orders from the Holy Office had been received.

43. A. G. P. M., Tierras 3268.

44. *Ibid.*

45. *Ibid.*

Soon thereafter he returned to Santo Domingo, and the caravan set out on the long, weary journey to Mexico City.

Traveling day and night, Manso and his companions were able to overtake Villasante and Varela as they approached Parral. Manso immediately contacted the local representative of the Holy Office in the Parral area and made preparations to execute Posada's commission, but the news soon leaked out, and Manso found that the governor of Nueva Vizcaya, Don Francisco de Gorraiz, then at Parral, and Peñalosa's agents hoped to forestall seizure of the carts and livestock. For several days there were heated disputes and legal wrangling, but in the end the embargo was executed. The contents of the carts were inventoried, and although it was clear enough that the goods had belonged to López, the total quantity represented only a part of what had come into Peñalosa's possession during the preceding months. An eager search was made for the silver bullion, but it was not found. One of the carts and part of the goods were held in Parral; the remainder of the shipment and four carts were sent on to Mexico City with Villasante and Granillo. The livestock and most of the goods held in Parral were ultimately sold, and the proceeds were deposited with responsible persons. In 1665 the Holy Office called for an accounting and silver bullion and cash to the value of more than 5000 pesos were sent to the *real fisco*.⁴⁶

Villasante and Granillo arrived in Mexico City in March, 1663, and delivered the carts and goods to the representatives of the Holy Office. Litigation over disposal of the goods lasted for several years, and a resumé will be given at the end of the next chapter. The mission caravan was not far behind, and in April Ramírez handed over the prisoners and the property in his charge. Within a few days López, Doña Teresa, and the luckless New Mexican soldiers were safely in the jail of the Inquisition waiting to be tried by that stern and punctilious tribunal.

46. Manso to the Holy Office, Parral, February 6, 1663, A. G. P. M., Inquisición 598. Record of the liquidation of the property sold in Parral is found in A. G. P. M., Inquisición 593.

FEDERAL CONTROL OF THE WESTERN APACHES 1848-1886

By RALPH H. OGLE

CHAPTER VII

CONTRACTORS, SPOILSMEN AND INDIAN EXTERMINATORS

THE CONSUMMATION of the policy of concentration by Agent Clum did not solve the problem of Apache control. In fact, the pace of concentration was so rapid that the Indian bureau lagged far behind in formulating effective measures of control. Officials in the field railed at the situation and their critical reports indicated that an ominous future was anticipated.

General Kautz was particularly critical. The peace policy as manipulated by the interested contractors and crooked politicians, he said, was nothing more than concentration in disguise, and although it outwardly appeared to humanitarians to be a program of civilization, it, in reality, was simply a base scheme of exploitation. At a large agency like San Carlos where there were heavy disbursements, he thought the field especially propitious for its full development.¹ Furthermore, he predicted that concentration would inevitably lead to a series of bloody outbreaks, especially when the new Indian leaders should become influential enough to capitalize on the dissatisfaction already evident among the many dissimilar bands.² Inspector Kemble although a firm believer in concentration, also foresaw trouble, especially if an agent inexperienced with agency police should attempt to subject so many heterogeneous bands to a system of rigid discipline.³ Even Clum was not sure of the Indians' future.⁴

1. Gen. Kautz to A. A. G., Aug. 15, 1877, 45 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 142-145.

Kautz in a sharp analysis stated that the "ring" must have a large number of Indians at one point to make sufficient profits—hence their interest in concentration. After this they did not stop until the agency was "controlled." The rest of their program consisted of fraudulent returns, incorrect weights and measures, inferior products and deficient allowances. *Ibid.*

2. *Ibid.*

3. Kemble to Smith, Jan. 21, 1876, I. O., K 63.

4. Clum to Comm., Sept. 18, 1877, *R. C. I. A.*, 1877, p. 35.

There was ample ground for such adverse views. Crook had early insisted that a permanent peace was contingent upon the proper subjugation of the Chiricahuas,⁵ and without doubt their conduct since the Howard Peace fully justified his view. Indeed, their transference to San Carlos in 1876 had merely relieved the renegades among them from restraints and encumbrances, and since that time the military in both New Mexico and Arizona had either scouted for them, or suffered severe criticism for not doing so.⁶

In spite of his reputed inactivity General Kautz appears to have had troops in the field most of the time. Beginning in July, 1876, regular scouting was ordered,⁷ and it was kept up with increased activity during the first half of 1877. Unfortunately, the inertia of the troops' movements, or the especial elusiveness of the Chiricahua and Southern Apache renegades prevented them from receiving any serious decimation.⁸ It is very probable, however, that the numerous and extended scouts made, materially reduced the amount and seriousness of the depredations,⁹ and that the demonstrated need of fuller military facilities in southeastern Arizona led Kautz to establish Camp Huachuca at the north end of the Huachuca Mountains.¹⁰ When he posted the camp and sent a company of Hualpai scouts to scour the region,¹¹ it was thought that raiding would stop. But to his keen disappointment a band of renegades began harrying the Fort Bowie region, and near the end of May they killed two mail carriers near the post. Kautz attempted to show that only six renegades frequented the region, but a few days later when Lieutenant T. A. Touey's command was defeated in the

5. Crook to Townsend, July 10, 1871, I. O., A 501.

6. Kautz to A. A. G., Aug. 15, 1877, *op. cit.*, pp. 134-135.

7. *Ibid.*

8. See Gen. F. T. Sherman's criticism of Kautz's scouting, in *Arizona Citizen*, Nov. 11, 1876.

9. For scouts, see, Capt. Worth to A. A. G., Mar. 25, 1877, A. G. O., 2079; Lt. Craig to A. A. G., April 22, 1877, A. G. O., 2882; Capt. Rafferty to P. A., April 24, 1877, *ibid.*; Lt. Rucker to A. A. G., May 1, 1877, *ibid.*

10. Kautz to A. A. G., Aug. 15, 1877, *op. cit.*

11. Kautz to A. A. G., May 5, 1877, A. G. O., 2882.

Las Animas Mountains, he decided that the six renegades had been joined by fifty others.¹²

Almost in desperation, he insisted that the methods General Crook had formerly used at San Carlos would have to be used against the "few renegades now out."¹³ Inspector Vandever recommended, on the contrary, that the Indian police be sent to the region to "protect the military post," and Governor Safford actually did take to the field with them for three weeks.¹⁴ General Kautz, obviously belittled, was kept in command only on the strong insistence of his division commander.¹⁵

While the policy of concentration was thus endangered by a considerable body of desperate renegades, the main groups of the Apaches were behaving quite satisfactorily at San Carlos. The protracted absences of the regular agent, and the addition of so many unrelated and unfriendly bands had caused much unrest among all the Indians; nevertheless, Acting-Agent Sweeney had maintained discipline.¹⁶

The agricultural program was not enlarged, but the Indians had so effectively improved their irrigation facilities that the growing crops promised a much heavier harvest than in former years. Inspector Vandever noted these excellent prospects at a glance, and forthwith he reported that more irrigation was the true key to Apache civilization. If the Indian bureau would spend an additional \$30,000 on the project he was certain that the agency would be self-sufficient in five years with a saving of \$60,000 per year in the meantime; otherwise, he sagely predicted expensive troubles.¹⁷

In fact, the inspector's knowledge of Indian control was rapidly growing at this time. He spent the last of May and

12. *Arizona Citizen*, June 9, 1877; Touey to C. O., June 9, 1877, A. G. O., 3802; Kautz to A. G., June 22, 1877, *ibid.*

13. *Ibid.*

14. Vandever to Comm., June 1, 1877, *I. F.*, 1649; *Arizona Citizen*, June 9, 1877. Safford met with no success.

15. McDowell to Secty. of War, July 10, 1877, A. G. O., 3858.

16. Vandever to Comm., June 30, 1877, *I. F.*, 1661.

17. *Ibid.*

the first of June at San Carlos and then started to New Mexico. But he had gone only a short distance before he decided the daily raids of the renegades made his trip too uncertain; he therefore returned to the agency. Almost at once he received instructions to remain close at hand where he could make frequent reports on the status and temper of the Indians.¹⁸ This was a fortunate move, for Clum's decision to quit practically left Vandever in charge, and when the military suspended scouting near the end of June, his placing of twenty-five new police in the field prevented many restless bucks from joining the renegades.¹⁹

Vandever also met with military inspection, and the system immediately proved to be as irksome to him as it had to Clum. His opposition brought sharp orders from the commissioner to permit it,²⁰ but this did not stop his antagonism; consequently, when Kautz demanded to know "all the circumstances connected with each issue," Vandever branded the whole scheme of military inspection as nothing less than complete usurpation of the bureau's authority.²¹

Naturally, a crisis resulted, and in less than a month the military charged him with negligence, inefficiency, criminal neglect and fraud.²² The charges were not pressed, but Secretary Schurz in reprimanding him for his "wholesale denunciation" of officers whose "coöperation is almost daily required," showed that the government approved the idea of military inspection.²³

18. Vandever to Smith, June 14, 1877, I. O., V 89; Comm. to Vandever, June 14, 1877, L. B. no. 136, p. 294.

19. Vandever to Comm., July 16, 1877, I. F., 1687.

20. Smith to San Carlos Agent, July 21, 1877, L. B. no. 139, p. 355.

21. Vandever to Comm., Aug. 6, 1877, I. F., 1706.

22. Lt. L. A. Abbott to A. A. G., Aug. 21, 1877, A. G. O., 6526.

23. Schurz to Comm., Sept. 6, 1877, I. O., I 615.

The presence of an army officer evidently had a salutary effect on checking the condition and quality of supplies received. In August Vandever reported that much of a shipment of 32,080 pounds of rice was lost by the breaking up of the containers during shipment, and that 17,919 pounds of sugar sent had been "watered" to make up for the large quantity taken out enroute. Vandever to Comm., Aug. 18, 1877, I. F., 1713. In October a Board of Survey assessed the contractors for a loss of 12% of the sugar and 15% of the rice. I. O., S 1295.

Lieutenant Abbott charged that not half of the \$240,000 of supplies bought during

The civil-military feud did not involve the reserve Indians at the moment; nevertheless, the constant bickering of the officials, the lack of supplies and the many tribal jealousies produced intense dissatisfaction. The Warm Springs Indians were especially disaffected, and they merely awaited an opportunity for an outbreak. Their chance came almost immediately on the night of September 1, when Pionsenay, the renegade Chiricahua chief, slipped into the reserve to take away a number of noncombatants belonging to his band. Without hesitation 310 men, women and children under Victorio and Loco broke out on the same night and struck eastward, evidently intending to make a dash into Mexico.²⁴

Fortunately, a force composed of police and volunteer Chiricahuas overtook them the next day and forced a fight near Ash Creek. This unexpected blow forced the fugitives northward into an isolated ranch country south of Fort Wingate, but instead of seeking peace, they attacked remote ranches, killed twelve ranchers and made away with one hundred head of stock. No doubt scores of ranchers would have been killed had the police, now reinforced by troops from Arizona and New Mexico, not dogged them in hot pursuit. After a month of constant harassment in which they lost fifty-six of their number, the distressed Indians were induced to surrender to the commandant of Fort Wingate.²⁵

Their disposal now became a most perplexing problem to the military. If returned to San Carlos another outbreak

24. H. L. Hart to Vandever, Sept. 24, 1877, *I. F.*, 1732. Hart was appointed agent on June 26, but he did not assume his duties until August 21. Hart to Comm., Nov. 3, 1877, *I. O.*, S 1334.

Nolgee and two other renegades had surrendered during the summer to arrange the details for Pionsenay. Vandever to Comm., Oct. 14, 1877, *I. F.*, 1730.

25. McDowell to A. G., Sept. 11, 1877, *A. G. O.*, 5705; Sheridan to Townsend, Sept. 18, 1877, *A. G. O.*, 5836; Thos. Keams to Maj. H. Jewett, Oct. 3, 1877, *A. G. O.*, 6629.

the year were ever delivered, that vouchers were "raised" and grave frauds perpetrated. Abbott to A. A. G., Aug. 21, 1877, *I. O.*, W 1047.

could be expected; if left with the Navajos²⁶ a series of infectious troubles would be invited. In their dilemma the officers suggested locating them in the Indian Territory or at the Mescalero Reservation, but in November Secretary of War George W. McCrary ordered them removed to their old home at Ojo Caliente, where they were to be closely guarded until the department of the interior could provide for their final disposition.²⁷

The Warm Springs outbreak produced a serious situation for Agent H. L. Hart at the very beginning of his administration. He was a tactful man, however, and by making Gerónimo captain of the remaining Southern Apaches enlisted the former renegade's aid in preventing further troubles.²⁸ He also welcomed military inspection and thus won the praise of the division commander.²⁹ Fortunately, the officials of the department of the interior supported Hart with unusual promptness. They not only advanced funds for the enlistment of a special force of thirty scouts³⁰ but they also authorized him to remove Pedro's troublesome band from Fort Apache.³¹ Secretary Schurz even advanced funds to complete the sub-agency, for Hart had quickly convinced him that fierce feuds certain to arise at a central agency would drive many bands from the reserve.³²

Thus supported, Hart experienced no difficulties during the fall of 1877. He kept his efficient scouts in the field with instructions to kill all recalcitrants found, and almost at once the various bands became exceedingly docile.³³ The Chiricahuas reiterated their peaceful intentions, and even the surly Apache-Yumas and the Yavapai, who had long

26. Fort Wingate near the present Gallup, New Mexico, commanded the Navaho country.

27. Hatch to A. A. G., Oct. 11, 1877, *ibid.* McCrary to Secty. of Int., Nov. 1, 1877, I. O., W 1069; Sheridan to A. G., Nov. 9, 1877, I. O., W 1095.

28. Hart to Vandever, Sept. 24, 1877, *op. cit.*

29. McDowell to A. A. G., Aug. 28, 1877, A. G. O., 6339.

30. Schurz to Comm., Nov. 14, 1877, I. O., I 821.

31. Hayt to Hart, Nov. 6, 1877, L. B. no. 138, p. 146.

32. Hart to Smith, Sept. 19, 1877, I. O., S 1090; Schurz to Comm., Nov. 28, 1877, I. O., I 877.

33. Hart to Vandever, Sept. 24, 1877, *op. cit.*

yearned to rejoin their kinsmen on the Colorado River Reserve, had a change of heart. When Hart told them their wish was about to be realized, they reconsidered, and voted to remain at San Carlos.³⁴

Hart's success was partly due to the increased activity of the troops. The recent outbreak caused Kautz to realize the danger of renegades running at large; therefore, to avoid anticipated trouble, he kept numerous commands scouring the country around the reserve.³⁵ No devastations were reported for several weeks, but his prediction that they might be expected at any time came true in December when Juh and Nolgee captured a wagon train in the Stein's Peak Range, killed several men, including a mail carrier, and swept the region bare of stock.³⁶ The strong renegade party then fled with their plunder towards the Sierra Madres of Mexico just as Lieutenant John Rucker with a command of eighty men returned from a scout that had led him far below the border. Discovering their camp, the lieutenant attacked them on December 17, killing seventeen of their number and capturing their plunder and sixty animals.³⁷

Numerous devastations now occurred in the region west of San Carlos and most of them were attributed to reserve Indians roaming about on passes. This deterred scouting parties from vigorous action until a prominent rancher named Robinson was killed on Tonto Creek; whereupon, troops under Lieutenant E. E. Dravo were dispatched to the region. The demonstration was effective and by the middle of January, 1878, all of the wanderers had returned³⁸ except a small band of elusive renegades.

To apprehend them, Captain Charles Porter from Camp Verde made an arduous scout of three hundred and sixty miles, traversing the entire region of Crook's former cam-

34. Hart to Comm., Nov. 1, 1877, I. O., S 1344. The commissioner had already assented to their removal. Hayt to Sweeney, Sept. 13, 1877, *L. B.* no. 139, p. 37.

35. Kautz to A. A. G., Oct. 4, 1877, A. G. O., 6633.

36. Capt. J. E. Martin to A. A. G., Dec. 13, 1877, A. G. O., 7914.

37. Rucker to P. A., Dec. 31, 1877, A. G. O., 1337. Rucker was drowned July 16, 1878, in trying to save the life of Lt. Austin Henely. *Arizona Citizen*, July 19, 1878.

38. Lt. Dravo to Lt. Kendall, Jan. 7, 1878, A. G. O., 1335.

paign. Only three Indians were killed, but the area was freed of troubles for many months.³⁹

In spite of General Kautz's growing efficiency, the dissatisfaction caused by his initial failure convinced General Sherman and the department of the interior that a new department commander was needed. A change was quickly arranged, and he was relieved by General O. B. Willcox on March 7.⁴⁰

Willcox immediately transferred the center of scouting operations from San Carlos to southeastern Arizona, and a new base, Camp Supply, was established near the border.⁴¹ As soon as the general saw the exposed nature of the region, he directed Major C. E. Compton, who had been placed in charge of all field operations, to clear the area of renegades. Strong scouting commands now moved into every valley and mountain range in southeastern Arizona and southwestern New Mexico, and even the isolated region along the New Mexico-Arizona line was combed twice by a command dispatched from Camp Apache. Such unusual activity caused the renegades to take refuge in Mexico,⁴² and none reappeared until in September, when Lieutenant Henry P. Perrine found a small party near Pinos Altos communicating with the San Carlos Indians. After killing two bucks and capturing five horses, he pursued the survivors until they crossed the border.⁴³

Willcox had his departmental strength reduced to 700

39. Porter to P. A., Feb. 4, 1878, *ibid.*, 1732.

40. Hayt to Secty. of Int., Feb. 15, 1878, *R. B.* no. 80, p. 139; Willcox to A. A. G., Sept. 13, 1878, 45 Cong., 3 sess., *H. E. D.* no. 1, vol. i, p. 193.

Sherman reported more murders in southeastern Arizona during the last six months of 1877, than along the whole frontier of Texas. 45 Cong., 2 sess., *H. M. D.* no. 64, p. 36.

41. Willcox to A. A. G., Sept. 13, 1878, *op. cit.*

42. *Arizona Citizen*, April 5, 1878; Compton to A. A. G., June 6, 1878, A. G. O., 4717.

Economic penetration by miners, ranchers and traders ensued. Willcox to A. A. G., Sept. 13, 1878, *op. cit.*

During the spring the Mexicans revoked the tacit agreement by which commands could pursue hostiles across the border. Gov. Mariscal to Estevan Ochoa, April 12, 1878, A. G. O., 3455.

43. Willcox to A. A. G., Sept. 24, 1878, A. G. O., 8486.

men during the summer.⁴⁴ This drastic action caused him to give little attention to other sections of the territory; nevertheless, Captain Charles Porter struck a heavily armed ranchería of Yavapai near Bill Williams Mountain, killing seven warriors and capturing seven women.⁴⁵

While the military thus became more effective, it appears that inertia overtook the agency police. The agent harped on the value of the police, but his chief interest seemed centered on having a large force of at least fifty men at a wage of \$15 each per month. The commissioner demurred, but Hart's insistence that the sub-agency doubled the possibility of danger evidently convinced Secretary Schurz, for he modified existing orders to provide for the larger force.⁴⁶

Much of Hart's anticipated danger was doubtless due to the fact that great numbers of his Indians were allowed to roam too widely. Whether the agent deliberately issued short rations, or actually had an insufficiency is not clear; at any rate, he issued an extravagant number of passes to Indians who roamed about in search of indigenous foods.⁴⁷ The commissioner ordered more frequent counts in order to check this abuse, but Hart continued the practice, justifying his action on the good behavior of his Indians.⁴⁸

Somewhat later, the authorities at Fort Apache reported that over one hundred San Carlos Indians had been allowed passes to their old planting grounds, and that there was great danger of trouble developing with the military scouts. General Willcox at once questioned the agent's right to issue passes covering territory beyond the reservation limits, and the commissioner decided that the approval of the Indian Bureau would be required in such cases. Hart

44. *Arizona Miner*, Aug. 9, 1878; *Salt River* (Phoenix) *Herald*, Aug. 17, 1878.

45. Porter to C. O., April 6, 1878, A. G. O., 3232.

46. Hart to Comm., July 23, 1878, I. O., H 1237; Hayt to Hart, Aug. 1, 1878, L. B. no. 143, p. 367; Schurz to Comm., Sept. 4, 1878, I. O., I 1652.

47. Maj. Compton to A. A. G., Sept. 18, 1878, A. G. O., (n. f.).

48. Comm. to Hart, June 19, 1878, L. B. no. 143, p. 230; Hart to Comm., July 10, 1878, I. O., H 1201.

defended his jurisdiction, however, and apparently ignored his instructions.⁴⁹

Despite the reputed looseness of Hart's methods, he had reasonable success in keeping the Indians at work. With only forty shovels and a few mattocks they dug twelve miles of new ditches, a considerable portion of which averaged ten feet deep and eight feet wide. More significantly, much of the work was done by one hundred Chiricahuas headed by Gerónimo and Nachee.⁵⁰

No planting was done at the sub-agency, however, for the new tools received arrived too late to be of much use. This led Inspector Watkins, who had never met Indians "more anxious to adopt the white man's ways," to suggest a regular appropriation for equipment as well as for subsistence.⁵¹

At the main agency farm the seeds arrived too late to be planted, but the Indians substituted from their scanty issues of grain and by August 1350 bushels of barley and 100 bushels of wheat had been harvested. Eskiminzin, farming on a private basis, harvested sixty acres of small grains he had planted on the San Pedro.⁵²

The Indians also showed much interest in stock-raising. Out of their 2343 head of stock 521 head were cattle, and these had been largely accumulated by the pooling of beef-ration tickets so live animals could be issued. According to prominent visitors, agricultural pursuits had already worked a transformation among the Apaches.⁵³

Numerous disruptive factors, unfortunately, such as intrusions, troubles with employees and lack of supplies, caused the agent much grief and lowered the general morale

49. Willcox to Secty. of War, Oct. 10, 1878, A. G. O., 7639; Hayt to Hart, Nov. 7, 1878, L. B. no. 144, p. 381; Hart to Comm., Dec. 4, 1878, I. O., H 1992.

50. Hart to Comm., Feb. 27, 1878, I. O., H 474.

51. E. C. Watkins to Hayt, April 13, 1878, I. F., 1938.

52. Hart to Comm., Aug. 1, 1878, R. C. I. A., 1878, p. 7. Eighty acres of corn and beans remained to be harvested.

53. *Ibid*; E. P. Ferry to Sen. Thos. W. Ferry (Mich.), April 15, 1878, I. O., A 180½.

of the reservation. This was especially true in the case of intruding miners.

Since 1875 mining operations had been taking hold on the western boundary of the reservation to an alarming degree, and already numerous camps and sawmills subsidiary to them were operating well within the reserve limits. Two slight modifications in the boundary had been made to accommodate the advancing mining frontier, but these, perhaps, only encouraged the miners to make further encroachments.⁵⁴ In fact, a town named McMillenville, with a population of three hundred persons had sprung up on the very boundary line about ten miles from Globe.

This circumstance greatly complicated agency management, because about four hundred Indians hung about the town, seeking employment and bringing in hay and wood.⁵⁵ Other intruders appropriated all available agricultural, grazing and wooded areas in the immediate regions as far as six miles within the reservation.⁵⁶ Several of the headmen now concluded that boundary lines should be no more binding on Indians than on whites, and Chief Nadaski led his band of eighty-nine persons to a favorite camping ground beyond the reserve limits. Fearing that the situation might result in a bloody collision, General Willcox clamored for the removal of the whites,⁵⁷ and no doubt he was justified in being petulant, for the war department early in the year stood ready to oust all intruders from the reserve.⁵⁸ A few were removed near Fort Apache, but Inspector Watkins prevented further action when he reported that a solid column of troops would have to be kept along the line to handle the situation.⁵⁹

54. *Arizona Citizen*, Sept. 1875; *Executive Orders Relating to Indian Reservations*, pp. 35-36.

55. Watkins to Hart, May 25, 1878, *I. F.*, 1958.

56. Capt. Porter to P. A., Feb. 4, 1878, *I. O.*, W 495; Hart to Comm., Sept. 30, 1878, *I. O.*, H 1695.

57. Willcox to A. A. G., Nov. 27, 1878, *A. G. O.*, 8511.

58. Schurz to Comm., Mar. 7, 1878, *A. G. O.*, H 1695.

59. Watkins to Comm., April 25, 1878, *I. F.* 2022.

The inefficiency of the Indian Bureau was made clear in August, when Commissioner Hayt apparently in ignorance of Schurz's order of March 7, informed Hart that

Naturally the miners called for a demarcation of the reserve boundaries, although in doing so they anticipated that the surveyors could be induced to alter the line to exclude the coveted mineral and timbered areas. Agent Hart, however, came out so strongly in defense of the Indians' rights that the project was dropped.⁶⁰

Troubled as he was by the intruders, Hart was even more distressed with his employees. Vandever foresaw such difficulties and he had already warned the commissioner that the "bad lot surrounding San Carlos" might "mislead" the new agent.⁶¹ Therefore, when Hart delayed in purging his agency of undesirables, the commissioner took personal action. The first victim was George H. Stevens, whose license as agency trader was revoked because he kept a boarding house where "hard cases" were reputed to live.⁶² Hart resented this interference with his management, and by allowing a trader of his own choice special privileges, he almost ruined the business of the commissioner's appointee, Reuben Wood.⁶³ But he did replace the agency clerk, Martin Sweeney, who "was notoriously a drunkard, gambler, and a hard case generally," with George Smerdon, an equally heavy drinker. Ezra Hoag, in charge of the sub-agency, now joined with Sweeney in preferring charges against Hart, but Inspector Watkins gave them little credence because Hoag was found to harbor disreputable characters at a whiskey establishment he kept at the sub-agency.⁶⁴

Nevertheless, some irregularities existed. Hart frequently traded annuity goods for farming tools and clothing,

60. Hart to Comm., Nov. 16, 1878, I. O., H 1886.

61. Vandever to Comm., Nov. 16, 1877, I. F., 1736.

62. Hayt to Watkins, Mar. 23, 1878, L. B. no. 142, p. 48.

63. Wood to Hayt, Oct. 15, 1878, I. O., (n. f.).

64. Hart to Comm., May 1, 1878, I. O., H 873; Watkins to Hayt, May 25, 1878, I. F., 1957.

no intruders could be ousted without the secretary's consent. Hayt to Hart, Aug. 27, 1878, L. B. no. 144, p. 129.

Somewhat later, when Hayt became informed, he asked Hart to explain his delay and inaction in not complying with Schurz's order! Hayt to Hart, Dec. 17, 1878, *ibid.*, p. 482.

but in all cases the trades had benefitted the Indians. He was also interested in mining operations that might well have been avoided by an agent, and he was very deficient in a knowledge of law and routine forms connected with the Indian Office. Notwithstanding these deficiencies the inspector reported that Hart merited the continued support of the commissioner.⁶⁵

Hart might have corrected his mistakes had it been possible to get employees of integrity. Unfortunately, such men were unwilling to work for low governmental pay when private initiative on the nearby mining frontier offered far greater returns; besides, the territorial merchants refused vouchers of the department of the interior except at a twenty-five per cent discount.⁶⁶ The bad men were therefore retained and the trouble was thus doubled, for the administration of the new sub-agency required as many employees as the main agency.⁶⁷ Neither were the troubles lessened by the occasional arrival of some political appointee, usually totally unfit for the duty required.⁶⁸

Hart's greatest troubles developed in connection with the agency supplies. The flour and beef supplies were inadequate for the fiscal year 1877-1878, and in February, the weekly quota of flour issued to an individual was only sufficient for three days. Coffee, sugar, baking powder and tobacco were reduced fifty per cent while the three pounds of beans issued with every one hundred rations was too small in amount to be of any value.⁶⁹

65. Watkins to Hayt, April 19, 1878, *I. F.*, 1940.

66. Watkins to Hayt, May 20, 1878, *I. F.*, 1948.

67. Hart to Comm., Aug. 1, 1878, *op. cit.*

68. Such a case occurred during the summer of 1878 when St. Clair Dearing, a health-seeker and a refined and polished gentleman, was appointed chief of police through the influence of Senator Gordon of Maryland. He was soon in conflict with Hart's appointee, Daniel Ming, whose position had been confirmed by the Indian Office after Dearing was appointed! When Hart entered the fray, Dearing blasted the agency administration, hurling grievous charges against the new clerk, Smerdon. In November, worn out and thoroughly hated, Dearing resigned. Hayt to Hart, June 8, 1878, *L. B.* no. 143, p. 198; Dearing to Hayt, Oct. 1, 1878, *I. O.*, D 803; Dearing to Hayt, Nov. 5, 1878, *I. O.*, D 936.

69. Hart to Comm., Mar. 6, 1878, *I. O.*, H 575.

Contractors promised to deliver without delay the extra twenty-five per cent allowed by their contracts, but very few could find a source of supply so early in the year. New contractors hesitated to deliver supplies in exchange for certified vouchers, and the few that did discounted them twenty-five per cent.⁷⁰ Hart hazarded an outbreak by allowing his Indians to roam widely about in search of native foods, but he accumulated 3000 extra rations for issue each week by issuing only to the number present rather than by families as the commissioner wished.⁷¹

A crisis was soon reached, however, when contractors found it impossible to meet the terms of their contracts with sufficient cattle of the specified weight.⁷² In spite of the officials' entreaties to be permitted to accept smaller cattle, the commissioner ordered that no exceptions could be allowed "even if it was advisable to do so."⁷³ This order forced Hart into the open market where inferior cattle could legally be accepted.⁷⁴ Although temporary relief followed, a lack of funds soon stopped the purchases and the enraged Indians, again hungry, threatened an outbreak. General Willcox almost decided to make them prisoners of war so his commissary could lawfully feed them; instead, he advanced Hart 17,000 pounds of flour and thus relieved the situation for a week.⁷⁵ Fortunately, the thoroughly aroused Interior officials now telegraphed Hart \$10,000 "to meet any

70. Hayt to Schurz, Mar. 23, 1878, *R. B.* no. 30, p. 330.

71. Hart to Comm., July 10, 1878, *I. O.*, H 1201.

72. Cattle were required to average 850 pounds and none could be received of less than 700 pounds.

73. Comm., to E. A. Walz, July 24, 1878, *L. B.* no. 156, p. 87; Watkins to Hayt, May 3, 1878, *I. F.*, 1934.

74. In the open market Hart had to pay \$4 per hundred gross for cattle that under contract would cost \$2.49, less a penalty if they fell below the contract terms. Of course the regular contractors had to assume the loss to the government, but according to treasury department officials, such contractors through a series of pre-arranged financial agreements with the open market vendors, usually filled the open market orders with cattle unacceptable under regular contract terms. Thus a system of defaulting on contracts followed whenever contractors found themselves encumbered with inferior cattle. E. B. French (Second Auditor) to Comm., Dec. 26, 1878, *I. O.*, A 1011.

75. McDowell to A. A. G., July 30, 1878, *A. G. O.*, 5320.

emergency."⁷⁶ This money afforded only temporary relief and even the delivery in August of some of the regular supplies as well as a wide use of the Indians' maturing crops failed to remove the exigency.⁷⁷ But deliveries became more systematic during the autumn and by winter the surly charges had regained their former composure.⁷⁸ Improvement had hardly set in before the return of the Warm Springs band from Ojo Caliente again complicated San Carlos affairs.

The military removal of these Indians from Fort Defiance to the Rio Grande in November, 1877,⁷⁹ was unauthorized by the department of the interior, and the department of war, as a result, was forced to hold them prisoners several months longer pending the department of the interior officials' selection of a place for their final disposition. When the chiefs rebelled against the idea of being returned to San Carlos, several points in New Mexico were suggested, and Fort Sill in Indian Territory was actually recommended.⁸⁰ The military objected vigorously to Fort Sill, and the question was allowed to drift until Generals Sherman and Sheridan threatened to turn the entire band loose.⁸¹ The officials of the department of the interior then asked the department of war to return the prisoners to San Carlos.⁸² Arrangements were not completed until Captain F. T. Bennett with two companies of cavalry and scouts reached Ojo Caliente on October 8. The Indians were still strongly opposed to the change and eighty bucks, including Victorio, took to the mountains, followed in a few days by seventeen more. With the failure of scouting parties to run down the recalcitrants, a motley group of 169 Warm Springs prisoners, mostly non-

76 Hayt to Schurz, July 29, 1878, *R. B.* no. 31, p. 102.

77. Hayt to Wm. Zeckendorf, July 31, 1878, *L. B.* no. 156, p. 132; Hart to Comm., Sept. 18, 1878, *I. O.*, H. 1631. The competitive bidding of the military and the booming mining camps practically closed the open markets to the department of the interior. *Ibid.*

78. Hart to Comm., Nov. 18, 1878, *I. O.*, H 1888.

79. *Cf. supra*, p. 274.

80. Hayt to Schurz, Feb. 2, 1878, *R. B.* no. 30, p. 97.

81. McCrary to Schurz, Aug. 6, 1878, *I. O.*, W 1416.

82. Hayt to Schurz, Aug. 14, 1878, *R. B.* no. 31, p. 147.

combatants, was loaded into wagons and started towards Fort Apache. Rain and snow fell enroute, and by the time the post was reached the San Carlos trail was closed to wagon traffic. Captain Bennett therefore turned the prisoners over to Chief of Police Daniel Ming, who, with his forty scouts, conducted them on to their destination.⁸³ They were immediately located near the agency where the police could guard them closely; yet Agent Hart anticipated that Victorio and his men in attempts to regain their women and children would soon start a series of raids.⁸⁴

Hart engendered more serious troubles than anticipated raids, however, by allowing graft and fraud to creep into his transactions. The new year had scarcely started before it was charged that he was selling vast amounts of agency supplies to surrounding stores and mining camps.⁸⁵ It was also learned that a reputed insufficiency of flour at the agency had caused him to buy all the surplus flour offered for sale in the open market at Globe.⁸⁶ The situation soon became even more intriguing, for the military inspector reported that Hart issued only half rations when he made issues at all.⁸⁷ A climax was reached when the agent asked for military inspection certificates from inspectors who were not present at the delivery of supplies.⁸⁸ This circumstance aroused the commissioner's suspicions, and Inspector J. H. Hammond was sent to investigate the agency.⁸⁹

Evidences of graft were easily found. Hart was not blamed because the small, irregular supply deliveries left the Indians hungry, but his policy of accepting similar amounts of inferior products, pending a large accumulation before military inspection, was open to serious objection.

83. Bennett to A. A. G., Dec. 4, 1878, A. G. O., 8935. Dr. Walter Reed of Spanish-American War fame, who was stationed at Camp Apache, adopted a little Indian girl who had suffered severe burns enroute. Reed to Schurz, Feb. 18, 1879, I. O., H 461.

84. Hart to Comm., Nov. 27, 1878, I. O., H 1954.

85. Dearing to Sen. Gordon, Jan. 15, 1879, I. O., G 47.

86. McDowell to Sherman, Jan. 13, 1879, A. G. O., 171; *Arizona Citizen*, Jan. 18, 1879.

87. Capt. W. L. Foulk to P. A., Feb. 24, 1879, A. G. O., 1713.

88. Lt. G. E. Overton to P. A., Mar. 10, 1879, A. G. O., 2218.

89. Hayt to Hammond, Mar. 19, 1879, *L. B.* no. 148, pp. 148-151.

Moreover, his possession of a single can of high quality flour from which samples could be sent to the Bureau, pointed to probable fraud.⁹⁰ Beef herds were inspected as soon as they reached the reserve and then were returned to the contractor until time of issue. Such a practice indicated that the agent either became the tool of the contractor, or played an outright game of graft himself. Hammond viewed the cattle inspection as a "farce" and a possible "cover for fraud"; he therefore ordered a special branding of each animal received, in advance of the issuance of inspection certificates.¹⁹ This exposé soon brought about Hart's resignation, but most enigmatically, Hammond stopped his investigation at once, considering "the interests of the government sufficiently protected by the resignation of the agent."⁹²

The inspector for a short time took sole charge of the agency. Oddly, he spent most of the time examining mines;⁹³ then in May, he went to Washington and New York, bearing a mine bond signed by Hart and another party named Fuller. Business connections were quickly made, and Hammond hastened back to San Carlos for a completion of the agency inspection, cut short only a few weeks before.⁹⁴ He immediately told Hart that no prosecution was intended for the frauds already detected;⁹⁵ but instead of searching for further graft, he went to the reserve's western boundary, and by a dishonest survey excluded from the reserve a mine that Hart had recently sold to "Edward Knapp," who in

90. Hammond to Comm., April 7, 1879, I. O., H 542.

One contractor after submitting a sample of New England flour, made his delivery in Arizona flour. C. B. Fisk to Bd. Ind. Comms., Nov. 5, 1879, *R. B. I. C.*, 1879, p. 55.

91. Hammond to Comm., April 10, 1879, I. O., H 540; McCrary to Schurz, April 30, 1879, I. O., W (?).

92.. *Rept. Bd. of Inquiry*, Jan. 31, 1880, *R. B. I. C.*, 1879, pp. 68-70.

93. *Arizona Citizen*, May 16, 1879; McDowell to A. G., May 29, 1879, I. O., *Secretary's Files*, Appointments Division, 564. The *Secretary's Files* dealt with delicate subjects over which a tight censorship was maintained. This is the first time these files have been entered by a research student. Hereafter they will be designated *S. F.*

94. *Rept. Bd. of Inquiry*, *op. cit.*

95. Hammond to Hart, July 7, 1879, in *New York Tribune*, Jan. 28, 1880.

reality was Edward Knapp Hayt, the commissioner's son.⁹⁶

Reports from various sources now told of graft and collusion on the part of Hammond and Hart,⁹⁷ and no less a figure than General Clinton B. Fisk, president of the board of Indian commissioners, decided to investigate the San Carlos affairs at first hand. He delayed his investigation until October, but he was shocked when he found it necessary to report:

Our Indian administration is made a stench in the nostrils of honest men by the shameful practices and personal conduct of our officials. . . . San Carlos has suffered through the administration of a mining speculator, conducting his mining through means derived from the sale of agency supplies. Sugar, coffee, meat, blankets were taken by the wagon loan from our warehouse to his mining camps. The purchase and sale of mines absorbed his time and thought. Finally, by the aid of one of our inspectors, he was enabled to sell his mines for a large sum and quietly leave the country, in genial social relations with the said inspector, who had been sent there to investigate abuses, and, as he said, to prosecute the agent.⁹⁸

Several weeks later at a meeting of the Indian commissioners, Fisk charged that Hammond had grafted with the consent and coöperation of Commissioner Hayt, whereby the latter and his friends were to receive special benefits. It was also brought out that Hayt had refrained for several months from reporting some of the most serious charges of graft to Secretary Schurz.⁹⁹ This perfidy was enough for the conscientious secretary. On January 29 he went to the

96. The deed to the mine was taken in the name of C. D. Deshler, a director in Hayt's Trust Company, and an associate in business with Commissioner Hayt's son-in-law. *Ibid.*, Dec. 22, 1879.

97. E. B. French (Second Auditor, U. S. Treasury) to Comm., June 16, 1879, I. O., A 443; Benj. Turner (Head Farmer) to Schurz, July 10, 1889, I. O., I 899.

98. Fisk to Bd. Ind. Comms., Nov. 5, 1879, *R. B. I. C.*, 1879, pp. 54-55.

99. *New York Tribune*, Jan. 12, 31, 1880; *Rept. Bd. of Inquiry*, *op. cit.*; Hayt to Schurz, Jan. 7, 1880, *R. B.* no. 36, p. 22.

office of the commissioner, relieved him of his position and gave him one hour in which to clear his desk.¹⁰⁰

Commissioner Hayt, several months before his implication, had signified his intention of replacing Hart with a man "thoroughly known to be honest and capable."¹⁰¹ Accordingly, on the recommendation of General McDowell, Captain Adna R. Chaffee of Fort McDowell was detailed as agent.¹⁰² Chaffee went to work with characteristic energy and began a general "cleaning up" for the agency; he replaced much of the personnel and searched for graft, but he devoted most of his time to the improvement of the Indians' welfare. Several hundred passes were issued so hungry bands could gather native foods in the Mescal and Pinal Mountains, and other bands were allowed to plant late crops at their former planting grounds scattered over the reserve. When supplies began to arrive regularly, the corn ration was modified to prevent the manufacture of intoxicants. Fortunately for the lowered morale of the Indians, the captain was allowed to form a new force of forty police; immediately his charges became quiet and anxious to work.¹⁰³

Chaffee for some reason appears to have favored the Fort Apache region as a home for some of his bands. Whether this was a concession to his military friends or a desire to help his charges towards self-sufficiency is not clear;¹⁰⁴ nevertheless, he allowed three hundred and fifty-five of them to take up abode in their old homes.¹⁰⁵ The move was a most beneficial one, for it not only pleased the Indians, but in giving further relief to the much improved condition of the

100. *New York Tribune*, Jan. 29, 1880.

101. Hayt to Hammond, April 15, 1879, *L. B.* no. 148, p. 289.

102. Comm. to Capt. M. H. Stacey, June 16, 1879, *L. B.* no. 161, p. 362.

103. Chaffee to Comm., July 27, 1879, I. O., C 786; Chaffee to P. R. Tully, Aug. 5, 1879, I. O., W 1354.

104. Chaffee was the first official to report that a great part of the irrigation project at San Carlos was useless and impractical. Chaffee to Comm., Aug. 11, 1879, 46 Cong., 2 sess., *H. E. D.* no. 1, vol. ix, p. 113.

105. Chaffee to P. R. Tully, Aug. 5, 1879, *op. cit.*

commissary at San Carlos, it allowed an immediate return to full rations.¹⁰⁶

The agent now enjoyed full and regular deliveries of beef, but he strongly suspected that the government was being defrauded in the weight of cattle. By marking the weights of the agency scales he discovered that the weighers were using tampered weights that gave great advantage to the contractors.¹⁰⁷

The detection of graft greatly heightened Chaffee's energy and attention, and he gradually cleared the nauseous atmosphere of the agency; still, he suffered much inconvenience in connection with the deliveries of annuity goods. Contracts for deliveries had been given in July so the goods could arrive in October, but January weather caught the Indians "virtually naked, shoeless, shirtless and blanketless."¹⁰⁸ This condition prevailed until the middle of February when an advance consignment arrived just in time to prevent an ugly outbreak.¹⁰⁹

Subsisting the Indians proved to be less difficult, and no troubles were encountered until rigorous weather drove most of the Fort Apache group back to the agency, and a band of over one hundred renegades was brought in from Mexico.¹¹⁰ This increase in numbers and a recurrence of

106. *Phoenix Herald*, Sept. 20, 1879.

107. Chaffee to Comm., Oct. 25, 1879, I. O., C 1090.

Chaffee rechecked one herd of ninety cattle at 6860 pounds less than they showed on the first weighing. Chaffee to Comm., Oct. 13, 1879, *ibid*.

108. Chaffee to Comm., Oct. 12, 1879, I. O., C 1075; Fisk to Schurz, Jan. 15, 1880, I. O., S 193.

109. Chaffee to Comm., Feb. 24, 1880, I. O., C 453.

110. Chaffee to Comm., Mar. 4, 1880, I. O., C 475.

Gerónimo, Ponce, Francisco and several other notorious renegades on April 4, 1878, fled from San Carlos to the Sierra Madres in Mexico. Very peculiarly, no official report of their escape was made, but it is probable that they wished to visit Juh and Nolgee who had dashed into Mexico at the time of the Chiricahua removal. The renegades soon established a heavy traffic in stolen goods with the citizens of Janos.

Information concerning their whereabouts was learned in July, 1879, and plans were made to return them to the United States. (Chaffee to Comm., Sept. 9, 1879, I. O., C 96). McDowell stopped the action, but late in the year, Lieutenant H. L. Haskell, Thos. Jeffords, Archie McIntosh and some friendly Indians opened communication with the refugees. Privation and Mexican military activity were now so pressing, that Gerónimo, Juh and 105 other Indians voluntarily surrendered at Camp Rucker.

irregular deliveries forced the agent to buy flour in the open market, but the only kind that could be found made the Indians violently sick, "creating dizziness in the head, sickness of the stomach and finally severe vomiting." Such bad effects aroused the bureau from its lethargy, and its first example of forethought was evinced when the regular contractors were told to deliver the extra twenty-five per cent of supplies allowed by law.¹¹¹

Captain Chaffee by this time had demonstrated himself to be a successful Indian agent, but his appointment was only temporary, and steps had already been taken to select a civilian agent. After Clum had applied,¹¹² and Jeffords had been strongly endorsed by Governor Frémont,¹¹³ a decision was made in favor of J. C. Tiffany of New York, the candidate of the Dutch Reformed Church.¹¹⁴ Accordingly, he took charge of San Carlos on June 1, 1880, and immediately began to replenish the dwindling beef supply by open market purchases.¹¹⁵ He next attended to the spiritual needs of his employees by organizing a Sunday School and a series of Bible reading. Then he formulated plans for the advancement of his charges. With the consent of the bureau, a school building was started, 250 acres of land were cleared, and a corral with a well nearby was constructed midway between Globe and the agency for the convenience of the freighters of Indian supplies.¹¹⁶

Tiffany had been in charge only a short time when he learned the Indians wanted a change in the economical

111. R. E. Trowbridge to Chaffee, Mar. 23, 1880, *L. B.* no. 169, p. 586; Chaffee to Comm., May 24, 1880, *I. O.*, C 1016.

112. Clum to Hayt, Dec. 20, 1879, *I. O.*, C 15.

113. John C. Frémont to Schurz, Jan. 23, 1880, *I. O.*, A 108.

114. Schurz to Comm., May 4, 1880, *I. O.*, I 259. According to General Fisk, Tiffany would bring a "new order of things" at San Carlos, because he was a "great worker and a Christian." He had supervised the construction of the elevated railways in New York City. Fisk to Comm., Mar. 5, 1880, *S. F.*, 351.

115. Tiffany to Comm., June 1, 1880, *I. O.*, T 650.

116. Tiffany to Comm., July 12, 1880, *I. O.*, T 901.

The penitents were then conducted to San Carlos and located near the sub-agency. Louis H. Scott (U. S. Consul) to Gov. Lew Wallace, Nov. 29, 1879, *I. O.*, N 13; *N. Mex.*; Haskell to Willcox, Dec. 21, 1879, *A. G. O.*, 284.

rationing system developed by his predecessor. This was made especially clear by Juh and Gerónimo who explained that the Chiricahuas merely delayed a jump into Mexico because they first wished to ascertain his degree of liberality. They agreed to stay and pursue constructive work for him if he would begin the immediate issuance of full rations.¹¹⁷ He accepted their proffer and thus kept a large number of them busy on the work started by Chaffee. By the time of his annual report they had harvested 500 bushels of wheat, 1800 bushels of barley and 1800 bushels of corn. He predicted that with competently constructed irrigation ditches instead of the useless ones already built, and a protection of their water rights against the Mormon settlers above the reserve, the Apaches would soon become a civilized group.¹¹⁸

Tiffany enlarged upon and revitalized some of the projects started by the former agents. He surveyed a new set of ditches which, with the aid of flumes he proposed building, would allow the irrigation of 1400 acres of new land near the agency. Moreover, he promised the bureau that since he intended to complete the work with the labor of Indians in the guardhouse as well as that of those paying for annuity goods, this important development would require a special appropriation of only \$10,000.¹¹⁹ He also contemplated the opening of a school in the spring of 1881, but in December when several headmen brought in their sons and insisted that the educative process start at once, seventeen boys were placed under the instruction of Mrs. A. B. Ross.¹²⁰

In spite of the visible progress noted by officials who visited San Carlos,¹²¹ Tiffany had already stooped to certain administrative irregularities, and his marked propensity

117. *Ibid.*

118. Tiffany to Comm., Aug. 15, 1880, 46 Cong., 3 sess., *H. E. D.* no. 1, vol. i, p. 128.

119. Tiffany to Comm., Nov. 29, 1880, I. O., 1607.

120. Tiffany to Comm., Dec. 31, 1880, I. O., 845.

121. Fisk to Bd. Ind. Comms., Nov. 15, 1880, *R. B. I. C.*, 1880, p. 54.

for taking other than the prescribed forms of procedure was rapidly growing. His suavity, however, kept him from early detection,¹²² and even after he was accused of receiving several deliveries of cattle at one time, he sent convincing affidavits from his employees that he had been acting honestly. Nevertheless, Inspector J. L. Mahan soon found that the cattle had actually been received as reported and then returned to the care of the contractor.¹²³ Questions also arose concerning his agency traders and his proposal to "individualize" the rationing system, but it was not until a bill of lading for supplies had been held up that a careful investigation was made.¹²⁴

When Mahan began a close scrutiny of the agency early in November, affairs seemed to be running very smoothly. All the bands appeared progressive and the Indian police were maintaining the best discipline the inspector had noted among any Indians. Yet many serious irregularities, if not criminal practices, were quickly uncovered. Tiffany had signed bills of lading for goods not received,¹²⁵ and rations had been issued short to make up for wastage and shrinkage. Short issues in other instances had been manipulated to the profit of the agent.¹²⁶ By paying the agency butcher in hides rather than cash, graft was not only possible but highly probable. And in the case of the well sunk between Globe and San Carlos, the inspector was led to believe that Tiffany expected to make great profits. These gross abuses should have caused the immediate removal of the agent; instead Secretary Schurz, probably moved by Mahan's view that Tiffany was honest in motive, endorsed on the report

122. His criticism of military inspection was never direct. Thus, he escaped the officers' censure. He did attack the system in his regular agency reports. Tiffany to Comm., Sept. 17, 1880, I. O., 1313.

123. *Ibid.*; Mahan to Schurz, Nov. 18, 1880, *S. F.*, 314.

124. E. M. Marble to Tiffany, Sept. 3, 1880, *L. B.* no. 154, p. 644; Mahan to Comm., Nov. 2, 1880, I. O., M 2200.

125. He had signed for 15,251 pounds of sugar when only 2168 pounds were received; 3349 pounds of coffee when none was received; and 5000 pounds of tobacco when 4000 pounds were received.

126. Mahan found that 16,695 pounds of common groceries had been accumulated to the agent's profit.

his approval of the agent's efforts to civilize the Apaches, and continued him in office.¹²⁷

This disclosure did not lessen Tiffany's energy and he continued to make sufficient progress to impress his superiors. The cultivation of crops was increased from 150 acres to 1000 acres with a resulting increase in yield from 2300 bushels to 16,000 bushels, a school building of 100,000 adobes was completed with no white laborers except masons, and five miles of new ditches were dug by the Indians themselves. Unfortunately the destruction of Tiffany's expensive flumes by flood waters caused Inspector R. S. Gardner to recommend the abandonment of part of the expanded program, but it is probable that the inspector was motivated by the impractical nature of the work. Nevertheless, the agent's success was recognized by complying with his request for fifty wagons, and allowing him funds for two extensive corrals.¹²⁸

Tiffany believed in strict order and his force of scouts under Chief of Police A. D. Sterling maintained excellent discipline until the middle of 1881. Armed with the latest type of Remington rifles, the police preserved peace by keeping under strict surveillance the movements of the many bands allowed to live on pass in remote parts of the reserve.¹²⁹ Tiffany, like Hart, favored decentralization within the reserve rather than the bureau's policy of concentration. Naturally, such a reversal of policy was unexpected, but after he convinced Inspector Gardner that the change would make the bands eager to become selfsufficient, the bureau approved his plan.¹³⁰

Its administration created serious problems, for Indians away from the agency could not be restrained from buying liquor,¹³¹ and Indians at large were made exceedingly

127. Mahan to Schurz, Nov. 18, 1880, *op. cit.*

128. Tiffany to Comm., Sept. 6, 1881, *R. C. I. A.*, 1881, pp. 7-8. Gardner to Kirkwood, Aug. 22, 1881, *I. O.*, 15787.

129. Hiffany to Comm., Sept. 6, 1881, *op. cit.*

130. Gardner to Kirkwood, Aug. 22, 1881, *op. cit.*

131. Territorial officers gave the agent little support in suppressing the traffic.

resentful when they saw the full extent of intrusions at first-hand. In fact, the troublesome question of intrusions had already developed from a serious problem into a crisis.

The mad rush of the intruding miners into the McMullen District,¹³² was followed by a wave of Mormon immigration into the Pueblo Viejo Valley east of the reserve. Within a short time enough water was diverted from the Gila to bring partial crop failures to the aspiring Apache farmers further down the river.¹³³ Efforts were renewed to have the reserve lines demarcated by an official survey, but congress, unmoved by Inspector Mahan's prediction that the agitated Indians would cause serious trouble, refused funds. Commissioner Price, thus stalemated, requested Tiffany to avoid complications by "good judgment and administrative ability."¹³⁴ Before this advice had been received, though, a large influx of Mormons into the region west of Fort Apache, practically placed the situation beyond the agent's control.¹³⁵ And a few weeks later, the discovery of coal on the southern boundary of the reserve brought a rush of rapacious miners to within fourteen miles of the agency.¹³⁶ Tiffany immediately secured military aid, ousted the intruders,¹³⁷ and then made a lease whereby the tribesmen were to enjoy the royalties from all minerals taken from the reservation.¹³⁸

Many of the bands in the meantime were rendered desperate by the continuous assaults on their lands, and, in an effort to escape from their adversities, they fell under the

132. Cf. *supra*, pp. 279-280.

133. Mahan to Schurz, Nov. 18, 1880, *op. cit.*

134. Tiffany to Comm., July 12, 1880, I. O., T 901; Mahan to Schurz, Nov. 1880, *op. cit.*; Price to Tiffany, May 23, 1881, L. B. no. 162, p. 65.

135. Tiffany to Comm., Jan. 31, 1881, I. O., 845.

136. Tiffany to Comm., Mar. 7, 18, 1881, I. O., 4854.

137. Tiffany to Comm., Sept. 6, 1881, R. C. I. A., 1881, p. 10.

138. Tiffany to Comm., May 30, 1881, I. O., 9612.

Graft was indicated when a \$1000 advance payment was allowed in persuading fifty-three chiefs and headmen to sign the lease. Secretary Kirkwood disapproved the action in August. Kirkwood to Comm., Aug. 3, 1881, I. O., 13502. See also *New York Herald*, Sept. 6, 1881.

influence of Nocadelklinny, a medicine man said to be guided and inspired by Gerónimo.¹³⁹

Nocadelklinny, it appears, first gained fame during the summer of 1881, when he proposed to resurrect two prominent Coyotero chiefs who had been killed in tribal feuds.¹⁴⁰ Claiming divine revelation he started a series of impressive dances around the graves of the dead chieftains. As the weeks passed hundreds of Indians, intoxicated with excitement, resorted to the scene. The resurrection failed to materialize and Nocadelklinny, threatened with violence, allayed suspicion by announcing that the whites would have to be exterminated before the corn ripened if the leaders were to be restored to life.¹⁴¹

Such a proposal caused General E. A. Carr, commanding Fort Apache, to report the situation on August 1, with a request for instructions. Five days later he was told to take steps necessary to prevent trouble, but to get Tiffany's views first.¹⁴² Telegrams flew back and forth between the two men, and Tiffany instead of using his police to restore order, requested General Carr "to arrest or kill the medicine man" when he should come to the post.¹⁴³ A pessimistic report from Tiffany on August 13 caused General Willcox to order the arrest "as soon as practicable."¹⁴⁴ Carr hesitated to comply with the order, for he had just confirmed reports that no dependence could be placed in his scouts. He there-

139. Clum, *Apache Agent*, p. 265.

This movement of the Apaches contained elements of the Ghost Dance Religion of a later day. See, Mooney, "Ghost Dance Religion," *14th Rept. B. E.*, pt. ii, p. 704.

Major A. K. Arnold believed that the increase in the population of Arizona from 40,400 in 1880 to 82,000 in 1882, explained the Apaches' unrest. Arnold to A. A. G., Aug. 20, 1882, (n. f.).

140. Diablo was killed in Aug. 1880, by members of Pedro's band, and Eskiole was killed during the spring of 1881. Tiffany to Comm., Sept. 6, 1881, *op. cit.*

141. A. B. Reagan, *ms.* no. 2847, B. E., pp. 250-255; E. S. Curtis, *North American Indians*, vol. i, p. 10; Tiffany to Comm., Aug. 10, 1881, I. O., 15478.

142. Capt. Harry C. Egbert to A. A. G., Dec. 10, 1881, A. G. O., 406. Capt. Egbert's thorough investigation of the "Cibicu Affair," ordered by General Willcox, is embodied in this report.

143. *Ibid.*; Tiffany to Comm., Oct. 18, 1881, I. O., 18808.

144. Egbert to A. A. G., Dec. 10, 1881, *op. cit.*

fore delayed until all persuasive measures had failed; then he decided to arrest the mystic at his camp.¹⁴⁵

On August 29, Carr with a command of eighty-five troopers and twenty-three Indian scouts started for the Cibicu Creek where Nocadelklinny was encamped with his followers. The column reached its destination easily enough the next day and experienced no difficulty in making the arrest, but the day was so nearly spent that a camp site had to be selected only a short distance from the village. Furthermore, Carr did this apparently in utter disregard of the suspicious actions of the one hundred heavily armed bucks who followed his column. He soon realized his mistake, for his men had scarcely laid down their arms before a war-whoop was heard and the Indians and scouts began to fire on Captain E. C. Hentig's troops. Within an instant the captain and six of his men had been shot down. The Indians were soon repulsed, but darkness probably saved the command from annihilation. After burying the dead the troopers, greatly handicapped by the loss of fifty-one mounts, pushed rapidly for the post, reaching it without further molestation the next afternoon.¹⁴⁶

Meanwhile, a considerable number of the Cibicu Indians, reinforced by several of the treacherous scouts, discovered a dead pack mule heavily laden with ammunition. This fortuitous circumstance emboldened them, and they hastened on to Fort Apache where other disaffected bands joined them in a sharp attack on the post. Fortunately, they lacked able leadership; otherwise, the post would have fallen.¹⁴⁷ Simultaneously another group of Cibicu warriors under Chief Nantiatish raided west into Pleasant Valley and the Cherry Creek region, burning ranch buildings and strip-

145. Carr to Tiffany, Aug. 29, 1881, I. O., 16849.

146. Carr to A. A. G., Sept. 2, 1881, 47 Cong., 1 sess. *H. E. D.* no. 1, p. 143; *Arizona Citizen*, Sept. 11, 1881.

Nocadelklinny was killed by his guard at the start of the fight.

147. Carr to A. A. G., Sept. 18, 1881, A. G. O., 4327.

During the time of Carr's expedition and immediately afterward it was estimated that at least twenty persons were ambushed along the trails and passes in the disturbed region. *Arizona Citizen*, Sept. 4, 11, 18, 1881.

ping the country of stock. The hostiles, after an attack on the Middleton Ranch in which two ranchers were killed and Henry Middleton was seriously wounded, moved back to the Fort Apache area. They then planned a general uprising, evidently intending to combine with the bands of Pedro, George and Bonito in an attack on San Carlos. Pedro, however, disheartened by the abortive attack on Fort Apache, had taken refuge at the Cooley ranch, as had most of the panic-stricken ranchmen of the region. The bands of George and Bonito had also become discouraged by the failure of Nocadelklinny to come to life, still more perhaps by the movements of troops concentrating on the reserve from every direction. Nevertheless, 150-220 hostiles lingered menacingly near their rendezvous on Black River until the troops drew near them. The Indians now became alarmed and, with the exception of sixty of the most notorious ones, stealthily rejoined their families.¹⁴⁸ It was unfortunate that the situation was not allowed to settle itself at this point. If the agency police had been allowed to ferret out the ring-leaders and run down the few recalcitrants remaining out, the trouble would have ended in a few weeks. But grafting agency officials and aspiring military officers suffered no restraints; as a result, the Apache drama was to continue five years longer.

The entire war department became electrified with apprehension as soon as news of the Cibicu fight reached Washington. While General Willcox was disposing his own troops to crush the outbreak in its incipiency, reënforcements were rushed in from the divisions of the Pacific and the Missouri in anticipation of a general outbreak. General Sherman after consulting with Secretary of War Robert T. Lincoln demanded a war of extermination in which he only wanted "to hear results not intentions." Department lines were to be ignored and troops rather than auxiliaries were to do the slaughtering so the "effect" on the survivors would be perm-

148. E. D. Tussey, "The Apache Wars in Arizona, 1880-1887," *ms.*, Univ. of Iowa, pp. 52-53; Egbert to A. A. G., Dec. 10, 1881, *op. cit.*; Carr to A. A. G., Sept. 18, 1881, *op. cit.*

anent.¹⁴⁹ Determined to strike a decisive blow if it took "every available man in the whole army," he directed General R. S. McKensie, who ranked General Willcox, to advance from New Mexico to Fort Apache. When Willcox became irked at this intrusion, Sherman practically assumed charge by placing McKensie in charge of all field operations.¹⁵⁰ So great a movement of troops completely overawed the hostiles, and small parties, promised a fair trial, began to surrender at the agency. Simultaneously a number of the guilty chiefs supported by about sixty aggressive recruits, secreted themselves at an isolated point on the reservation, evidently hesitating to join a band of renegades reported to be raiding in New Mexico.¹⁵¹

Commissioner Price now decided that the great mass of the Indians were merely victims of circumstances. He therefore set aside a portion of the reserve by a "peace line." This arrangement, he thought, would afford the innocent Indians proper protection and at the same time not contravene Sherman's orders to ignore reserve lines.¹⁵² The hostiles, however, also took advantage of the peace zone and thus General Willcox was prevented from striking the decisive blow desired by General Sherman.

Reliance was again placed on the police. After about sixty arrests had been made, the seven leading chiefs involved (George and Bonito not included) surrendered, but their warriors, although nominally prisoners of the agent, hung on and off, kept under surveillance rather than guarded, George and Bonito, a few days later, parleyed with Sub-Agent Hoag and agreed to accompany him to Fort Thomas where they were to remain in military custody. Unfortunately an injury required George's return to camp, and most enigmatically, the military gave Bonito a parole.¹⁵³

149. Sherman to A. G., Sept. 10, 1881, A. G. O., 5361; McDowell to A. G., Sept.

150. All correspondence in this action is given in 47 Cong., 2 sess. *H. E. D.* no. 1, pp. 144-146.

11, 1881, A. G. O., 5369.

151. Tiffany to Comm., Sept. 25, 1881, I. O., 17376.

152. Price to Secty. of Int., Oct. 24, 1881, *R. C. I. A.*, 1881, p. 9.

153. *Ibid.*; Willcox to A. A. G., Dec. 12, 1881, A. G. O., 4983.

This action was soon repented, and a strong force of cavalry under Colonel James Biddle was sent from the fort to arrest the two chiefs and their bands. The troops reached the sub-agency on September 30, and finding that a regular weekly ration issue was being held, accepted the bands' promise to comply with the colonel's orders as soon as the issuing was completed. Much temporizing followed, and late in the afternoon the chiefs sent word that the troops need not wait for them, as they would soon follow with the sub-agent. Biddle insisted that they must go at once, and started his two companies towards George's camp. When the troops drew near, George and Bonito ran to the Chiricahua camp, crying out that a raid was to be made. This was enough for such suspicious warriors as Juh, Gerónimo, Chatto and Nachee. Within a few hours they and seventy other Chiricahuas, "literally scared away," were travelling fast towards their old haunts in Mexico.¹⁵⁴

Efforts were now redoubled to force in all the disaffected bucks among the Coyoteros. The agency police arrested about fifty, and Carr, acting under McKensie's orders, apprehended forty-seven others in the vicinity of Fort Apache. These with the ones previously taken were turned over to General Willcox, who ordered them confined at Forts Thomas, Grant and Lowell. During the fall small commands scoured the sequestered parts of the reserve, killing a number of Indians who, according to Tiffany, were old and decrepit ones out gathering the remnants of their corn crop not destroyed by the military.¹⁵⁵

Cruel as it was, this harsh treatment was effective and, after a few more arrests, nothing remained to be done except to try the prisoners and punish them according to their individual crimes. A general hanging of all implicated Indians was at first suggested,¹⁵⁶ but when General McDowell in-

154. Hoag to Tiffany, Oct. 1, 1881, I. O., 18075; Sherman to Lincoln, April 14, 1882, A. G. O., 1859.

155. Tiffany to Comm., Oct. 1, 1881, *op. cit.*; Carr to A. A. G., Nov. 5, 1881, A. G. O., 6267.

156. Tiffany to A. A. G., Sept. 5, 1881, I. O., 16849.

sisted that official bungling had forced the Indians to protect their rights, and that none but scouts in military service should suffer extreme penalties, the official sentiment swung in the Indians' favor.¹⁵⁷ Accordingly, a general court martial found that only three, Dead Shot, Dandy Jim and Skippy were guilty of treason; they were publicly hanged on March 3, 1882, at Fort Grant.¹⁵⁸

The Chiricahuas, meanwhile, had again found safety in the fastnesses of the Sierra Madres. The reasons for their flight are not clear, but to Colonel Biddle's bungling and Agent Tiffany's ineptitude must be ascribed the immediate blame.¹⁵⁹ When they left on October 1, it is probable that their annihilation would have occurred within a few days had a confusion of orders not prevented General Carr from going in pursuit.¹⁶⁰ Four commands did quickly take to the field from Fort Thomas, but they were not able to overtake the fugitives until thirteen whites had been killed and a large wagon train destroyed.¹⁶¹

These troops finally did locate them near Cedar Springs as a result of the direct orders of General Willcox who, en-route from Fort Thomas to Fort Grant, hurriedly summoned aid when he was almost captured at the scene of the wagon

157. McDowell to A. G., Dec. 26, 1881, A. G. O., 406.

158. Sherman to McDowell, Feb. 27, 1882, A. G. O., 853; Capt. W. L. Foulk to A. A. G., April 7, 1882, A. G. O., 1665.

Most of the prisoners were liberated within a short time, but apparently the process was not completed until General Crook in October decided to give the remaining renegades "another chance." Dept. of Justice to Henry M. Teller, July 24, 1882, I. O., 13508; P. E. Wilcox to Comm., Oct. 23, 1882, I. D. 19739.

159. Willcox to A. A. G., Dec. 12, 1881, *op. cit.*; Willcox to A. A. G., Aug. 31, 1882, 47 Cong., 2 sess. H. E. D. no. 1, vol. ii, p. 144.

For a careful critique of the Cibicu troubles, see John P. Clum, "Apache Misrule," in *N. Mex. Historical Review*, vol. v (1930), pp. 138-153, 221-239.

160. Willcox to A. A. G., Dec. 12, 1881, *op. cit.*

Following the Cibicu troubles and subsequent events, a court of inquiry examined into General Carr's conduct. It was found that he made errors of judgment only, and that the death of his men merely resulted from the fortunes of war. In 1883 Carr brought charges against Willcox, but the president refused their consideration. Willcox then tried to reopen the charges against Carr and again the president refused consideration. All the documents in the case are collected in a file designated as the *Court of Inquiry for General Carr*, A. G. O., 4327.

161. *Arizona Citizen*, Oct. 9, 1881.

train attack. The troops thus forced to fight, were held at bay by the hostiles for twelve hours while the noncombatants sped on towards the border.¹⁶² During the night of October 2, the warriors deserted their position, and by crossing over into the Aravaipa Valley, moved south through an open ranch country, devastating as they went. They passed near Tombstone where they outdistanced a posse of hardened gunmen led by Mayor Clum, and a little farther on they completely eluded a command under Captain R. F. Bernard who, according to Major C. B. Sanford, "made a march and pursuit almost unexampled in Indian warfare."¹⁶³ By the time the troops were again ready to strike, the hostiles had killed five more citizens, and with 600 head of stock had joined the remnants of Victorio's band, one hundred miles below the border.¹⁶⁴

The Cibicu episode and its resultant troubles should have cleansed Tiffany's administration; instead, graft and corruption ran riot. Nothing new was added to the findings of Inspector Mahan ¹⁶⁵ until the beginning of 1881, but from

162. Sanford to A. A. G., Oct. 5, 1881, 47 Cong., 1 sess., *H. E. D.* no. 1, vol. ii, pp. 146-147.

163. Bernard to A. A. G., Oct. 14, 1881, A. G. O., 4327; Sanford to A. A. G., Oct. 20, 1881, *ibid.*

164. Willcox to Col. Bradley, Oct. 17, 1881, A. G. O., 5879; *Tombstone Epitaph*, Oct. 8, 1881.

Victorio after avoiding the second removal of his band to San Carlos in December, 1878, had vainly sought peace at both Ojo Caliente and the Mescalero Reservation. Finally, in desperation he decided to fight to the end. After endangering the whole system of Apache control as inaugurated at San Carlos, and harrying both New Mexico and West Texas, he was driven into Mexico where he and most of his band was destroyed by General Terrasas on October 15, 1880.

Professor Carl Coke Rister has treated this phase of Apache relations in most satisfactory and scientific manner in *The Southwestern Frontier, 1865-1880*, pp. 203-217.

The remnants of Victorio's band placed themselves under the octogenarian and infirm Nana who had proved himself to be a capable lieutenant on many occasions. In July, 1881 with fifteen warriors he raided across the border into New Mexico. Reinforced by twenty-five Mescaleros, he killed over forty persons, won eight fights, most of them with the cavalry, and captured 200 animals. After eluding 1400 troopers and civilians in a thousand mile chase, he recrossed the border. This raid of less than two months duration was a portent of the future. See *Rept. Secty. of War*, 1881, vol. ii, pp. 117-119; Wellman, *Death in the Desert*, chapt. xx.

165. *Cf. supra*, pp. 291-292.

that time on, every official who chanced near the agency had evidences of graft thrust upon him.

Tiffany, it appears, grafted in every phase of reserve affairs. In March an official of the department of the treasury noted that the agent had established a ranch near the freighters' well on the Globe-San Carlos road, where he was branding government cattle with his private brand.¹⁶⁶ This caused further investigation, and in August, Inspector R. S. Gardner found that the charge was not only true but that the cattle were fed on government grain. He also learned that the ranch was a center for the distribution of public wagons and animals to private individuals as well as a mart where the Indians sold for a low price the animals given them by the government.¹⁶⁷

Gardner found conditions equally bad at the agency proper. Certain salaried employees were allowed extra pay by giving them labor on the irrigation project, and one of them was sent to Tiffany's ranch where he herded the cattle stolen from the government. The agency blacksmith not only spent most of his time doing public work for pay but he actually charged the government's Indian scouts for shoeing their mounts.¹⁶⁸

In the handling of agency supplies Tiffany was even more notorious than in his handling of the employees. Amounts far in excess of those accounted for were sold to the agency personnel.¹⁶⁹ Great numbers of blankets accumulated as a surplus were sold by the agent or hauled away to Indian traders. These traders, in turn, kept up a flourishing business in goods supposed to go to the Indians. When weekly supplies were sent to the sub-agency, the agency storekeeper saw that a large surplus was sent along. Thus, after a sufficient amount had accumulated, the sub-agent consigned the goods to the post trader, J. B. Collins of Fort Thomas who, as deputy United States marshal, evidently

166. J. D. Bartlett to Secty. of Int., Mar. 29, 1881, *S. F.*, 314.

167. Gardner to Comm., Aug. 13, 1881, *S. F.*, 735.

168. *Ibid.*

169. Gardner noted that two sales of over \$500 were unreported.

had the legal authorities intimidated. In other cases the goods were delivered direct to Collins, whereupon the storekeeper issued a receipt in full to the obliging freighters.¹⁷⁰ Vouchers covering issues, it was brought out, were not signed until the end of the quarters, and then by some convenient individual who seldom saw the issues he receipted.¹⁷¹

The field of graft also extended to the agency construction work. Contractors were furnished government hardware and lumber, and one agency carpenter was allowed to work two months for a private contractor. On one building, however, Tiffany gained his end through the medium of a contract. First, a contract was let to one John Redstone to build a \$1,000 structure. Next, John Redstone Gilman, an agency employee at \$900 per year and evidently the same person as John Redstone, took over the contract from Redstone by signing himself as J. R. Gilman. Finally, Ezra Hoag, the sub-agent, certified that the building was finished, and thus the circle of graft was completed.¹⁷²

Why Tiffany's villainous administration was not brought to an early end is not clear. Commissioner Price had recommended his removal in April 1881,¹⁷³ and later in the year the department of the interior was reported to be looking for a new man.¹⁷⁴ But political collusion, Indian troubles and the agent's convincing denials of guilt evidently stayed the end for a year longer. In fact, the agent was not

170. Gardner to Kirkwood, Aug. 30, 1881, I. O., 15865; Wright to Price, Aug. 3, 1882, I. O., 14491.

Colonel Richard I. Dodge wrote in 1877, that only 5-20 per cent of the congressional appropriations for the Indians ever reached them. See his *The Plains of the Great West and Their Inhabitants*, (New York, 1877), p. 46.

171. Affidavits of Ellsworth Mann and Ezra Hoag, July 24, 1881, *ibid.*

The Tucson firm of Lord and Williams had close connections with Tiffany during this period. On one occasion Tiffany threatened that if Dr. Lord did not send a clerk to make the books "agree . . . I am determined not to be the only one who suffers." Tiffany to C. H. Lord, May 11, 1881, I. O., 21071. This letter was seized by the U. S. marshal in 1883. Charles Poston wrote that Lord and Williams "acting under the patronage of the Government at Washington, in connection with Governor McCormick . . . have been the curse and disgrace of this Territory for seventeen years." Poston to Price, Sept. 25, 1881, I. O., 17420.

172. John A. Wright (Inspector) to Price, July 27, 1882, I. O., 14184.

173. Price to Kirkwood, April 15, 1881, S. F., 314.

174. *The Republican* (St. Louis), Sept. 14, 1881.

removed; he resigned on June 30 for reasons of business necessity and health.¹⁷⁵ Perhaps he was moved to make this salutary decision by the complete breakdown of his control in April when Chief Loco and his Warm Springs followers successfully fled the reserve.

Loco had refused to join the Chiricahuas in their successful flight to Mexico following the Cibicu outbreak, but renegade emissaries soon informed him that he would be forced to go.¹⁷⁶ Despite this threat very little was done to prevent an exodus, for Tiffany was sure of his control,¹⁷⁷ and the military scoffed at the idea that renegades were astir in a region so thoroughly scouted.¹⁷⁸ Even General Sherman, who visited San Carlos the first few days of April, refused to be apprehensive.¹⁷⁹ True to their promise, however, about sixty bucks under Chatto and Nachee slipped into Loco's camp on April 19.¹⁸⁰ Loco could not withstand the resulting surge of tribal sentiment; he therefore agreed to go, and the whole body, numbering perhaps 700 persons, slowly set out towards the border, driving their stock before them.¹⁸¹ Determined to brook no opposition, they killed Chief of Police Sterling and ten other persons during the first few miles of their flight. Their route led them close to Fort Thomas and here Colonel George W. Schofield pressed after them in hot pursuit. Peculiarly, he had chased them only three miles when he ordered a rapid retreat, declaring that a lack of ammunition and rations compelled his return to the post.¹⁸²

175. Tiffany to Comm., June 30, 1882, *S. F.*, 351. The report of the federal grand jury in October, 1882, covering the Tiffany frauds is given in Bourke, *On the Border With Crook*, pp. 438-440.

176. Al Sieber to Willcox, June 8, 1882, A. G. O., 3945.

177. Tiffany to Comm., Mar. 15, 1882, I. O., 5681.

178. Willcox to A. G., Feb. 20, 1882, A. G. O., 770.

179. Sherman to Lincoln, April 14, 1882, A. G. O., 1859.

In this communication, Sherman spoke of Tiffany as a "man of character" with his agency well organized and well conducted.

180. Col. G. A. Forsyth to A. A. G., May 18, 1882, A. G. O., 3464.

181. S. J. Pangburn (Acting Agent) to Price, April 21, 1882, I. O., 7514.

182. McDowell to A. G., April 21, 1882, A. G. O., 1763.

The fugitives now unopposed¹⁸³ fled up the Gila to the Clifton mining region while the troops, expecting the Indians to waste no time in striking for Mexico, made fruitless east and west movements to intercept them.¹⁸⁴ New Mexican troops dispatched by Colonel G. A. Forsyth were more successful. They pushed the band into the Stein's Peak Range and a sharp daylight fight took place at Horseshoe Canyon. This delay merely gave the hostiles' women and children an opportunity to cross the San Simón Valley into the Chiricahua Mountains, there to await the arrival of the men at nightfall. Once more reunited, the elusive band fairly precipitated itself across the border into Mexico.¹⁸⁵

Forsyth, meanwhile, fell in with Captain T. C. Tupper's command,¹⁸⁶ and thus reinforced decided to push deep into Mexico rather than allow the hostiles to escape. Fortunately, this movement forced the Apaches into an ambush laid by a Mexican force under Colonel García in the Canyon Alezio, and in the severe fight that followed, the Indians suffered a loss of over one hundred persons. Leaving most of their plunder, the survivors fled in pandemonium towards the rugged Sierra Madres.¹⁸⁷

183. A letter of protest reached Sherman through reference of the navy department. Sherman endorsed it, suggesting that Secty. Chandler send the citizens of Tucson "one of the First Class Frigates with long range guns." Gen. Edw. W. Hencks to Wm. E. Chandler, April 25, 1882, A. G. O., 2056.

184. McDowell to A. G., April 26, 1882, A. G. O., 1828.

Before they went south into the Peloncillos the hostiles made many attacks, killed forty-two persons and swept the region of stock. *Rept. Bd. of Officers*, May 9, 1882, A. G. O., 2372.

185 Forsyth to McKensie, April 24, 1882, I. O., 7853; Forsyth, *Thrilling Days in Army Life*, p. 79 *et seq.* Forsyth lost five men killed and five wounded. Two Indians were killed.

186. Tupper had cut the Indians' trail near Guadalupe Canyon. He followed several miles into Mexico, struck them, killed twelve of their number and captured seventy-five of their animals; nevertheless, he was forced to retire. Tupper to Maj. David Perry, May 8, 1882, I. O., 4983.

Sherman had to end a dispute between the Divisions of the Missouri and the Pacific over honors gained during the outbreak, by ordering Sheridan to accept McDowell's explanation that Arizona troops deserved part of the credit. McDowell to A. G., June 29, 1882, A. G. O., 2979.

187. Gen. J. G. Carbo to Citizen Secty. of War, May 18, 1882, (n. f.). García lost 19 men killed and 21 wounded. He strongly protested Forsyth's intrusion into Mexican territory; consequently Forsyth withdrew at once. Forsyth, *op. cit.*, pp. 119-121. The episode was not known until Forsyth published an account of it in 1900, for McKensie had courteously returned the report to him. *Ibid.*

Loco in his successful flight from San Carlos was not accompanied by the remaining Cibicu irreconcilables. These vengeful bucks had come to look upon the killing of their leader as an act of wanton murder on the parts of the troops; moreover, they had made the fatalistic decision that no justice could be expected from Agent Tiffany. Sixty of them therefore broke out on July 6, 1882, under the leadership of Nantiatish, who hoped to bring about a general uprising.¹⁸⁸ An immediate attack was made on San Carlos, Chief of Police J. L. Colvig and three of his scouts were killed, but the San Carlos Indians rejected the plan of war. Somewhat disheartened, the insurgents with a number of stolen squaws struck west to McMillenville, where they staged an abortive attack on the town.¹⁸⁹

The rapid pursuit of the cavalry dispatched from Fort McDowell now endangered them, and taking advantage of the rough terrain about them they retreated northeastward to the "Big Dry Wash," a forbidding canyon that cuts deeply into the Mogollon Rim. Here, Nantiatish blundered by laying an ambush for Major Chaffee's column. The deception failed, however, and instead, numerous converging columns of troops on July 17 virtually ambushed the hostiles themselves. The immediate onslaught of the troops completely demoralized the Indians, and after Nantiatish and twenty-five other braves had been slain, the survivors fled panic-stricken to the reserve.¹⁹⁰

Fortunately this fight was more than a victory; it was the end of an era in Apache affairs. Never again were the troops to fight the Apaches in Arizona; never again, with the exception of the Chiricahuas, were the Apaches violently to oppose governmental control.

188. Crook's Council with Hostile Chiefs, Sept. 29, 1882, A. G. O., 4874.

189. Pangburn to Price, July 7, 1882, I. O., 12547.

190. Maj. A. W. Evans, to A. A. G., Aug. 8, 1882, A. G. O., 4983; Willcox to A. A. G., Aug. 31, 1882, 47 Cong., 2 sess., H. E. D. no. 1, vol. ii, p. 150.

CHAPTER VIII

THE END OF APACHE RESISTANCE

General Sherman's inspection of the Apache country in April, 1882, resulted in his making suggestions for a general military reorganization of the troubled area. A new Department of the Border to embrace Arizona and New Mexico was proposed, but the plan was dropped when General Crook was reassigned to the Department of Arizona.¹

Crook arrived from the Department of the Platte on September 4, 1882, and began his work of peace at once, for he saw that the Indians were demoralized almost to the point of desperation. Made sullen and distrustful by enigmatical officials, malicious rumors of attack, intrusions on their lands, disarmament and removal plans, they were more than disposed to think the warpath the solution to their evils.² Crook brought all his old tact into play. In a series of extended and enlightening powwows near Fort Apache, he convinced the disaffected leaders that war was just what their enemies desired and that peace was the tribe's only salvation. He convinced them of the wisdom there was in the reestablishment of his former system of strict discipline with its careful censuses and frequent roll calls in which every warrior could be identified by the metal tag he wore. They also accepted his plan for a reorganization of the reserve policy whereby native scouts under the command of Captain Emmet Crawford and Lieutenant Charles B. Gatewood were to be scattered among their own bands to observe and report upon affairs. Perhaps a greater step towards peace was his promise that the mountain bands would be returned from the arid Gila Valley to their old home near Fort Apache.³

1. Sherman to Lincoln, April 30, 1882, A. G. O., 1927; 48 Cong., 1 sess., *H. E. D.* no. 1, pt. ii, p. 159.

2. Crook to A. G., Sept. 28, 1882, A. G. O., 4874.

3. *Ibid.*, p. 160; Conferences with chiefs on Sept. 22, 23, 26 and 29, 1882, I. O., 19337.

Crook reissued his general orders no. 13 of April 8, 1873,⁴ and thus indicated that his original Apache policies would prevail again. But his issuance of supplemental orders, in which "justice to all," "strictest fidelity," "no division of responsibility" and "strict accountability" were emphasized, indicated that a humanitarian policy was to prevail to even a greater degree than before.⁵

Prospects for a speedy success were greatly heightened when the new San Carlos agent, P. P. Wilcox of Denver, evinced a friendly attitude of coöperation.⁶ He quickly fell in with Crook's plan for a military policing of the reservation, abolished the subagency at the general's request, and permitted nearly seven hundred Coyotereros to return to the Fort Apache region where, under the exclusive control of the military, they were to live on a self-supporting basis.⁷ His progress in instituting reforms was slow, however, for the supplies that poured in to fill contracts left by former Agent Tiffany were as worthless as those that already filled the warehouses. Besides, he found it almost impossible to get competent employees to replace the unscrupulous henchmen of his predecessor.⁸ In an effort to stamp out the graft and illicit liquor traffic which seemed to emanate from the agency store, he discharged the Tiffany holdovers and appointed his son-in-law to the lucrative post. This action, he felt, would insure honesty in all Indian trading.⁹

The magnitude of the agent's task should have produced complete coöperation; instead, violent antagonism soon arose when Crook in an effort to insure regular daily counts moved several pacific bands back to the agency.¹⁰ Thus irked, Wilcox enlisted the aid of the Indian Office, put

4. 48 Cong., 1 sess., *H. E. D.* no. 1, vol. ii, pp. 171-172; *cf. supra*, pp. 188-189.

5. Gen. Orders no. 43, Oct. 5, 1882, Army War College.

6. Wilcox took charge Sept. 1, 1882.

7. Wilcox to Teller, Nov. 3, 1882, I. O., 21428; Wilcox to Comm., Aug. 9, 1883, 48 Cong., 1 sess., *H. E. D.* no. 1, vol. ii, p. 66.

8. Wilcox to Comm., Oct. 23, 1882, I. O., 19737.

9. Wilcox to Comm., Oct. 9, 1882, I. O., 18683.

4. 48 Cong., 1 sess., *H. E. D.* no. 1, vol. ii, pp. 171-172; *cf. supra*, pp. 188-189.

pressure on Crook, and over Sherman's strong opposition, succeeded in stopping the counts.¹¹ This early rift was a dangerous one, however, for the agent was already exerting himself to keep rations at a minimum; nevertheless, cold weather during the winter and Captain Crawford's efficient policing kept the Indians quiet. In fact, a total saving of ten per cent in rations was effected.¹²

Amenable as the reservation Indians proved to be, neither Wilcox nor Crook lost sight of the fact that the Chiricahuas remained unreduced in Mexico. Both men were confident that no permanent program of control could be successfully carried out unless these irreconcilables were brought to the reservation. Accordingly, Crook attempted to open communication with them in October, 1882. When his efforts came to naught he became more convinced than ever that devastations might be expected at any time. Again he prepared for war. His troops and packtrains were reorganized, the reserve Indians were enlisted in a program to bring in the Chiricahuas, and Captain Crawford with his Apache scouts was sent to the border to establish a patrol and to engage in spy activity.¹³

Nothing happened for several months although Crawford's spies found that the hostiles had penetrated more deeply into the Sierra Madre Mountains than had been supposed. Finally in March, 1883, just at the time the Mexicans started operations,¹⁴ the Chiricahuas left their stronghold in two bodies—the one under Gerónimo to raid in Sonora and capture stock, the other under Chatto to raid in Arizona and secure ammunition. Chatto, with twenty-six warriors, crossed the border on March 21, and scattered into

11. Wilcox to Comm., Oct. 23, 1882, I. D., 2092; Sherman to Lincoln, Dec. 8, 1882, I. O., 22434; Wilcox to Price, Dec. 1, 1882, I. O., 22485.

12. Wilcox to Comm., Aug. 15, 1884, 48 Cong., 2 sessio *H. E. D.* no. 1, vol. xii, p. 51. The commissioner's promise of \$18,000 worth of seeds, and the distribution of 600 cows as well as some of the expensive farm machinery left in the Tiffany debacle helped to keep the Indians quiet. Price to Wilcox, Dec. 21, 1882, *L. B.* no. 186, p. 2.

13. Crook to A. G., Sept. 27, 1883, 48 Cong., 1 sess., *H. E. D.* no. 1, pt. ii, pp. 161, 172, 179-181.

14. Gen. R. Reguera to Gen. Mackenzie, Mar. 20, 1883, A. G. O., 1211.

small parties difficult to trace. Confirming Crook's view that they were "the worst band of Indians in America," the hostiles while losing only one man, raided for six days in Arizona, killed twenty-six persons, travelled over 400 miles and without being seen by any of the commands dispatched to intercept them escaped back into Mexico.¹⁵

General Crook, meanwhile, received instructions from Sherman authorizing him to destroy the hostiles even if it were necessary to disregard departmental or national lines.¹⁶ Thus encouraged, he completed arrangements for an expeditionary force to penetrate into Mexico after the hostiles. He next secured the promise of coöperation from General Mackenzie of New Mexico, and then he visited the civil and military authorities of Sonora and Chihuahua who cordially assured him of every possible aid.¹⁷ All details completed he left the border at San Bernardino Springs on May 1 with a small force of men and officers and a command of 193 Apache scouts under Crawford and Gatewood, equipped to stay in the field for sixty days.¹⁸

Rapid progress was made across a ravished and depopulated region to the south, but the necessity of night marches in the area bordering the Sierra Madre greatly discouraged the scouts. Fortunately, the discovery of an abundance of hostile "sign" fully restored their energy and confidence. The terrain—ideally suited as a place of refuge—now became the roughest imaginable. Ten mules that slipped from the precipitous trail were crushed to a pulp in the deep canyons below. But after several days of such travel the enemy stronghold in the Sierra Madre was reached. The

15. Crook to Henry M. Teller, Mar. 26, 1883, I. O., 6047; Crook to A. G., Sept. 27, 1883, *op. cit.*, pp. 161-163. Wm. Butts to Price, Mar. 25, 1883, I. O., 6127.

16. A. A. G. to Com. Gen., Mar. 31, 1883, 48 Cong., 2 sess., *H. E. D.* no. 1, pt. ii, p. 173.

17. Crook to A. A. G., July 23, 1883, 42 Cong., 2 sess., *H. E. D.* no. 1, pt. ii, p. 174. See terms of agreement signed on July 29, 1882 by Secretary of State Frederick T. Frelinghuysen and Ambassador M. Romero by which reciprocal right was established to pursue hostiles across the international boundary. *U. S. S. L.*, vol. xxii, p. 934.

18. Bourke, *An Apache Campaign*, p. 39. The expedition was guided by "Peaches" (Pe-nal-tishn) who had deserted the Chiricahuas at the time of Chatto's raid. *Ibid.*, p. 15.

hostiles, however, were not there, although the indications were strong that they were not far away. The pack train was therefore left in the fortress while the scouts under Crawford were sent on to scour the region. Three days later the camps of Chatto and Bonito were discovered, but a premature attack provoked by some chance gunfire allowed the main body of the hostiles to escape.¹⁹

To pursue the fugitives in that rough country was as impossible as it was futile. Crook had two alternatives. He might either accept their proffered surrender on the best terms he could secure or retire from the country and wait till he could surprise them again. The idea of peace prevailed, and as soon as Gerónimo, Chatto, Bonito, Loco and Nachee could be brought together, a lengthy powwow followed in which it was agreed that all past offenses were to be forgotten and the hostiles were to return to the reservation. Gerónimo promised that if the troops moved slowly he would round up his straggling warriors and overtake the procession at the border. But this he failed to do, and when Captain Crawford reached San Carlos on June 23 with fifty-two men and 273 women, the only prominent chiefs in the group were Nana, Loco and Bonito.²⁰

Gerónimo in the meantime decided that he would not be able to command a position of respect at San Carlos unless he had gifts to present to his old friends, so he spent the next several months in Mexico, satiating his thirst for blood and plunder. Finally, during the first few days of March, 1884, he arrived at the border with over eighty followers and a herd of 350 cattle. Demanding the protection of a military escort, he was conducted back to the reservation to the intense disgust of the civil officers and the settlers.²¹

19. Crook to A. G., June 11, 1883, A. G. O., 2333; Bourke, *An Apache Campaign*, p. 41, *et seq.*

20. Crook to A. G., July 23, 1883, *op. cit.*, p. 178.

21. Statement of Gerónimo to Capt. Crawford, Mar. 21, 1884, A. G. O., 1601; Britton Davis, *The Truth about Geronimo* (New Haven, 1925), p. 82 *et seq.* See Clum "Gerónimo," in *Arizona Historical Review*, Oct. 1928, pp. 26-35, in which he argues that Crook was "captured." Nachee with ninety-three followers came in during the

All through the winter and spring preceding the expedition into Mexico, Agent Wilcox and General Crook had given each other reasonable support. Crook especially supported Wilcox against the henchmen of former Agent Tiffany, who in their efforts to expropriate the reserve mineral land and control the Indian trade had carried their fight to President Chester A. Arthur.²² Wilcox apparently approved Crook's program, but when the Chiricahuas surrendered he concluded that their return to the reservation would undo all the success that had been achieved with the peaceable Apache bands. His arguments won the support of Secretary Henry M. Teller, and Secretary Lincoln was informed that, since the Department of the Interior would not agree to the incorporation of the hostiles with the peaceable Apaches, the War Department would have to hold them apart as prisoners of war.²³ Crook remonstrated that any perfidious act on the part of the government would destroy all chances of ever controlling the Chiricahuas by a program of peace, but that if he were allowed to manage them in his own way, he was confident of a permanent peace.²⁴ The result of the matter was that Secretary Lincoln ordered Crook to Washington for a conference.²⁵

The two departments moved quickly, and on July 7, 1883, the entire police control of the reservation was vested in the War Department. The Chiricahuas were to be kept and cared for by General Crook according to his discretion,

22. Crook to Secty. Teller, Feb. 23, 1883, I. O., 4624. Wilcox, threatened with assassination, named C. T. Connell, A. E. Hackney, Charles Fisk, Reuben Wood, J. D. Burgess and Donald Robb as the leaders. Wilcox to Teller, Mar. 10, 1883, S. F., 141. Congressman W. S. Rosecrans (of Civil War fame) interested himself in the reduction of the reservation. Rosecrans to Comm. of Public Land Office, Mar. 28, 1883, (n. f.).

23. Wilcox to Teller, June 17, 1883, I. O., 11069; Teller to Lincoln, June 18, 1883, I. O., 11171.

24. Crook to A. G., June 20, 1883, A. G. O., 2487; Schofield to Sherman, June 18, 1883, A. G. O., 2459.

25. Gen. R. C. Drum to Schofield, June 24, 1883, A. G. O., 2621.

fall of 1883. Chatto and Mangus followed in February, 1884, with a band of about sixty persons. Davis, *op. cit.*, pp. 79-80; Capt. W. A. Rafferty to A. A. G., Oct. 28, 1883, I. O., 20465.

but they were to be kept at the agency only with the agent's consent. The War Department was also to keep peace, administer justice and punish Indian offenders; otherwise the duties of the agent were to remain unchanged.²⁶ Within a short time Captain Crawford was officially charged with the execution of the military's part of the new agreement.²⁷

Three years before, in 1880, Secretary Schurz had noted two widely urged and antagonistic solutions to the Indian problem. The first, held mainly by distant philanthropists, urged the almost immediate canonization of the noble red man. The opposing view, most frequently found in the Indian country, favored keeping the Indians in a state of barbarism for the purpose of accelerating their extinction. To the secretary a more moderate solution was possible. It consisted in preparing the Indian for ultimate citizenship through the ownership of land in severalty, the encouragement of agriculture and stockraising, the use of Indian police and the general dissemination of education.²⁸

The plan followed by General Crook closely resembled the middle-ground policy outlined by Schurz although it had some original features, part of which might be looked upon as idealistic or visionary. The general began with the assumption that just treatment and a paternal attitude toward the Indians would solve the problem. Such just treatment would involve, in his estimation, their ownership of lands in severalty,²⁹ the right to be tried by their own juries,³⁰ policed by their own people, and even conquered by Indian troops. They must be permitted to bear arms, and their removal from their homes was to him unthinkable. Last and most extreme, he advocated their early if not immediate enfranchisement. This, he believed, would arouse

26. For the agreement see E. G. Catternole, *Famous Frontiersmen, Pioneers and Scouts* (Chicago, 1883), p. 530; 48 Cong., 1 sess., *H. E. D.* no. 1, pt. ii, p. 179.

27. Gen. Orders no. 13, July 24, 1883, *ibid.*

28. Schurz to President, Nov. 1, 1880, 46 Cong., 3 sess., *H. E. D.* no. 1, vol. i, pp. 4, 15.

29. Crook to A. G., Sept. 27, 1883, *op. cit.*, p. 167.

30. Crook to A. A. G., (n. d.), 48 Cong., 2 sess., *H. E. D.* no. 1, vol. i, p. 133.

the whites' interest in the Apaches' concerns and save the tribe from complete degradation.³¹

He defended his system with vigor and intelligence. To disarm the Indians, he said, would not only be an injudicious expression of the whites' fears, but also a folly especially on a frontier infested with white criminals. Besides, the Indians' habit of caching arms would make their disarmament almost an impossibility. Equally foolish to him would be their removal. It would start them towards ultimate extinction, and completely destroy their confidence, which factor, Crook knew, was absolutely necessary to retain if they were to be adjusted to white civilization. Worse yet, he predicted that such a step would start one of the bloodiest Indian wars in history. He also objected to the civil trial of the Apache chieftains on the ground that these men—usually mere figureheads in the anarchic Apache system—were manifestly not responsible for their followers' acts. Furthermore, he urged that the Apaches had no comprehension of the whites' code of justice.³²

One of the most discussed features of Crook's system was his wide use of Indian scouts in fighting their kinsmen. As employed by him it simply meant furnishing the native auxiliaries with an unflinching supply of provisions and munitions and turning them loose in stronger numbers than the enemy. No effort was made to enforce discipline, since he felt that the efficiency of the scouts depended on their individuality. The general merely showed them that they had his confidence and he left them to fight in their own way. He justified his use of the scouts because the equipment of the hostiles was no longer inferior to that of the military and, since regular troops in the Indian country were now "as helpless as a whale attacked by a school of swordfish," he was certain that the renegades could be run to earth only by members of their own race.³³

31. Crook to A. G., Sept. 27, 1883, *op. cit.*, pp. 168-169.

32. Crook to A. A. G., July 23, 1883, *op. cit.*, p. 177.

33. Crook, "The Apache Problem," *Journal of Military Service Institute*, Sept. 1886, pp. 262-263. The policy contained one serious drawback. It was necessary to issue munitions to the scout companies, and since their personnel changed rapidly every brave on the reservation was soon well armed. *Geronimo's Story*, pp. 134-135.

The new regime as inaugurated by Crook worked smoothly at first,³⁴ and Crawford was soon allowed to incorporate his Chiricahuas with the agency Indians. This arrangement, he thought, would produce a feeling of equality and contentment.³⁵ But Wilcox decided that the move lowered the morale of all the Indians, and in August, 1883, he bluntly reported that the dual system of control was destined to fail. A short time later he proposed that the military with full powers of control should be ordered to remove the Chiricahuas to Fort Apache, while the agent with similar powers should be left undisturbed at San Carlos.³⁶

Despite this early appearance of irritation, constructive steps projected under the new arrangement resulted in such substantial progress during the next two years that it almost appeared as if the Apache problem were solved. The 900 White Mountain Indians who had removed to the Fort Apache region in the fall of 1882 were practically self-supporting after the agreement of July, 1883. In fact, all the Indians during 1883 showed new interest in work, remained unusually quiet, planted more extensively, and in addition earned over \$10,000 working for ranchers and supplying the military with hay and wood. A saving of thirty-three per cent in beef was passed on to the Indians in the form of 700 breeding cattle, and in conformity with Crook's belief that ownership would carry more weight than the influence of warriors and medicine men, those individuals with the larger herds soon gained the ascendancy in the councils.³⁷ The Indians were naturally heartened by their excellent crops from which they had sold 215,000 pounds of grain to the military for cash, but they were even more encouraged

34. Crook reported that the only change was "that the agent no longer received the credit for managing the Apaches with whose management he had really so little to do." Crook to A. G., April 12, 1884, A. G. O., 1818.

35. Wilcox to Hiram Price, July 31, 1883, I. O., 14440.

36. Wilcox to Comm., Aug. 9, 1883, *op. cit.*, p. 68; Wilcox to Teller, Sept. 12, 1883, I. D., 4201.

37. Wilcox to Price, Oct. 3, 1883, I. O., 18568; Crook to A. A. G., Nov. 3, 1883, A. G. O., 4840.

by Captain Crawford's energetic expulsion of all white intruders from the reservation.³⁸ And of equal encouragement to the officials in charge of the Indians was the fact that Senator Henry L. Dawes in December indicated that he was opposed to any further reduction of the reservation.³⁹

At the end of 1883 Apache affairs looked bright on the surface, and already the civil and military authorities had taken steps to assure a continuance of this seemingly satisfactory condition. Both Wilcox and Crook set forth the necessity of seed grains and tools in ample amounts, and of the importance of their delivery before the planting season. By promising to send the tools at once, and by authorizing Wilcox to buy the grains in the open market, it was evident that the high officials were anxious to make the program succeed.⁴⁰

Wilcox began farming operations near San Carlos early in January, 1884. The quantity of land prepared for cultivation exceeded that of any previous year for the Indians with unusual energy not only repaired all the old irrigation facilities but also dug many new ditches and built twenty new dams. In spite of several disastrous floods before the planting season, they repaired the irrigation facilities sufficiently to have an adequate water supply for the summer.⁴¹

Near Fort Apache the military found the self-sustaining bands equally eager to work. The men and boys joined the women in the agricultural labor, evidently stimulated by Crook's promise to buy all grains offered for sale. The Chiricahuas, whose numbers were augmented by the arrival of Gerónimo and his band in April, also chose a location in the Fort Apache region, Gerónimo and Chatto locating their

38. Crook to Teller, Aug. 4, 1883, I. O., 17074.

39. Data attached to Senate Bill no. 149, Dec. 4, 1883, I. D., 867.

40. Wilcox to Comm., Nov. 16, 1883, I. O., 21066; Lincoln to Teller, Dec. 11, 1883, I. O., 22801; Price to Wilcox, Jan. 18, 1884, *Finance Division*, vol. 95, pp. 412-414. A new departure was made when fifty-two children, including the sons of Loco and Bonito, were sent to the Indian school at Carlisle, Pennsylvania. Lincoln to Teller, Jan. 25, 1884, I. O., 1961.

41. Wilcox to Comm., Aug. 15, 1884, 48 Cong., 2 sess., *H. E. D.* no. 1, vol. xii, pp. 51-52.

bands on Turkey Creek. All the Indians worked with a will, but Gerónimo and Chatto, credited as having the best tilled farms, made the greatest progress. Happily, when the promises of new and sufficient tools failed to materialize most of the work was continued with shovels, case knives and sticks hardened in fire.⁴² The drawbacks thus engendered were serious; nevertheless, the Indians' production of a large crop of vegetables and grains was as astounding as it was refreshing.⁴³ Naturally, the agent and the general were grateful for this success, but they were more delighted because all the Apaches, peaceful for the first time in their history, had given the agency a year of uninterrupted peace.⁴⁴

The dual system of control engendered jealousy, however, and by winter the civil and military were locked in a deadly combat that augured ill for the Indians' future.⁴⁵ In November, 1883, Wilcox became irked at Crawford's interference with the agency farmer's assignments of land to the Indians.⁴⁶ And within a short time Crawford retaliated by remonstrating against Wilcox's receipt and distribution to the Indians of worthless and inferior cattle as breeding stock.⁴⁷ This "Machiavellism and deceit" resulted in an investigation by Special Agent G. A. Milburn which cleared Wilcox, but it hardly coincided with Chief Alchisé's statement that the "Great Father" sent many cattle "older than this world, and had not a tooth in their heads."⁴⁸ Neverthe-

42. Crook to A. A. G., (n. d.), *op. cit.*, p. 132; Crawford to A. A. G., (n. d.), 48 Cong., 2 sess., *H. E. D.*, no. 1, vol. i, p. 135.

43. On 4000 acres throughout the reservation, the Indians produced 3,850,000 lbs. of corn, 600,000 lbs. of cereals, 540,000 lbs. of beans, 20,000 lbs. of potatoes, 200,000 pumpkins and 90,000 melons. They also raised a large crop of vegetables. *Ibid.*, p. 136.

44. Wilcox to Comm., Aug. 15, 1884, *op. cit.*, p. 51.

45. Crook, apparently in a fatalistic mood, had remarked in February, that "to prevent the most disastrous consequences" at San Carlos, it would require men of "peculiar fitness." Crook to Teller, Feb. 23, 1883, *op. cit.*

46. Wilcox to Crawford, Nov. 14, I. O., 9596.

47. Crawford to A. A. G., Dec. 29, 1883, A. G. O., 180.

48. Milburn to Price, Feb. 16, 1884, I. O., 3395; Robert Frazer, *The Apaches of White Mountain Reservation* (Ind. Rights Assoc. Pubs., 1885), p. 17.

less, it resulted in the cancellation of the contract, although the reason given was that the funds were needed for the purchase of additional flour.⁴⁹

By this time nearly all phases of reservation management were in dispute. Wilcox was especially opposed to Crook's use of Indian juries in the administration of justice. He thought that the practice was barbaric and ineffective; and by reporting the clubbing and stoning to death of a murderer convicted by an Indian jury he struck the system a devastating blow.⁵⁰ The military defended their system as the only effective one possible,⁵¹ but in October, 1884, Wilcox went unreprimanded when he ordered his agency police to defy Crawford's attempts to take charge of an Indian needed as a witness.⁵²

Even before the fight had reached its worst proportions, Wilcox charged that Crawford had usurped the agent's duties to such an extent that the agent was deprived of all voice in Indian management.⁵³ This accusation might not have concerned the military had not the commissioner protested Crawford's selling of Indian horses in violation of Indian intercourse laws.⁵⁴ A court of inquiry therefore followed which completely exonerated Crawford; but its finding was essentially a vindication of military control, for in an *ex parte* opinion the view was set forth that those bands completely under military control were already self-supporting.⁵⁵

Agent Wilcox might have been silenced at this point had not the commissioner lent encouragement by recommending that Crawford be required to confine his operations solely

49. Price to Teller, Feb. 26, 1884, *R. B.* no. 47, p. 462.

50. Wilcox to Price, Feb. 9, 1884, I. O., 3395.

51. Crook to A. G., April 12, 1884, A. G. O., 1818.

52. Wilcox to Price, Oct. 9, 1884, I. O., 19936.

53. Wilcox to Price, Feb. 9, 1884, I. O., 3395.

54. Price to Teller, Feb. 7, 1884, *R. B.* no. 47, p. 322.

55. Court of inquiry on Captain Crawford, July 14, 1884, A. G. O., 4566. These findings hardly agreed with Crawford's later report that the Indians' crops "will not exceed much the food, additional to their rations, which they will require." Besides, he requested a heavy distribution of annuities to his Indians. Crawford to Crook, Aug. 18, 1884, *ibid.*

to police control.⁵⁶ As a consequence, Wilcox and the acting agent S. B. Beaumont continued the struggle with renewed energy.⁵⁷

Issue was now taken with the military on the point of passes. Crawford had allowed about six hundred of his charges to go beyond the bounds of the reservation during the summer to supplement their reduced rations with indigenous food products.⁵⁸ When citizens protested this action Beaumont reported that Crawford's only reason for this action was "to gratify his hatred of white citizens."⁵⁹ This difficulty eventually reached Secretary Teller who referred it to the War Department, but Crawford was apparently permitted to continue his course unrestrained.⁶⁰

The War Department received a more definite check in the case of Tiffany's Well⁶¹ (now called Gilson's Well) which had again become a point of animated controversy. One, Sylvester Gilson, who was serving as head farmer for Wilcox in 1883, had been in charge of the well ever since he had dug it for Tiffany three years before. When Crawford found that Gilson opposed military entrance into reservation farming, he began to watch the activities near the well with suspicion. Convinced that Gilson rather than the Indians derived the benefits which emanated from the well, and probably aroused to jealousy by Gilson's popularity with the Indians, he pushed the question into the hands of his superiors, who insisted that the Indians alone should receive all the benefits.⁶² After much wrangling, which necessitated a conference of the secretary of war, the secretary of the interior and the commissioner, the authority of the civil

56. Price to Teller, June 18, 1884, *R. B.* no. 48, pp. 609-612.

57. Wilcox spent the summer on a leave of absence that lasted until October

22. Price to Wilcox, Aug. 22, 1884, *Accounts Division*, vol. 61, p. 43.

58. Crawford to A. A. G., Sept. 23, 1884, A. G. O., 3744.

59. Beaumont to Wilcox, June 20, 1884, I. O., 13172.

60. Price to Teller, Aug. 1, 1884, *R. B.* no. 49, p. 251.

61. *Cf. supra*, pp. 289, 291.

62. Lincoln to Teller, July 1, 1884, I. O., 12566.

officers over the well was confirmed, and Crawford was ordered to desist from further interference.⁶³

Wilcox remained away from the agency during the summer of 1884, but in his annual report he again struck at the anomaly of dual control, reiterating his view that the military should control the mountain bands while the civil authority should exercise exclusive control over the docile bands near the agency.⁶⁴ Disgusted, he resigned in September although he remained as nominal agent until C. D. Ford, the new appointee, relieved him on November 18.⁶⁵

It now appeared as if the military would be able to seize all phases of agency control, but Agent Ford, encouraged by the commissioner's insistence that complete control should be restored to the Department of the Interior,⁶⁶ proved to be a formidable opponent.

Early in January, 1885, Captain Crawford to "insure peace" began to usurp the agent's authority over farming. Ford at once used his newly organized police force to prevent further inroads, and asked for the appointment of a successor if he were not to be sustained.⁶⁷ General Crook thus thoroughly aroused insisted either upon entire control over farming, or complete relief from responsibility demanded by the agreement of July, 1883.⁶⁸ Secretary Lincoln, however, instructed Crook to refrain from interference with the peaceable Indians' agriculture, and he also informed the general that he could not be relieved from his special Indian duty.⁶⁹ Remonstrating that Lincoln's action did him an injustice, Crook still insisted upon relief, and declared

63. Wilcox to Price, Aug. 16, 1884, I. O., 16747; Lincoln to Teller, Aug. 23, 1884, I. O., 16357.

64. Wilcox to Comm., Aug. 15, 1884, *op. cit.*, p. 52.

65. Wilcox to Price, Nov. 20, 1884, I. O., 22910. Former Agent J. P. Clum was eager to be reappointed. Clum to Price, Sept. 4, 1884, S. F., 388.

66. Price to Teller, Sept. 25, 1884, I. D., 836.

67. Crawford to Crook, Jan. 18, 1885, A. G. O., 699; Ford to Teller, Jan. 19, 1885, I. O., 1767.

68. Crook to A. A. G., Jan. 20, 1885, A. G. O., 699.

69. A. A. G. to Comm. Gen. Dept. of Ariz., Feb. 14, 1885, 49 Cong., 1 sess., H. E. D. no. 1, vol. i, p. 182.

that his understanding of the July Agreement was that the Apaches were to be put to work "raising corn instead of scalps."⁷⁰

Within a few days it again became evident that Crook had no intention of curtailing his control, for Crawford put an end to irrigation work that had been undertaken by Acting Agent Pangburn. The latter reported the situation by wire, and without delay the War Department ordered Crook to leave all farming operations to the agency authorities.⁷¹ Crawford, deeply humiliated by this order and feeling that his influence with the Indians was greatly lessened, asked for and received a transfer to his regiment.⁷²

At this point a change in national administrations brought about a restudy of the Apache problem which resulted in Secretary of War Wm. C. Endicott suggesting to Secretary of the Interior L. C. Q. Lamar that the entire control of the Apaches be entrusted to General Crook.⁷³ An inspection of the agency was therefore ordered, and Ford was asked to state his views with regard to the new proposal.⁷⁴

Both the inspector and the agent reported the condition and progress of the 3000 San Carlos Indians to be very satisfactory; and Ford undoubtedly sounded the key note of the trouble when he said that the possibilities of success were so great that the "Interior Department cannot afford to lose these Indians." He recommended, however, that the dual control should be ended by giving the military complete charge of the 2000 Indians near Fort Apache.⁷⁵ In view of Crook's insistence that he be allowed either full control of the reserve or none,⁷⁶ it is probable that the deadlock would

70. Crook to A. G., Feb. 19, 1885, A. G. O., 1192.

71. Pangburn to Crawford, Feb. 25, 1885, (n. f.); Crawford to A. A. G., Mar. 27, 1885, A. G. O., 9703.

72. Gen. Orders no. 7, Feb. 27, 1885, A. G. O., 1292.

73. Endicott to Lamar, Mar. 28, 1885, I. O., 6562.

74. J. D. C. Atkins to Ford, April 6, 1885, I. O., 9596.

75. Gardner to Lamar, April 3, 1885, I. D., 1730; Ford to Comm., April 20, 1885, I. O., 9569.

76. Crook to A. G., April 11, 1885, A. G. O., 2246.

have continued, but in May, 1885, an unexpected outbreak by Gerónimo caused the Department of the Interior to relent. On August 6, President Cleveland suspended Ford and gave full control to the War Department.⁷⁷

The remote causes of the Chiricahua outbreak of 1885 are indefinite. Crook in an exhaustive analysis set forth that the Chiricahuas saw in the curtailment of his authority an attempt to bring injury to them. He also stated that his inability to furnish tools, blankets, mills and other promised annuities caused them to lose faith. Likewise, he felt they were sorely aggrieved at his failure to restore to them members of their families held captive at Fort Union, New Mexico and in Old Mexico.⁷⁸ Even more probable, they may have tired of their prosaic agrarian life and, swayed by the eloquent Gerónimo who felt that his life was endangered,⁷⁹ yearned for the freedom of the Sierra Madres.

The immediate cause of the stampede resulted from the Chiricahuas' denial of Crook's right to enforce prohibition among them. On May 15 a number of them engaged in a tiswin drink. In order to shield the guilty parties and make a test case, all the prominent chiefs drank of the liquor and then came in a body to report the matter to Lieutenant Britton Davis, thinking they would win their point by sheer bravado. Davis told them he would telegraph for instructions and that they would soon know the general's decision; but unfortunately, the telegram went no farther than San Carlos. Finally, after waiting more than two days for an answer, the Indians became alarmed over the delay and forty-two men including Gerónimo, Nachee, Mangus, Nana

77. Executive Order of Aug. 6, 1885, I. O., 18293. Capt. F. E. Pierce became acting agent on Sept. 1, by order of the president. I. O., 24110.

78. Crook to A. A. G., Sept. 9, 1885, 49 Cong., 1 sess., *H. E. D.* no. 1, vol. i, pp. 176-177.

79. 51 Cong., 1 sess. Sen. Doc. no. 88, p. 11; Miles to Lamar, Sept. 6, 1886, I. O., 27984.

and Chihuahua, accompanied by ninety-two women and children started precipitately toward Mexico.⁸⁰

A strong command of troops and scouts from Fort Apache quickly set out in hard pursuit. However, such was the rapidity of the renegades' movement—they travelled nearly 120 miles before stopping for rest or food—that it proved impossible to overtake them or even keep track of their movements. Bringing death and destruction to nearly every ranch within striking distance of their route through southwestern New Mexico, they crossed into Mexico about June 10 with a final contemptuous gesture in the form of the surprise capture of Captain H. W. Lawton's supply camp at Guadalupe Canyon.⁸¹

This outbreak was a severe blow to Crook's Indian policy. It seemed to establish the fact that just and careful treatment under military auspices was not alone sufficient to control Indians and that their past outbreaks must have been due in part to inherent savagery.⁸² Indeed, Crook's decision to take the most "radical measures" and his instant departure for Fort Bowie were tacit admission of the failure of his policy.⁸³

General Sheridan immediately decided upon an aggressive policy, whereby a strong force was to penetrate into Mexico, to kill or capture the renegades. Crook, accordingly, was ordered to establish his headquarters near the Mexican line, and the District of New Mexico was practically placed under his command.⁸⁴ With dispatch he made the most careful plans to prevent the return of the hostiles into the

80. Davis to Capt. F. L. Pierce, May 15, 1885, I. O., (n. f.); Davis, *The Truth About Geronimo* p. 138 *et seq.* If Davis' telegram had reached Crook, it is probable there would have been no further Apache outbreaks. See Crook's view in 49 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 147.

81. Capt. Allen Smith to Crook, June 15, 1885, A. G. O., 2461. Smith indicated that previous to the outbreak plans had been made for Gerónimo's arrest. See also Crook to A. A. G., April 10, 1886, 49 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 148-149.

82. Bancroft, *History of Arizona and New Mexico*, p. 572.

83. Crook to Sheridan, May 31, 1885, I. O., 12710. He may have made the decision because of Secretary Endicott's orders of May 25, that the "outrages must be stopped." Gen. Drum to Gen. Pope, May 25, 1885, A. G. O., 2869.

84. Endicott to Lamar, June 9, 1885, I. O., 13001; Sheridan to Crook, June 9, 1885, A. G. O., 2461.

United States, and ordered two expeditionary forces under the command of Captain Crawford and Captain Wirt Davis, respectively, into Mexico.⁸⁵

The commands tenaciously pursued the renegades for four months, struck them in surprise attacks at several points, but failed to corner them. The fugitives drifted back towards the border, however, and late in September, 1885, the thoroughly exhausted commands returned to their base. Unfortunately, the only success they could claim with certainty besides the destruction of much Indian property, was the killing of three noncombatants and the capture of thirty others.⁸⁶

In spite of Crook's vigilance, the Chiricahuas upon being pushed out of the Sierra Madre succeeded in crossing into the United States at Guadalupe Canyon. Captains Davis and Crawford, again ordered to the field, pursued them so relentlessly that the hostiles were prevented from establishing contact with the Indians of the White Mountain Reservation. The chase also rapidly reduced the number of their mounts, but just when capture appeared imminent, the theft of one of the best herds of horses in Arizona afforded the fugitives an opportunity to remount and out-distance the troops back into Mexico.⁸⁷

Preparations were started at once for a more formidable campaign into Mexico. But before a column could be organized, Josanie, a brother of Chihuahua, demonstrated the apparent inability of the troops to capture the renegades. Early in November he led a raiding party of ten warriors across the border. During the next month he travelled 1200 miles, killed thirty-eight people, captured and wore out about 250 horses and though twice dismounted, succeeded in returning to Mexico with the loss of but one man—and

85. Crook to Pope, June 19, 1885, I. O., 13964.

86. Crook to Pope, Aug. 18, 1885, A. G. O., 5514. The field accounts listed six killed including three warriors. The figures of the final report are given. See Crook to A. A. G., April 10, 1886, *op. cit.*, p. 150.

87. *Ibid*; Crook to Pope, Sept. 30, 1885, A. G. O., 6268.

all this through a region dotted with eighty-three companies of troops.⁸⁸

The situation was now considered so serious that General Sheridan was sent in November, 1885, to Fort Bowie to consult with Crook. He arrived just in time to sanction the second expedition into Mexico, one command of which under Captain Davis had already taken the field.⁸⁹ The second command—one hundred Indian scouts under Crawford—left on November 29. Unlike Davis' command, no white troops were included with the exception of a few officers and interpreters; to Davis and his scouts fell most of the hard fighting of the campaign.⁹⁰

Treachery was freely and openly predicted; nevertheless, this unorthodox command penetrated for over two hundred miles into Mexico, and by the last of December found itself at Nacori, within striking distance of the outlaws' stronghold.⁹¹ Pushing on into a region rugged almost beyond description, the command located the Chiricahuas on January 10, 1886, but before the camp could be surrounded the troops were discovered, and in the premature fight that followed, all the hostiles escaped. The renegades' morale had been so severely shaken, however, that within a short time Gerónimo and Nachee asked for a conference. Arrangements were made to meet the next day; and it is probable that, had Crawford lived, the band would have surrendered. But the captain was never to meet the chiefs.⁹²

A detachment of Mexican irregulars, also after the renegades, came upon Crawford's outposts early in the morning of January 11, and thinking they were hostiles fired upon them, wounding three. Vigorous efforts brought a cessation of the firing, but when Crawford exposed himself, a single shot rang out which drilled him through the head. A

88. Crook to A. G., Jan. 11, 1886, A. G. O., 354; Lt. S. W. Fountain to A. G., Dec. 21, 1885, I. O., 3205.

89. See Sheridan's report in 49 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 7-9.

90. Nelson A. Miles, *Personal Recollections of General Nelson A. Miles* (New York, 1896), p. 449.

91. Crawford to Crook, Dec. 28, 1885, I. O., 2635.

92. Crook to A. G., April 10, 1886, *op. cit.*, p. 152; Miles, *op. cit.*, p. 456.

general fight of two hours duration followed in which the Mexicans lost four men. After this they withdrew, but their subsequent treacherous conduct towards Lieutenant Marion P. Maus, who succeeded Crawford in command, pointed to a premeditated attack on their part.⁹³

The adverse conditions which now confronted his command forced Maus to order a retreat. Before he had gone far, however, the chiefs met him for a conference. They were in no mood of concession, heartened as they were by his predicament. They therefore recited their grievances, surrendered nine noncombatants including the superannuated Chief Nana, and promised that in "two moons" they would meet Crook near San Bernardino to talk about a possible surrender. On February 1 when Maus reached the border, he was detailed to reënter Mexico in order to make arrangements for the anticipated meeting.⁹⁴

Messengers brought word early in March that the chiefs were close at hand, but Maus was unable to bring Gerónimo farther north than the Cañon de los Embudos, which was located about twelve miles below the border.⁹⁵ Crook, however, hastened to the rendezvous, and the conference began on March 25. At first the hostiles would consider only one plan of surrender—they would return to the reservation if promised freedom from punishment. The next day they became more conciliatory and offered Crook three choices: First, they would agree to surrender and be sent east for two years, taking such of their families as would go; second, they would be content to return to the reserve on their old status; or third, they would return to the warpath. Crook accepted the first proposal as the only practicable solution and immediately left for Fort Bowie, leaving Maus and his scouts to escort the prisoners to the post.⁹⁶

93. All documents in the case are printed in 49 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 155-164.

94. Crook to Pope, Feb. 10, 1886, I. D., 5038; Miles, *op. cit.*, p. 467.

95. Maus to Capt. Charles Roberts, Mar. (?), 1886, A. G. O., 1463.

96. For details of the conference and correspondence covering the surrender, see 51 Cong., 1 sess., *S. E. D.* no. 88, vol. ix, pp. 2-3, 11-17.

For two days Maus moved with the prisoners toward the border. But they remained armed to the teeth and instead of marching in a body, scattered over a wide range in order to insure themselves against any act of treachery. Near the border the Indians obtained a quantity of liquor, and becoming excited following inebriation, Gerónimo and Nachee with twenty warriors and sixteen noncombatants fled back to the Sierra Madre. Several days of futile pursuit followed; Maus then turned back baffled. In the meantime the other sixty-three prisoners including Chihuahua and fourteen warriors were escorted to Fort Bowie, arriving on April 2. Their retention was brief, and five days later in conformity with President Cleveland's wishes, all the Chiricahua prisoners at the post, seventy-seven in number, were entrained and sent to Fort Marion, Florida.⁹⁷

General Sheridan, who had long been skeptical of Crook's reliance on Indian scouts, now actively interfered. He thought the scouts might be trusted to the extent of capturing or inducing their kinsmen to surrender, but Gerónimo's escape convinced him that they were unwilling to fight and kill their own people. Crook insisted upon their fidelity, however, and rather than change his methods, asked to be relieved. In the resulting shift of commands, General Nelson A. Miles was assigned to the Department of Arizona.⁹⁸

Miles assumed his command on April 12, 1886, with orders from Sheridan that plainly required a speedy end to the Apache trouble.⁹⁹ Attacking his problem with characteristic energy, he divided the exposed region into numerous districts of observation, each to be garrisoned with sufficient

97. *Ibid.*, pp. 3-10; Crook to A. G., April 10, 1886, *op. cit.*, pp. 153-154; *Gerónimo's Story*, p. 138. See also 51 Cong., 1 sess., *S. E. D.* no. 83, vol. ix, p. 33.

98. Sheridan to Endicott, Oct. 10, 1886, 49 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 72. For Crook's and Sheridan's correspondence between March 26 and April 5, see 51 Cong., 1 sess., *S. E. D.* no. 88.

99. Miles to A. A. G., Sept. 18, 1886, 49 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, pp. 164-165. The district of New Mexico had been added to the command on Dec. 1, 1885.

troops from his command of over 5000 (about one-fourth of the entire army), to keep the section clear of hostiles. Next, he established a system of twenty-seven heliograph stations to neutralize the advantages the savages had hitherto possessed through their system of smoke signals and their power of unbelievably rapid movement.¹⁰⁰ Finally, he organized an expeditionary force of nearly one hundred men, including twenty Indian scouts, to run the renegades to earth in Mexico.¹⁰¹

Gerónimo and Nachee led their bands across the border into the Santa Cruz valley on April 27, and thus before Miles was fully prepared, precipitated the campaign. Energetic pursuit parties quickly pushed dispersed groups of the renegades all over the Indian country even as far north as Fort Apache, and although no captures were effected, they were kept in such rapid motion that the raid caused little damage.¹⁰² The fugitives were followed by the cavalry upon whom Miles at first placed his chief reliance, but within a short time when it became apparent that mounted troops could not operate in the rough country whither the pursuit led, they were dismounted to take the trail on foot with the infantry and scouts.¹⁰³ About the middle of June Captain H. W. Lawton with a fresh command was ordered into Mexico to intercept the hostiles, who apparently were attempting to return to their Sierra Madre stronghold.¹⁰⁴

Miles now seized the opportunity to make an investigation of reservation affairs at Fort Apache. Fortunately, he was accompanied by Special Agent L. C. Q. Lamar, Jr., who had been sent west by Secretary Lamar to report the true facts and to insure complete harmony.¹⁰⁵ While both men

100. Gen. Field Orders no. 7, April 20, 1886, *ibid.*, p. 166; Miles, *op. cit.*, pp. 481-485. A message of twenty-five words could be sent 400 miles and an answer returned within four hours.

101. Orders no. 58, May 4, 1886, 49 Cong., 2 sess., *S. E. D.* no. 117, p. 45.

102. Miles to A. G., June 8, 1886, I. O., 15523.

103. Capt. H. W. Lawton to A. G., Sept. 9, 1886, 49 Cong., 2 sess., *H. E. D.* no. 1, vol. ii, p. 177.

104. *Ibid.*, p. 178.

105. Lamar Jr., to Lamar, July 7, 1886, I. O., 3969.

were primarily concerned with the Chiricahua band, it was evident to them that all the other bands had completely succumbed to federal control.¹⁰⁶

Indeed, the progress started at both San Carlos and Fort Apache in 1885 had been constant. The Indians had achieved splendid results in stock-raising and farming under Agents Ford and Pierce, and their sustained interest made it plain that civilized pursuits had triumphed over any ordinary urges that might lead them towards war. This was revealed in a substantial way by the production of nearly 1,000,000 pounds of grains, and the possession of about 4000 head of stock.¹⁰⁷ The Indians were visited at various times of the year by Commissioner J. D. C. Atkins¹⁰⁸ and Inspectors F. C. Armstrong and G. R. Pearsons. According to the inspectors a generous supply of tools and a few mills if furnished by congress would practically relieve the government of all further trouble and responsibility.¹⁰⁹

Atkins' visit evidently bore fruit, for he soon broke through the official red tape and authorized an expenditure of \$67,000 for two flour mills, one saw mill, 2000 peach trees, 2000 grape vines, 2630 breeding animals and a liberal supply of tools and implements.¹¹⁰ Unfortunately, since the military enlisted more than five hundred of the best Indians to serve as scouts, Pierce was unable to continue the reservation work so effectively during 1886. This with a fear of Chiricahua retaliations and the irregular availability of the funds authorized, caused the prospects of the year to be less hopeful than expected, especially at the time Miles and Lamar Jr., made their investigation.¹¹¹ Lamar, Jr., however, urged his father to countenance no delay in pushing

106. Lamar Jr., to Lamar, July 23, 1886, I. D., 4616.

107. Ford to Comm., Mar. 18, 1885, I. O., 6334; Armstrong to Lamar, Aug. 26, 1885, I. D., 4470; Pearsons to Lamar, Dec. (?), 1885, I. O., 30792.

108. See his council (Oct. 27) with them. 49 Cong., 1 sess., *H. R.* no. 1076, pp. 141-143.

109. Armstrong to Lamar, Aug. 26, 1885, *op. cit.*; Pearsons to Lamar, Dec. (?), 1885, *op. cit.*

110. Authority for supplies, Jan. 25, 1886, I. O., 1532.

111. Pierce to Comm., (annual report) Aug. 31, 1886, I. O., 24110.

vigorously the program as essentially inaugurated by General Crook.¹¹² On August 10, 1886, when Secretary Lamar put the full weight of the Department of the Interior behind the plans to aid the peaceable Apaches, their position as an anomalous element ceased to exist.¹¹³

In contrast to the other Apaches, Miles and Lamar, Jr., found the presence of the Chiricahua band a dangerous threat to the peace and safety of the Southwest. A delegation of thirteen prominent Chiricahuas was therefore selected and sent to Washington to discuss the proposition of removal to some favorable region remote from Arizona.¹¹⁴ Bribery was obviously necessary, but President Cleveland refused to stoop to this method, and thus with the situation worse than at the beginning, they were ordered back to Arizona.¹¹⁵ Miles now exerted himself to the utmost to have them detained in Kansas or Indian Territory, where he also proposed that the entire band should be sent without delay. This proposal was immediately rejected, but his superiors did decide to authorize the removal of all the Chiricahuas to Fort Marion, Florida and, pending the removal, they allowed the delegation to be held at Fort Leavenworth.¹¹⁶ A gradual concentration of troops followed at Fort Apache, and on August 29 when success seemed assured, the Chiricahuas were assembled under the ruse of an ordinary roll call. They were then placed under guard and escorted to Holbrook, Arizona, where the entire number of 382 individuals were entrained for Fort Marion.¹¹⁷

112. Lamar Jr., to Lamar, July 23, 1886, I. D., 4616.

113. Lamar to Comm., Aug. 10, 1886, I. D., L. B. no. 46, pp. 314-315. See Pierce to Comm., Aug. 31, 1886, *op. cit.* Also, Pierce to Comm., Dec. 24, 1886, I. O., 34596.

114. Lamar Jr., to Lamar, July 7, 1886, I. D., 3971. Miles had favored their removal before he replaced Crook. Miles to Schofield, Oct. 2, 1885, I. O., 25380.

115. E. D. Tussey, *The Apache Wars in Arizona, 1880-1887*, ms., University of Iowa, p. 112. Tussey has done a fine piece of analysis at this point.

116. All this extended and complicated correspondence running from July 3 to Sept. 21, 1886, is printed in 49 Cong., 2 sess., S. E. D. no. 117, pt. iii, and also in 51 Cong., 1 sess., S. E. D. no. 83, pp. 2-28. Secretary Endicott's conference with the delegation is given in *ibid.*, pp. 41-43. Other related documents follow in *ibid.*, pp. 44-53.

117. Gen. R. C. Drum to President, Aug. 31, 1886, 49 Cong., 2 sess., S. E. D. no. 117, p. 72; Wellman, *Death in the Desert*, pp. 264-267.

Meanwhile, Lawton's expeditionary force chased the elusive renegades for nearly 1400 miles. The ordeal exhausted the scouts so badly, however, that it almost appeared as if the renegades might be able to remain out indefinitely.¹¹⁸ But happily the fugitives were also tired, and on July 14, 1886, the scouts succeeded in attacking and routing them at a point three hundred miles below the border.¹¹⁹ Naturally, the blow was a most dispiriting one, not only striking the savages at a point where they felt themselves most secure but also depriving them of their mounts and supplies. They therefore began dickering for peace with the Mexican officials of nearby Fronteras.¹²⁰

Miles had early anticipated such a contingency, and Captain Gatewood with two friendly Chiricahuas charged with the mission of entering Gerónimo's camp and demanding his surrender had already joined Lawton.¹²¹ When Gatewood therefore learned that Nachee and Gerónimo were near Fronteras, he proceeded ahead of the main command, got his scouts into the Indian leaders' camp, and then met them in conference on August 24. Gerónimo was not interested in Miles' proposal that his band surrender and be sent to Florida with their families, but he offered to return to the reservation on the old status—exemption from punishment. Gatewood now told the Chiricahuas that their fellows at Fort Apache were all being sent to Florida. This news had the desired effect of breaking down all opposition, and the next morning Gerónimo agreed to meet Miles near the border for a final surrender.¹²²

The scouts and the renegade party set out at once, journeying leisurely to Skeleton Canyon which was located only a few miles north of the border. Here, Miles met them on

118. Lawton to A. G., Sept. 9, 1886, *op. cit.*, p. 178; Anton Mazzanovich, *Trailing Geronimo* (Los Angeles, 1926), p. 245.

119. A. A. G. to A. G., July 22, 1886, I. O., 19900.

120. Gen. Howard to A. G., Aug. 19, 1886, I. O., 22570.

121. Miles to A. A. G., Sept. 18, 1886, *op. cit.*, p. 172.

122. C. B. Gatewood, "The Surrender of Geronimo," in *Proceedings of the Order of Indians Wars of the United States*, Jan. 1929, pp. 49-56; Gen. James Parker, "The Geronimo Campaign," *ibid.*, pp. 40-42.

September 4 and accepted their surrender.¹²³ He took Geronimo and Nachee into Fort Bowie the next day; Lawton, escorting the main group to the post, required three days longer to cover the same distance. But within a few hours after his arrival, while the Fourth Cavalry Band ironically played "Auld Lang Syne," the entire Chiricahua group of thirty-two persons were marched from the fort to Bowie Station, fourteen miles away, and entrained for Florida.¹²⁴ This dramatic occasion, by bringing to a close the last of a savage and formidable opposition that had impeded the progress of civilization in the Southwest for more than three hundred years, marked the end of an era in the history of the Apache Indians.

123. *Geronimo's Story*, p. 143 *et seq*; Miles to Lamar, Sept. 6, 1886, I. O., 27984. Chief Mangus with ten followers remained detached from Geronimo's band. They were brought in and sent to Florida in October. Miles to A. G., Oct. 21, 1886, I. O., 28753.

124. Miles, *op. cit.* p. 527. It appears that President Cleveland insisted upon an unconditional surrender, and that Miles violated his orders and gave conditions when he allowed them to be sent to Florida. This action resulted in the detention of the Indians for several weeks at San Antonio, Texas, while an investigation was held. Near the end of October they were sent on to Florida, but fifteen of the bucks were sent to Fort Pickens instead of Fort Marion. This move probably violated Miles' promise that they should be united with their families at Fort Marion. For the complete details of the dispute as well as all correspondence covering the surrender of the Apaches, see *The Surrender of Geronimo*, 49 Cong., 2 sess., S. E. D. no. 117, pts. i and ii. Additional documents are printed and new light is shed on the surrender in Herbert Welsh, *The Apache Prisoners in Fort Marion, St. Augustine, Florida* (Phila., 1887). See also 51 Cong., 1 sess., S. E. D. no. 35, pp. 2-8 for General Crook's interview in January, 1890, with Nachee and others regarding their surrender. Sketches of the Chiricahuas' subsequent history can be found in Wellman, *op. cit.*, pp. 273-274, and Hodge, *Handbook*, pt. i, pp. 65, 284. In 1913 one hundred and eighty-seven of them voluntarily moved to the Mescalero Reservation in New Mexico. Seventy-eight others elected to remain at Fort Sill, Oklahoma, where the band had been held as nominal prisoners of war for many years. See *R. C. I. A.*, 1913, p. 34; *ibid.*, 1914, pp. 56-57.

CHAPTER IX

CONCLUSION

The efforts of the United States government to control the Western Apache Indians began soon after the end of the Mexican War in 1848 and continued until the "capture of Gerónimo" in 1886. During the first twenty years of the period the problem of control was essentially a military one, due to the general hostility of the various bands as well as a lack of administrative machinery on the part of the civil authorities to undertake the task of civilization. The latter part of the period was characterized by a continuous bureaucratic conflict between the military and the civil departments. This unfortunate situation developed in the early 1870's when the civil officials began to vie with the military in shaping the course of Apache management; it later became a serious problem, for the civil authorities also began to claim credit for the progress obviously made by the Apaches. Throughout the period of Apache reduction both the civil and the military establishments were impeded in their work of civilization by a geographical environment even more formidable than the Apaches themselves.

The reservation policy as a major part of the plan to control the Apaches was adopted early because the Office of Indian Affairs believed not only that the segregation of these Indians from the white man was essential for the tribe's preservation but also that the occupation of the Apache country by the miner, the tradesman and the settler was inevitable. The execution of this policy was made extraordinarily complex in the latter part of the period when a general policy of concentration was appended to the original scheme. The advance of the mining frontier was especially apparent in the case of the removal of the Yavapai and the Southern Apaches. The settlers and tradesmen were the primary factors in the final removal of the Camp Grant and the Verde bands, and to a lesser extent in the concentration of the Chiricahuas at San Carlos. The fundamental cause

for the drastic treatment of the Chiricahua irreconcilables is to be found in the generation of chronic depredations on both the American and the Mexican settlements. Since the interest of the miner and the farmer in the White Mountain country was prospective, rather than real, the docile Coyoters were permitted to remain in their own habitat.

The gradual carrying out of the reservation policy was marred by a confusion of interests and motives. The plans of the government were based on the instincts of the humanitarian, but in practice they were commonly administered with the callousness of the realist. Many men in positions of responsibility had a genuine interest in the welfare of the Apache, and looked hopefully towards his eventual civilization; others, motivated by the practices of the spoils system in American politics, profited from their official positions to the fullest possible degree. The settlers were usually content to be free from the dangerous proximity of the tribesmen, although in too many instances they were willing to prolong hostilities, provided the profits which they realized from supplying the troops with grain, forage and provisions were sufficiently attractive.

The governmental machinery for dealing with the Indians was defective in the extreme. This difficulty was further aggravated by a lack of harmony between the Department of the Interior and the War Department and by the villainous rascality of some of the agents and inspectors. A division of responsibility between the departments was adhered to in theory throughout the period of the Apache troubles. On this basis the military was supposed to deal with the hostile Indians and the civil authority with those that remained at peace. Yet in actual practice the military, despite sharp checks at various times, dominated affairs for the greater part of the period. This was an unwanted responsibility, although many officers, anxious to win quick promotions that would otherwise require the greater part of a lifetime, undoubtedly pursued policies which were deliberately designed to prolong the period of hostilities.

The process of inducing the Apaches to accept the practices of sedentary life was made more difficult, and resulted in much unnecessary suffering on the part of the tribe, because of the low tone of public morality and the weakness for speculation which was characteristic of the post-Civil War period. The sums of money appropriated by congress were seldom excessive, but their remedial effects were considerably lessened by the dishonesty of the officials and the unscrupulousness of the contractors. Inferior and unnecessary supplies were frequently purchased and perhaps as often resold for the sole benefit of the manipulators. The exact difference between the amount appropriated and the value of the goods actually consumed or utilized by the tribesmen will never be known, but the chronic complaints about starving, naked and depraved Indians, indicate that the margin must have been very wide.

The "Peace Policy" of President Grant was based on worthy motives, and in the case of the Apaches the results which were attained were constructive; besides, the policy probably saved the tribe from annihilation. The appointment of the agents on the recommendation of the various church denominations did not necessarily raise those officials above the suspicion of abusing their trusts. Nevertheless, with the exception of the Chiricahuas and the Southern Apaches, the economic and moral status of the Apache groups showed considerable improvement in the 1870's.

The outstanding result of the management of the Western Apaches was the concentration of the numerous and diverse bands on the San Carlos Reservation. The completion of this work, in permanently closing a large part of Arizona to white endeavor, not only gave the history of the region a different turn but it also meant that the tribe had a chance to survive. And the tribe has survived, for today there is a total of more than 6000 Western Apaches—a number nearly seventeen per cent greater than fifty years ago.

The application of the reservation policy to the nomadic Apaches was marked by the same confusion of good inten-

tions and harsh treatment that has characterized the policy of the whites toward the Indians throughout the history of the United States. This result was inevitable: a primitive people tenaciously claiming possession of a vast territory filled with fabulous natural wealth obviously could not withstand the onslaught and eventual control of an aggressive, expanding nation of civilized people motivated with the relentless and acquisitive spirit of the frontier. Always, the wide differences in customs, habits, and temperaments that existed between these two races of mankind made a peaceful adjustment of their diametrically opposed interests a virtual impossibility. The stronger naturally overwhelmed the weaker, and during the cruel drama, unfortunately, Justice was frequently forced to bow her head in shame.

BOOK REVIEWS

Narratives of the Coronado Expedition 1540-1542, by George P. Hammond and Agapito Rey. (Albuquerque, The University of New Mexico Press, 1940. 420 pp., frontispiece, index. \$3.50.)

This is Volume II, but the first to be published, of the "Coronado Historical Series," authorized by the Coronado Cuarto Centennial Commission. As such, it sets a high standard, scientifically and typographically, for the other ten volumes which have been planned.

The arrangement and the sequence of the contents of this volume adapt it admirably to the general reader as well as the student of history who specializes in the annals of the Spanish Southwest. In the introduction, the authors present a well-written story, brought up-to-date, of the life of Francisco Vázquez de Coronado and of his epoch-making expedition. It brings together for the first time in attractive style many of the scattered details heretofore known and many others only recently revealed. One of the authors, Professor Agapito Rey, of Indiana University, tells in a recent number of *The New Mexico Quarterly* of the sources of this material when he writes:

"During the last two years the University of New Mexico has been adding to its rich collection of photostatic copies of original documents. Of this vast amount of source material, some twenty thousand sheets are directly related to the Coronado expedition. Most of these documents were photographed by Professor L. B. Bloom in the Archives of the Indies located at Seville, Spain. The gathering of these materials is being done by the University of New Mexico with the coöperation of the New Mexico Historical Society, the Historical Records Survey, and the Coronado Commission.

"Not all of these documents are new, as many of them have already appeared either in Spanish or in translations.

But by obtaining photostatic copies of the original documents already in print, we are able to correct errors and misreadings and to present now a text more accurate than has been possible in the past.

“By far the most voluminous documents hitherto unpublished, and little or not at all utilized, are the court records in connection with the inquiries into Coronado’s management of his expedition and his administration as governor of New Galicia. The many thousand sheets of records comprise two legajos, which are divided into twelve sections of several hundred sheets each. The enormous bulk of the bundles has served as a deterrent to the study of these documents. We have waded through them, some twenty thousand sheets in all, to see if there were new materials that should be brought out in connection with our Coronado publications. As a result of this search we are able to present some documents for the first time. Coronado’s testimony and that of his chief officer, López de Cárdenas, the charges filed against them, and their final sentences are most important. These depositions clarify many obscure points in Castañeda’s chronicle of the Coronado expedition. Through these new documents, a more complete picture of the undertaking may be obtained.”

From this work, the reader gathers far more than the biographical and other details of the Coronado Entrada. It presents a vivid picture of Spanish ideology, enterprise, jurisprudence, customs in the middle years of the sixteenth century. What could be more interesting to modern city planners, for instance, than the statement by the authors:

“Coronado promulgated a royal decree that all houses built thereafter must be of stone, brick, or adobe, and designed after the style of Spanish dwellings so that they might be permanent and an adornment to the cities.”

To descendants of the “Mayflower” or pioneer mothers, there is the reminder that eighty years before the Pilgrims landed at Plymouth Rock:

“At least three women accompanied the expedition,

Francisca de Hozes, wife of Alonso Sánchez, María Maldonado, wife of Juan de Paradinas, and the wife of Lope Caballero. Francisca de Hozes went with her husband and a son and accompanied the expedition from beginning to end. She later testified against Coronado, charging that he prevented her and other Spaniards from remaining in the new land to establish a colony. María Maldonado, wife of Juan de Paradinas (or Paladinas), was described by witnesses as nursing the sick soldiers on the expedition, mending their clothes, and doing other good works. Her husband was a tailor by trade. He was a good soldier and Coronado named him camp marshal and appointed him to other posts."

In these days of international ill-will, it is significant to learn of the cosmopolitan character of the members of Coronado's expeditionary force. It included the first Scotchman ever to enter the present United States, as well as Portuguese, Italians, Frenchmen, and Germans, the authors writing of the last named:

"The foreigner who played the most conspicuous role in the army seems to have been Juan Fioz, a native of Worms, Germany. As the bugler of the expedition, he was present at all the major actions, including the expedition to Quivira. He was accordingly, an important witness at the investigation of Coronado's management of the expedition and appeared as a defense witness for both Coronado and Cárdenas."

Surprising to many will be the statement that only three residents of Mexico went with the expedition. Delightful are some of the incidents and facts which are incidental to the narrative and brought out by the authors in the introduction as well as in the thirty documents carefully translated and edited. It is, of course, the latter which are of particular interest to students and research workers, who owe gratitude to Professors Hammond and Rey for their laborious, painstaking, and accurate work, which has been a labor of love on their part.—P.A.F.W.

Diplomacy and the Borderlands: The Adams-Onís Treaty of 1819. By Philip Coolidge Brooks. University of California Publications in History, Volume 24. (Berkeley, University of California Press, 1939. x, 262 pp. \$2.50.)

The standard works on the Adams-Onís Treaty, such as H. B. Fuller's *The Purchase of Florida* (1906), have been based almost exclusively on American sources. By supplementing these materials with others equally illuminating in the British, the French, and particularly the Spanish archives, Mr. Brooks has been able to achieve a better rounded account of the issues involved as seen by both Spain and the United States, of the tortuous course of the negotiations, and of the several reasons for Spain's delay in ratifying. A major contribution is that Luís de Onís is at last given the credit due him for his important share in bringing this treaty about. He is depicted as a wily and resourceful diplomat, a worthy adversary for John Quincy Adams, long hailed as the ablest of our secretaries of state.

Mr. Brooks heartily endorses Bemis' phrase, "The Transcontinental Treaty." The term "Florida Purchase," though it is used in the latest history of American diplomacy, he rejects as both inadequate and inappropriate. Ultimate control of Florida by the United States was taken for granted throughout the treaty negotiations, and although the United States assumed responsibility for claims against Spain up to \$5,000,000, it was for all the Spanish concessions, not just for Florida.

The main problem was to decide on a line from the Gulf of Mexico to the Pacific. As to this line the author concludes that the treaty-makers decided wisely and fairly. Texas, to which the United States' claim was most flimsy, was properly left to Spain. On the New Mexico frontier the line was purposely placed several hundred miles from Santa Fé so that this Spanish province would be adequately insulated. Finally, in the transfer to the United States of Spanish claims on the Pacific slope north of the forty-second parallel, there was a tangible American gain which assuaged any

immediate disappointment that Texas had not been acquired.

This reviewer would upbraid the publisher for clustering the notes in Jim Crow sections following each chapter, the more so since in several of these notes, as well as in the annotated bibliography, the author indulges in sprightly sallies on sundry standard histories. Furthermore, it is an unkindness and an injustice to a work of this caliber to dress it in a cheap paper cover.

A few minor errors are noted. The suffix in "captaincy-general" (p. 30) has migrated from noun to adjective. The name of the New Mexico explorer, Sergeant Juan de Uribarri, is garbled (p. 44). It is an exaggeration to say (p. 46) that Father Garcés opened a trail from New Mexico to California in 1775-76. Such matters, however, are marginal to the real theme of the book and do not impair it as an important contribution to American diplomatic history and a significant chapter in the annals of the Spanish borderlands.

JOHN WALTON CAUGHEY.

University of California at Los Angeles.

The Religious Architecture of New Mexico, in the Colonial Period and since the American Occupation. By George Kubler. (The Taylor Museum, Colorado Springs, May 1940. Quarto: xxi+232 pp.; 220 illus., including folded map; bibliog., index. n. p.)

Prepared as a doctoral dissertation at Yale, this volume is the fruition of study which has been both extensive and intensive. The research and writings of others, especially historians and archaeologists, are given generous recognition in a very complete list of sources and also throughout the text; but the author has himself been in the field repeatedly and the book everywhere shows the results of his independent investigations.

The study has been developed in four Parts, of which the first is a brief survey of "The Missionary Enterprise," with especial emphasis on the seventeenth century. Part

Two (about half the volume) deals with the principal subject of the study, namely "The Architecture," under such sub-titles as location, materials, plan, structure, mass, lighting effects, and secondary buildings. While much of this is technical, it is not difficult reading and anyone who skips or skims through these chapters will miss many illuminating explanations of this kind of colonial architecture.

In Part Three is discussed all the historical information which Dr. Kubler has assembled regarding the buildings which have yielded architectural data: and this somewhat encyclopedic treatment closes with an interesting "chronological table of the churches." A supplementary table of known mission churches which have wholly disappeared would be of value—but would have added nothing to the theme of this study.

Part Four is devoted to a brief "Historical Summary and Conclusion," with some discussion of developments and trends of recent years.

In our first scanning of this very excellent study we find nothing of importance which calls for adverse criticism. Yet we might again remark that evidence does not support the founding of Santa Fé earlier than 1610 (p. 133). Also the spelling "Sebogeta" is unfortunate; probably it would trace to a textual misreading of "Seboyeta," but "Cebolleta" is the usual spelling—as shown on the folding map. Many will wish that the book had been given a more substantial binding.

The numerous illustrations are a very fine part of this volume, adding throughout to the interest and understanding of the reader.—L. B.B.

The Last Will and Testament of Hernando Cortés, Marqués del Valle. Edited by G. R. G. Conway. (City of Mexico, privately printed, 1939. xxi, 73 pp.; index.)

Last year was the four hundredth anniversary of the introduction of the art of printing in the New World. Commemorative of that fact, we have in this beautifully pre-

pared volume "a facsimile and paleographic version, together with an English translation of the original testament, dated Seville, the 11th day of October, 1547," edited with an introduction and notes by Mr. Conway. We thus have, for the first time in printed form, the correct Spanish text of this most interesting and important document.

Of interest in New Mexico history is clause xxxiii of the will: "I direct that my natural daughters, Doña Leonor and Doña María, shall receive as dowries each ten thousand ducats from my estate, . . ." And Mr. Conway supplies the following note.

"Doña Leonor was the daughter of Isabel, the eldest legitimate daughter of Moctezuma II, who in her own tongue was called *Tecuichpotzin* but baptized Isabel by the Spanish Friars. Doña Isabel Moctezuma was married when a mere child to her cousin Cuauhtemoc, the nephew of Moctezuma. At a later date she married Alonso de Grado, a conquistador who came with Cortés . . . After Alonso de Grado's death she married again in succession, Don Pedro Gallego de Andrade and Juan Caño de Saavedra who survived her. If we are to believe the evidence of the conquistador Bernaldino Vázquez de Tapia taken at the *residencia* of Cortés in 1529, Isabel's daughter by Cortés was born five or six months after her marriage to Don Pedro Gallego. Doña Isabel Moctezuma's last testament was executed in Mexico, 11th July, 1550, and her death occurred almost immediately afterwards . . .

"Doña Leonor Cortés Moctezuma, a desirable lady of royal blood, married soon after her mother's death, one of the conquistadores of Zacatecas, Juan de Tolosa, who opened up the rich mines in that province. Leonor's daughter, Doña Isabel de Tolosa Cortés Moctezuma, married Juan de Oñate, the discoverer and governor of New Mexico." (pp. 37, 61-62.)—L.B.B.

Ensayos históricos hispanoamericanos. By Francis Borgia Steck, O.F.M. (Mexico; bajo el signo de "abside," 1940. 74 pp.; \$0.50.)

Father Steck of the Catholic University, in Washington, has thus issued three of his studies which it would be desirable to have available also in English. The first, on "Juan Pablos: the American Gutenberg," is of interest on the introducing of printing into America in 1539. The second discusses "The first fifty years of Spanish domination in Mexico (1522-1572)," and the third, "The Franciscan missionary colleges in Spanish America."

In the last of these, the author points out that the missionary work of the Franciscan Order was conducted during the sixteenth and seventeenth centuries through religious "provinces." Such was the "Province of the Holy Gospel," known to students of New Mexico history. A "second era" of missionary work began in 1682 with the creating of the first missionary college,—that installed in the Franciscan convent in Querétaro. Four others were added in the viceroyalty of Mexico: Guatemala (1692), Zacatecas (1704), that of San Diego in Pachuca (1733), and that of San Fernando (1734) in Mexico City. It was by missionaries from Querétaro, Zacatecas, and "San Fernando" that Franciscan work was started in Texas, California, and Arizona.

In the United States, natives formerly under the care of missionary colleges of Mexico "are now in care of three Franciscan provinces, whose sees are in Cincinnati, Chicago, and Santa Bárbara After two and a half centuries, the Franciscan missionary colleges are today no more than a sacred memory." (p. 65) In other words, Father Steck might have said that, from the middle nineteenth century, a "third era" began with the change back from missionary operation through colleges to that through provinces. As he suggests, the function of a college or seminary was not exclusively missionary; that of a Franciscan province was.—
L. B. B.



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Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

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Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.



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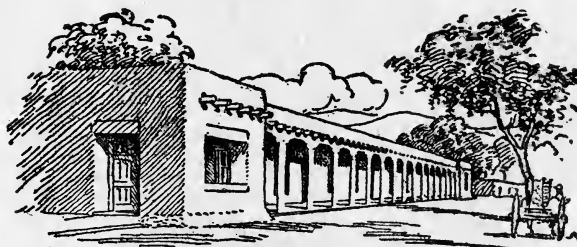
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NEW MEXICO HISTORICAL REVIEW

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CONTENTS

Map of northern New Mexico (from Miera y Pacheco, 1778)	
Franciscan Missions of New Mexico, 1740-1760, I	
	Henry W. Kelly 345
Troublous Times in New Mexico, 1659-1670 (Cont'd)	
	France V. Scholes 369
Editorial Notes	418
Index	421
Errata in Volume XV	429

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FRANCISCAN MISSIONS OF NEW MEXICO 1740-1760

By HENRY W. KELLY

INTRODUCTION

SEVERAL INCENTIVES have urged me to make this somewhat full study of the missions in mid-eighteenth century New Mexico. In the first place, I must admit that I am a victim of the contagious past of my locality. As a native of New Mexico I am intensely interested in the long, varied and dramatic history of my state. It is a history that began before that of most states in the union, and the fact that this year of 1940 marks the four hundredth anniversary of that beginning—the entrance of Francisco Vásquez de Coronado—serves as an added incentive.

Personal associations with the scene of my research; the fact that I live in Santa Fé, the center of historical activity of that Spanish kingdom; that I have visited the majority of the Indian missions in question, all combine to make the study much more vital and meaningful.

I feel that my work is not merely of antiquarian interest; not merely the resurrection of a dead past, that has no longer any connection with the present. The Pueblo Indians of today are as numerous as they were in 1750, and essentially they lead the same existence as they did in those far-off times. The brown robe of the Franciscan *padre* is still a prominent feature in New Mexico, and, with certain modifications, he has to cope with many of the problems that faced him two centuries ago. Living in the many isolated

villages in the mountains and valleys, the descendants of the *Conquistadores* mirror the lives of their ancestors, scarcely touched by our dizzy twentieth century. These modern *vecinos* still speak Spanish; still lead the predominately agricultural life of their forefathers, economically self-sufficient; still run their sheep, goats and cattle over the rocky piñon-covered hills; still sow their fields by the age-old broadcast method; irrigate with *acequias* dug in colonial times; harvesting by hand, threshing with horses and goats, and settling down for a winter of inertia and isolation as the heavy snows clog up their narrow valleys.

A study of this nature should have real, historical significance. Mr. France Scholes of the Carnegie Institute of Washington has made the only careful study of ecclesiastical history in seventeenth century New Mexico. A similar one has not been made for the eighteenth century. The very fact that I am to some extent entering unknown territory, and that I have the chance of shedding some light on one of the numerous, shadowy corners in Spanish American history, is indeed an incentive and justification for my work.

I had the good fortune to have placed at my disposal, through the kindness of Mr. Scholes, a generous stock of photostatic copies of manuscripts dealing with this period of New Mexican history. These copies were made by him from the original manuscripts in the National Archives of Mexico City, and from what I understand a good number of them have never been subjected to historical scrutiny. After a careful study of the manuscripts, I am forced to admit that I was somewhat disappointed to find nothing that would revolutionize present, historical concepts concerning this period of mission history. However, I am confident that these documents have enabled me to add a number of new pieces to the still incomplete picture puzzle of that period.

CHAPTER I

THE ROLE OF THE MISSION IN SPAIN'S COLONIAL POLICY¹

For all time to come the foundation of the Spanish Empire in the New World will remain a marvelous and breathtaking accomplishment. Out of a hitherto obscure, introspective, Iberian nation, Spain, most of whose blood and money were at the same time being expended in profitless, non-Spanish entanglements in Europe, a handful of men sailed westward over the Atlantic, and with amazing rapidity conquered the world's most extensive empire. Over more than half the western hemisphere these men spread the religion, language, laws and culture of Spain. Today millions of people in South, Central, and North America, tinged with the blood of the Conquistadores, still speak the Castilian tongue, have the same religion, govern themselves by laws essentially Spanish, and are in possession of a culture, to a great extent, inherited from Spain. These results certainly speak for the energy and virility of Spanish frontier institutions, and should give pause to the many who smugly pronounce Spain's colonial policy a failure.

Each of the colonizing powers in America adopted its own peculiar classes of society and institutions to extend and hold the limits of its dominions. The French gnawed away at the frontier with the aid of the fur trader and the missionary; the backwoodsman extended the English frontier, leveling the forest and driving back the Indian, with whom he did not peaceably mingle. Spain gave this gigantic task to the conquistador, the presidial soldier and the missionary. All these three made important contributions, but we are chiefly concerned with the latter two in their collaboration as a pioneering agency.

From the very outset of the conquest, the policy of the Crown of Spain was characterized by deep, religious and

1. The material for the chapter is borrowed to a great extent from H. E. Bolton, "The Missions as a Frontier Institution in the Spanish American Colonies," *American Historical Review*, (October 1917), 42-61.

humanitarian motives. In 1493 the papal seal of approval was placed on Spain's western claims with the understanding that the peoples conquered were to be converted and civilized. From that time on, all through the colonial period, the high ideals of the Spanish kings found expression in innumerable laws and decrees intended for the welfare of the Indian. It is true that these ideals failed to a large extent to materialize, but the guilt lies with the colonials, who were eager and able to ignore and violate the royal commands, doing so with impunity because of the great distance that separated Spain from her colonies and the slowness of communications.

It was the crown's consistent policy to convert, civilize and exploit the Indians, who were considered as having the potentialities of valuable subjects, and these potentialities had to be developed. The mission and the *encomienda* began this task together, but the former soon drew away from the latter. The *encomienda* could only exist where the Indians were already reduced to a sedentary existence, and it was therefore confined to the older more settled, regions of the Indies. The *encomendero* quickly forgot his duties, remembering only those of the Indians, and the institution degenerated into a black spot in Spain's colonial system, not erased until the *encomienda's* gradual extinction was completed in the early part of the eighteenth century.

But the mission, on the contrary, lived up to its ideals, and played a role of ever increasing importance. The missionaries "became a veritable corps of Indian agents, serving both the church and state," the close union of the two and the royal control of patronage making this double capacity more natural and easy.²

In the seventeenth and eighteenth centuries the mission became a universal institution on the expanding frontiers of Spanish America. On all fronts, the missions mushroomed. In South America, the Jesuit "reductions" in Paraguay are the most famous. In North America, missions sprang

2. Bolton, *The Mission*, 45.

up all along the northern and eastern frontier of New Spain, a result mainly of the efforts of the Jesuits, the Franciscans, and the Dominicans. The northeastern portion was the scene of the Franciscan activities. They worked in Coahuila, Nuevo Leon, Nuevo Santander, New Mexico, Texas, and Florida. The Jesuits, after withdrawing from Florida, concentrated in the Northwest; in Sinaloa, Sonora, Chihuahua, Baja California and Arizona. In 1767 the Jesuits were expelled from all Spanish America, and their places were taken by the other orders, in Baja California by the Dominicans and in Alta California by the Franciscans.

The mission as a frontier institution was intended to be a temporary force. The missionary was the vanguard of a civilization; he was to convert and domesticate the savage; to draw the fangs of the wilderness; after this was done, he was to give place to the ordinary settler, and move on to new fields. In theory, after ten years of mission life the Indians were considered to have progressed sufficiently in the art of civilized living to permit division of the mission lands into individual holdings, and the introduction of secular parish priests, who would live among the Indians as they would among regular Spanish subjects.³ This law was based on experience of the progress made among the more civilized tribes of Mexico, Central America and Perú.

Among the cruder tribes on the northern frontier of New Spain, the padres insisted that a much longer period of transition was needed to enable the Indians to lead a life of equality with the Spanish settlers. As a result of this conviction, there developed a long and bitter struggle between the missionaries and the forces of secularization. The aboriginal mission areas felt the encroachments of the squatter and landgrabber, just as the lands "set aside in perpetuity" for the Indian in the United States disappeared under the wave of the Western Movement. The missionary, whether he liked it or not, had to keep one jump ahead of the line of advancing settlement.

3. Bolton, *The Mission*, 46.

The missionary came primarily as a religious agency. He was a harvester of souls, but, incidently on his part and designedly on the part of the government, he became a school teacher, geographer, scientist and practical philanthropist. The missionary served both the church and the state by not only Christianizing the frontier but in extending, holding and civilizing it. The Indian, to become a worthy, practical Christian and a desirable subject, had to be schooled in the rudiments of civilized conduct. The missions thus served not only as seminaries, but as practical training schools in the art of European living.

The missions, being a powerful political and social agency of the state, were naturally supported by the state. The Franciscan missions in New Spain in the eighteenth century had four principal means of support.⁴

1. The annual stipend or salary paid by the government was called a *sínodo*, varied in amount according to the remoteness of the mission, reaching the high point of four hundred pesos for each missionary on the northernmost frontier. In 1758 the treasury of New Spain was supporting with *sínodos*, averaging three hundred fifty pesos, one hundred and twenty-three friars on the northern frontier.

2. Besides the *sínodos*, the government regularly supplied the missions with military protection, detaching from two to six soldiers from the nearest *presidio* to serve in each mission. In addition, the government usually made an initial grant, a sort of birthday gift called the *ayuda de costa*, of one thousand pesos to each new mission to pay for bells, vestments, tools, construction and other costs of founding.

3. In addition to financial aid from the *real hacienda*, some missions were supported by private donations. Old missions aided in the foundation of new ones. Padre Kino aided the struggling missions of his partner, Father Salvatierra in Baja California, with supplies from his flourishing

4. Bolton, *The Mission*, 47-48.

missions in Pimería Alta, on one occasion sending across seven hundred head of cattle to the peninsula.⁵ The famous Jesuit Pious Fund, which supported the missions of Baja California and later those of Alta California was formed of the gifts of devout Catholics, mostly laymen.⁶

4. The missions were expected to become self-supporting, and in many cases the Indians did acquire considerable wealth through stock raising and other agricultural pursuits. None of the wealth earned by the missions belonged to the missionaries, who continued to receive their salaries from the government or from private benefactors.

From what has been said it is evident that the government to a large degree financed the missions, but the amount of governmental aid, and the ease with which it was gained depended very much on the extent to which political ends and religious purposes could be combined. The royal purse strings were not easily loosened to found new missions, unless an important political advantage was to be gained along with the religious, for the impoverished government had to stretch every *real*. The missionaries were fully aware of the factors motivating royal aid, and, in their continual appeals, stressed the political advantages to be gained.

The establishment of the missions in Texas and Alta California came after years of agitation by the missionaries, and even then the royal hand was forced more by external political pressure—the desire to ensure the territorial integrity of Spain's dominions from foreign encroachments, the French in the first case, the Russians in the latter,—than by a desire to satisfy the religious aspirations of the padres.

As a significant commentary on the crown's association of the mission with frontier defense, it is interesting to note that the expenses of the missions and the presidios were

5. Herbert E. Bolton, *The Spanish Borderlands, A Chronicle of Old Florida and the Southwest* (New Haven 1921), 199.

6. Bolton, *Spanish Borderlands*, 202.

entered under the account of the War Fund (*Ramo de Guerra*) in the records of the real hacienda.⁷

The political importance of the missionaries manifested itself in several ways. The friars counteracted foreign influence among their neophytes, deterred them from molesting the interior settlements, and secured their aid in restraining the hostile tribes farther on. Father Kino trained his Pima wards to be effective fighters against the terrible Apache. His influence over the natives was considered more valuable as a protective force than a whole company of soldiers.⁸

The mission plants were built designedly as fortresses for the protection of the padres, the neophytes, and the nearby Spanish settlers. Some even boasted of a formidable array of artillery pieces, which the predatory nomads held in great dread.

The missionaries were utilized not only as political agents to hold a frontier district, but, on their own initiative and in coöperation with the secular authority, they were factors in promoting the settlement of the region. They stimulated the interest of the prospective settler by their reports, which described the natural wealth and potentialities of the region and the nature of its inhabitants. When official colonizing expeditions were projected, the missionaries were often called to Mexico to give their expert advice.

The greatest contribution of the missionaries lay not in the extending, holding and promoting of the frontier but in its civilization. Spain entertained high ideals, and found herself faced with serious practical difficulties. She laid claim to a lion's share of the western hemisphere, yet the mother country had no restless, excess population to pour into the American wilderness. Her colonial policy, perhaps equalled in humanitarian idealism by no other country, looked to the preservation of the Indians and their eventual elevation to the status of full fledged subjects. The fact

7. Bolton, *The Mission*, 51.

8. Bolton, *The Mission*, 51.

that this idealism may have been partially motivated by the necessity of supplying a substitute for the lack of Spanish colonists should not detract from its reality.

This role of civilizer of the Indians fell also on the shoulders of the friars. The degree to which the frontier would be peopled with civilized natives, making up for the lack of Spanish colonists, depended upon the success in reducing and disciplining the aboriginals. The royal desire harmonized with the religious aims of the friars, who recognized that temporal discipline and a changed way of living were indispensable in the formation of thorough converts.

The essence of the mission was discipline; discipline in all the experiences of life, religious, moral, social and industrial. The very physical arrangement of the mission, built according to a carefully preconceived plan, was designed to further discipline. Wherever nomadic tribes were encountered it was necessary to "reduce" them to a sedentary existence in the mission pueblos. The task of the missionary was already partially accomplished when he encountered settled tribes like the Pimas of Arizona and the Pueblos of New Mexico, for he merely moved into the village, making it into a mission. Although there were many exceptions to the rule the missionaries lived in pairs, which made the enforcement of mission discipline easier.

The presidios served as a symbol of force, and to provide protection for the missionaries and the mission Indians from the enemy, whether aboriginal or European. Across the continent from Atlantic to Pacific stretched a long irregular line of presidios from San Agustín to San Francisco, "a line more than twice as long as the Danube frontier held by the Romans,"⁹ from whom Spain borrowed this idea in border defense.

Each mission was usually provided with two or more soldiers, detached from the nearest presidio whose duty it was to help the missionaries in disciplining and instruct-

9. Bolton, *The Mission*, 53.

ing the Indians. In the event that a neophyte found the regimented life distasteful, and struck out for the wilderness, it was the soldier's job to return the runaway. There is a widespread impression that the missionaries objected to the presence of the soldiers, whom they found demoralizing to the Indians. This is certainly true in the case of the Jesuits in Paraguay. They established their missions in complete isolation from the virus of the Spanish and Portuguese settlers, whether civilian or military, for these crude colonists emphasized many of the vices and few of the virtues of the higher civilization that the fathers were trying to bestow upon the Guarani.¹⁰ However, with this and other exceptions, it is nearer the truth to say that the missionaries objected only to unsuitable, immoral soldiers, for the presidials were often drafted from among the mestizo-mulatto-jailbird class. In general, and this is specifically true of the Franciscans in New Mexico, the padres wanted military aid, and the complaint of its inadequacy was constantly heard from them.

That protection was needed for the missions was an indisputable fact. The list of martyred missionaries is eloquent testimony of that need. In the Pueblo revolt of New Mexico in 1680, twenty-one padres lost their lives.¹¹ But martyrdom was the exception, and the main concern of the soldier was to aid the missionaries in disciplining and civilizing the Indians.

Discipline and elements of European civilization were imparted at the missions through religious instruction, industrial training, and, among the more advanced natives, by means of elementary teaching in arts and letters. Religious instruction came first. Aside from the fundamental cultural concepts implied in Christianity, this religious training in itself contained a most important means of assimilation. In accordance with "*La Nueva Recopilación*", the missionaries were ordered to instruct the neophytes in

10. Robert Southey, *History of Brazil* (London 1817), II, 240.

11. Bolton, *The Mission*, 53.

the native dialects. However, they often were characterized by an inadequate vocabulary, making them inserviceable for the needs of the missionaries. In addition to this, there was frequently a bewildering number of dialects prevalent in a comparatively small geographical area, which made it impossible for the padres to learn them all. For these reasons, on the northern frontier the padres to a large extent ignored the royal law and instruction was usually given in Spanish, at first by means of interpreters and later directly, when the Indians had mastered Spanish, the children being especially quick to learn it. Thus, religious training was an important step in cultural assimilation, for it brought about linguistic affinity between the teacher and the pupil.

The Jesuits of Paraguay could boast of the closest approach to their Indian wards. They mastered the Guaraní tongue making it the official language of that whole mission area, Spanish being of minor importance. While giving the Jesuits all the credit due them, it must be remembered that they were not confronted with a tangle of native dialects, for the Guaraní language was universal over a wide area, even among non-Guaraní Indians, which simplified their task considerably.¹²

In the daily routine of religious instruction the padre was aided by two Indians called *fiscales*, usually old men, who had the trying job of rounding up the children and unmarried Indians for the daily Mass and instruction. On Sundays the whole mission population attended services, combed, washed and neatly dressed. The *fiestas*, celebrating the days of importance in the ecclesiastical calendar, were marked with elaborate religious ceremonies indicating the Church's recognition of the value of sensuous appeal as an aid to religion. In addition, the day was filled with innocent entertainments, games and other forms of recreation.

The mission, besides being a Christian seminary, was also an industrial training school. The missionaries were not farmers, mechanics, or stock raisers, all of which was

12. Southey, *Brazil*, II, 249.

foreign to their education, but they undertook these often disagreeable extra curricular activities because they realized the importance of altering the physical environment of the Indians to enable them to lead civilized, Christian lives. In spite of the fact that the missionaries came primarily as religious ministers they were often well fitted to instruct the Indians in the industrial arts, for, many of the lay brothers and fathers before joining such cosmopolitan orders as the Franciscans and Jesuits, had been experienced craftsmen, mechanics, musicians, and farmers.

The Californian and Paraguayan missions were large industrial communities. The size of the Paraguayan reductions averaged three thousand Indians, reaching in some cases to eight thousand inhabitants,¹³ those of Alta California averaging about two thousand Indians. The Indians worked in the weaving rooms, blacksmith shop, tannery, wine press and warehouses, employing an intricate network of irrigation ditches for their vegetable gardens and grain fields, and herding thousands of horses, cattle, sheep, goats, and pigs on the mission pastures. Training of this nature developed responsibility in the Indians, made them self supporting in a more advanced economy, and afforded the discipline required for the attainment of the rudiments of civilization.

In Baja and Alta California, Primería Alta and Paraguay the missionaries were in charge of both the temporal and spiritual welfare of the missions. In New Mexico the missionaries had no charge over temporalities, for the first padres found the natives already leading settled, agricultural lives, yet they offered instruction in arts and crafts, and introduced a great variety of European plants and animals.

Some statistics as to the temporal possessions of these missions should prove enlightening. The four Queréteran missions of Texas in 1745 were grazing 4,897 head of cattle, 12,000 sheep and goats and 1,600 horses. Even more stu-

13. Southey, *Brazil*, II, 255.

pendous figures are given for the Franciscan missions of Alta California in 1834 where "on the eve of the destruction of the missions, 31,000 mission Indians herded 396,000 cattle, 62,000 horses, 321,000 hogs, sheep and goats, and harvested 123,000 bushels of grain . . ." ¹⁴

The missions were provided by law with elementary and limited self government. Each pueblo had a body of civil and military officers modelled on Spanish municipal administration. The democratic reality and power of this government was more apparent than real, for the officers were merely figure heads. The missionary, with the nearby presidio, was the directing and restraining force behind the pueblo governments.

Thus, in many ways did the missions serve as Spain's frontier agency. The first concern of the missionaries was to spread the gospel, but, incidentally or designedly, they served in other capacities, holding, extending and promoting the frontiers, instructing the natives, giving them the veneer at least of European Civilization. While the English colonial policy permitted and fostered the extermination of the red man, the missions worked for his preservation, for his temporal and spiritual welfare. All this we must recognize whether or not we agree that the ideal of the missions meets present day standards, and in spite of their obvious failures and blemishes, something accompanying every human endeavor.

CHAPTER II

THE CUSTODIA OF SAINT PAUL

Turning from a generalized appreciation of the role and significance of the mission throughout Spain's far flung frontiers, we will now focus out attention on a relatively small, insignificant and neglected corner of that huge empire. The Spanish intrusion into New Mexico, if one will glance at an historical atlas for the middle eighteenth

14. Bolton, *The Mission*, 59-60.

century, appears like a cautious, tentative, finger-push into the unknown; a solitary, narrow, colored band projecting naked and self-conscious into the wilderness. On the north, east and west there is nothing Spanish to keep it company; to the south its connection with Mexico is slender and fitful.

In 1540 the Spanish Crown sent an expedition into the vague North chasing illusive baubles—the “Seven Cities of Cibola,” the *Gran Quivira* and other variations upon the *El Dorado* theme. There was also hope of finding the Straits of Anián, the long sought Northwest Passage to the Orient. But the elaborately equipped expedition of Coronado returned, having drunk to the dregs from the cup of disillusionment. Instead of rich cities, gold and silver bearing ores, a land flowing in milk and honey, the Spaniards found nothing but Indians living in small, prosaic, mud-stone villages and a rude, rocky, unproductive land where life was supported only in the narrow creek bottoms.

The crown, in spite of its disappointment, retained hold of this “lemon” chiefly for one reason—the missions. The Franciscans, who accompanied this and later expeditions—those of Rodríguez-Chamuscado and Oñate—found a fairly dense population of mild, sedentary, agricultural aborigines, living in villages, along the banks of the *Río del Norte* and its tributaries. The missions thrived, and the small Spanish population was really only incidental.¹

The work of eighty years seemed destroyed when the missionaries and Spanish colonists were driven south to El Paso del Norte in 1680 by the united efforts of the revolted Pueblos. After an interregnum of a dozen years, the Spaniards and missionaries returned in the baggage train of the *reconquistador*, Don Diego de Vargas. After a few years most of the lost ground was regained, and by 1750 the missions with some exceptions were reestablished on their former basis.

1. The Spaniards consistently referred to what is now called the Río Grande as the Río del Norte; effective and permanent occupation and evangelization of New Mexico did not begin until 1598 with the expedition of Juan de Oñate.

The missions of middle eighteenth century New Mexico were, speaking in terms of ecclesiastical jurisdiction, part of the *Custodia de San Pablo*, which in turn was a subdivision of the very much larger ecclesiastical province of *El Santo Evangelio* (The Holy Gospel).² This Custodia of San Pablo was itself divided into three parts.³ The first was the interior region, which included the missions in the northernmost part of the Río del Norte valley, which may be called for convenience, the Santa Fé region. The second part was the El Paso region, almost four hundred miles directly south of Santa Fé. The last part of the Custodia consisted of those missions grouped about the lower reaches and the mouth of the Conchos river, which empties into the Río del Norte about two hundred and fifty miles south and east of El Paso. This third region was very appropriately known as La Junta de los Rios.⁴ Thus, we may think of this mission area as a tapeline Custodia, the majority of whose missions were arranged in three widely separated groups along the banks of a serpentine stream, there being a distance of about seven hundred miles between the northern and southern limits.

Before I enter into a further description of the Custodia in the middle eighteenth century, I want to make it clear that most of the attention will be given to the Santa Fé division. I have reasons for confining myself to this area to the relative exclusion of the other two. In the first place, my personal associations are all in the north; secondly, it would be impossible to give a full treatment to all three regions in a report of this nature; thirdly, it will be clear

2. Charles W. Hackett, *Historical Documents relating to New Mexico, Nueva Vizcaya and approaches thereto, to 1773* (Washington, 1937), III, 398.

3. Consult map next page.

4. My authorities for this and many future statements are photostatic copies of unpublished manuscripts, which are in the Archives of the Biblioteca Nacional of Mexico City. The copies were made by Mr. France V. Scholes of the Carnegie Institute of Washington and deposited by him in the Library of Congress. Through his kindness and that of Prof. C. H. Haring, my tutor, these documents were made available to me. In the future I shall refer to them as B.N., Leg. —, Doc —, Folio —; this particular footnote is B.N., Leg. 8, Doc. 57, Folio 3.

upon further analysis that the missions of the Santa Fé region were more important, populous and numerous than those of the other two combined, which further justifies my emphasis on the northern part of the Custodia.

The padres of the Custodia every few years sent complete reports of mission conditions to their superiors in Mexico. These surveys included a great many items; census lists; the geographical distribution of the missions with the respective distances; descriptions of the mission life; of the relations with the secular authorities; with the raiding nomads; accounts of the successes and disappointments in missionary work, in fact every phase of the life in that narrow, fluvial kingdom, secular or religious, is vividly brought to light in these reports. Our information about the Custodia around the middle of the century is derived principally from three reports written within a decade. The first, chronologically speaking, was written by Padre Miguel de Menchero, at the time *procurador general* of the province of El Santo Evangelio, in 1744;⁵ the second by Padre Andrés Varo written in 1749;⁶ and the third by Padre Manuel de San Juan Nepomuceno y Trigo in 1754.⁷ I rely mainly on that of Father Varo, recurring to the other two only when necessary.

The missions around Santa Fé were concentrated in an area extending in a north-south direction, corresponding to the immediate drainage of the Río del Norte, from Taos to Isleta. In an east-west direction the missions branched out at right angles from the river, Zuñi being the westernmost outpost and Pecos the easternmost.⁸

At Santa Fé resided the governor, the presidial garrison of eighty soldiers and about 900 Spanish settlers. The other concentrations of Spaniards were at Albuquerque⁹ to the south and Santa Cruz de la Cañada to the north. These

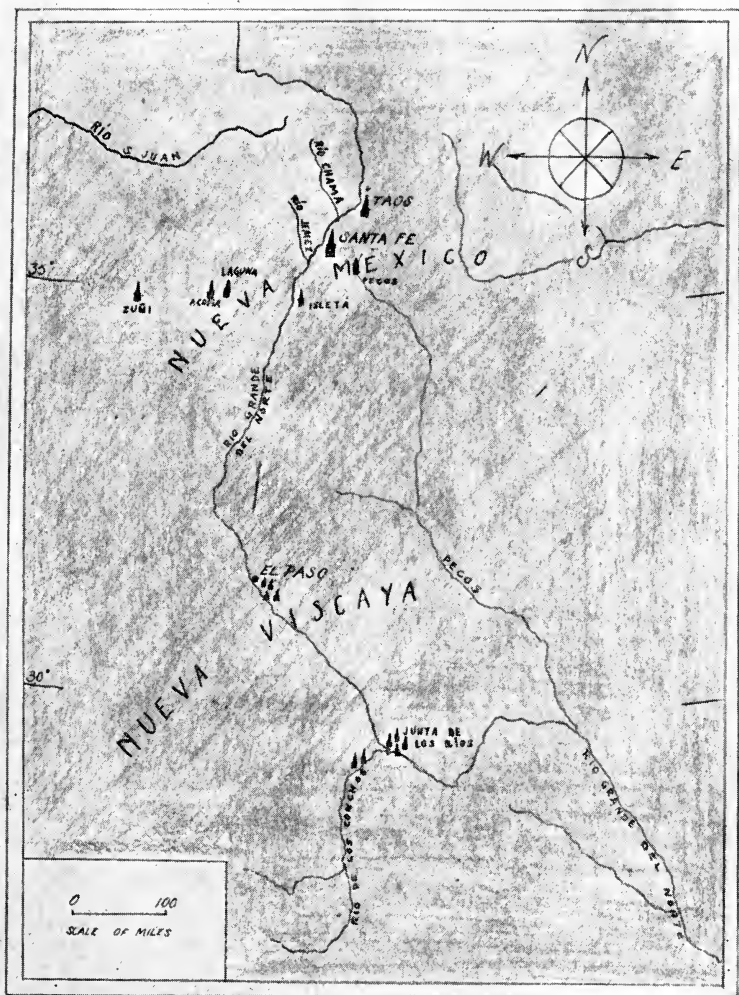
5. Hackett, *Historical Documents*, III, 395-412.

6. B.N., Leg. 8, Doc. 57, Folio 2-20.

7. Hackett, *Historical Documents*, III, 459-468.

8. Consult Map.

9. The modern spelling of this city has dropped the first "r"—Albuquerque.



THREE PRINCIPAL GROUPS OF MISSIONS (c. 1750) CONSTITUTING THE
CUSTODIA OF SAN PABLO—H. W. K.



settlements were not considered as missions, for the Indians living there were, for the most part *Indios sirvientes*, slaves belonging to the Spaniards. A slight sprinkling of Spanish *vecinos* was scattered up and down the valley on isolated *ranchos*, which were under the religious jurisdiction of the nearest mission. At Santa Fé there were two padres assisted by a lay brother; one padre at Cañada and two at Albuquerque.

Exclusive of these three Spanish villas the missions proper numbered twenty, there being one resident minister in each mission, with the exception of Galisteo, that was visited periodically by the minister of Pecos. The average number of Indians inhabiting each mission was about five hundred; Zuñi topped the list with two thousand, followed by Pecos with one thousand; the little mission Tesuque just north of Santa Fé was at the bottom with only one hundred and seventy-one Indians. Thus, twenty-five religious had in their hands the spiritual welfare of some twelve thousand mission Indians and four thousand Spanish distributed over a large area.¹⁰

The second group of missions in the Custodia, those of the El Paso region, lay about one hundred and forty leagues¹¹ south of Santa Fé on the Río del Norte. The journey between Santa Fé and El Paso was very perilous, for after leaving Isleta, the southernmost mission in the Santa Fé district, there intervened about one hundred leagues of uninhabited country, safely passable only with an escort of soldiers to ward off the marauding nomads. There were five missions, including Nuestra Señora de Guadalupe del Paso, which was really a Spanish villa, having a population of over one thousand whites, and a presidio of fifty soldiers, under the command of a captain. The other four missions were located below El Paso on the river, the most distant being Socorro, five leagues away. Five padres and a lay brother served this area. At the time Fray Andrés Varo

10. Consult census table below.

11. About three miles to a league.

was minister at the mission of Senecú.¹² The Spaniards in this area, those living at El Paso and on ranchos within the jurisdictions of the missions, slightly outnumbered the reduced Indians of whom there were only about fifteen hundred.

The waters of the Conchos River joined with those of the Río del Norte about eighty leagues southeast of El Paso, where the mission San Francisco de la Junta was located. Of the five remaining missions three were located within four leagues of San Francisco, and the fourth and fifth were twenty-five leagues up the Conchos from the junction. Four padres administered these six missions having a total population of about twenty-three hundred Indians. There were no Spaniards in the vicinity, and Padre Varo stressed the crying need for a presidio to protect these weak missions from the incessant raids of the heathen Indians.¹³

CENSUS OF SPANISH VILLAS AND INDIAN MISSIONS OF THE CUSTODIA OF SAN PABLO IN 1749

According to Custodian Andrés Varo, based chiefly on a consolidation made in 1750 by Padre Rosas y Figueroa, Secretary of O.F.M. in Mexico.¹⁴

	<i>Whites</i>	<i>Indians</i>	<i>Language Group</i>	<i>Resident Padres</i>	
1. Santa Fé	965	570 (slaves)		Manuel Zambrano, Juan Lezaún, Martínez (lay brother)	3
2. Pecos		1,000	Pecos	Joseph Urquijo	1
3. Galisteo		350	Tanos	Juan de Lavora	1
4. Tesuque		171	Tewa	Antonio Zamora	1
5. Nambé	100	350	Tewa	Juan de Ercisa	1
6. San Ildefonso	68	354	Tewa	Antonio Gabaldón	1
7. Santa Cruz	1,205	580 (slaves)		Manuel Zopeña	1
8. Santa Clara	21	272	Tewa	Juan Mirabel (custodian)	1
9. San Juan	300	500	Tewa		

12. Varo Report 1749, Leg. 8, Doc. 57, Folio IIV—12v; Padre Varo said that the mission of El Paso was founded in 1680 after the Spaniards had been driven out of the north by the revolted pueblos. Shortly after this date the other missions in the vicinity were founded. (Actually, however, their founding began in 1659.—Ed.)

13. Varo Report, 1749, Leg. 8, Doc. 57, Folio 13-14; see accompanying table.

14. B.N., Leg. 8, Doc. 81, Folio 1; with the exception of Pecos and Galisteo, which are completely deserted, these pueblo-missions survive today very little changed by the passage of two centuries. Only a handful of the once numerous inhabitants of Pecos survive, living at Jémez.

FRANCISCAN MISSIONS OF NEW MEXICO 363

10. Pecuries	90	400	Pecuries	Fernando de Estrada	1
11. Taos	125	540	Tewa*	Juan Oronzoro	1
12. Cochití	35	521	Queres	Agustín de Yniesta	1
13. Santo Domingo		300	Queres	Juan del Pino	1
14. San Felipe	70	400	Queres	Angel García	1
15. Santa Ana	100	600	Queres	Miguel Calluela	1
16. Zía	100	600	Queres	Pedro Montaña	1
17. Jémez		574	Jémez	Juan Toledo	1
18. Laguna		528	Queres	Juan Padilla	1
19. Ácoma		960	Queres	Ignacio Pino	1
20. Zuñi		2,000		Juan Hernández	1
21. Sandía		400	Moqui-Tewa*	Juan Fernández	1
22. Alburquerque	900	200	(slaves)	Joseph Irigoyen,	
				Andrés Zaballos	2
23. Isleta	100	500	Tewa*	Carlos Delgado	1
	4,170	12,670			25

EL PASO REGION

<i>Missions</i>	<i>Whites</i>	<i>Indians</i>	<i>Language Group</i>	<i>Resident Padres</i>	
1. El Paso	1,090	200	Tewa-Piro*	Joseph Blanco	
				Francisco Guzmán	
2. San Lorenzo	150	150	Zuma	Gregorio Escureta	3
3. Senecú	102	384	Piro	(lay brother)	
				Andrés Varo	1
4. Isleta	54	500	Tewa*	Mariano López	1
5. Socorro	250	250		Joseph Tello	1
	1,646	1,484			6

JUNTA DE LOS RIOS

1. San Francisco		182			
2. Guadalupe		221		Lorenzo de Saavedra	1
3. San Juan		433			
4. San Cristóbal		500		Francisco Gonzáles	1
5. San Pedro		810	Cholomes	Pedro Esquier	1
6. Santiago		200	Zuma-		
			Cholomes	Joseph Paez	1
		2,346			4

GRAND TOTAL FOR CUSTODIA

Indians -----	17,176
Spaniards and Mestizos -----	5,825
	23,001

*Some inaccuracy appears in the "Language Group" column for Padre Varo made the common error of using interchangeably—as one and the same thing—the designations "tewa" and "tigua." For instance Sandia was settled by Moqui-Tiguas and not by Moqui-tewas.

In the previous chapter I attempted to portray the workings of the missions in general outline, everywhere on Spain's colonial frontiers. However true that portrayal may be, the general rules were naturally modified in special locations. It is important to remember that the New Mexico missions were, in one respect, radically different from those of California or of Paraguay. The padres of New Mexico managed no mission estates. They were almost parish priests with the exception that they were paid by the crown and directed by their provincial, instead of being under episcopal control and supported by parish fees.¹⁵ At each pueblo the padre had a church where he preached, taught, said Mass and administered the sacraments. The padre's influence and power were confined to religious matters, the temporal supervision of the pueblos being in the hands of subordinates appointed by the governor called *alcaldes mayores*. Each of these secular officials had political supervision over an *alcaldía*, which contained one or several pueblos. These *alcaldes mayores* were expected to inspect the missions, administer local justice, and cooperate with the padres in the mission work.

The missionaries had several sources of support. In the first place, those Spaniards (Gente de Razón) in the villas and on ranches within the jurisdiction of a mission paid regular obventions or fees for marriages, baptisms, burials, and masses. These fees were paid in kind, for money was very scarce in the kingdom.¹⁶ The relation therefore of the Spaniards in New Mexico to the padres was that of parishioners to parish priests of the secular type prevalent in the more urban regions of New Spain.

In the second place, the missionaries received support in the way of food and service from the mission Indians. It was the custom for the Indians to set aside a field for the support of the minister, where they planted enough wheat,

15. Hubert Howe Bancroft, *History of Arizona and New Mexico, 1530-1888* (San Francisco, 1889), 270; Bolton, *The Mission*, 58.

16. Varo Report, 1749, B.N., Leg. 8, Doc. 57, Folio 4v.

corn and beans to supply his needs. The padre often used the yield from this planting to support destitute Indians in his mission, or, in special cases, to aid a neighboring missionary. The Indians did not pay obventions, and were glad to sow this plot for their minister.¹⁷ From all reports it seems that the missionaries were well supplied with household servants. In weekly shifts these *semaneros* worked about the church and cloister, assisting in the religious services, preparing food and keeping house for the minister. In Father Trigo's report of 1754 he devoted most of his time to a description of how well or badly the missionary in each pueblo was faring in a worldly way, and said little about, what should have been of prime concern, the spiritual and temporal welfare of the Indians. His description of Nambé mission, six leagues north of Santa Fé, is a typical illustration of the temporal support gained by the padre from his charges.

. . . On its spacious fields the Indians sow for the father, their poor minister, since they pay no obventions at all, three fanegas of wheat and one almud of corn. By means of these crops the father passes his year in reasonable comfort. They give the minister one boy for the cell, a porter, a bell ringer, two sacristans, three women servants and three men servants each week with wood enough for the ovens.¹⁸

The women servants were mainly employed in grinding the hard corn kernels and the wheat into flour, for the *tortillas* and bread, bending over their stone *metates* as their great-great-granddaughters do today. It is interesting to note that, in order to conform strictly with social conventions, and prevent any scandal, the women servants were accompanied by their husbands.

Not in all the missions did the padres enjoy such docility and willing service from their charges. The mission

17. Varo Report, 1749, B.N., Leg. 8, Doc. 57, Folio 4v.

18. Hackett, *Historical Documents*, III, 466.

1.58 bushels=1 fanega; an almud is a unit of dry measure varying from 1/12 to 1/2 a fanega.

of Zuñi was the most remote and troublesome. Separated from Santa Fé by seventy leagues of desert and sandstone, forty leagues from Ácoma, its nearest neighbor, the Zuñi Indians, influenced by the apostate Moqui (Hopi) tribes to the west were "certainly very independent." They exhibited their independence by refusing to sow the padre's *milpa*. Their only crop being maize, they, from time to time, from their own stocks, gave the padre a sack filled with ears of corn with which the women made tortillas. However, the minister at Zuñi enjoyed the luxury, not within reach of all the missionaries, of having fresh meat, for the Zuñis raised many sheep and goats.¹⁹

The third means of support of the missionaries and the principal one was the annual, royal sínodos without which the missionaries could not have survived on account of "the extreme poverty and misery of the land."²⁰ The annual salary of each minister of the Custodia amounted to three hundred and thirty pesos. The lay brother (lego escolero) who served as an infirmarian at Santa Fé, received one hundred pesos less. These sínodos were paid in supplies of all kinds that were sent from Mexico including chocolate, sugar, spices, vestments, tools, wax, wine, oil, ornaments, and notions such as rosaries and medals.²¹ Although I have been unable to find any positive statements concerning a mission supply train in this period, such as the one that came triennially during most of the seventeenth century, it must have been in operation, for these shipments of goods arrived with regularity.²²

The Crown in 1749 therefore was supporting thirty-seven ministers in the Custodia of San Pablo including the procurador, the lay brother and four missionaries who were

19. Hackett, *Historical Documents*, III, 462-463, Trigo Report, 1754.

20. Varo Report, 1749, Leg. 8, Doc. 57, Folio 4v.

21. Varo Report, 1749, B.N., Leg. 8, Doc. 57, Folio 6.

22. Mr. France V. Scholes has made a careful study of the Mission supply train in seventeenth century New Mexico. His "The Supply Service of New Mexico Missions in the Seventeenth Century," appearing in three parts, in the January, April, and October, 1930, issues of the *New Mexico Historical Review*, covers the subject very fully.

destined for the projected missions in the province of Navajo. This number was always constant except when decreased temporarily by deaths, by leaves of absence to go to the provincial headquarters of Santa Bárbara in Mexico for medical care or for absence on official business of the Custodia.²³ These hard-working men (in addition to three more lay brothers, unpaid by the crown, bringing the total to forty) had the difficult task of satisfying the spiritual needs of seventeen thousand Indians and five thousand Spaniards who were scattered in uneven groups along seven hundred miles of river.

Unlike the missions of Baja and Alta California the missions of the Custodia of San Pablo received no support from private alms like the famous Pious Fund.

The hardships endured by the padres in the New Mexico missions were certainly more severe than in many other mission areas. It was the usual policy elsewhere, to station the padres in pairs, aided by several soldiers detached from the nearest presidio. The scarcity of both missionaries and soldiers in New Mexico made this impossible. According to Varo's census in 1749 only at Santa Fé, Alburquerque and El Paso did the missionaries enjoy the association of another missionary.²⁴ That these men were fitted by calling, training, and temperament for work of this kind is true, but, in isolated missions like those of Taos, Pecos, Ácoma and Zuñi, the unutterable solitude must have been trying even to the most zealous. The lone padre had no companion of kindred outlook and intellectual status; no one to comfort him in his discouragements and encourage him in his work. Padre Varo was convinced of the need of more missionaries in the Custodia, especially in the missions that lay far removed from others. In the northern part of the Custodia especially in such mountain-valley missions as Pecuries and Nambé, the heavy snows isolated the missions for months, the padre being unable to get out until spring. In case

23. Varo Report, Jan., 1749, B.N., Leg. 8, Doc. 57, Folio 6.

24. See the census table above.

of sickness or death the minister of such a mission had no one to administer him the sacraments. A more important reason for the increase of missionaries was the work of conversion to be done among the heathen Indians bordering the Custodia—the work of extending and civilizing the frontier, a never ending push *más allá*.²⁵

The presidio at Santa Fé mustered only eighty men. This handful had to protect the entire northern part of the kingdom, for the presidio at El Paso had its hands full in its own locality. The whole of New Mexico at this time was suffering from the continual and terrible raids of the Comanches, Apaches, Utes (Yutas) and other predatory nomads. The little garrison had to be kept together in order to be ready for immediate action, making Santa Fé the base for lightning thrusts against the enemy. For this reason the presidials were not distributed among the widely scattered missions.

The unique thing to remember about the Spanish occupation of New Mexico is that the missions were the principal factors that prompted the Crown to retain hold of this region. Economically, the province was a white elephant, and there was no encroaching foreigner, as in Texas and California, to make its retention a political necessity. The importance of New Mexico lay in its missions; in the royal and ecclesiastical aspirations for the conversion of the Indian. It is for this reason that the brown-robed Franciscan exercised a great deal of influence in this remote, river province. He shared his monopoly with no rival religious order; he resented and combated every violation of his jurisdiction by secular authorities.

25. Varo Report, Jan. 1749, B.N.. Leg. 8, Doc. 57, Folio 15v.

(To be continued)

TROUBLOUS TIMES IN NEW MEXICO
1659-1670

By FRANCE V. SCHOLES

(Continued)

CHAPTER VII

THE HOLY OFFICE TRIES DON BERNARDO LÓPEZ DE
MENDIZÁBAL AND DOÑA TERESA DE AGUILERA
Y ROCHE

I

ON APRIL 10, 1663, the doors of the jail of the Holy Office in Mexico City opened to receive Don Bernardo López de Mendizábal and his wife, Doña Teresa de Aguilera y Roche. They were assigned to separate cells, their personal effects were inventoried, and the usual provision was made for their food and laundry.

The first formal audience of López before the tribunal was held on April 28. He answered the usual questions concerning his ancestry and his religious training. The hearing was continued on April 30, when he briefly outlined his life history.¹

Customary procedure in Inquisition cases required the tribunal to make three formal admonitions to the person being tried, telling him that he had not been arrested without cause and urging him to search his memory and to speak the truth, because in so doing he would not only discharge his conscience and save his soul, but also secure a more rapid trial and the mercy of the court. The first admonition in López' case was made on April 30, and López stated that he believed that the Holy Office took action only for just cause, in accordance with formal testimony, but this did not remove

1. The record of the trial of López before the Holy Office is found in *Proceso contra López*, III.

the possibility of false witness, which, in his own case, must have been the cause of his arrest, for he was not guilty of any crime. When the second admonition was given on May 9, he replied that "in his conscience, by the mercy of God, he did not find or feel that he had committed any act against His Divine Majesty, His Holy Catholic Faith, the Evangelical Law, the dispositions of Our Mother Catholic Church, or against the just and free exercise of [the authority of] the Holy Office; because if he had done so he would have come on his knees to accuse himself to the Holy Office and seek mercy." Although the Inquisitors were accustomed to hear protestations of innocence, such a sweeping declaration of self-righteousness must have been rather shocking, but they proceeded with their customary patience and calm, and on June 7 they pronounced the third admonition. López again asserted his innocence and stated that he had nothing to declare.

López did not fail, however, to make use of these hearings, as well as others held on May 10, June 17, and August 29, to anticipate some of the formal charges that were later presented by the prosecuting attorney and to lay the foundations of his defense. He denounced the hostile attitude of the friars in New Mexico, the arbitrary manner in which they were said to have withheld the sacraments in order to impose their will on the governors and citizens of the province, and alleged cases of misconduct by mission clergy. He named Father Posada as his capital enemy, and called attention to the selfish motives that had inspired the conduct of Peñalosa.

On November 28, 1663, the *fiscal*, or prosecuting attorney, of the Holy Office presented the formal accusation. It was a long document, containing no less than 257 articles which summed up every shred of testimony that had been accumulated over a period of four years. Due to the length of the accusation and to the fact that López was ailing, the hearings in which López answered the charges article by

article were spread over several weeks from December 1, 1663, to March 10, 1664.

Space does not permit a detailed analysis of all the charges and López' answers. The most important issues on which the indictment was based have already been discussed in Chapter III. Only a brief resumé, grouping together important articles on various topics, will be presented here, with a summary of López' counter arguments.

(1) Articles 1-12 were based on the testimony that López had expressed doubt concerning the necessity of rich church furnishings and ornaments in the New Mexico mission churches, especially the alleged statement that a hut and a few simple altar furnishings were sufficient for divine worship. López denied these charges and asserted that he was fully aware of the need for elaborate ornaments to impress the newly converted Indians. He took occasion, however, to discuss his relations with the custodians, Fray Juan Ramírez and Fray Alonso de Posada, whom he accused of open and deliberate acts of enmity.

(2) Articles 13-29, as well as several others scattered through the indictment, summed up the evidence that López had denied ecclesiastical authority and jurisdiction, and that he had asserted power over both spiritual and temporal affairs. He refused to admit that he had ever claimed authority over spiritual affairs, and he denied the allegations that he had opposed the just exercise of power by the custodians in matters falling within their jurisdiction. During the course of the hearings he had lengthy arguments with the Inquisitors concerning the nature and extent of ecclesiastical authority, the powers of the custodians under the bull of Adrian VI (the so-called *Omnimoda*), and the respective spheres of action of the civil and ecclesiastical officials. López came off second best in most of these discussions, but he steadfastly denied that he had been guilty of conscious and deliberate infringement of the just powers of the prelates.

(3) Evidence concerning López' hostility towards the

friars, his use of libellous and derogatory speech against them, and alleged violations of ecclesiastical immunity was summarized in numerous articles. The most important of these dealt with the charges that during *visitas* of the province he had inquired into the lives and personal conduct of the missionaries, receiving complaints made by Indians and making formal investigations of the conduct of certain individuals. The accused countered these charges by asserting that when he had made a *visita* in an Indian village his first act was to inquire whether the Indians attended divine service and to admonish the Indians concerning their duties in this respect. He did not deny that he had received complaints by Indians against their priests, but insisted that he had not been guilty of any deliberate effort to inspire such complaints or to make formal inquiry into the conduct of the friars. In his reply to these articles, as in those in answer to others accusing him of denial of ecclesiastical authority, he discussed the Tajique episode described in Chapter III and his instructions to Aguilar at that time, and insisted that he had merely taken such action as was necessary to bring the facts to the attention of the prelate and to assist him in making an investigation. He admitted that he had sent reports concerning the conduct of the friars to the viceregal authorities and to the Franciscan officials in Mexico City, but denied that such action constituted violation of ecclesiastical immunity. On several of these points he had arguments with the Inquisitors who questioned him concerning the nature of his information. Had he based his reports on sworn testimony? If so, the act of taking such testimony was a violation of ecclesiastical immunity. If the reports were not founded on such formal evidence, then was he justified in transmitting charges based only on rumor and hearsay? López stoutly maintained that the conditions he had reported were public knowledge, and that transmission of such information did not constitute violation of ecclesiastical privilege.

(4) Another group of articles contained charges that

the ex-governor had failed to coöperate with the friars, that he had opposed the building of churches at Taos and the pueblo of the Jumanos, and that he had been responsible for the disruption of discipline at the missions by the publication of orders that the Indians should not obey the friars or attend divine offices, by his failure to punish flagrant cases of immorality, and by the issuance of orders that no Indian *alguaciles* or *fiscales* should execute punishment for violations of mission discipline. López energetically denied that he had stated that the Indians should not attend divine offices on the days of obligation or that the Indians should live as they pleased. On the contrary, he had sought to impress upon the Indians their obligations to the Church, and had instructed the *alcaldes mayores* to see that the natives attended mass on Sundays and feast days. He asserted, however, that the punishments inflicted upon the Indians for infractions of mission discipline had been unduly severe, and he admitted that he had instructed the native pueblo officials not to execute such punishments in future, leaving such cases to other authorities.

(5) The controversy concerning the use of Indian labor was summed up in articles 100-108. López protested that the friars had not lacked the services of Indians necessary for the celebration of divine offices and other needs of the churches and convents. It was true that there had been controversy concerning the employment of Indians for other purposes, and he stated that he had offered to permit the friars to hire them at wages lower than the general scale he had introduced. But the clergy had insisted that he should permit them to employ Indian servants without pay. This demand he had steadfastly opposed, because the missionaries had been accustomed to use large numbers of Indians in workshops preparing goods for sale in Sonora and Parí and in other occupations that were not strictly necessary for the maintenance of the churches and convents, or for the celebration of mass and other divine services.

(6) Articles 176-183 contained charges that he had per-

mitted the Indians to perform their heathen dances, despite the opposition of the friars. López admitted that he had granted permission for the dances, provided they were held in public and not in the kivas, and he insisted that he did not regard them as evil or harmful. He also pointed out that the Audiencia had absolved him of similar charges in his *residencia*. The Inquisitors challenged this defense by asking whether he believed that the Audiencia was qualified to give an opinion concerning the character of the dances, or to decide whether his action in permitting them constituted an act harmful to the faith. López readily admitted that the Audiencia had no authority to define such matters. He remarked, however, that if this problem involved a question of the faith, concerning which the Holy Office had jurisdiction, then it should not have been brought into the *residencia* proceedings, and he called attention to the fact that the introduction of such charges in the *residencia* had been done at the instance of the friars, especially Father Posada, the local representative of the Inquisition. It was true that there had been some discussion about the character of the dances, and he had given permission in the first instance in order to see for himself whether they were good or evil. The Inquisitors pointed out (a) that if he had been in doubt about the character of the dances he should not have permitted them at all, and (b) that in any case he had no authority to decide whether they contained elements of heathenism and superstition contrary to the faith, for such questions pertained only to ecclesiastical authority. But López stubbornly denied any intention of opposing the faith or that he had meant to express any opinion in such matters. Moreover, he had merely given a general permission for the Indians to dance, and what he had seen had not appeared to be harmful. In this case, as in any other phase of human conduct, evil elements could be introduced into customs that were ordinarily decent and harmless. The Inquisitors were not impressed by such arguments, and pointed out that a general permission for celebration of

native dances made possible the performance of the heathen *catzinas*.

(7) Thirty-eight articles were devoted to a full re-statement of the blasphemous, heretical, and evil-sounding remarks and propositions attributed to López. Most of these charges were denied as utterly false. They were inspired by pure malice and were libellous fabrications of his enemies. It was impossible that a good Christian, such as he claimed to be, could have uttered such things. In a few cases, López merely testified that he could not recall the case or the circumstances involved, but would search his memory, and if the charges were true he would retract.

(8) More than thirty articles contained charges that López and his wife had been lax in fulfillment of their duties as Christians, that they had not kept Lent in a proper manner, that López had indicated a lack of respect for the ceremonial of the Church, that he and his wife had failed to attend mass on certain days of obligation, that they had tried to prevent their servants from fulfilling their ecclesiastical obligations, and that they abused and punished those who did so. Many of these charges the ex-governor characterized as utterly false, as calumnies to be ascribed to his enemies. Others he admitted to be true, such as eating meat in Lent on his way to New Mexico and his failure to attend mass on certain occasions, but he gave excuses, such as illness, or cited other extenuating circumstances. He denied that he and his wife had punished servants who had attended mass, or that they had tried to keep them from performing their religious obligations. Other charges based on the conduct of López and Doña Teresa will be discussed in section II of this chapter.

(9) Articles 196-200 described certain customs and practices of López and his wife that were suspected of being Jewish in character. These will be discussed in section II, dealing with the trial of Doña Teresa.

(10) Articles 212-214 summarized the evidence concerning the immoral conduct of López in New Mexico. He

admitted several cases of carnal relationships with women in Santa Fé, but denied the charge of incest that was also included in these articles.

(11) Articles 217-220 summarized the testimony that he had sent false reports concerning the conduct of the friars to the authorities in Mexico City. He admitted that he had made reports on conditions in New Mexico and the status of the missions, but denied that such reports were false or inspired by malice toward the clergy.

(12) Another large group of articles (222-225, 231-252) summed up testimony concerning the attitude of López toward the Holy Office and its officials. Some cited derogatory remarks concerning the Inquisitors, others charged him with denial of authority of the Holy Office, and several were based on his conduct after his arrest in Santa Fé in 1662. The ex-governor denied that he had ever been guilty of lack of respect for the Inquisition and its representatives, or that he had denied its authority. His wide administrative experience in the New World had given him an extensive knowledge of Inquisition affairs, and the obedience that every loyal Christian owed to that tribunal. Many of the charges based on reports concerning his words and actions subsequent to his arrest were denounced as entirely false. Others were the result of malicious misrepresentation of his conduct.

(13) Articles 253-257 were based on alleged false witness by López during his hearings before the Holy Office in Mexico City. The most important charge was based on the fact that López had testified in his first formal hearing that none of his ancestors had been arrested or banished by the Inquisition. To prove that this statement was false, the tribunal cited the case of a certain Juan Nuñez de León, grandfather of López' mother, who had been tried and found guilty in 1603 on charges of the practice of Judaism. In answer to this charge, López denied knowledge of the facts in the case cited. To his knowledge his ancestors had enjoyed a good reputation. In any case, if he had forgotten to

testify about this case, as well as other things, too much importance should not be attributed to such action, for "I came here almost without judgment and sanity (*casi sin juicio*)."

(14) Twenty-one articles were based on evidence concerning López' hostility to the Church and the clergy during his term of office as *alcalde mayor* in the Guaiacocotla area in New Spain prior to his appointment as governor of New Mexico.

Thirty-four hearings, spread over a period of three and a half months, were necessary to record the testimony of López in reply to the articles of indictment. It must have been a harrowing experience, in view of the fact that his health was steadily declining. On two occasions the hearings had to be postponed because he was unable to appear. On March 11, 12, and 13 he had to listen to a complete reading of his testimony. An attorney to assist in his defense was appointed on March 18, and four more hearings, held between March 22 and 27, were required to read the complete proceedings to the attorney.

The next entry in the record is dated May 21. It contains a petition by López calling attention to his illness, and asking the tribunal to put him in a cell with his wife and to hasten the completion of his trial. On June 9 he made another petition, citing his miserable condition and asking to be moved to a larger cell where the ventilation would be better. In response to this plea, the Inquisitors gave orders to have the outer door of his cell left open during the daytime. Early in July he took a turn for the worse and a physician was sent to attend him. He lingered for two more months, but death finally released him on September 16, 1664. He was buried in unconsecrated ground in the corral of the secret prison of the Holy Office.

The death of López occurred before the Inquisitors reached a decision concerning his guilt. The case was suspended for several years, but in 1669 the tribunal apparently sought the advice of the Council of the Inquisition concern-

ing future procedure. On March 4, 1670, the Council authorized a member of the Mexican tribunal, to take the matter under consideration and decide whether the Holy Office should reopen the case and proceed against the memory of the deceased.

During the autumn and winter of 1670-1671 the proceedings were reviewed by the Inquisitor, Lic. D. Nicolás de las Infantas y Venegas, who, in turn, requested opinions of other officials of the tribunal on certain points. On March 17, 1671, the Inquisitor sent the findings of these officials to the *fiscal*, and on April 14 the latter announced that he would not press action against the fame and memory of the deceased.

The case was then considered by the Inquisitor in session with the *consultores* (advisors) of the tribunal, including the *alcalde de corte* and the *fiscal* of the Audiencia. On April 16 this board recommended that the case should be dropped and the memory of López absolved. The formal sentence of the Holy Office was pronounced on April 30, 1671. It was declared that in view of the proceedings and the failure of the *fiscal* of the Holy Office to prove his accusation and complaint, the tribunal absolved the memory and fame of Don Bernardo López de Mendizábal, raised the embargo on his property, and ordered his bones to be exhumed and given ecclesiastical burial. On May 6 the bones of the deceased were taken up, and on May 12 they were deposited in a grave in a chapel of the church of Santo Domingo in Mexico City.

II

The trial of Doña Teresa de Aguilera y Roche was carried on concurrently with that of her husband.² The first formal hearing before the tribunal of the Holy Office was held on May 2, 1663, and at this time she gave the usual statement concerning her ancestry and immediate family relationships and a brief resumé of her life history. At the end

2. The trial proceedings are recorded in *Proceso contra Doña Teresa de Aguilera*.

of the hearing the court pronounced the first admonition. The accused replied that she realized that the Holy Office did not make arrests without cause; in her own case, however, arrest must have been caused by the false witness of her enemies and those of her husband, for she had not been guilty of any offense against the faith. The second and third admonitions were given on May 9 and June 12 respectively.

Between June 15 and October 5 Doña Teresa had seven more hearings before the tribunal, all at her own request. She took advantage of these audiences to "discharge her conscience" by relating various unedifying tales concerning the misconduct of ex-governor Juan Manso and other persons in New Mexico, including some of the friars. She also told how Peñalosa had offered to permit López "to write his own residencia" in return for a bribe of 10,000 pesos, and described the meeting with Peñalosa in the Santa Fé church in August 1662 and subsequent events. During a hearing on September 27 she asked for paper in order to prepare a written statement, which she presented to the Inquisitors on October 5.

This written declaration was the first of a series that Doña Teresa presented during the course of her trial. It contained a long diatribe against Peñalosa, the friars, and various persons in New Mexico whom she denounced as enemies of her husband. The "conspiracy" of Peñalosa and the clergy against López was set forth, and the conduct of Fray Salvador de Guerra, Fray Nicolás de Freitas, and others was described in scathing terms. A shorter statement in similar vein was presented on October 26.

On the same day that this second written declaration was filed, the *fiscal* of the Holy Office presented the formal accusation which consisted of forty-one articles based on the testimony of citizens and friars in New Mexico. Replies to the first fourteen articles were received during this hearing, and articles 15-41 were answered during two subsequent audiences on October 27 and 29. On November 19 Doña Teresa received a copy of the accusation, and a week later,

November 26, she filed a statement in writing to supplement the replies that she had given orally.

Articles 35-40 of the indictment were based on the conduct of the accused subsequent to her arrest in Santa Fé by Father Posada in August, 1662. Like her husband, she had indulged in reckless and hysterical speech which had been duly reported to the Holy Office. But these articles did not constitute the important part of the accusation.

Articles 1-34 contained a series of charges to show that Doña Teresa and her husband were not only suspect in matters of faith, but possibly guilty of Judaism. The accusations based on practices suspected of being Jewish in character constituted the most serious part of the indictment, and the others were cited as additional evidence indicating unchristian conduct.

The charges that Doña Teresa and López were suspected of practicing Jewish rites were based on tales told by their household servants. These stories had been spread far and wide, and were related by many witnesses who testified before Father Posada in 1661-1662. Actual eye-witness accounts, however, were given by only four or five persons who were members of the López household. The testimony is summarized below.

(1) Doña Teresa and her husband had made a "special ceremony" of washing their hair and bathing on Friday nights, and on such occasions Doña Teresa had made a special point of shutting herself up in her bedroom while she made her private ablutions. One servant testified that she had tried to spy on the lady at such times, but with no success!

(2) The bed and table linens in the López household had always been changed on Fridays, and López and his wife put on clean clothing on such days.

(3) If circumstances prevented them from bathing or changing their clothing on one Friday, they always waited until the next.

(4) Doña Teresa had been accustomed to take special care with her toilet and to primp on Saturdays, as if specially celebrating that day "which the dead law of Moses orders to be observed."

(5) On a certain Good Friday, López had been too ill to attend church and had remained at home resting on a couch. During the afternoon certain Apache servants announced that the procession of the Holy Burial had passed the Casa Real, and Doña Teresa, with unusual haste, gave her husband a clean cap (*birrete*) to replace the one that he was wearing.

The indictment also alleged that Doña Teresa was guilty of superstition. For example, on a certain occasion she had given her husband "powders" in order to make him desire her. It was also her custom to put onion peel on the soles of her feet. And one servant testified that her mistress saved the blood at the time of her period.

To these charges the *fiscal* added others, all based on the sworn testimony, to show that López and Doña Teresa were not good practicing Christians. The servants had alleged that the accused parties seldom said grace at meals, that they were not accustomed to carry rosaries or make the sign of the Cross, that they showed little veneration for holy images, that they omitted devotions when they went to bed or arose in the morning, that they did not respond to pious phrases of greeting by members of their household, and that they seldom engaged in religious speech, such as relating the life of a saint. Moreover, it was alleged that they had seldom counseled their servants to attend mass or to fulfill their religious duties. On the contrary, they had upbraided with evil speech those who had done so. And it was further alleged that Doña Teresa had soundly thrashed a negro slave woman who had fasted in honor of Our Lady of Carmen.

Certain articles of the indictment accused Doña Teresa and her husband of an obvious reluctance to attend mass and actual failure to fulfill their duties on days or feasts of obli-

gation, especially during the journey to New Mexico in 1659, as well as other violations of ecclesiastical practice.

It had also been noted that Doña Teresa carefully kept her writing desk locked and would not permit servants to open it. Moreover, she had taken pleasure in reading a book in a foreign language, and would sometimes laugh while she was reading. The servant who gave this testimony stated that she had suspicions concerning the character of the book. In the article of the accusation recording this evidence, the *fiscal* asked why Doña Teresa had not been content to read "ordinary books in the Castillian tongue," and stated that her practice of reading in an unknown tongue, as well as her evident pleasure in doing so, caused suspicion that the book possibly contained heresy.

Finally, the servants had testified that López and Doña Teresa never permitted anyone to enter their bedroom while they were sleeping, except a young negro slave girl who slept in the room with them. The indictment notes that although such action had no special importance and would ordinarily be insufficient cause for suspicion, in view of all the other evidence concerning the conduct of the accused, "it is easy to understand that it may have been a special precaution to prevent exil practices, which they perform in secret, from being noted."

In her replies to the indictment, both oral and written, Doña Teresa stoutly denied that her custom of bathing and changing clothing and linens on Fridays had any special significance. And it was not true that she and her husband invariably chose Fridays for such actions. Indeed, Don Bernardo changed his clothes three times a week, "especially his shirt." The bed linen was not changed weekly, but usually once in two weeks. She admitted that she primped on Saturdays, "as all women usually do," because on Sunday mornings there was not time to do so before mass, "except to fix her hair a little." Regarding the Good Friday episode, she testified that she had been reading to her husband the story of the Passion of Our Lord, that he had asked

her several times for a clean bed cap, and that when the servants announced that the procession had passed she hastened to get him a clean one because she knew that they would have visitors. Besides, there was nothing evil in putting on a clean cap in any case!

In his own testimony before the Holy Office, López also denied that he had made a practice of bathing and changing his clothes on any special day. He had changed his clothes whenever it was necessary, in hot weather almost daily. And "it was a great falsehood" that he had taken special pains to wash his head on Fridays, although he might have done so occasionally. "Ordinarily two or three months passed without doing so." He confirmed his wife's testimony about the bed cap, saying that servants had announced the arrival of guests and consequently he desired a clean cap.³

Doña Teresa denounced the charges that she practiced superstition as utterly false. It was true, however, that she sometimes put onion peel on her feet, because she had corns and no other remedy was available!

Both López and his wife denied the accusations that they omitted their devotions and were remiss in other phases of their conduct. Doña Teresa testified that she had always taken special care to see that her servants attended divine services and that two or three of them ordinarily accompanied her to mass. And it was false that she and her husband upbraided and chastised servants who made their devotions. She did not deny, however, that she had used corporal punishment on the negro slave woman, but not for the cause alleged. This negress was a trouble maker, given to thieving and trickery, and it had been necessary more than once to chastise her.

As noted above, López cited extenuating circumstances for failure to attend mass or to confess on certain occasions, and Doña Teresa testified that in her own case serious illness had been responsible for her conduct during the trip to New Mexico in 1659.

3. *Proceso contra López*, III.

It was true that she had kept the writing desk locked at times because her servants were thieves! And with regard to the book in the foreign tongue that she had read from time to time, it was Tasso's *Orlando Furioso*. She reminded the Inquisitor that she had been born and reared in Italy and that she had learned Italian. She did not want to forget the language, and that was why she took pleasure in reading her Tasso.

Both López and Doña Teresa admitted that they slept alone in their bedroom, except for the little slave girl. But what was evil in such a custom? They had always done so as a matter of modesty, for "it was a practice that most married people ordinarily follow." Moreover, the servants slept in the next room and could be called if needed.⁴

After Doña Teresa completed her depositions in reply to the articles of accusation, an attorney was appointed to assist in her defense. Two hearings were held on November 27 and 28 during which the record of the proceedings were read to the attorney.

The next stage in the trial was the "publication of the witnesses," a normal part of the procedure in Inquisition cases. Extracts of the sworn testimony on which the articles of indictment were based were read to the accused, but the names of the witnesses were not revealed. In certain cases, however, the accused was able to identify the witnesses by the nature of the testimony, or the time and circumstances of incidents that were related. The "publication" was made during a hearing on December 6, and Doña Teresa gave her replies on December 7 and 11. In most cases, she merely referred to statements already made in her oral and written answers to the accusation. On December 11 she asked for a copy of the "publication" in order to prepare a more extensive statement in writing with the counsel of her attorney. This request was granted, and on January 9, 1664, she filed her deposition, a long document comprising seven closely written *pliegos*.

4. *Ibid.*

In this document, the most interesting item in the long manuscript record of the proceedings, Doña Teresa undertook to undermine the evidence against her by citing reasons why persons who had testified were inspired by personal enmity and malice. Inasmuch as she could not be sure of the identity of the witness in many cases, she listed all those persons whom she had reason to suspect might have given evidence. She mentioned by name more than seventy-five persons, citizens, friars, servants, etc., and gave reasons why they were her enemies. For example: "If Juan Manso testified, he is my enemy because," etc., etc. "If Francisco de Xavier testified, he is an enemy because," etc., etc. Some were enemies because López had removed them from office, others because he had taken away their encomiendas, and others because of legal proceedings instituted against them or because her husband had chastised them for immoral conduct. In direct and brutal fashion she laid bare the details of life and society in New Mexico, local jealousies and petty crime, the carousing activities of numerous citizens and their marital infidelities. She realized that the direct eye-witness evidence had undoubtedly been given by her household servants, and she wrote long blasts against them, describing their thieving activities, their quarrels and fist-fights, and their inveterate habit of sneaking out at night to carouse with undesirable citizens. Most of the servants were negro and Apache slaves, troublesome Pueblo Indians sent to Santa Fé for service as the punishment for petty crime, or low-class mestizos, and if we may judge by Doña Teresa's account, the Casa Real must have been a turbulent place in which the governor's lady maintained discipline only by eternal vigilance and occasional use of force.

This tirade undoubtedly served to strengthen Doña Teresa's defense, for she had put her finger on several of the most important witnesses who had testified against her. Although the document illustrated her own prejudices, it raised serious questions concerning the motives of many of the witnesses and the trustworthiness of their testimony.

During January the remainder of the trial record was read to her attorney, and when this part of the procedure had been completed the attorney asked for a copy of the indictment and the extracts of testimony in order to prepare a statement in defense of the accused. Ill health of the advocate delayed further hearings for a few weeks. Then in March Doña Teresa asked the court to read the indictment and testimony to her again, stating that when she had made her defense the first time she had been in a nervous state and lacked experience, and she feared that she had not made her replies in the best manner. The court granted this request, and two hearings were devoted to the reading of the proceedings and the recording of her depositions.

On March 20 Doña Teresa's attorney filed a long written statement analyzing the testimony on which the indictment was based. This document called attention to the fact that most of the testimony was based on rumors and hearsay. The testimony of the few eye-witnesses who had given depositions before Father Posada was also carefully analyzed. Numerous contradictions and discrepancies in the testimony were noted, and attention was called to the lack of precise evidence and proof on many points. In certain particulars, the indictment was based on the deposition of a single witness. Moreover, the petition alleged that "malice and conspiracy" characterized much of the evidence, and that due to ignorance on the part of the witnesses, harmless actions had been misinterpreted. It was also pointed out that some of the charges, especially those relating to the alleged practice of Jewish rites, were not based on any clear proof of motive and intent, but were mere presumptions not substantiated by definite evidence. Indeed, the charge of Judaism constituted "the whole case," because the other articles of indictment citing lack of respect for the faith and unchristian conduct served merely to bolster up that charge and had little importance except in relation to it.

During the next three months little progress was made in the proceedings due to the fact that Doña Teresa's attor-

ney was ill and refused to appear at the hearings. It was during this interval, however, that the accused made some very interesting confessions to the tribunal. It appears that soon after her arrival in the jail of the Holy Office, one of the assistant jailers, a certain Juan de Cárdenas, informed her that he had been a friend of her father in Cartagena and offered to advise her what to say during the formal hearings and how to conduct her defense. This person was able to get fairly exact information of the proceedings before the court, told her what charges had been filed against her husband and against the four New Mexican soldiers—Aguilar, Gómez, Romero, and Anaya—who were also being tried. Likewise, he maintained contact with López and the other New Mexican prisoners, and from time to time brought messages to Doña Teresa from her husband. It was Cárdenas who had advised her to present the long written statement giving reasons for the hostility and enmity of witnesses who might have testified against her. Moreover, it would appear that some of the information included in that statement had been furnished by her husband and transmitted to her by Cárdenas. In a series of hearings held at intervals from April 22 to July 19, 1664, Doña Teresa confessed all this intrigue to the Inquisitors. Original notes on the trial record indicate that formal proceedings were instituted against Cárdenas.

The illness of Doña Teresa's attorney was so prolonged that finally a new advocate was appointed on September 2. Consequently, it was necessary to read the record to this newly appointed attorney, and this took up five hearings between September 12 and 17. From time to time during these audiences Doña Teresa gave additional testimony concerning affairs in New Mexico, as well as her private relations with her husband. She had already explained to the court that her insistence on privacy in her home in Santa Fé and other alleged peculiarities of conduct had been inspired, in part, by her husband's immoral conduct and her efforts to quiet scandal. And now she unburdened her heart and re-

vealed other details. It is obvious that she was in a state approaching hysteria.

During the hearing of September 17 Doña Teresa's new advocate suggested that in view of what she had confessed concerning her secret discussions with the assistant jailer, Juan de Cárdenas, and the possibility that her earlier replies to the indictment had been colored by Cárdenas' advice, the indictment and publication of the witnesses should be read once more in order to give the accused one more opportunity to testify the whole truth. Doña Teresa agreed, and beginning on September 20 seven more hearings were held for this purpose. The record shows, however, that Doña Teresa added little to what she had already told. The charges alleging the practice of customs suspected of being Jewish were those that gave her the greatest concern, and she reviewed once more her habits of bathing, putting on clean clothes, and changing the bed linens. It was true that at certain seasons she had bathed on Fridays, and she admitted that tales told by her servants had made this practice a matter of public discussion in Santa Fé. On one occasion it had been a topic of conversation with her husband, and she had upbraided him for not warning her that "the Jews bathed on Friday." It was all his fault, for she would not have chosen that day if she had known! Bitter words had followed.

Poor Doña Teresa! What with thieving and spying servants, her husband's infidelity, the petty jealousies of provincial society, and the hostility inspired by López' administrative policies, her stay in New Mexico had been very unhappy. Many times she must have longed for those better days when she had lived in Italy and for the refinements of European society. In Santa Fé she had had few friends whom she could trust, and most of these had known only the rude life of the frontier. It is not surprising that she took pleasure in reading her Tasso, and no more surprising that her companions regarded her with suspicion when

she laughed as she read from that "book in the foreign tongue."

At long last the proceedings came to an end. On December 19, 1664, the tribunal voted to suspend the case. On the following day she received formal notification of this decision, and, according to the record, "she gave great thanks to God Our Lord and to this Holy Tribunal." After more than twenty months in the jail of the Holy Office, she was finally free to resume a normal life among relatives and friends in Mexico City whom she had left six years earlier to undertake the ill-fated journey to New Mexico with her husband.

III

Thus the proceedings of the Holy Office against ex-governor López and his wife were brought to a conclusion. But litigation over their property that had been placed under embargo pending their trial was carried on for many years.⁵ This property consisted of two lots: (1) the goods that Posada had seized after the arrest of López in 1662 and shipped to Mexico City in the supply caravan; (2) the goods and livestock sent to New Spain by Peñalosa and embargoed at Parral by Juan Manso on instructions from Posada. The first lot and part of the second were delivered to the *real fisco* in Mexico City in the spring of 1663; the remainder of the second lot held in Parral was liquidated and the proceeds sent to Mexico City, as noted in the preceding chapter. For various reasons separate records were kept of the legal proceedings and accounting of the two lots.

When the goods seized by Posada were delivered in Mexico City by Fray Juan Ramírez, the administrator of the supply service, they were inventoried and deposited with responsible persons. Piñon nuts constituted the most important part of this shipment and efforts were made to sell them as soon as possible before they spoiled. Large quantities were knocked down at auction during the summer of

5. The record of the litigation is found in A. G. P. M., Tierras 3268, 3283, 3286.

1663, but a considerable stock remained unsold. There was an even slower market for the hides, textiles, and the numerous articles of household goods. During the next few years sales of certain items were negotiated.

After being released by the Holy Office, Doña Teresa made an effort to obtain possession of part of this property. On March 16, 1665, she petitioned the tribunal to turn over to her half of the goods as her share of the property. She also asked for the clothing, personal effects, and household furnishings. For various reasons the Inquisitors refused to grant the first half of her petition. They stated that there was no proof of joint ownership. Several of López' creditors had filed claims, and these had to be adjusted. Moreover, the Holy Office also had claims against the property for more than 1800 pesos, the expenses of transporting López and Doña Teresa to Mexico City and the costs of their maintenance in the jail of the Inquisition during the trial. Lastly, no final settlement could be made until López' case had been formally concluded. The tribunal agreed, however, to turn over the clothing, personal effects, and household goods, on condition that Doña Teresa would give bond for their value pending final liquidation and settlement. These goods were appraised and in due course delivered to her, under the conditions stated.

On December 5, 1665, and again on July 12, 1666, Doña Teresa made new petitions to the tribunal, citing her poverty and need and asking for a share in the embargoed property. But the Inquisitors denied her requests, citing the same reasons as before. There were also other considerations involved. López had alleged that several persons in New Mexico owed him money, and some effort had to be made to determine whether these claims were valid and to obtain payment. In addition, it was known that a quantity of piñon belonging to López had been left behind at El Paso in 1662. Apparently part of this stock was shipped to Mexico in 1665.

As noted in Section I above, the Holy Office in 1671

voted to absolve the memory of López and raise the embargo on his property. This action removed one obstacle preventing a settlement, but the documents do not provide a record of the final litigation in the case.

Part of the goods embargoed at Parral and reshipped to Mexico City was sold in 1663. Other items were disposed of from time to time during the next four years. Peñalosa tried to establish just title to the property, and he sent Tomé Domínguez de Mendoza to Mexico to file action to have the embargo raised. Litigation was suspended, however, by a decree of the tribunal on July 4, 1663.

There were various reasons why the Holy Office had to proceed with caution in establishing legal ownership. In the first place, it was necessary to review the evidence concerning the manner in which the property had been acquired by Peñalosa and his agents in New Mexico. Second, the Holy Office had to take into account the fact that part of the goods had originally been embargoed by Peñalosa to pay claims, fines, etc. in accordance with the sentence in López' *residencia*, and the property could not be disposed of until some effort had been made to ascertain whether these obligations had been paid. It was also clear that some of the property that had once belonged to López had remained in Peñalosa's hands in New Mexico. Such property was subject to embargo like the rest, and the Holy Office made an effort, ineffective apparently, to discover its amount and whereabouts. Consequently, these questions dragged on for years, and little progress was made despite numerous petitions by Doña Teresa or her representatives.

Finally, in 1678 the Inquisitors ordered the sale of such parts of the property embargoed at Parral as had not already been disposed of, and the proceeds were turned over to the agent of the Holy Office. But even then, López' heirs did not receive a settlement. As late as 1689, litigation over the goods was still pending. The manuscript record ends at that point.

CHAPTER VIII

THE PROCEEDINGS OF THE HOLY OFFICE AGAINST THE FOUR SOLDIERS OF NEW MEXICO

Formal trial proceedings were started against the four soldiers of New Mexico within a relatively short time after their arrival in Mexico City in April, 1662. For more than a year and a half thereafter the trials dragged out their weary course.¹ The case of Diego Romero will be described first because testimony given by the defendant during the hearings provided the basis of supplementary indictments against Nicolás de Aguilar and Cristóbal de Anaya Almazán.

I

Diego Romero was a native of New Mexico, the son of Gaspar Pérez, a soldier from the Spanish Netherlands, and María Romero, the daughter of a conquistador. His father, who had served in the province for some forty years as the armorer of the local militia with a salary paid by the treasury of New Spain, had always been a loyal partisan of the governors in the long series of Church and State controversies, and this point was cited against the defendant during his trial. Romero had been reared in the rude life of the frontier, and had received little formal education. He told the Inquisitors that he had never learned to read or write with any facility. He had served in numerous local campaigns, having held the rank of captain, and he had been elected *alcalde ordinario* of Santa Fé. During the term of office of López de Mendizábal he had received official favor, and many persons regarded him as a close associate and counsellor of the governor.

Romero was summoned for his first formal audience before the tribunal of the Holy Office on May 5, 1663. He made the customary statement concerning his ancestry and life history, and at the end of the hearing he received

1. While the proceedings against the four soldiers were in progress, the Holy Office also tried the ex-custodian of New Mexico, Friar Juan Ramírez. This case has been discussed in my essay, "The Supply Service of the New Mexico Missions in the Seventeenth Century," *NEW MEXICO HIST. REV.*, V (1930), 386-404, *passim*.

the first admonition. The second and third admonitions were given May 7 and 11. Four more hearings were held during the succeeding weeks, and on September 19 the *fiscal* presented the accusation consisting of twenty-three articles.²

Articles 1-6 and 21-22 cited evidence to prove that Romero had made evil-sounding and scandalous remarks to the effect that when a man and woman were engaged in an illicit relationship, there was a mutual obligation to grant the *débito*, or conjugal act. The *fiscal* denounced this proposition as formal heresy, on the ground that it justified immorality and violated the sixth commandment. In his replies to the accusation, the defendant admitted that he had made various remarks about the duties of married and unmarried persons with regard to the sexual relationship, but he denied that he had been guilty of the scandalous proposition ascribed to him. If he had said things that were contrary to the faith, it was due to ignorance and the inadequate religious instruction he had received in New Mexico.

Five articles (7-11) summarized testimony to show that Romero had defended the false doctrine that a priest who baptised an infant did not contract spiritual relationship (*parentesco espiritual*) with the infant baptised or with its parents. The defendant denied the general charge, but admitted that this question had been discussed on certain occasions.

Articles 12-16 dealt with an incident that had occurred in 1660 when Romero and a group of soldiers had made an expedition to the plains for the purpose of trade with nomadic tribes. Considerable evidence had been received that on this occasion Romero had participated in various ceremonies performed by a group of Apaches, and that he had been married according to their heathen rites to an Indian girl with whom he subsequently had carnal intercourse. According to certain witnesses, the Apaches had told Romero that in time past his father, Gaspar Pérez, had visited them and "had left a son" with them, and that he should do the

2. *Proceso contra Romero*, ff. 70-171 record the trial proceedings.

same! Participation in these heathen and superstitious rites, the *fiscal* alleged, was proof of the defendant's "evil inclination and lack of Christianity" and constituted grounds for believing that he was suspect in the faith.

During a hearing on May 11 Romero had given the tribunal some account of this incident. He said that when he and his companions arrived at the Apache camp the Indians began to perform dances, and that the members of his party, in order not to antagonize them, had watched these ceremonies. Later in the evening several Indians took him to their huts, and the next morning they started to perform certain rites. Pleading illness, he had asked them to take him back to the place where his companions had camped. On August 29 Romero informed the court that he had not told the whole truth about this episode during the hearing on May 11. He admitted that one reason why he had gone to the plains was to have the Apaches make him a captain, "as they had done with Capt. Alonso Baca, Francisco Luján, and Gaspar Pérez, father of this defendant, and with a friar of the Order of San Francisco named Friar Andrés Juárez." It was also true that the Indians had performed dances in his honor and that these rites "contained superstition . . . but he never believed in the said superstitions." And he testified further that during his stay among the Apaches he had slept twice with "a heathen Indian woman," a deed that "he greatly regretted, and for which he asks the pardon of Our Lord." In his replies to articles 12-16 of the accusation, he referred to the foregoing testimony.

Article 17 accused him of incest with his cousin, by whom it was alleged he had had a son. Romero testified that the girl was a *mestiza* whom his mother had reared and that she was not related to him in any way. He also denied that the son was his own, although he had reared the child in his own home.

Article 18 contained the charges that Romero was guilty of "incredible hatred" toward the friars. In his reply, the defendant insisted that he had always "revered the

priests as ministers of God our Lord," although it was true that he had spoken out against some who had been guilty of "public sin and scandal."

Finally, articles 19-23 summarized certain points based on Romero's own testimony before the tribunal. In one article the *fiscal* took note of the defendant's admission that he had not told the truth during the hearing of May 11.

After Romero made his depositions in reply to the accusation, the court appointed an attorney to advise him and assist in his defense. The Inquisitors also offered to provide the defendant with a copy of the accusation, but Romero said that he had no need of such a copy. His attorney could attend to such matters.

During the autumn of 1663 Romero appeared before the court at various times, usually at his own request. On one occasion he denounced several friars, citing their misconduct and alleging that they were his enemies because he had discussed their misdeeds. But as time passed, his tune changed and he admitted that many of the articles of the accusation were actually true. First of all, he confessed that he had made statements that priests did not contract spiritual relationship with infants whom they baptised or with their parents. He protested, however, that he had based his remarks on what he had read in a book, and that apparently he had misunderstood what he had read. Second, he also admitted that he was guilty of the scandalous proposition about the obligations of persons engaged in illicit intercourse, but insisted that he had not realized the full implications of his remarks on this point. And little by little he gave additional details about his participation in the Apache ceremonies, although he alleged that he had merely consented to these superstitious rites without actually believing in them.

It is apparent that during his first hearings Romero had tried to put on a bold front, but this attitude of bravado and bluff was gradually broken down. In the end he not only made sorry admissions concerning his own character, but

also revealed things that were damaging to the cause of his friends, especially Aguilar and Anaya. On October 12 he told the Inquisitors many things about his early life that illustrated his lascivious nature. Moreover, he frankly admitted that he had deliberately sought to bolster up his defense by denouncing the faults of others and by withholding the whole truth about his own case. Although he had come to the Holy Office with the intention of confessing everything, he had not done so, "because the devil had blinded him," and he had believed that it would injure his honor to tell all. But now he had reconsidered, "for there is no greater honor than to serve God our Lord, to confess his sins, to seek pardon for them, and to tell how he had lived without fear of God and His divine justice."

In order to give the court further proof of his newly found honor, he proceeded to give testimony that he knew would cause trouble for his fellow prisoners. At some length he described what had transpired during the time the four soldiers were held in prison at the pueblo of Santo Domingo in New Mexico. They had occupied adjoining cells, and by making holes in the adobe walls they had been able to converse and to discuss ways and means of defending themselves before the Holy Office. During these discussions they agreed that the friars were the cause of all their troubles, and at one time, so Romero said, Nicolás de Aguilar had suggested that the best thing to do would be to break jail, kill two or three friars, seize all the papers in Posada's possession, and then escape. Romero also told how the prisoners had been able to send messages to their families, how a certain friendly friar had come to advise them about preparing their defense, and how Peñalosa had sent a letter to Anaya offering counsel and assistance. During the journey to Mexico City the prisoners had maintained contact, and after their imprisonment in the jail of the Holy Office they had been able to compare notes, exchange news, and discuss the proceedings before the tribunal.

This testimony was later used by the *fiscal* to support

separate and supplementary accusations against Aguilar and Anaya. In Romero's case, however, the *fiscal* made no such supplementary accusation. Perhaps the defendant had offered to turn "state's witness," and as such received special consideration.

The publication of the witnesses was made on November 9, 1663, and the defendant's replies were received the same day. After further legal formalities the Inquisitors and their *consultores* took a vote on January 23, 1664, found Romero guilty, and outlined the terms of the preliminary sentence. Formal pronouncement of the sentence was delayed, however, for several months. During the intervening period Romero appeared before the court from time to time to give testimony concerning conditions in the Inquisition jail. These depositions contain an extremely interesting account of means employed by the prisoners to communicate from cell to cell and exchange news, and other details of everyday life in the prison.

The *sentencia de vista*, or preliminary sentence, was pronounced October 31, 1664. It stated that the proceedings had proved that Romero was an "apostate heretic," and that as such he had incurred major excommunication and confiscation of his property for the benefit of the *real fisco*. The court decreed that as penance for his deeds Romero should participate in a public *auto de fé* and publicly abjure his errors, and that he should be condemned to service in the Philippine galleys for four years. The sentence also provided that henceforth he should not be eligible for public office, that he should not wear "articles of gold, silver, pearls, precious stones, silk, moiré, or fine cloth," and that he should not ride a horse or carry arms.

The preliminary sentences of the tribunal served, in part, to test the temper and attitude of defendants, and if the latter admitted their guilt and asked for mercy, the terms were often moderated. Romero immediately petitioned the court to reconsider its findings, and to moderate the sentence, taking into account that he had confessed his guilt, and that

the offenses he had committed had been the result of ignorance, his meager training in doctrinal matters, and his general lack of experience (*rusticidad*). The *fiscal* objected to this plea, but he was overruled.

The court voted to revoke the decision to confiscate the defendant's property and to condemn him to service in the galleys. Instead, it decreed that Romero should be banished from New Mexico for ten years, and that during this time he should reside in Parral. The remainder of the preliminary sentence, with a few minor changes in the clause about the defendant's participation in an *auto de fé*, was confirmed.

The final sentence (*sentencia de revista*) was pronounced during an *auto de fé* held in the church of Santo Domingo in Mexico City on December 7, 1664. Romero made his abjuration on the same day. Finally, on December 17 he was set free, after having adjusted the costs of his trial which were paid out of the property that had been embargoed for that purpose.

II

The trial of Nicolás de Aguilar started on May 8, 1663, when he was called for his first audience. The first admonition was pronounced at the end of this hearing, and the second and third on May 11 and 17 respectively.³

The defendant was a native of the province of Mechoacán. At the age of eighteen he moved to Parral where he spent six years as a soldier and miner. Having killed his uncle during a brawl, allegedly in self defense, he took refuge in New Mexico, where he was ultimately pardoned at the time of general amnesty proclaimed in honor of the birth of a royal prince. In New Mexico he married a certain Catalina Márquez, and took up residence near the village of Tajique. During his stay in New Mexico he served in the local militia, twice with the rank of company captain, and was finally appointed *alcalde mayor* of the Salinas area by

3. *Proceso contra Aguilar*, ff. 87-222, record the trial proceedings.

Governor López. At the time of his trial he was thirty-six years old.

The accusation was presented by the *fiscal* on October 19, 1663. It contained fifty-two articles, of which forty-five were based on the testimony concerning Aguilar's conduct and activities as *alcalde mayor* of the Salinas jurisdiction. The remainder summarized various points relating to the defendant's testimony before the court during early hearings. An extensive account of the role played by Aguilar as *alcalde mayor* has already been given in Chapter III, Section IV, and it will not be necessary, therefore, to make a detailed review of the indictment. The *fiscal* cited incidents, cases, and other particulars to prove (1) that the defendant had infringed on ecclesiastical jurisdiction and immunity, (2) that he had obstructed the missionary program by prohibiting the service of Indians at the churches and convents, (3) that he had undermined mission discipline by interfering with the punishment of Indians guilty of misconduct and other offenses, (4) that he had encouraged heathen and idolatrous practices by permitting the performance of native dances, and (5) that he had been guilty of hostile and unseemly conduct toward the friars and general lack of respect for the Church, its teachings, and its censures.

Aguilar made a vigorous defense against these charges during his hearings before the tribunal. His depositions were characterized by a certain quality of directness that was lacking in the testimony of Diego Romero and Cristóbal de Anaya. It was impossible, of course, for him to evade the major issues, but having taken a stand he usually stuck to it. His nerve—perhaps stubbornness is a better word—never failed him, and he did not humiliate himself, as Romero had done, by coming before the court in hearing after hearing to tell unsavory details of his early life, to admit his guilt little by little, or to testify against his fellow prisoners. During the trial proceedings this rough, illiterate frontiersman—this Attila, as the friars called him—displayed

greater dignity and self respect than any of the other New Mexican soldiers, with the exception of Francisco Gómez Robledo.

His major argument in defense of his conduct as *alcalde mayor* was that he had acted in accordance with instructions from his superior officer, Governor López de Mendizábal. It was on López' orders that he had prohibited the forced service of Indians without pay and had instructed village officials not to execute the friars' orders for punishment of infractions of mission discipline. And he had permitted the native dances because the governor had given a general license for their performance. Although there was much to be said for the defendant's argument, the *fiscal* could always combat it by pointing out that it could not be made a valid excuse for unjust actions harmful to the missionary program and sacerdotal dignity, or for any infringement of ecclesiastical authority and privilege. The defendant's position as an administrative officer did not change the fact that he was a professed, practicing Christian, and as such he was under no obligation to execute orders of a superior officer that would result in harm to the Church. Moreover, his plea that he had acted under orders could not excuse abuses and excesses committed in execution of the same.

The record indicates that Aguilar had not used good judgment in some of his administrative actions, and that he had employed extreme or inexpedient measures in executing the governor's orders. Although the enforcement of the regulations concerning Indian labor had caused resentment in all parts of the province, apparently the *alcaldes mayores* in other areas had acted with more discretion and had not aroused the animosity of the friars to the extent Aguilar had done. Undoubtedly the conduct of some of the friars in the Salinas area, especially Friar Nicolás de Freitas, who was the most belligerent of all, served as provocation for some of Aguilar's actions, but the *alcalde mayor* was also responsible for part of the unrest and turmoil in that district. His

own attitude had been hostile and belligerent at times, and he had been guilty of unseemly conduct.

The *fiscal* placed considerable emphasis on the question of the native dances. The heathen and superstitious character of the dances was set forth in several articles of the accusation, and it was alleged that Aguilar had not only witnessed these ceremonies, but had encouraged and ordered the Indians to perform them, regardless of the protests of the friars. The defendant asserted that responsibility for "the dancing of the *catzinas* did not rest with him but with Don Bernardo López de Mendizábal who authorized the dances in the entire kingdom." Moreover, he asserted that he had no way of knowing the true character of the ceremonies, for he did not understand the language of New Mexico. Besides, other *alcaldes mayores*, who were natives of the province and who spoke the language of the Indians, had permitted them. He made a damaging admission, however, by testifying that the friars had told him that the dances "contained evil things," but he followed up by a statement that when he asked the friars to explain these "evil things" in order to make a report to the governor, they had replied that they could not do so. The defendant was obviously skating on thin ice at this point.

Aguilar also based his defense on assertions that the evidence of many of the witnesses was circumstantial and incomplete, and in some cases grossly misrepresented the facts. He took pains, therefore, to present in some detail his own version of various incidents. It was undoubtedly true that the testimony of witnesses examined by Posada, especially some of the friars, gave a onesided picture of conditions in the Salinas area, and that Aguilar was unjustifiably accused of wrong motives for some of his administrative actions. Many of Aguilar's explanations ring true, and on certain points his testimony was confirmed by the depositions of López. On the other hand, his own version of conditions in the Salinas area was bound to be prejudiced and circumstantial on many points. The records of the proceed-

ings against López and Aguilar contain so much conflicting testimony that the reader is often left confused and bewildered.

The *fiscal* used the first three articles of the accusation to set forth the evidence concerning Aguilar's share in the Parraga episode and the proceedings at Tajique presided over by the Vice-Custodian Friar García de San Francisco, which had resulted in ex-communication of the defendant. (See Chapter III, Section IV.) In this manner special emphasis was given to the charge that the defendant had been guilty of infringing on ecclesiastical authority and immunity and of lack of respect for ecclesiastical censures. Aguilar gave a lengthy account of this entire affair in order to show "that he had not acted with intent to violate the immunity of the Church and ecclesiastical persons, but merely to obey his governor."

On October 24, 1663, the day Aguilar completed his depositions in reply to the accusation, the court appointed an attorney to advise and assist him during the remainder of the proceedings. The publication of the witnesses was made on January 17, 1664, and the defendant's replies were received four days later.

During a hearing on January 24, 1664, he made an important plea to the tribunal, obviously on the advice and counsel of his attorney. He called attention to the fact that much of the evidence "reduced itself in substance to the fact that he had caused vexations and difficulties for the missionaries in those provinces" by forbidding the Indians to serve the missions as farmers, *fiscales*, and in other capacities. But his actions in this respect could be justified on several grounds. In the first place, he had merely executed the orders of the provincial governor. Second, if the governor had not issued such orders, the defendant would have been obliged by virtue of his office, to follow a similar line of action because of the many and repeated royal *cédulas* instructing civil officers to prevent abuses and excesses committed by the clergy in the employment of Indians for the

service of the churches and convents. Consequently, the defendant maintained that his intervention in the matter of Indian labor in the pueblos within his jurisdiction could not be interpreted as an intent to depreciate the sacerdotal dignity. The petition also pointed out that native ceremonial dances were also permitted in parts of New Spain, "except when they constitute idolatry," and that it was necessary to use suavity and forbearance in dealing with the natives, in order not to alienate them from their new allegiance to European ways.

This plea shrewdly called attention to fundamental problems of policy and administration. One of the major problems of colonial government in Spanish America was the maintenance of a just balance between religious and secular interests. Civil officers were under obligation to protect the Indians against abuse and maltreatment from any source. And it was true that the Crown had frequently taken note of the fact that the clergy demanded excessive services from the Indians and had instructed its representatives to prevent abuses of that kind. Nevertheless, the execution of these royal orders often created serious difficulties. What constituted abuses in actual practice? The clergy insisted that the services of a large number of Indians were essential to the success and permanence of the missions. Other persons regarded such labor as an excessive burden on the natives. The local officials who had to deal with such problems were in an extremely uncomfortable position. Moreover, it was difficult to define the limits of civil and ecclesiastical jurisdiction and to determine at what point the exercise of administrative function infringed on ecclesiastical authority and privilege.

The Inquisitors, being learned and experienced men, were fully aware of these problems, and the arguments of Aguilar undoubtedly received careful consideration. The issue before the court, however, was whether Aguilar, in the exercise of his administrative functions, had been responsible for conditions that were harmful to the advancement

of the faith, or had committed acts hostile to the clergy and the Church. In view of the fact that the Holy Office was extremely jealous of ecclesiastical rights and privileges, it is obvious that Aguilar would have to make a very strong case in order to offset the evidence against him. Moreover, the charges based on the performance of native dances could not be offset by the argument that such ceremonials were permitted elsewhere. The crux of this question was the character of the dances, and whether Aguilar had permitted them, knowing that they contained heathen rites.

On February 29, 1664, the *fiscal* presented a second accusation containing charges concerning the conduct of Aguilar subsequent to his arrest in New Mexico in 1662. This document was based on the testimony given by Diego Romero concerning the secret conversations of the four soldiers in their cells at the pueblo of Santo Domingo, the manner in which they had been able to communicate with their families and friends, the events of the journey to Mexico City, and the exchange of news about the trial proceedings after they had been incarcerated in the jail of the Holy Office. This supplementary indictment was intended to prove that Aguilar had been guilty of conspiracy, and that he had violated his oath not to reveal the nature of the proceedings before the tribunal. The defendant admitted much of the evidence concerning the secret conversations of the prisoners in their cells at Santo Domingo, but he denied that he had proposed that they should break jail, kill some of the friars, and seize Posada's papers. He testified that he had talked with Romero and Anaya in the jail of the Holy Office, discussing the trial proceedings and comparing notes, but his version of these conversations differed in various particulars from that given by Romero.

Two hearings, held on March 21 and 26, 1664, were devoted to the reading of the testimony concerning this second accusation, and the recording of Aguilar's replies. On March 29 these proceedings were communicated to his attorney. There the case rested for several months.

Finally, on September 11, 1664, the Inquisitors and two *consultores*, members of the *audiencia*, met to take a vote and decide the case. The document describing this meeting does not record any of the discussion concerning the points at issue, or the relative importance assigned to the various charges against the defendant, but merely stated the votes of the persons who participated. There was some difference of opinion concerning the action to be taken. One of the *consultores* was of the opinion that the decision should be postponed, and that some ecclesiastic, not a friar, should be sent to New Mexico to investigate the case and report to the Holy Office. This suggests that the *consultor* who proposed this procedure was not entirely satisfied with the evidence before the court. But three other members of the board, including the second *consultor*, were apparently convinced that the defendant had been guilty of offenses against the Church, and voted to pronounce sentence. Two of the judges who concurred in this action voted that Aguilar should appear in the public *auto de fé* in the garb of a penitent, that he should then abjure his errors before the tribunal of the Holy Office, and that for a period of six years he should not hold any administrative office. The third judge who voted to pronounce sentence opposed the provision concerning appearance in a public *auto de fé*, but he was overruled. The *sentencia de vista*, pronounced on October 23, 1664, was in accordance with the provisions outlined above.

If Aguilar had accepted this verdict and begged the mercy of the court, the terms of the sentence would probably have been moderated. Instead, he challenged the decision of the judges. He based his plea on the assumption that "the principal crime constituting his case was that he had permitted the Indians to dance the *catzinas*." He then proceeded to argue that there had been no proof of idolatry in these dances, but merely presumption. "It is not the deed but the intent that constitutes a crime." Although the dance was one that the Indians had performed in heathen times, this fact could not prejudice the case, unless there was actual

proof of idolatry. If the defendant had understood that the dance was in any way contrary to the faith, he would not have permitted its performance, in spite of the governor's orders. He therefore asked that the sentence be revoked, or at least the clause requiring him to appear in a public *auto de fé*.

The attorney for the defense probably advised this move, but it was a serious mistake. A plea of this kind, based on arguments that were rather technical, to say the least, was not likely to be received with favor. The best procedure at this stage of the trial was for the defendant to adopt a humble attitude rather than take any action that could be regarded as a stubborn defense of guilt. The *fiscal* filed a counter-petition for denial of the plea. This was normal procedure. The *fiscal* seized the opportunity, however, to attack some of the major arguments of the defense. He pointed out that obedience to a superior officer and execution of his orders could not excuse "acts prejudicial to the ecclesiastical status and its immunities and in depreciation of the missionaries, and, above all, actions opposed to the Christian religion," for no subordinate officer was under obligation to execute orders that would have such results. Moreover, the defendant could not plead ignorance of the idolatrous character of the native dances, for he had confessed that the friars had told him that "the said dances contained evil things." Failure of the friars to explain these evil things did not give the defendant a valid excuse for permitting the dances.

The Inquisitors and *consultores* met again on November 23 to decide on the terms of the final sentence (*sentencia de revista*). The *consultor* who had proposed postponement pending an investigation in New Mexico voted as before. The other members of the board reaffirmed the decision to pronounce sentence, but the penalties imposed on the defendant were made more severe. Aguilar was to be banished from New Mexico for ten years, and was made ineligible for administrative office for the remainder of his life, instead of

for six years. One of the concurring judges reaffirmed his dissent on the provision for appearance in a public *auto de fé* and was again overruled.

Formal pronouncement of the *sentencia de revista* was made on December 7, during a public *auto de fé* in the convent of Santo Domingo. On December 17 the defendant abjured his errors and was set free.

III

The first audience of Cristóbal de Anaya Almazán took place on April 26, 1663.⁴ He gave his age as thirty-eight, and stated that since his eleventh year he had served in military campaigns in New Mexico, having held the rank of *alférez real* and captain. He had also served as *regidor* of Santa Fé for two years and as *procurador general* of the province. His father, Francisco de Anaya Almazán, was a prominent citizen of the province, who had served under several governors as secretary of war and government.

The three admonitions were pronounced in due course, and on September 6 the accusation, consisting of twelve articles, was filed by the *fiscal*. The major charge against the defendant was that he had defended the erroneous propositions that the priest who baptized an infant did not contract spiritual relationship with the said infant, or with the parents and god-parents, and that the spiritual relationship between god-parents lasted for only twenty-four hours. According to the testimony of several witnesses, the defendant had stubbornly repeated his views over a period of years, despite the fact that he had been warned by certain friars that he maintained false doctrine. When a certain layman told him that the Council of Trent had affirmed the doctrine of spiritual relationship, he replied: "The Padres interpret the Council to suit themselves." And it was alleged that the priests taught the doctrine of spiritual relationship with parents of a baptized infant, "in order to gain the confidence of

4. *Proceso contra Anaya*, ff. 310v-418, record the trial proceedings.

husbands and to use this means to be familiar (*aprovecharse*) with their wives."

There is evidence that Anaya was not alone in expressing doubt concerning the doctrine of spiritual relationships. As noted above, Diego Romero was also accused of the same charge. In a letter to the Holy Office, Friar Alonso de Posada wrote: "In this kingdom belief is already so corrupted that many persons of every rank and profession (*todos estados*), and especially laymen, both men and women, hold the opinion that there is not spiritual relationship between godparents, a view that has resulted in many offenses against the Divine Majesty."⁵ Punishment of Anaya would serve as an example to others.

It may be questioned whether the views attributed to Anaya, and apparently shared by many other persons in the province, were founded on theoretical arguments or deeply rooted convictions concerning points of doctrine. The condition cited by Posada may be explained by reference to local social conditions.

New Mexico was a tight little community which received relatively few new settlers from the outside. Due to intermarriage and the custom of sponsoring of children at baptism, a large group of citizens found themselves bound by ties of consanguinity, affinity, and godparenthood. It became necessary, therefore, for many couples to obtain dispensations to marry, and the local prelates, the custodians, had apparently been rather liberal in granting these concessions. As in all frontier communities, extra-marital intercourse was a common occurrence, but due to the fact that so many families were intermarried, the incidence of incestual relationships was rather high. And as Posada intimated in his letter to the Holy Office, there was an increasing disregard for the ties of godparenthood. Moreover, there is evidence that some of the friars set an evil example by misconduct with women with whom they were bound by spiritual ties. These conditions had an unsettling effect on the views

5. Posada to the Holy Office, Senecú, November 2, 1662. *Ibid.*, f. 276.

of many people concerning the meaning and practical validity of the teachings of the Church concerning consanguinity, affinity, and spiritual relationships, and the obligations and prohibitions that these bonds imposed. It is not surprising, therefore, that certain persons had come to doubt and even deny certain points of doctrine in such matters.

During his preliminary hearings before the tribunal, Anaya had described at some length his own stand regarding the question of the spiritual relationship between a baptised child and its parents, and in his replies to the accusation he reviewed and elaborated this testimony. Although refusing to admit that he had actually denied such relationship, he freely admitted that conditions in New Mexico had caused him to ponder its validity and practical significance, and that he had participated in discussions of this question on several occasions. He told the court that his doubts had been inspired, in part, by the misconduct of certain friars.

It is obvious, however, that his defense was very weak. His allegations concerning the misconduct of certain friars, if true, could not excuse any denial of church doctrine on his own part, and were likely to be regarded merely as a deliberate attempt to muddy the issue. By his own admission he had engaged in debate on a point of doctrine and had expressed doubts concerning its validity. Although he repeatedly insisted that he had not been guilty of any conscious intent to deny or oppose the teaching of the Church, the burden of the evidence was against him.

The publication of the witnesses was made on November 24, 1663, and two days later Anaya made a complete confession of guilty, probably on the advice of his attorney. He stated that having searched his memory, he now found it necessary to testify "that he did say and teach to various persons the proposition that parish priests did not contract spiritual relationship with baptised persons and their parents, or with the godparents." And it was also true that he had said "that the Padres interpret the Council to suit themselves." Moreover, he had stubbornly defended his false

doctrine on one occasion merely to irritate the friar who was debating with him. He still maintained, however, that it had been the misconduct of the friars, especially a certain one, that had inspired his doubts. The Inquisitors did not mince words in commenting on this confession of guilt, upbraiding the defendant for "going about on his own authority, introducing himself as a learned doctor, and engaging in disputes on matters that were not for him to decide."

On February 21, 1664, the *fiscal* presented a supplementary indictment that covered essentially the same points as the similar document in the case of Nicolás de Aguilar. The defendant admitted much of the evidence.

The preliminary sentence (*sentencia de vista*) was pronounced on October 23, 1664. The terms provided that Anaya should appear in a public *auto de fé*, later abjure his errors during an audience before the Holy Office, and perform certain acts of penance at stated intervals over a period of two years. The *sentencia de revista*, announced on December 13, 1664, revised these terms by rescinding the article about participation in a public *auto de fé*, and by substituting for the clause about acts of penance a provision that after the defendant returned to New Mexico he should appear at mass on some feast day in one of the local churches and publicly recant his false doctrine.

Anaya made his abjuration on the day the final sentence was pronounced, and was dismissed from jail at the end of the hearing. He returned to New Mexico during the following summer. On Sunday, July 19, 1665, he appeared at mass in the church of Sandía, and confessed his errors in the presence of Friar Alonso de Posada, his secretary, Friar Salvador de Guerra, and the assembled congregation.

IV

Francisco Gómez Robledo was the son of Francisco Gómez, a Portuguese who had lived for more than fifty years in New Mexico, and Ana Robledo, daughter of the *conquistador*, Pedro Robledo. His entire life had been spent in New Mexico, and he had held numerous offices, civil and military.

He had served as *regidor* and *alcalde ordinario* of Santa Fé, and at the time of his arrest in 1662 he held the rank of *sargento mayor* in the local militia, an office that his father had also held for many years. The elder Gómez had been a loyal partisan of the provincial governors in their controversies with the clergy, and had supported Governor Rosas during the crisis of 1639-1641. The son's loyalties were also on the side of civil authority. At the time of his trial by the Holy Office in 1663, Francisco Gómez Robledo was thirty-three years of age.

Hearings before the Holy Office began on May 16, 1663, but the formal indictment was not filed until September 28. This document contained eighteen articles which summed up the accumulated evidence. Inasmuch as a large part of the evidence was based on hearsay and second-hand reports related by witnesses who had no immediate knowledge of the charges, it was not easy for the *fiscal* to build up a good case. The accused took full advantage of this fact, and his defence was shrewd and energetic.⁶

Article 1 of the accusation contained the charge that the defendant, like Romero and Anaya, had denied that the priest who baptised a child contracted spiritual relationship with said child and its parents. This article was based on the testimony of a single witness who said that Gómez had given assent to this false doctrine on one of the occasions that Romero had affirmed it. The defendant made a complete denial, asserting that there had never been any discussion of this proposition in his presence at the time and place alleged or at any other time. The testimony of Romero before the Holy Office confirmed Gómez' position on this point.

The *fiscal* was no more successful in proving articles 2-4 of the accusation which summarized evidence to show that Gómez had said that to strike a *cristo* (an image of Christ) was not a sin. It appears that this charge had its origin in a conversation between the defendant and Juan

6. *Proceso contra Gómez*, ff. 341-388 record the trial proceedings.

Griego. Gómez had told Griego that a certain citizen of New Mexico had done "a very evil thing." Griego, eager for the details, had asked whether the said citizen had struck a *cristo*, and Gómez had replied that it was worse than that. To which Griego answered: "What can it be, for even that (striking a *cristo*) is a very great sin." But Gómez had given no more details.

Griego reported this conversation to several persons, who in turn told others. In the telling the legend grew, and testimony was given that Gómez had actually said that to strike a *cristo* was not a sin, and that Griego had sworn that if this was not true they could cut out his tongue! Among the witnesses examined by Posada in 1661-1662 were two friars to whom Griego had told his story. In their original testimony they swore that Gómez had made the remark attributed to him, but in their ratifications (testimony was ratified or confirmed by being read to the witnesses who then had an opportunity to affirm or amend it) they amended their declarations by stating that Gómez had merely said that striking a *cristo* was not a serious matter. Finally, when Griego was called upon to give formal testimony, he declared that the entire story had been told to him by someone else!

Thus it was apparent that the charge was based on hearsay. The one witness who could have confirmed the charge on the basis of personal information failed to do so, and tried to shift the blame for the gossip on someone else. In his replies to the indictment Gómez denied that he had made the statement ascribed to him, and gave a satisfactory account of the original conversation with Griego.

In the fifth article of the accusation the *fiscal* cited a certain incident as presumptive evidence that the defendant shared Romero's views about the obligations of persons engaged in illicit intercourse. Romero's own testimony demonstrated that there was no basis for this charge.

The remainder of the indictment summarized testimony that Gómez and his father were Jews, and that the defendant

was an "enemy and persecutor" of the Church. The charge of Judaism was really the heart of the entire case.

In the first place, testimony had been given citing the fact that in times past a compatriot of Francisco Gómez the Elder had made sworn statements that he had known the Gómez family in Portugal and that they were Jews, and it was further alleged that no effort had been made to deny this charge. The defendant admitted that such sworn statements had been made, but asserted that the person who made them had later retracted. He also defended his father's memory by testimony concerning the long years that Gómez the Elder had served in New Mexico and his honorable and Christian conduct. And as additional proof of his father's standing, it was pointed out that he had once served as *alguacil* of the Holy Office.

Second, certain witnesses had also testified that in years past when they were younger and had gone swimming with the Gómez boys, they had noted that two of the defendant's brothers were circumcised. More than that! One of the brothers, named Juan, had "an excrescence or little tail" at the base of his spine, and consequently he had been nicknamed "Colita." At the request of the *fiscal* the defendant was examined by physicians who reported the existence of scars on the penis that might have been made by a "cutting instrument." Gómez explained the scars, however, by stating that they were the result of ulcers (*llagas*). At his own request a second examination was made, and the physicians reported that, although the scars appeared to have been made by some instrument, "it was possible that they had resulted from another cause."

The articles accusing Gómez of hatred, enmity, and lack of respect for the Church and clergy consisted mostly of general charges lacking specific proof. Gómez took pains, however, to rebut these charges by statements in which he defended the fidelity of his family to the faith and his own services in behalf of the missions. His home had always been open to the friars; "it was a refuge for all of them,"

where they had always been received with courtesy and hospitality. And his intimate knowledge of the Indian languages had been used to great advantage in the everyday administration of the missions.

The publication of the witnesses was made during a hearing on February 13, 1664, and the defendant's replies were received the same day. More than eight months elapsed, however, before the Inquisitors pronounced sentence. A verdict of acquittal was finally handed down on October 23, 1664. Eight days later Gómez was discharged from the jail, after having adjusted the costs of the trial proceedings.

V

The proceedings of the Holy Office against Don Bernardo López de Mendizábal, Doña Teresa de Aguilera y Roche, and the four soldiers of New Mexico merit some comment.

It is interesting, first of all, to compare the cases of López and Aguilar. Many of the articles of accusation against López contained charges that his policies as governor of the province had been harmful to the Church and the missionary program. Almost the entire case against Aguilar was founded on evidence concerning administrative activities in execution of López' policies. The governor commanded and the *alcalde mayor* executed. Aguilar was undoubtedly guilty of excesses and unseemly conduct in carrying out the orders of his superior officer, and for such actions López could justly deny responsibility. But the fact remains that Aguilar, as a subordinate officer, had definite civil and political obligations to his superior. It was true, of course, that as a professed, practicing Christian he was also under obligations to the Church, but this argument applies to López with equal force. Aguilar may have exceeded his instructions at times and he may have committed excesses in executing orders, but basically his responsibility was no greater than that of the governor. Indeed, the latter as the superior officer who defined policy should bear the greater blame. Moreover, the articles of accusation against López contained a far more extensive array of charges based on

denial of ecclesiastical jurisdiction, evil-sounding words and propositions, and general unchristian conduct than were brought against Aguilar. Many of these charges were probably false, or exaggerated, or based on evidence that misrepresented the facts. But there was such an accumulation of evidence, that it could not be entirely discounted or written off on such grounds.

In the end, Aguilar was pronounced guilty, banished from New Mexico for ten years, and deprived of the right to hold administrative office for the remainder of his life. In López' case, the Holy Office voted to absolve his memory of the charges filed against him. From a practical standpoint, this was a sensible decision, for there was little to be gained, after the defendant's death, to proceed against his memory and fame, and pronounce a sentence of guilt. It is true, of course, that the Holy Office occasionally proceeded with a case after the death of the defendant, but ordinarily only in cases involving very serious heresy, such as proved Judaism, or notorious apostasy. In López' case the charges of Judaism were not substantiated, and although he had probably been guilty of speech and conduct lacking in respect for the Church, he could not be regarded as apostate. The only practical result of a sentence of guilt in 1671 would have been to blast the memory of a man long since dead. The decision finally reached by the tribunal made possible burial of his remains in consecrated ground, and freed his property from embargo, giving his wife an opportunity to press for a final liquidation of the goods. But in view of the decision of the court against Aguilar, there is every reason to believe that if López had lived the Holy Office would have pronounced a sentence of guilt and would have imposed penalties, probably more severe than those suffered by Aguilar.

Anaya, Romero, and Gómez Robledo had all been partisans of López, and there is reason to believe that a spirit of revenge inspired certain persons who gave testimony against them. Moreover, the loyalty of Gaspar Pérez, father of Diego Romero, and Francisco Gómez the Elder to civil

authority had not been forgotten, and their "hostility" to the Church was cited as presumptive proof of the guilt of their sons. But the issues before the tribunal during the proceedings against Anaya, Romero, and Gómez Robledo were strictly religious in character.

In the case of Anaya one important point was involved, which the defendant finally confessed. It did not constitute major heresy, and the sentence of the Holy Office was disciplinary rather than punitive. Public confession of his errors at home before his friends and fellow-citizens would teach him a severe lesson, and cause him to use care henceforth in debating doctrinal matters concerning which he had little knowledge. Romero's offenses were more serious and more numerous. He had denied an article of doctrine, had made a scandalous proposition inimical to public morals, and had participated in heathen rites. The terms of the *sentencia de vista* in Romero's case were far more severe than those imposed in the preliminary sentence against Aguilar, and indicate that the tribunal took a more serious view of his offenses than those of the *ex-alcalde mayor*. Romero was able to obtain a moderation of sentence by a confession of guilt and a plea that he was a rough and simple frontiersman. The charge of Judaism brought against Gómez Robledo was extremely serious, but the evidence was not sufficient to support it, and the court, realizing this, turned in a verdict of acquittal.

In the case of Doña Teresa de Aguilera, the tribunal voted to suspend the proceedings without rendering a formal decision. For all practical purposes this was an acquittal. Doña Teresa was anxious, however, to have definite proof in writing of her innocence, and on January 13, 1665, she petitioned the tribunal for a copy of its decree suspending the trial. This desire was prompted by the fact that her family occupied a position of some prominence in Spain, and she was anxious not to prevent the advancement of her two brothers at court. The Holy Office, on recommendation of the *fiscal*, denied her plea.⁷

7. *Proceso contra Doña Teresa de Aguilera.*

The cases of Doña Teresa de Aguilera and Francisco Gómez Robledo illustrate the harm that could be done by petty gossip and spiteful rumor-mongering. Much of the testimony against Teresa was based on stories told by ignorant, prying servants who had incurred her displeasure. Hearsay, rumor, and misrepresentation characterized most of the evidence against Gómez Robledo. In the end the Holy Office pronounced Gómez innocent and suspended the proceedings against Doña Teresa, but only after they had been held in jail for months. And the final verdicts could not remove the humiliation they had suffered in being tried by the Inquisition.

(To be continued)

EDITORIAL NOTES

Retrospect.—With this issue we are concluding the fifteenth volume of our quarterly. To those who have become members of our Society during these years it may be of interest to know something of the history of our publications.

When the Historical Society of New Mexico was first organized in 1859, Article II of the constitution then adopted stated :

The object of this Society shall be the collection and preservation, under its own care and direction, of all historical facts, manuscripts, documents, records and memoirs, relating to this Territory; Indian antiquities and curiosities, geological and mineralogical specimens, geographical maps and information; and objects of Natural History.

When the Society was revived and incorporated in 1880-81 this very comprehensive program was reaffirmed, so it is not surprising that, in the series of "Papers" which our Society then began to publish, three of the first were anthropological rather than historical in character: "Kin and Clan" by Adolph Bandelier, and "Stone Lions of Cochiti" and "Stone Idols of New Mexico," both by L. Bradford Prince.

In 1907 the School of American Archaeology was established in Santa Fé (receiving an annual legislative appropriation and agreeing to develop and maintain a "Museum of New Mexico"), and it then became apparent that we had two institutions the objectives of which were more or less overlapping. This became even more evident when in 1917 the School changed its title to "School of American Research" and included distinctly historical work among its activities. Adjustments and coördination seemed called for.

Even before the death of President L. Bradford Prince in December, 1922, we had a very active member in Ralph

E. Twitchell—who was also one of the regents of the State Museum. Under his initiative the constitution of our Society was revised in 1923, one change being to limit the aims and work as stated in Article II to definitely historical lines:

The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Ten years earlier, Colonel Twitchell had inaugurated a quarterly which he called *Old Santa Fé*, sponsored by our Society but for which he was financially responsible. He carried it successfully for twelve issues (to October, 1916), and today any complete set is a prize among Southwestern Americana.

Following the World War there was a well recognized need in the New Mexico field for such a publication. After Twitchell's death in September, 1925, there could be no thought of reviving *Old Santa Fé*, yet the quarterly which first appeared in January, 1926, entitled the *New Mexico Historical Review* was the logical successor of the earlier one. During the fifteen years now closing, quite a remarkable body of contributors have made our editorial work a comparatively easy task; surely it is significant of the need for such a publication that not once in sixty issues have we ever been short of good copy. We shall have more to say in this regard when editing the Cumulative Index which is to cover the fifteen volumes to date and which we hope will be available by the end of the year. It may be regarded as significant also that the University of New Mexico asked to become joint sponsor for the Quarterly, and since the summer of 1929 has shared the responsibility for its editing and publishing.

Prospect.—Copy already in hand for next year includes two remaining installments of the 18th century study by Henry Kelly; an Indian agent's journal edited by Annie Heloise Abel; a study of early contact between Apaches and

whites by Donald E. Worcester; some notes on Dr. J. M. Whitlock by his granddaughter Mrs. B. C. Hernández; another contribution from Carl O. Sauer regarding Fray Marcos de Niza. Marion Dargan wants space to conclude his studies on the statehood struggle, and France Scholes hopes to complete his 17th century study by April next. And of course there are any amount of interesting and important records, long and short, which can be slipped in as opportunity offers.

Possibly, to meet the increasing demand for space, it will be wise now to change to a somewhat larger format and also increase the number of pages. Whether this is done in January will depend in part on the results of the membership drive now in progress. Meanwhile, Mr. Lansing B. Bloom as secretary-treasurer agrees heartily with our editorial view that prompt renewal of subscriptions for the year 1941 by our present members will be greatly appreciated.

L. B. B.

CONSTITUTION

OF THE

HISTORICAL SOCIETY OF NEW MEXICO

(As amended Nov. 19, 1929)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, two vice-presidents, a corresponding secretary and treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

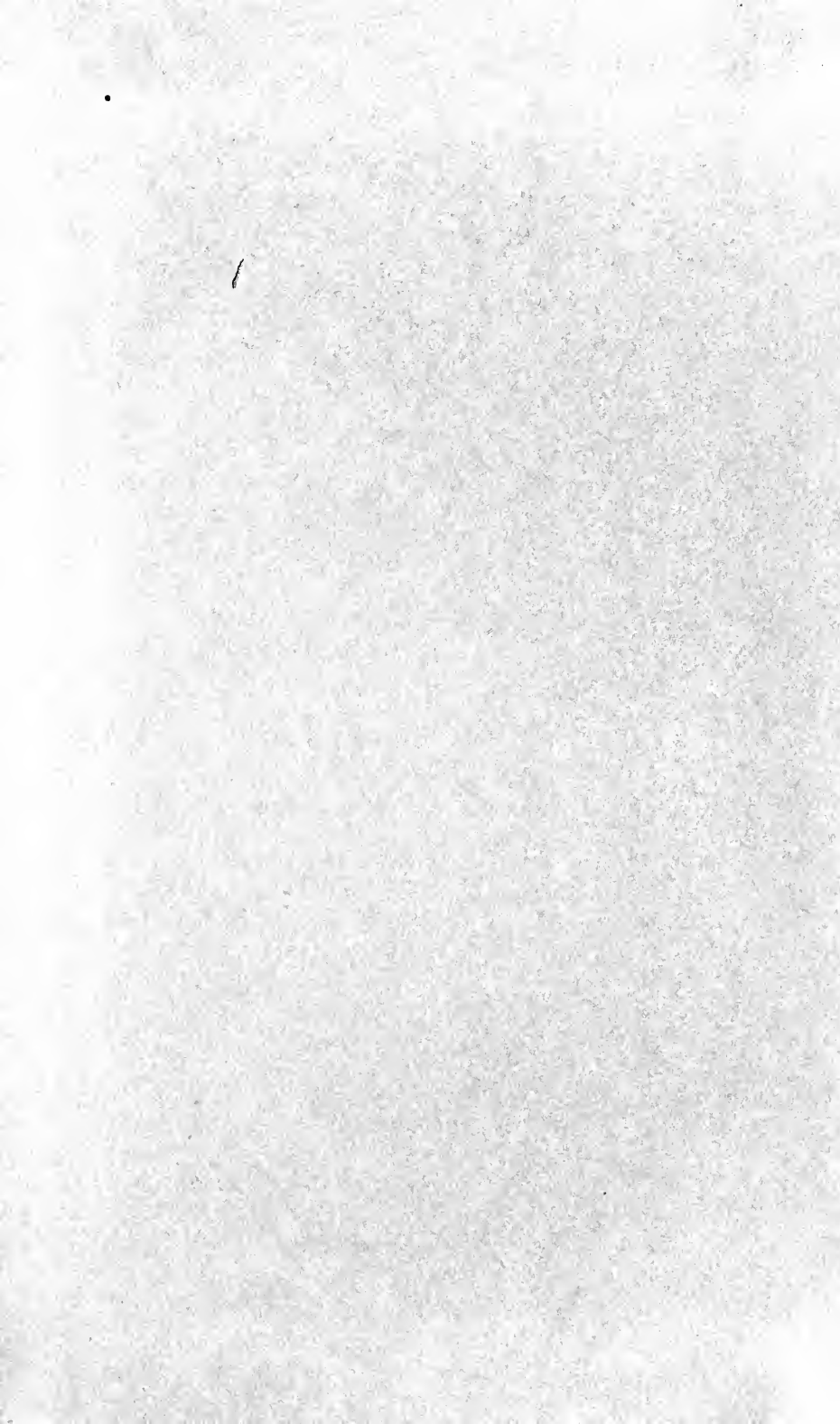
Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.



PUBLICATIONS FOR SALE

OLD SANTA FE, (the quarterly published in 1913-1916), 3 volumes, unbound. The seventh issue is almost exhausted, and volume II, number 2 is out of print. Vols. I and III, each \$4.00; Vol. II, numbers 1 & 4, each \$1.00 and number 3, \$5.00.

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