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### Title

The Trial Before the Tribunal of the Holy Office in Mexico City of Dona Teresa de Aguilera y Roche, Wife of the Governor of New Mexico, Don Bernardo López de Mendizábal, on Suspicion of Practicing Jewish Rites (1664) Part 3: Archivo General de la Nac...

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**The Trial Before the Tribunal of the Holy Office in Mexico City  
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on Suspicion of Practicing Jewish Rites (1664)**

Part 3: Archivo General de la Nación, México. Ramo Inquisición, vol. 596,  
fols. 154r-203v

Transcribed by Magdalena Coll, Universidad de la República, Montevideo  
Revised by Heather Bamford, Heather McMichael, and John H. R. Polt,  
University of California  
Translated into English by John H. R. Polt

**The Trial before the tribunal of the Holy Office in Mexico City  
of Doña Teresa de Aguilera y Roche,  
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Archivo General de la Nación, México. Ramo Inquisición, vol. 596, fols. 1-277

Part 3, fols. 154r-203v

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In the course of preparing her dissertation, “Un estudio lingüístico-histórico del español en Nuevo México en la época de la colonia: análisis de la carta de Doña Teresa de Aguilera y Roche al Tribunal de la Inquisición en 1664,” Dept. of Spanish & Portuguese, University of California, Berkeley, 1999, Magdalena Coll, now professor at the Universidad de la República, Montevideo, transcribed the entire text of the trial proceedings as preserved in the Archivo General de la Nación, México, ramo Inquisición, vol. 596, fols. 1-277. For the purposes of this electronic publication, her transcription has been revised by Heather Bamford, Heather McMichael, and John H.R. Polt, all of the University of California, Berkeley; the last mentioned has also translated into English the entirety of the proceedings.

The length of the document is such that it seemed prudent to publish it in various sections; the third part is published herewith, comprising folios 154-203, followed by Professor Polt’s translation of the same portion. The facsimiles of the original manuscript have been posted separately at <https://escholarship.org/uc/item/50d0s2jf>.

As the best possible introduction to this publication, readers are referred to Professor Coll’s superb article, “‘Fio me a de librar Dios Nuestro Señor... de mis acusadores’:doña Teresa de Aguilera y Roche al Tribunal de la Inquisición (México, 1664),” *Romance Philology* 53 (2000):289-362, available in electronic form at <https://escholarship.org/uc/item/3v20d9v7>.

Transcription norms

Special symbols:

"[ ]": editorial emendation

"[^]": scribal emendation

"[\*]": lacuna in the manuscript

"()": editorial deletion

"(^)": scribal deletion

{LM}: encloses text appearing in the left margin

{RM}: encloses text appearing in the right margin

{RUB}: signals a notarial rubric

These conventions are those promulgated in David MacKenzie, *A Manual of Manuscript Transcription for the "Dictionary of the Old Spanish Language"* (Madison, Wisc.: Hispanic Seminary of Medieval Studies, 1986); however, since parentheses “()” are occasionally used in the document to indicate asides or obiter dicta as is the current usage, special symbols, i.e., “0”, were adopted to distinguish such parenthetical passages from editorial and scribal deletions.

Abbreviations have been resolved in italics; the punctuation, use of capital letters, and word separation have been modernized, with the exception of combinations of the preposition “de” + definite articles and third person pronouns, i.e., del, dela, delos, dellos. Other contractions are signaled with an apostrophe (d'esta, sobr'ellos, o'l). Otherwise the original spellings have been maintained without modernization, i.e., u/v/b, j/g, o nn/ñ, except that the cedilla has been omitted before the vowels "e" and "i."

5 July 2010; revised 23 March 2011

- los Chaues, por si ubieren gurado,  
son enemigos porque el uno es ierno de Tome i el otro suegro de Juan Domin-  
ges i por todas las causas espresadas en ellas i ellos por si tienen muchas quegas asi  
de auerlos enbiado a escoltas como a gornadas i porque les reprendia el ser  
5 ciçañeros i otras cosas por cuias causas son i an sido mortales enemigos.  
Los Granillos, por si ubieren gurado,  
son enemigos asi por primos de la muger de Tome que [^lo] es nuestra i lo mos-  
traua ablando mui mal como por que lo son por las causas en ellos espresa-  
das i porque auiendo el uno dellos lleuado el despacho que mi marido  
10 enbio a Sonora el qual a los quince dias que salio del reino sauemos con  
certeça le daua por el un religioso teatino efetiamente comprando-  
selo todo siete mil pesos i el por sus conuenencias no quiso sino pasar a So-  
nora i al cauo de un año i dias nos uoluió la gente de la requa i parte  
della sin enbiar plata ni nada; i despues de ido don Diego por que desde  
15 el Paral como acienda suia despacho a que le trugera la plata uino  
con parte della i auiendo de ser los siete mil pesos dichos dicen no tru-  
go mas que dos mil nouecientos i cinquenta i dos pesos della la qual como lo  
demas se cogio don Diego i no quiso que agustaran las quantas antes por  
que le pidio a mi marido el libro dellas que lo auia enbiado al Paral  
20 i no podia darlo por esta causa aunque quisiera despues de grandes estan-  
cias i requerimientos lo multo en docientos pesos porque no lo entrega-  
ua no estante auerle dicho no lo tenia alli. I fuera desto estos le pusieron  
demanda entonces aunque abia ia mucho quera pasada la residencia  
del flete de las mulas que auian traído la plata que don Diego cogio  
25 i por todas estas causas i otras muchas an sido estos i son mortales ene-  
migos. Francisco de Trugillo, su muger, su hijo i nuera; Andres Urtado i su muger ques su ier-  
no el hijo de Vaca ques tambien su ierno i su muger por si ubieren gurado  
questos son i an sido desde el primero dia todos (^mortales) enemigos. El padre por  
que le quito el alcaldia maior de Moqui de donde era quando fuimos i todos  
30 ellos se dieron por ofendidos. Asi mismo los tubo en escoltas i enbio a gornadas  
los tubo a ellos presos por diferentes causas que dieron. Aparte dellas deposito  
riño diferentes ueces por las mugeres de mas escandalo que alli ai, i des-  
pues de infinitas ocasiones destas les enbio a noteficar (^i por (^o)cosas del se-  
(^??) (^io del rei) se unieran a la uilla i auiendoselo notificado i dicho  
35 lo obedecian, cogieron el uiego i el hijo a la muger deste, i la uistieron en  
abito de onbre, i andando dos o tres casas desta suerte que como la uian a ella  
asi con una gran quera i todos de camino les preguntauan que adon-  
de iban i les decian que uiendo por no uenir a la uilla se iban al Paral i des-  
pues se digo que a ella la auian escondido en un conuento, i otros di-  
40 geron que en una casa i (^en fin) degandola escondida se fueron ellos al  
Paral i uiniendo a poco don Diego los uoluió mui agregados asi i le uol-  
uió el alcaldia de Moqui despues de algunas cosas al uiego i iço con  
ellos grandes papeles i aun se reuoluió despues con una dellas por cuias  
causas i otras muchas an sido i son sin pieda mortales enemigos,  
45 no solo de mi marido sino mios sigun, e sauido i siendo asi que casi no los  
conosco. I Alonso Vaca i su muger por si ubieren gurado tambien son des-  
to i por si tiene algunas quegas con que tambien son enemigos. I Trugi-  
llo i parte de sus iernos son demandantes en la residencia.  
Un mulato Ortega que no se su nonbre, por si ubiere gurado,  
50 es destes i mortal enemigo i por si tiene las qegas de todos de escoltas i gornadas  
i otras cosas.  
Francisco de Ualencia por si ubiere gurado (^es)  
es enemigo por que de ordinario lo es de los gouernadores. Tiene la quega ordina-  
{RUB.}  
ria de escoltas i gornadas, i otras que don Bernardo mejor que io saura como de  
55 otras muchas que io no las se. Alonso Garcia por si ubiere gurado  
este es enemigo desde que fuimos por ser mui de Manso i al fin fue el que le tru-  
go a esta ciuda quando iço fuga. I tiene de mi marido por esta causa muchas  
quegas por las quales es (^lo enemigo)  
Ana Rodrigues su madre Aguela i tia por si ubiere gurado:

esta, siendo tercero Artiaga, se reuoluió con mi marido, por cuiá causa despues de auerlo sauido able dellas lo que merecian publicamente; i con mi sentimiento estube para decirselo al marido, cosa que ellas supieron por Gusepa i el suio, i dello se dieron como si tubieran raçon por mui agraiadas.

- 5 I auiendo uenido don Bernardo que estaua fuera i dandome con el por entendida dello por ocasion que (^para ello) se ofrecio, fueron tantos los disgustos i pesares (^que este día ubo) que no es posible decirlos; i como perseueraran en ello, i io supe la traia a casa diferentes ueces, i que su mala madre que la encubria del marido la aconpañaua
- 10 en ellas, i como muger propia lo sintiera, me uinieron a poner en tan miserable estado (^que) no pudiendolo remediar ni (^pudiendo) recauar con migo el degarlo (^?) de sentir (^me), i uiendo que cada día [^tenia] (^de) mas i mas pesares por causa destas i (^a ellos) no tenia mas remedio que decir sienpre mal dellas, lo acia sin cesar, i ellas sauiendolo como por los dichos lo sauiam me aborrecian sin fin. (^mi casa) I no estante lo dicho supe querian uenir a uerme una pasqua por disimular con sus maridos (^por) que les decian uinieran i dige que lo icieran que una a una las auia de acer a mis apachas las desollaran açotes. Fuera desto las truge mui corridas porque no se me pusieran delante i a su tia Ana la enbie a decir diferentes ueces por
- 20 causas que me dio (^las) cosas que por (^?) ellas merecia. I asi mesmo por que supe que algunas de las ueces que las traian a casa las encerauan en el almacen por encubrirlas de mi i ellas en estas ocasiones se lleuauan (^sienpre) quanto querian i que despues uendian dello lo que se les antogaua las llamaua de ladronas i no lo inorauan ellas porque aun en la uilla era el nonbre que tenian. I en fin estas por estas causas i otras muchas que es imposible el decirlas son todas i an sido mortales enemigas mias. I tanto que por ellas en ocasiones me amenaçaron asta que me quitarian (^casi) la uida que a tanto llego el aprieto en que por estas (^malas) mugeres me ui.
- 30 I sauiendo el aguelo, que lo era Almaçan, lo que pasaua i sus hijos i iermos aborrecieron por ello a don Bernardo de suerte que no es posible el decirlo i aun a mi conociendo mi raçon (^me aborrecieron arto) a causa de que por ellas lo acia io a ellos i tal ues que uenian a casa les ablaua con la mala gracia que creerse puede; i por esto i sauer lo que dellos decia me aborrecian quanto no es creible. I a estas las auo don Diego asi
- 35 (^que fue) i tanto que las llamaba de parientas i es querer proceder en infinito contar lo que (^?) en ello paso; i (^en fin a el) Almaçan lo iço escriuano en la residencia de mi marido por sauer la enemiga.
- El maese de campo Pedro Lucero de Godoi, por si ubiere gurado, i sus hijos que son muchos, por si lo [^u]bieren echo, i los de su casa:
- 40 este le tubo a mi marido desde que fuimos malisima uolunta por que le digo no se que el día que nos salio a encontrar a causa de auer sauido del algunas cosas. Disimulola el tiempo de su gouierno por sus conuenencias, i es su ordinario decir “disimular i pasar que otro uerna.” I a qualquiera cosa (^es su) decir (^de) todos ellos, “al sol que sale i no al que se pone.” I esto lo dicen
- 45 no les puede ia acer bien i el que enpieça, si; i esto es alla mui publico i lo oi lo decian asi diferentes ueces. Este i todos ellos eran mui de Manso, i algunas ueces se enoga con los gouernadores i se retira dellos i finge luego estar malo i como mi marido lo conocia asi i se lo decia a los parientes i lo sentian (^mas i mas =) sintieronse tambien de que con una nueba que ubo enbio a una escolta recien idos a Bar-
- 50 tolome Romero por que estauan otros para salir a gornada i caio alla malo i digeron fue por la ida no estante auer en la ocasion echole artos agasagos los quales pagaron como todo lo pagan i dieron dello (^en fin) diuersas quegas i sintieron el ir asi sus hijos como ermanos en ocasiones forçosas a otras, i a gornadas. I (^en fin) estos quando no tubieran otras causas de enogo [^como] (^que) por todo contra el gues lo tienen uas-
- 55 taua la buelta que icieron su hermano i hijo con los despachos que a esta ciuda a los tribunales della traian i se boluieron con ellos i icieron lo demas que en ese particular se saue. I (^porque) don Diego a causa de la buelta ellos con el i para agregarlos a los demas con ellos por lo echo iço al hijo Juan Lucero su secretario el qual los procuraua agregar a todos i al fin por diferentes causas se agregaron como parientes queran. I don Diego no metio poca ciçaña

para ajudar a consegirlo, leuantandole a don Bernardo mil testimonios que les decia a ellos; i fue uno que recién ido, auiendo uenido a uerme doña Catalina de Çamorra, hija deste, iço que andaua preguntando que quien auia oido lo que la auia dicho i preguntandole algunos que que era, decia que auia peleado con ella i entre otras cosas le auia dicho de tal por qual, siendo todo falso. I procuran[<sup>^d</sup>]o nosotros sauer de donde auia salido tal enredo me digo ella mesma que (<sup>^de</sup>) don Diego auia sido autor dello i que no le allaua otra causa para ello sino que lo auia echo por apartarla de mi i que uniera a noticia de los suos para malquistarnos con ellos. I destas cosa fueron muchas las que iço, i asi mesmo supe de una hermana desta

5 las grandes ciçañas que con Francisco Gomes acia diciendo que por que no mataua a mi marido i que para ello le decia i encitarlo (<sup>^le</sup> decia) auia dicho del i de su padre muchos males cosa quera falsa oi (<sup>^tambien</sup>) i me digo otras muchas cosas i entre ellas tambien le decia que su madre era una fraileira lo qual todo es falso, quera enredo suio. I asi mesmo supe que aora [<sup>^o</sup>] poco antes que nos

10 prendieran auia llamado a doña Ana Robledo i su hija dona Francisca que son madre i madrastra de Francisco Gomes i de Juan Lucero i no se con que fin (<sup>^o</sup> por) que entre otras cosas les auia dicho que tras tener orden no se si digo de la real audiencia para cortarles a estos dos las caueças por la buelta (<sup>^de</sup> los despachos) i que no lo abia echo i que con todo eso no los podia tener contentos lo qual no se por que se lo diria ni ellos lo sauian. Son tambien

15 enemigos por la que nos tiene Antonio de Salas. I por auerle tenido a este preso pocos dias por causas que dio i son lo por auerle dado algunas repreensiones a Maria de Uera i a sus hijas, por que reiamos algunas ueces i lo supieron la sacada de la chemenia de la hija de Salas. I en fin quando no tubieran este linage mas causa que la mortal enemiga de Juan Lucero bastaua para

20 aborcernos sin pieda ni tasa por que siendo como es secretario de don Diego enemigo tan fuerte i (<sup>^??</sup>) (<sup>^siendo</sup> como es) archiuo de sus secretos i obras (<sup>^i</sup>) que no abra echo el i los suos por conseruarse i darle a el gusto como en quantas ocasiones se an ofrecido lo emos uisito i espirimentado (<sup>^que</sup> en fin a) quererlos decir (<sup>^todos</sup> no) tubieran fin mas por

25 (<sup>^todos</sup>) los dichos i otros muchos son i an sido todos ellos mortales enemigos. Diego Romero i su muger por si ubieren gurado: ella es hija deste i el ierno, i asi son enemigos por que le tocan estas quegas. Dieronse asi mismo ellos por agraiados por las quegas que dimos de auer gurado mal i contra uerda en la residencia aunque digo sienpre i se ratificaua en ello con grandes

30 ueras era falso lo que decian en los cargos della quel abia dicho i nos lo enbio a decir asi con diferentes personas (<sup>^asi</sup>) mas no estante se declararon por enemigos en esta ocasion i se icieron a la parte de su hermano Juan Lucero i su primo Francisco Gomes que eran a la de don Diego como dicho tengo el qual gusgo les conto entre otras cosas que les digo si no al mesmo Diego Romero a los parientes porque

35 se lo contaran a el lo que se auia dicho auia dicho el padre Villar pocos dias antes de que mi marido auia tenido que uer con doña Catalina en un auar. I me digeron que ellos bramauan soure ello aunque uerda que lo quel religioso digo no auia sido eso sigun despues supimos i fue testimonio que le leuataron sino

40 que con otro religioso fue lo quel decia; i ella me dio a mi dello la quega [<sup>^entonces</sup>]. I esta se ofendio de mi por que le conte por bien i no creiendo era asi lo de su sourina, hija de Salas, por que lo remediaran, i se dio por agraiada dello. Sintio con grandes ueras la prision de su hermano i el acerle pagar lo que deuia. Sintieron lo de las ouegas [=ovejás] que le dio por lo que le deuia a mi marido i despues se dieron dellos por mui agraiados; i en fin estos por todas estas causas suias i de sus parientes que fuera no te-

{RUB.}

45 ner fin quererlas decir todas an sido i lo an mostrado enemigos. I fuera desto si esta ubiere gurado saura mui bien don Diego la causa pues fue ella (<sup>^ta</sup>) una de las que le pedi me llamara quando me digo que para que la queria que las mugeres de alli no eran mas que para ser testigos falsos i lo demas que dicho tengo que en la ocasion me digo. Antonio de Salas, muger i hijos i hijas, por si ubieren gurado:

50 estos son enemigos. El es hermano desta doña Catalina i Juan Lucero este desde que fuimos a poco despues se declaro por [<sup>^ta</sup>] (<sup>^tengo</sup>) por que a pedimiento i quegas de los hindios de Pu-

aque (^asi) por las grandes uegaciones (^que) que to[^dos] ellos acian a los hindios como por las que sus hijos acian a los indios i otros agrauios le mando deriuara una casilla que tenia de adoues en el pueblo i por que los hindios pedian las tieras queran suias (^lo pedian si el protetor dellos i informo la raçon que tenian de lo qual) se agrauio mucho. Le tubo presos a lo hijo  
5 por causas que dieron. Los enbio a escoltas i a gornadas ques el agrauio gener i no es posible escusarlo. Le tubo a el preso un dia o dia i medio soure a(^r)uer ido de poder absoluto a quitarle sin causa a un hindio el poco bastimento que tenia sin deuerle nada i auiedo uenido a quegarse del se le mando boluer i por no quererlo acer por su pre-  
10 suncion (^como digo) le prendio asta pagarlo. Se quega de que otra ues le iciera pagara a otro i fingiendo no tenia que darle le dio por que se la boluieran una ropilla o capisaio i por que lo reciuio por paga i se fue con ella iço grandes sentimientos. I asi mesmo por unas ouegas que reciuio mi marido i dandoselas (^el) por paga de lo que le deuia (^i lo reciuio o en ellas por que solo enbio a rogar i por acerle a el bien como le decia le hacia ai buena o (^??) abraçan (^??)) (^ella) se arepintio despues i dio sin cesar quega diciendo se las auia quitado. Tiene que-  
15 ga de auerle pedido lo que le deuia su ierno i no lo a pagado i tiene echo uale. I fuera desto a dado este muchas causas para auerle echo castigos i no auendosielos dado como merecia a sido el i los suios tan enemigos que por tal despues de auerle aunado asi Juan Lucero i don Diego con ser que le saco la hija siendo doncella por la chimenea; en lugar de ofenderse del que lo iço se ofendio de nosotros que lo ueiamos en algunas ocasio-  
20 nes. I por grande enemigo nuestro i como cosa propia suia (^desde casi) luego que don Diego prendio a mi marido lo iço (^a el) guarda maior a donde por si uengando sus pasiones. I por las de don Diego an sido tantas las uegaciones i molestias que nos acia que no es posible esplicarlas. I es demandante en la residencia. I este estando en casa las ueces que uenia algun entrando sin quellos uiera al salir si los uia  
25 los desnudaua para uer si sacauan despachos de mi marido como lo iço con Francisco Gimenes i en diciendole que por que acia aquello decia era orden de don Diego i iço en este particular cosas que inpusible el decirlas. I asi mesmo este solia recorer otras ueces las personas que en casa entrauan asta mis propias hindias i en particular las (^no noches) al anochecer i diciendole diferentes ueces que por que acia aquello decia algunas era orden de don Diego que  
30 le encargaua mucho tubiera quidado no entrara algun fraile disfrazado a matar a [^mi marido] i otras decia lo acia el por lo propio i ubo [^ues] de las pocas que (^mi marido) le ablo estando en casa i diciendole que algun dia auria quien le pidiera quenta de las muchas cosas que (^con nosotros) acia le respondio  
35 acerca del recorer los que (^en casa) entrauan i salian que no queria el que entrara un fraile disfrazado i le matara i respondiendole don Bernardo, “anden que frailes, que los otros no se meten en eso ni se acuerdan.” Le digo quel estaua alli metido i que no sauia nada i que afuera auia muchas cosas i andaua la mar por los cie(^l)los i que le tenian mui bien echa la cama i otras muchas cosas i tantas que es inposible es(^plicarlas) ni decirlas.  
40 Maria de Uera i sus hijas por si ubieren gurado:  
esta es entenada deste Salas i como tal le tocan todas sus quegas i por si i sus hijas tiene muchas; i no es la de menos el auerles enbiado don Bernardo diferentes ueces muchas repreensiones por los escandalos que dan con el mal uiuir que tienen, i asi mesmo por auer courado lo que le deuia i gusgo le deve todauia. I demas desto le quito la encomienda quera de su entenado Pedro de Montoia i como  
45 suia quera se la adgudico a el por lo qual no es creible lo que dello se ofendio i quegas que a dado. I asi mesmo tubo con ella algunas otras dependencias que don Bernardo megor que io saue i puede espresarlos, que io lo que por maior se es la grande enemiga que por esto i otras cosas sienpre a tenido i tiene i conmigo ablando mal sin conocerla mostrandose mortal enemiga de anbos. I fuera desto es esta  
50 demandanta en la residencia. I ademans es suegra del hijo de Trugillo i le tocan todas las quegas dellos, i fuera desto es mui de don Diego i mui aunada por tener mal trato con el una de sus hijas. Asi mesmo otra es la de frai Nicolas de Fle-  
55 tas ques la que tengo dicha el qual es de los maiores enemigos nuestros.  
Ines de Çamora i su hijo por si ubiere[^n] gurado:  
esta es enemiga i el hijo mas i (^tanto) que llegaua su odio a tanto que sucedio allar a mi mulatilla en algunas casas quel entrau a como si la niña tubiera juicio [^la] ame-



- naçaua diciendole por mi marido, “aora lo uera tu tata, tu ta aora lo uera,” i diciendomelo ella como perseuerara en decirselo, i aciando deligencia de quien era el que (^se) lo decia, supe era el, el qual me parece se llama Domingo Lopes. I aunque si tiene algunas quegas no se de cierto las que son mas (^que no se) que de [una de]pendencia soure una encomendilla i no (^se)
- 5 se otra causa alguna mas (^que) de que entra en la conguracion que contra nosotros icieron todos. La madre era mui de don Diego i no si el lo es i ella es tenuta por de los de mas mala lengua que alla ai i tengo deso alguna esperiencia; es dependiente de los Luceros i aun parienta de algunos, i enemigos como todos. Bartolome Romero i su muger por si ubieren gurado:
- 10 este se dio por enemigo i ella en la ocasion de la conguracion de todos sin auer auido asta alli causa alguna (^mas) (^q) mas como a ellos nunca les falta (^que) como sea contra el gues, asi se uio. Pues quando la peticion o querella que tengo dicha o de particulares o que en nonbre del cauildo acia acer don Diego sigun se digo i parecio se iço en su casa i digeron que decia el digeran en ella auia querido mi marido escalalle la casa por su muger - siendo asi que no era para ella menester escalas - fuera de ser tambien falso; i don Bernardo es cierto no salio de su casa sino es para la iglesia. Mas el por decir mal del no miraua el suio i en fin los que la acian no quisieron poner sigun digeron tal afeandose a el. I este por solo la escolta a que lo enbio recien idos por no auer
- 15 quien fuera [^alla] se dio sienpre por enemigo. I es primo hermano de Francisco Gomes i de Diego Romero, pariente de Juan Lucero, i todos ellos i ella de las que llaman los muchos que les basta a todos para ser enemigos; i se lo son tambien mios sin auerles dado causa sino es que por auer sido ella amiga de Jusepa sea enemiga mia por que (^lla) era tal que con las que podia no se desquidaua
- 20 en poner ciçaña. I (^gusgo) es el demandante en la residencia. I Miguel de Nori[^e]ga demas de lo dicho me acordado que abiendose aunado a don Diego i estando en su casa iço el guntar cauildo no se para que escritos sigun digeron i para ellos lo enbio a el a el i lo que supe fue que no agustandose a lo que deuián de querer algunos uecinos tubo el alguacil maior que lo era Bartolome Gomes Robledo con el diferencias soure
- 30 ellos i sacaron o quisieron acerlo despues de palabras que tubieron las espadas o parte dellas en el cauildo. I sauindolo don Diego prendio al alguacil maior i a el lo lleuo a su casa i auiendo sauido nosotros lo que pasaua i aciando deligencia por lo quera nos digeron que por unas cartas o no se que escritos que acia don Diego acer al cauildo contra don Bernardo mas no pudimos con certeça sauer con fundamento en que era o que contenian o soure que cosa. I solo supimos que la pendencia auia sido soure decir el alguacil maior que ia aquello era pasion tan conocida que mas ser no podia i asi mesmo no[^s] digeron auia dicho otras cosas de las quales no me auerdo aora (^i asi mismo) ni se si icieron los escritos o no, para que se sepa por si inportare.
- 35 Manuel Gorge, el erero, i su muger por si ubieren gurado: este es enemigo i tiene de mi marido diferentes quegas i a mostrado en todas ocasiones el odio que nos tiene. I es demandante en la residencia; i es enemigo mortal con todas ueras sienpre i la muger por el. Francisco de Madrid i su muger i hijos i hijas por si ubieren gurado:
- 45 este fue enemigo desde que fuimos lo primero por ser mui de Manso, i porque auindole dicho a mi marido quera mestiço, pregunto a no se quien si era uerda i le respondi que si i se lo digo a el (^a el que se lo auia preguntado) i como es tanta su presuncion se dio dello por mui ofendido. Asi mesmo lo iço de que iendo a la gornada del Rio Grande lo enbiara por soldado i no por cauo i en esta ciçaña
- 50 no tuuo poca parte Manso como se uio que uoluiendo della ia quando se supo que uenian le uino a decir antes que llegaran (^que) a don Bernardo que mirase que {RUB.}
- de la gente que uenia se abia de ir mucha i que Madrid los capitaneaua i en fin uiniendo despues ellos todos le pregunto o le digo lo que le abian dicho i respondi que auia estado para irse quera uerda que auian idole al camino
- 55 con un papel que abia enseñado a algunos i que le decian en el que en llegando a la uilla le abia de acer don Bernardo muchos males

- i que le auian aconsegado algunos que no se inquietara i ueria que era falso el abiso a lo que le digo don Bernardo que tal no le auia pasado por el pensamiento, i en fin preguntandole quio era el papel insinuo, si mal no me aquerdo, era de Manso. No se si fue uerda mas no estante tubo siempre enemiga i quega. Le reprendio diferentes ueces a su ermana, prendio por quegas a sus sourinos; les enbio a escoltas i a gornadas en ocasiones forçosa, i a su hermano Lorenço que tambien es enemigo por diferentes causas. Les digo el poco caso que de su madre acian estando pereciendo. I este es pariente de la mulatilla que don Diego tiene en su casa i es mui su aunado, i el Lorenço; i por todas estas causas i entre muchas que mi marido meyor que io saue a sido el i todos ellos enemigo sin fin nuestro i es el i entiendo que su hermano demandantes en la residencia.
- Mariaca i sus hijas por si ubieren gurado:  
esta a sido siempre enemiga i es hermana de los Madrides i mostro bien el odio que nos tenia pues asta uerme lleuar presa la noche que lo icieron no paro su uengança i lo se porque al llegar a la esquina de la plaça, digo frai Nicolas de Fletas, “oiga i quien es aquella?” I le respondieron los otros, “adonde?” I digo (^que) “alli gungto a los alamos,” i mirando todos digeron, “Mariaca.” I tambien digeron, “guraralo io quella auia de ser.” (^i) esto es sin conocerla io ni auerle ablado ni mentadola en mi uida. Esta tiene quega por las repreensiones que mi marido le enbiaba por su mal uiuir, i por que por quegas le prendio a los hijos i les iço pagaran algunas cosas que urtauan en los pueblos i otras partes. I les tubo en escoltas quando fue menester i salieron algunas gornadas, i en fin esta es parienta de la de barios que llaman ques madre de la mulatilla que tiene don Diego en casa i todos ellos enemigos mortales mios i ablan (^como) como quien son de mi i lo an echo.
- Miguel de Inogos, por si ubiere gurado, i su muger i hijos i hermana i la hija este es enemigo por que por enfermo i inutil le quito don Bernardo la alcaidia de los emes. I soure courar lo que le deuia tubo quega, tubola por las repreensiones de su hermana i souri(^de)na de que todos ellos tienen mucha quega con uiuir como uiuen. I asi mismo por otra muchas causas que mi marido meyor que io saue, i es demandante en la residencia.
- Fulano de Mondragon i sus hijas por si ubieren gurado:  
este no se tenga causa mas que auerle dicho muchas ueces repreendiera a las hijas por lo qual el i ellas son enemigos a causa de que para alla no es menester otra mostro el odio bien en que auendolo don Diego echo alguacil maior i enbiarlo a casa a muchas cosas se uengaua en lo que podia. I don Bernardo saura si tiene otras quegas que io como quien casi no los conoce no lo se. No se si es demandante en algo en la residencia.
- Jose Telles Giron i su suegra muger i cuñadas por si ubieren gurado:  
este es enemigo por que por su mal guicio i cosas que iço le quito el ser aiudante, por que le digo degara unas tieras a un cuñado suio por tocarle, por que le enbio con necesida a una escolta, i le tubo preso un dia o dos, por cuias causas i otras de su suegra i cuñados es el i ellos mortales enemigos. I es cuñado de Juan Lucero i demandante en la residencia.
- Los de los Cerillos, doña Bernardina, sus hijas i hijos, por si ubieren gurado:  
que son todos enemigos porque la doña Margarita es la comadre de Manso i Agustin de Carauagal ques su cunado es ierno de Madrid i para todos estos ai muchas causas que io no las se, i don Bernardo las saue i las espesara. I solo se que ellos i ellas no solo de mi marido pero mios son mortales enemigos. I algunos dellos son demandantes en la residencia.
- Elena Gomes i sus hijas por si ubieren gurado:  
son enemigos i el uno de los hijos mas que todos por que si no me engaño este siendo guarda de don Juan Manso quando iço fuga la iço con el, i me parecio se llama este Domingo Lopes. Tienen tambien otras quegas que contra el gues nunca les faltan i tienen la ordinaria de escoltas i gornadas. I mi marido saura otras cosas que io como quien casi no los conosco no se i parte dellos son demandantes en la residencia. I se que le deuen algunos a mi marido, i a d’auer dello uales. Diego Gonçales Louon i Margarita su muger por si ubieren gurado:

este abiendolo enbiado don Bernardo con un despacho al Paral recien idos dio algunos nouillos o bueies de los que lleuaua a algunas personas i iço otras cosas destas, i despues de auer buuelto alla tambien dio mui mala quenta de lo que lleuaua i faltaron algunas cosas. I preguntandole por ello puso mil excusas i uno de los que auian ido con el le digo i dio quenta de lo que lo auia echo todo i diciendoselo le respondio que lo auia echo con intencion de que si lo supiera pagarselo. I mandandole don Bernardo a algunas personas agustaran alla las quentas lo icieron, i digo lo pagaria drento de un termino que pidio i se le dio i de alli a pocos dias pidio licencia para ir a guntar no se que cosas a las salinas i se uino a esta ciuda i en ella estubo asta que fue mui agregado iendo don Diego con el i alla lo tubo tambien i no le quiso acer le pagara a mi marido lo que le deuia. I le despacho con el padre frai Nicolas de Chaues a esta ciuda a donde trugeron la residencia quel le auia tomado i los despachos que los religiosos enbiaban a este santo oficio sigun se digo alla, i despues por auer muerto asi que llego a esta ciuda frai Nicolas, lleuo el a don Diego i a los religiosos las respuestas sigun se uio el efeto, i digeron le dio por ello don Diego albricias que su propia hermana me lo digo. I su muger i el son enemigos por que ella fue a los principios de las de la camada de Gusepa i mui amiga suia, i encubridora de la moçuela con quien Artiaga se reuoluio, la qual se iço preñada. I digo Artiaga el dia que con ella riño, auia sido la pendencia por que queria darle bebediço para que mal pariera, i que soure no querer el; en fin se quisieron matar. I por esto la tubo a ella presa don Bernardo unos dias i asi mesmo la riño diferentes ueces por su mal uiuir i de otras que encubria fuera i drento de su casa. I por estas causas i otras an sido estos i son mortales enemigos. I el (^gusgo) es demandante en la residencia. Antonia Gonçales por si ubiere gurado, i Pedro de Montoia su sourino por si lo ubiere echo: ella es ermana de Diego Gonçales Louon i el sourino i tienen las quegas dellos i demas auerla repreendido a ella por uiuir mal que alla no es para ganarlas por enemigos menester mas causas. El sourino es mui de don Diego; lo a echo su ajudante i le lleuo mui aunado desde Çacatecas i lo tiene casi sienpre en su casa, i le sirue de otras cosas no buenas, i es enemigo nuestro por estas causas. Juan Duran i su padre por si ubieren gurado: son unos desuenterados hindios. El hijo es alcaide de la carcel, mui de Artiaga i su muger, i como tal terna sus mañas; es enemigo i demandante dela residencia. Nicolas Duran i su muger i hijos es ajudante de don Diego por si ubieren gurado sera por seguir la de todos no se aia causas era enemigo. Hernando Martin i sus hijos i nuera por si ubieren gurado: este en qualquier tiempo se acomoda al que core por que se ua luego a la coriente del, i como tenga drogas que acer como el dice esta contento si ubiere echo algo sera porque no le falten i sera enemigo, i la nuera lo es mucho.

Bartolome de Ledesma por si ubiere gurado i su muger:  
 45 este es el que iço don Diego procurador del cauildo i el que acia la peticion o querella dicha. Es enemigo por que le afeo el consentir a la muger uiuir como uiue. Tiene la ordinaria de escoltas i gornadas i otras cosas que don Bernardo megor que io saura (^que) [^como] quien  
 50 no las comunico no las se. I ella si ubiere echo algo sera por (^como) Noriega por el {RUB.}

trato que con el tenia. I este asi que nos prendieron se uio a Sonora, no se por que. Una hindia de nacion apacha casada con un hindio ariero que gusgo se a de llamar Alonso i ella Antonia, por si ubieren gurado:

- esta se trugo del Rio Abago de en casa de un español a donde estaua acomodada por sauer tenia con el maltrato i del tenia no se quantos hijos no ostante ser casada la acomodamos en casa por cocinera i estaua como quien la auian apartado de su(^s) gusto forçada i se auo con Jusepa como todas i le
- 5 aiudaua en todas sus cosas por lo qual i otras causas la maltrate algunas ueces i por estar tan de mala gana pagandoselo i al fin al cauo de no se que tiempo no me aquerdo por que causas i por tener una mano mala la eche mandandole don Bernardo con penas que le puso no uoluiera a la casa a donde estaua i por auer sentido tanto las comodidades que alli
- 10 tenia i auerlas perdido i otras causas an sido ella i el marido enemigos. Un hindiqueño llamado Alonso por si le ubieren echo gurar algien: lo trugeron a casa i açotaron por robos que acia en los pueblos i otras estancias, i estando en casa lo açotaron diferentes ueces por la maña i le renimos muchas i como era natural no tenia
- 15 enmienda. I al fin por gugar unos estriuos i cueros de ciuola se me uio i lo lleuo Penalosa o don Diego acomodado con el quando fue a Moqui, i por auerle reñido i castigado es enemigo i por segir lo que todos.
- Un Francisco de tal que llaman Calaues po si ubiere gurado: este es enemigo i sienpre lo fue tiene algunas quegas por que a los gueces nunca les faltan quegosos. Reñile a los fines i si me enoge mucho por una alfonbra que me estaua aciendo i casi acauada i me respondio que se la auia quitado don Diego i mandadole la acauara por si, i se la tengo pagada la echura i le di para ella todo re-
- 25 caudo, i no estante este despues a los fines embio por algun recaudo i se lo di i nos iço uale della i delo que por ella le abia dado por ser uerda no estante estar enogado i si ubiere echo algo sera por la comun que todos sigieron i por que don Diego le t[r]jugo [=trujo] a bordar alfonbras a su casa i le tenia en ella. Fulano de Apodaca, que no se su nonbre, por si ubiere gurado:
- 30 este le tubo don Bernardo preso muchos dias que aunque no se por esteno la causa por maior fue esta que por quega de la muger o quenta que le dieron de que tenia mal trato con dos o tres entenadas suias i algunas tenian hijos o los abian tenido del i al fin algunas o todas lo confesaron i le destero i iço otros castigos. I allandolo don Diego en el Paral lo trugo consigo como a
- 35 otros aunado i despues uio la causa i le prendio i tubo tan apretado que le sentencio aorcar aunque despues no lo iço i si ubiere echo algo no sea que fuera acaso por redimir su negacion; i por esta causa este es enemigo por la propia su muger entenadas i sus maridos destas que las dos son ia casadas i la otra i la hija que la tubo tambien depositada i esta no se si tenia trato con el o no me aquerdo que oi decir della mas si que esta ua con una criatura i no se quia oi decir quera. I me parece es demandante en la residencia.
- Juan Muños Polanco por si ubiere gurado:
- 45 a sido enemigo desde casi que fuimos i fue con [^nos]otros por soldado i auien-dose quedado alla i echo por el arto. A causa de sauer se abi re(^g)buelto con una de las hijas de Catalina Bernal i reñidolo por ello asi por la ofensa de Dios como por que gastaua con ella lo que abia lleuado i le aria falta aca a su muger i despues de otras cosas le abia dicho don Bernardo diferentes ueces se uiniera a acer uida con ella, pues alla no tenia que acer una entre otras que se
- 50 lo mando. Le respondio no se que libertades que le obligo a prenderle i le iço causa i le tubo para castigar por el desacato, i al fin le roge por el i no le iço mal ninguno; i con to esto a sido de los maiores enemigos que emos tenido. I asi que fue don Diego se auo por tal a el i por paisano de Ualdes i Noriega i lo tubo por ablar tan mal de nosotros mui aunado i le iço capitán de los quel iço i le puso a don Bernardo demanda en la residencia. I despues lo puso por guarda en casa i lo fue unos pocos de dias i uno dellos que entro a no se que ablaron de la demanda i en fin le digo que el no

uia de pagar a qualquiera que deuiera mas para que uiera como se engañaua en las quantas i que no le deuia nada las agustara alli el propio i en fin entre los dos lo icieron i aun [<sup>^</sup>perdonandole] (<sup>^</sup>perdonandole don Bernardo) muchas cosas I acien-  
 5 dolas como el quiso uino a conocer quan engañado estaua i degandose mi marido llevar de todo lo quel quiso fueron mui pocos pesos los que le deuia i le digo se los pagara i le respondió que luego mas que iciera peticion i se bagara de la demanda con carta de pago que al istante se lo daria i digo  
 10 quel lo iciera mas que no se atreuia por don Diego; mas que por que lo auia mucho menester iria por su beneplacito para acerlo; i auiedo ido i no buuelto no me aquerdo quien uino de su casa que uiuia en la nuestra ni  
 se si fue toribio o Juan Domingues que contandole lo que abia pasado (<sup>^</sup>al-  
 (<sup>^</sup>agustar la quenta) digo quel de alla uenia i que auia oidole a don Diego  
 15 responder al pedirle (<sup>^</sup>polanco) licencia; para lo dicho, “tengase fuerte, capitán Polanco, que io are que se lo pague todo.” I esa fue la causa de no boluer entonces. I esto digo aqui porque a qualquiera les estor-  
 ua si se les deuia algun restillo quera todo poco no los degaua que los pagara(<sup>^</sup>mos) como sucedio en lo que digo. I lo propio con algunos otros. I un pobre hindio capatero que su necesida le iço uenir i le pago unos  
 20 cinco o seis pesos que le deuia, lo persigio de suerte que a qualquier cosa que se ofrecia enbiar a alguna parte decia, “llamen al conponedor;” i ua ia el conponedor; i este nos quedo a deuer algunos pe-  
 sos que le dio demas de lo que pedia para pagar en obra a los muchachos (<sup>^</sup>si mal no me aquerdo) i en fin uoluiendo a entrar Polanco el dia sigiente o a otro dia: uino en fin a decir(<sup>^</sup>lo) que no se atreuia i otras excusas asta que  
 25 al fin lo digo claro entonces i otras muchas ueces, i no estante auer pasado esto era tal su enemiga que aboreciendo ia casi a don Diego aunque tacitamente, no ubo egecucion en quantas iço que en casi todas no se allara ni cosa como fuera de persicucion nuestra que no fuera el primero a molestarnos. I en el camino no fue poco lo que iço, ni ubo ocasion  
 30 en que no nos perdiera el respeto a mi marido i a mi con grandes persecuciones que a auerlas de contar por este enco no tubieran fin, como no la tiene su enemiga.

{LM: <sup>^</sup>asta aqui}

Jusepe Gurado, el armero, por si ubiere gurado:

este desde que fuimos auiedo el echolo con nosotros, i aun antes de salir de aqui,  
 35 se dio por ofendido sin causa alguna i antes si con beneficios. I alla mostro sienpre la mala uolunta que nos tenia, i aun(<sup>^</sup>que) dio ocasiones de enogos mas no me aquerdo al presente de las causas i mi marido megor que io las saue, i al fin asta allarse a mi prisio lo iço uiniendo con los religiosos a ella no se para que. Es enemigo grande i no se si es demandante en la re-  
 40 sidencia.

Los de los caros por si ubieren gurado o algunos dellos:

esta gente quan[<sup>^</sup>d]o fuimos el uiage reprehendio don Bernar a muchos dellos i algunos castigo aunque pocos por causas que dieron. I aunquesta no lo es ni tienen que gurar por si lo ubieren echo; no le allo causa alguna si no es que  
 45 sea (<sup>^</sup>a) la que me (<sup>^</sup>dio o) digo don Diego que a causa de ser fra Juan Ramires tan grande enemigo lo aurian echo o quel por esa causa les auria echo le icieran; a causa de ser tan suiros los quel me decia. No se que uerda tengan a desto mas de que lo es quel asi me lo digo. I este fra Juan Ramires es i a sido grande enemigo nuestro por causas que se ofrecieron antes de salir desta ciuda quando fuimos los quales son sauidas i fuera deso  
 50 engaño a mi marido en algunas cosas faltandole a algunas palauras que le daua i promesas que le acia; i despues se arepentia i no las cunplia. I en el uiage aunque disimulaua por ser uiuidor, mostro sienpre aunque encubiertamente la mala uolunta que nos tenia; i aunque aor[<sup>^</sup>a] nos a-

blo algunas ueces no fue amor ni buena uolunta que nos tubiese sino solo por que como estaua mal con los otros religiosos i el sauia quan enemigos nues-

{RUB.}

tros eran. Quiso acer eso por parecer le daua a ellos pesar en ello i aun me lo digo el a (^??) asi algunas ueces i me digo lo sentian mu-

5 cho por que entendian quel auia de aiudar como enemigo a quemarnos i que uian se auia echo amigo i que lo sentian mucho. I la uolunta quel nos tenia se io quera a donde ellos no lo oiesen ablar bien mal de nosotros como me lo digeron mis muchachas las cosas que decia quando a pedimiento de Juan me los iço uol-

10 uer el padre comisario deste santo oficio en Çacatecas, cosa quel sintio tanto quanto no es creible i si asta alli me auia querido mal fue mucho mas despues a causa que aquel dia auierendolas traído i estando aciendo el deposito dellas en Francisco de Leon me rogo muchas ueces pidiera se los depositaran a el i no quise porque

15 auia oido alli a la gente a gritos el para que las queria cosa que io asta entonces no abia sauido mas ellas me lo digeron luego todo i en fin por esta causa; i estas dichas i otras muchas de mi marido i [^de] mi es grande enemigo.

El padre custodio frai Alonso de Posadas por si ubiere gurado:

20 es enemigo desde antes que salieramos desta ciuda a causa de que iendo a casa el dia del corpus en la tarde a uer a don Bernardo i auierendole dicho no estaua alli digo que me queria uer a mi i auierendole dicho que entra [sic] en ora buena lo iço i despues de auernos saludado me digo uenia a uer a mi marido para decirle que si entendia que iba a gouernar honbres que se engañaua por

25 que no iba sino a gouernar esto i lo otro i que pues no lo auia allado en casa me lo decia a mi para que se lo digera. I io escandalizada de lo que me decia le dige, “Jesus, padre, no diga eso,” mas el como quien los conocia enpeço a decirme asi de onbres como de mugeres tantas cosas que me asombre dellos i el diciendo i io defendiendolos a todos me uino a decir entre otras cosas que si Pacheco ubiera cortadoles las caueças al maese de

30 canpo Pedro Lucero de Godoi i al sargento maior Francisco Gomes Robledo, padre deste, lo tenían bien merecido. A que le respondi, “pues padre si lo merecian i eran conplices como dice, ¿como corto otras i no lo iço a ellos? que a mi me parece que si tubieran la culpa que uesa paternida

35 dice se las ubiera cortado como (^iço) a los otros.” I me respondió quel me diria la causa i quera que Lucero lo engañaua con unos tamales o pastel o una cosa asi i que fuera deso por adulalle por el miedo madrugá i le iua a acer barer la casa i la cocina i que con eso le auia engañado; i le auia dado perdon i no degollado. I que Francisco Gomes le uenia

40 todas las mañanas a almoçar la mula i que con eso lo auia engañado para que no lo iciera. I fueron tantas las cosas que en este particular i otros me digo ques mui largo de decir todo [^s]iendo sin fin los males que de todos me digo io los defendi mucho i el se uino a ir i quedando escandalizada le dige a mi madre de mi marido que se allo presente aunque

45 como quien no los conocia a ninguno dellos como casi tanpoco lo acia a los que en esta ciudadad estauan i asi auia callado a la conuersacion por no tener las noticias que io de los de alla i conocimiento de los de aca tenia

“Señora, si fuéramos a confesarnos i digéramos abiamos dicho estas cosas, ¿no nos mandara este religioso pedir perdon dello a las partes?” I me respondió, santigu-

50 andose, “asi es.” I esto fue el preguntarselo por las mugeres de alla que tenían ma-

los tratos i io (^entonces) aunque no las conocia a ellas lo acia aparte de los marido que aqui estauan. I en fin me solia alguna ues despues preguntar que si abia buuelto alla aquel padre, el qual uio despues a mi marido i le digo lo propio o otras cosas mas o menos. I en fin por esta

5 causa desde entonces me tiene mala uolunta; i despues que bolui-  
o alla por custodio tubo don Bernardo con el algunas cosas quel megor  
que io saura espresarlas por que no me aquerdo bien dellas i por esto a  
sido i es enemigo de anbos. Fuera de los festegos i banquetearse con don  
Diego i en este particular ai que decir otras cosas i por no sauerlo acer por

10 no erar no lo ago. I solo dire oi decir por maior a algunos uecinos se quegauan al-  
gunos religiosos de que saqueaba - o no se como decian - los conuentos para rega-  
larle, por que oi tambien decir enbiaba orden o a decirles que de cada conuen-  
to le enbieran regalo de lo quel enbiaba a decir no se que uerda ten-  
ga i solo se lo es el que le regalauan cada dia i a ueces ui pasar por mi casa

15 lo que le lleuauan, i asta de los Ta[^o]s las requas del trigo i mais que le tra-  
ian. Frai Saluador Gera por si ubiere gurado:  
es enemigo mortal i quanto ser puede desde casi luego que fuimos las causas  
que del (^sa) ia las tengo espresadas i si ai otras las saura i ara don Bernardo como  
quien megor que io estara en las materias que io solo se lo que acaso tal ues oi ai

20 con no auer echo (^le) ningun agrauio ablaua de mi lo que queria i en todas  
ocasiones a mostrado el odio que me tiene.  
Frai Nicolas de Fletas por si ubiere gurado:  
es enemigo mortal desde el camino quando ibamos lo primero por ser  
de los queridos de frai Juan Ramires i de la suia. Asi lo mostro que en una

25 ocasion estandose una tarde acuchillando dos, un soldado i otro de los  
caros, i auiendolo uisto don Bernardo iendo alla soure prenderlos bago del  
caro en que iba i se puso a dares y tomaras [sic] por defender al de los caros aunque  
le digo don Bernardo era gues priuatiuo dellos i en fin iendo io alla le dige a  
2 religiosos que alli estauan de mas guicio pasaran i lo lleuaran, i me res-

30 pondieron quellos no ablauan por que no tenian para que meterse en lo que  
no les tocava (^por que) que tenian ellos que uer con cuchilladas, i que aquel padre  
lo acia por la mano quel custodio le daua; i desde entonces fue maior su ma-  
la uolunta. Despues alla soure açotar con un açote de gamuça que dicen es  
cosa fuerte, i tusar hindios i otras cosas que los pobres naturales se quegaron  
diferentes ueces i otras causas que tambien mi marido megor que io saura i las  
espresara es i a sido sienpre grande enemigo i mio sin auerle echo nada  
ni dado causa alguna. Este boluio (^di)iendo desta ciuda desde Çacatecas con  
don Diego con quien es intima la amistad que tiene, i no se contento as-  
ta lleuarme sin tener oficio ninguno presa. I despues me dio los ualdones di-

40 chos i pregunto por papeles i otras cosas.  
El uice custodio frai Garcia de San Francisco por si ubiere gurado:  
es enemigo i lo a mostrado sienpre i se daua por sentido en auisandole  
remediara las quegas que le uenian de los religiosos dandole quenta dellas  
para que lo iciera. Ai muchas causas i no las se tanpoco don Bernardo las es-  
45 presara que io solo se es grande su enemiga.  
Frai Diego de Santander que fue su secretario por si ubiere gurado:  
este es de los maiores enemigos i como tal lo a mostrado en todas ocasi-  
ones. Quando fuimos era secretario de frai Juan Ramires adonde en  
quanto se ofrecio tambien mostro lo mal que nos queria i tiene gran que-  
50 ga de auerle siendo guardian de Gumanas - me parece se llama el pueblo  
dicho - lleuara los ganados del conuento a donde los tienen sienpre todos  
los guardianes (^a) cerca del pueblo i no en el como el los auia lleuado. I esto

era a causa de ser aquel pueblo sin agua i la poca que tiene muchas ueces se les se-  
ca i uan mui legos de alli con gran riesgo de apaches por la que an de be-  
{RUB.}

ber los naturales i el dicen auia lleuado gran cantida de ganado ma-  
ior i menor a braços con sogas sacauan de muchos estados el agua  
5 pra ellos i siendo tan poca como digo fuera del gran trauago les auia  
de acer gran falta. I en fin es pueblo que gamas por la falta della uan  
los gouernadores a uesita del porque los cauillos que lleua i los que  
uan con el no les beban a los naturales el agua, i desto tubo el padre gr-  
ande quega. Asi mesmo este en ocasiones ablaba mal de mi marido i de mi  
10 sin auerle echo nada ni dado causa alguna i las que tiende quega io  
no las se tanpoco i mi marido las saue i las espresara que solo se ques gran-  
de enemigo.

Frai Fernando de Monroi por si ubiere gurado:

este religioso el procpio dice no le dado causa para la enemiga que confiesa tenerme mas que  
15 por serlo de mi marido lo es mio i que la que con el tiene no es mas que por un enogi-  
to que [<sup>^</sup>dice] le dio i con no ser cosa de inportancia es tanto el rencor que tiene. Dios se lo  
pagara, i es enemigo.

Frai Benito por si ubiere gurado:

desde que fuimos se dio por ofendido a causa de que por su poca cortesia i atencion  
20 no fuimos a posar a la comunida. I auriendolo sauido, fue a rogar fueros  
al conuento diciendo auia sido inaduertencia por escusa; i al fin por darle  
gusto fuimos. Pidiole a don Bernardo no nos auiamos de ir aquel dia ni el sigi-  
ente i tambien por darselo lo iço; asi i no estante tubo quega i e oido decir le le-  
uanto algun testimonio a causa de la ida a la comunida o no se bien por  
25 que. Tan bien tiene quega de que en una uesita le pidio una hindia en ella  
en publico una manta quel padre are [=?] le deuia i no le auia pagado i rinen-  
dole don Bernardo a ella digo alli que si auia algun soldado que tubiera al-  
guna manta o gamuça que darle aquella i echarla de alli i no auiendo man-  
ta le daua uno una gamuça que tenia i digo no la queria que manta le a-  
30 bia prometido. I boluiendola a reñir i que la tomara dicen digo frai Nicolas de  
Chaues questaua presente no no de la pues se la mando i que entrando la saco i se  
la dio i la echaron de alli, por lo qual se dio sin tener mi marido culpa i auer  
lo renido por mui ofendido. I es enemigo i lo a mostrado sienpre.

I en fin todos estos: frai Fernando de Uelasco, fra[<sup>^</sup>i] Antonio de Ibergarai, frai Fe-  
35 lipe Rodrigues, frai Juan de la Chica (i este es algo dementado por enfermeda que tubo),  
frai Juan de la Asencion, frai Nicolas del Uillar, frai Juose de Paredes, frai Fu-  
lano de Monpian, i otros muchos que no se sus nonbres todos son enemigos i lo an  
mostrado ser todos; porque no an menester mas que tener uno una quegita para que  
la tengan todos i para ella an menester poca causa i entran en estos frai Pedro Mo-  
40 reno que no es de los de menos mala uolunta, frai Fulano de Aluarado, frai Blas i (<sup>^</sup>I en  
i en fin i esos todos) i estos como todos los demas que estauan alla por diferentes cau-  
sas son enemigos i [<sup>^</sup>lo] an mostrado(<sup>^</sup>lo) sienpre. Asi mismo todos los religiosos que se a-  
llaron en la uilla al leerse los editos de nuestra santa fee, desde el dia que se lei-  
eron enpeçaron, de en uno en uno i de dos en dos i a ueces mas, a andar de  
45 en casa en casa, uisitando sin cesar uecinas i uecinos (<sup>^</sup>??) a que no aiudaua po-  
co don Diego i unas ueces iba con ellos, i el i ellos no cesaban de acerlo i a  
ueces a donde se allauan auia danças i fiestas i este dicho i el otro, i fuera de-  
so ellos con don Diego, i don Diego con ellos. Todos eran conbites i festegos  
con que era tanto el alboroto de los uecinos i ellos que no se como esplicar-  
50 lo. I ablauan diuersas cosas contra nosotros pobres asta si uian mis apa-  
chuelos por la uilla dio [<sup>^</sup>en] que decian, “alla uan los muchachos de aquel erege”, como  
me le digo entonces algunas ueces Toribio de la Guerta que asi los llamaban.



I algunos de los religiosos estauan con don Diego gugando asta desora de la noche i otras ueces el en el conuento acia lo mesmo asta mui tarde dellas. I fuera desto don Diego para amedrentar a los uecino iço poner orca picota garucha i clauar dos o tres palos en la carcel para dar garote i a qualquiera cosa amenaçaua con castigos como lo iço algunos aunque no me aquerdo en que ocasiones.

5 I ubo uecino que en una (^ocasion) me digo antes poco de la residencia o estando en ella que no era falta de uolunta el no uenir a casa mas que le decian quel uenia a contar lo que pasaua i auia i saliendo don Bernardo de un aposento estandomelo diciendo que si mal no me aquerdo abia

10 entrado (^me parece) por no se que papel que le abia uenido a pedir no se si por don Diego i le digo que que decia i el se lo uoluió a repetir diciendo que le auia pasado [^con el] un lance mui pesado i que en las amenaças que le abia echo le abia dicho que para eso abia puesto aquella orca i que sauia aorcar desquartizar a muchos i que deseaba mucho acerlo i otras muchas cosas i que por esta

15 causa no se atreuia a uernos porque no le leuantaran algun testimonio que mal le estuviera; i esto acia a cada paso con muchos. Otras ueces decia que no era su amigo quien lo era de su enemigo i que no le fuera a su casa quien uenia a la nuestra. I otras ueces enbio tarde de la noche a llamar a Juan Dominges estando en casa i abiendo ido le

20 digo puniendole la espada quel sauia pelear i dar estocadas i esto era por que estaua en casa i a Toriuio de la Guerta guntamente i les mando (^entonces) se salieran della i lastimado Toriuio de nuestro desanparo i por que no teniamos si no era el quien fuera iciera cosa por nosotros; se lo represento asi i le pidio licencia para asistirnos de

25 dia siquiera para socorernos en lo que pudiera nuestras necesidades. I en fin en este particular es tanto lo que ai que decir que no es encarecimiento decir que no ai lengua umana que esplicarlo pueda porque es forçoso quedar sienpre corta. I solo dire que con estos alborotos i amenaças guntamente con la facilida de la gente de la tierra bastaron en

30 fin; para que todos se uolueran contra nosotros aunados i conespíados todos guntos para persigirnos por todos caminos nos iuan con poco temor de Dios nuestro señor leuantando tantos i tan grandes falsos testimonios como de tantas maneras [^lo] an echo.

I asi mismo todos los religiosos que estauan en la tierra [^en] el tienpo que mi marido

35 fue gobernador della son demandantes en la residencia (^i todos gusgo lo son) de ganados que dicen se les murieron con la fuerça del riguroso ibierno con el qual se nos murieron a nosotros artos. I delos aquellos piden le oi decir a Juan Dominges de Mendoça que algunos de los religiosos que pedian ganados auian con ellos casado algunas muchachas i dadoselos en dotes i

40 que al custodio se los dauan por muertos i mentaua asi mesmo los religiosos questo auian echo de los quales no me aquerdo al presente los nonbres mas que de un aluarado i asi mesmo mentaua las casas a donde estauan las muchachas (^i los) maridos i ganados i otros asi mesmo decia auian echo otras cosas dellos i que no respondiera don Bernar a la peticion de la de-

45 manda sin estar el presente para que le fuera diciendo de cada uno de muchos dellos lo que los auian echo i a donde i como estauan i que iria i se los enseñaria al custodio si quisiera. I esto se lo oi decir asi muchas ueces, i fuera desto solo Dios es dueño de los tienpos.

I muchos religiosos asi que ubo nueba de la ida de don Diego uenian a la uilla a decir

50 una misa en acimiento de gracias que asi oi decir decian lo tenian prometido en auiendo nuebas de nuevo gobierno. Juan Lugan el Uiego por si ubiera gurado: este en la ocasion por los alborotos sigio lo que todos i asi mesmo si iço algo seria por ser de los amenaçados (^i) por escusar alguna molestia no dudo aria quiças qua-

lquier cosa i mas que le tienen el pie encima sienpre con no se que intento que dicen tiene i fuera deso es pariente de Lucero i cuñado de Francisco Gomes i asi era a su banda quera la de don Diego seria por esta cauusa enemigo. Pedro de Leiua por si ubiere gurado i su muger: {RUB.}

5 este tambien sigio la de todos i le iço don Diego sigun el propio me digo muchas amenazas con las quales de miedo lo sigio a el i se iço enemigo. I por si o no se si por apodaca es demandante en la residencia i en ella por una memoria que reconocio o no se bien como es esto esta uencido de testigo falso me parece no me aquerdo en que modo  
10 la uerda de lo que fuere tenga su lugar.

Luis Martin, difunto, i sus hijos i muger i hijas por si ubieren gurado:

que todos son enemigos a el estando ia para morir o ia muerto en su nonbre pusieron demanda en la residencia i no du-  
15 do iço algo don Diego por que por ser tan grande enemigo queria que aun muerto fuera alcalde maior por solo quera contra nosotros. I si el ubiere echo algo i los suos sera por seguir la de todos i ser enemigos.

Francisco de Leon por si ubiere gurado:

20 auiedo ido este por soldado en los caros, le auo don Diego i agasago en su casa teniendole en ella; a causa de las recusaciones que don Bernardo le acia i tantas apelaciones como iço no se las quiso otorgar al cauo en fin de muchas cosas i de otras con quien solo por acer papel iço se aconpañaua i no quiriendo por ultimo lo escogio a el por aconpañado i auierendose el tal Francisco de Leon desuanecido con ser gues iço lo que don Diego quiso i por que en ello no tenia mas quel nonbre no le culpo en (^ello) mucho mas despues don Diego lo acomodado por guarda maior de todos i de mi pobre marido para que como quien estaua uestido de su pasion tubieramos en el el io quien con ueras  
25 de enemigo nos persigiera con todas ueras; como lo mostro en todas ocasiones en el camino (^como lo mostro) no perdiendo punto en perseguirnos en quanto pudo; i perdiendole a el i a mi el respeto a cada paso i esto decian algunos de los demas guardas lo acia por ser tambien mui de los religiosos, los quales decian los guardas le abian encargado que de traernos de aquel modo quel lo acia le auia de enbiar o mandar a el este tribunal del  
30 santo oficio boluiera por los testigos que contra nosotros auian gurado o io no se en fin por quienes ellos decian [^o aueriguar]. I era tanta la presuncion que con esto que decian le abian dicho tenia que lo que se ques uerda es lo que el a mi me digo muchas ueces, quera quel tenia por cierto que asi que llegaramos lo auian de acer boluer alla i que lo sentiria mucho por que no  
40 quisiera el uoluer a tierra que tales testimonios se leuantauan i tan sin Dios se obraua como alli se acia. I io despues de auerme dicho esto i otras cosas muchas ueces, no pudiendo tal ues cufrir su presuncion, le pregunte una me digera por amor de Dios que a que le auian de acer boluer a el i a los demas como decian que [^que] gente eran ellos para que se les en-  
45 cargara nada o que entendian ellos que si no abia en el mundo onbres i que solo no auiendolos podia ser uerda lo quellos decian de lo qual el se ofendio mucho i asi mesmo algunas de las demas guardas a quien con la mesma ocasion le dije a ueces lo mesmo. I deste me digo algunas ueces Polanco, Artiaga, i aun pienso que Noriega, que le abia  
50 dado palaura a los religiosos de que derento de no se que tienpo quando fuera abia de lleualles grande enpleo, de lo qual io no se la uerda

- desto mas de que lo es de que ellos lo digeron. I esto era a causa de lo mal que con el estauan por amenazas que a ueces les acia de que auia de ir asentando no cunplian con la obilgacion que auian echo en nada para decirlo asi en este santo oficio. Mas despues que fui-
- 5 mos llegando a esta ciuda se aunaron todos ellos i le acian sumisiones i rendimientos por que no los acusara i les ayudara en todo i gusgo se lo prometio acer asi; i todos ellos lo que se de cierto i el en particular es que por estas causas i otras muchas es i a sido de mi marido i de mi
- 10 grandisimo enemigo i lo a mostrado de suerte que mas ser no a podido i nos amenazaua sienpre que auia de decir de nosotros quiças pues no tenia que lo que le pareciera i sentia asi mismo con extremo el decir io como tan lastimada las cosas que don Diego con nosotros auia echo i le defendia con grandes ueras por lo qual algunas ueces tubimos soure esto algunas cosas de quel se sintio mucho.
- 15 Francisco de Anaia i su muger por si ubieren gurado:  
el es hijo de Almaçan que (^ra o) fue secretari[^o] de don Diego en la residencia i tiene por si quega a causa de auerle don Bernar reñido por los enredos que iço por unas estocadas que por su muger le dio un mulato. I es enemigo por que es tio de Ana Rodrigues, i los llamaba don Diego de parientes. Tiene
- 20 las generales de escoltas i gornadas, i el es gran çiañero. I ella es hermana de Miguel de Inojos. I por estas causas i otras son enemigos.  
Francisco Gimenes por si ubiere gurado i su muger:  
ella es de los Griegos sigun me parece, i si lo ubieren echo sigiran la de todos; i ella era mui de Gusepa i eran enemigos.
- 25 Antonia, la hindia cocinera, ademas de lo dicho me e acordado que despues que nos siruio de merce se iba de noche a dormir a su casa quera una de las causas de su maior enemiga el no (^??) [^permitir] (^sentirselo nosotros en el tienpo) qu[^ando] le pudimos mandar no lo iciera a causa de auer sauido estaua en mal estado (^todo) i tube noticia que algunas destas noches (^que iba) se iba a uer a don Diego i
- 30 tenian largas conuersaciones el soure que materia no lo supe; i asi mesmo esta las tenia de dia sin cesar con Pedro de Ualdes continuamente i de noche acia lo propio i en los de Jusepa en este tienpo guntamente con el tenian grandes uestitas el fin desto no lo supe tanpoco mas por ser todos enemigos nuestros eran grandes amigos (^todos) i siendo Ualdes tan fuerte enemigo) claro esta que no arian consulta en faour nuestro.
- 35 Un hindiçuelo de nacion gumano quera cochero por si ubiere gurado:  
este era de Noriega i en todo tenia sus mañas i lamentaciones. Açotaronlo por ladron muchas ueces i por diferentes causas. Lo corimos i renimos muchas, i al fin despues de uarias cosas, lo tusamos i acotamos
- 40 por una demasia i atreuimiento que tubo en casa, que fue la causa de echar a su amo. I por esta i el es enemigo i si ubiere echo qualquier cosa lo auran echo lo aga.  
Juan Gonçales Bernal i su muger Polonia i su hija por si ubieren gurado:  
son estos de los Griegos enemigos por sus causas i ademas por que la hija
- 45 fue la que se reuoluio con Pedro de Artiaga. Enbiamoslos a reñir diferentes ueces por que nos robaban para sustentar su casa; i al padre lo tubo preso don Bernardo por consentir a la hija, i por estas causas i otras de ruidos que dieron i pendencias an sido i son enemigos todos ellos como Griegos.
- 50 Christoual de Anaia i su muger por si ubieren gurado:  
son enemigos por que sigieron la de todos, i el abiendolo llamado para gu-

rar en la residencia i estando para acerlo un dia de fiesta saliendo don Diego de misa supimos que no auia echo mas que entrar i salirse luego i irse a su casa i nos enbio a decir que ia auia dicho. I se digo le tenian pues-

{RUB.}

to el dicho i que no abia echo mas que firmar, con lo qual se puede

5 uer lo que arian en todo pues aun el no deuio de sauer lo que le abian puesto. I en el camino me solia decir este, “alla uamos todos i se ablara uerdades que las podremos decir libremente.” I me lo digo a gritos muchas ueces, i asi que las digo i lo que iço o le icieron acer en esto o otra cosa. Este es tio de Ana Rodrigues i hermano de Ines

10 i Ana de Anaia, i a todas estas i a su madre maltrate muchas ueces.

I su muger es hermana de los Dominges, i son todos enemigos.

Nicolas de Agilar i su muger por si ubieren gurado:

seria por segir la de todos. I don Diego asi que fue conto auia echo los escritos que dichos tengo dice le icieron acer contra don

15 Bernardo, i los religiosos dicen lo publicauan asi i sera enemigo por esa causa.

I por quanto lo que dic[<sup>en</sup>] de que no me uieron reçar ni supieron tenia deuocion alguna i para que se uea esto i como christiana que por la gracia de dios nues-

20 tro señor e sido soi i sere asentada en las cofradias sigientes: primeramente en San Pedro i San Pablo; en la de Jesus Maria i i Jose, i tenia la bula;

i asi mesmo en San Juan de Leteran i la tenia; i la de San Anton; i la de San Roque; i en San Agustin i tenia la bula, i soi del cinto i estoi asentada en el libro de los cofrades del; i en Santo Domingo por esclaua de la

uirgen santissima del rosario i tenia la carta de esclauitu i ora del rosario como se puede uer en los libros de las cofadrias el ser esto uerda. I en cada

parte que estado sigun i como megor podia procuraua cunplir con todas estas deuociones i reçarlas conforme a los lugares en que me allaua i ademas e recado sienpre el rosario del decenario de la pasion de nuestro

30 señor Jesuchristo (<sup>con</sup>) a donde son concedidas tanta gracias i tenia la memoria dellas i de las grandes que estan concedidas a las quantas del millar. I asi mesmo quando frai Diego de Santander leio los primeros editos le entregue el oficio de la pura i linpia concecion de nuestra

señora i el del glorioso patriarca san Jose, i unas letanias de madre de dios dulcissima i amable i la memoria de los cinco maiores dolores

35 de la uirgen santissima, que todo esto era de lo que contenia el edito, mandaua recoger este santo tribunal i como fiel i catolica christiana obediente como tal a sus mandatos aunque eran de las deuoci-

ones de mi deuocion las entregue la primera, i sienpre e reçado estas i otras deuociones i ademas el oficio menor de la uirgen santissima i en

{LM: <sup>Do-</sup> | ña | Tere- | sa de | Agui- | lera | i Ro- | che}

40 el a muchos dias reço los salmos penitenciales i graduales i otras deuociones i por ellas mediante la misericordia de dios nuestro señor su santissima madre mi señora fio me a de librar su misericordia

santan de mis falsos acusadores i me a de sacar por quien es a puerto si-guro de tantos tormentos para maior seruicio suio.

45 Una apacha, Madalena, por si ubiere gurado: estando en casa aciendo unas puntas la eche por arta causa que me dio i la maltrate mucho en la ocasion sintio mucho el echarla i Jusepa mas por ser mui suia. Otra, Gacinta, era mia i la

eche tambien por muchas cosas, i era de las de Jusepa i las suias, i son enemigos.

[fol.162r]

{LM: ^Audiencia en que se | comunica con | su abogado la pu- | blicacion de testigos | i lo a ella  
res- | pondido }

- En el santo officio de la *Inquisicion* de Mexico  
en diez dias del mes de henero de mill  
i seiscientos i sessenta i quatro años,  
estando en *audiencia* de la mañana el *señor*
- 5 inuissidor vissitador doctor don Pedro de Medina Rico  
por su mandado fue trayda de la carzel  
en que esta  
doña Teressa de Aguilera y Roche,  
a la qual estando *presente* le fue dicho
- 10 que ya sabe que tiene hecho juramento  
de dezir verdad en todas las *audiencias*  
que con ella se tubieren asta la con-  
clusion de su caussa que si debajo de  
*dicho juramento* promete dezirla en esta;
- 15 dixo que por ahora no se a acordado  
de cossa alguna que deba dezir. Y en  
este estado se mando entrar en esta *audiencia*  
al doctor don Alonso de Alabes su abogado  
fuele dicho que *presente* esta el doctor don
- 20 Alonso de Alabes su abogado que trate  
y comunique con el la publicacion  
de testigos que se le a dado y lo que a ella  
a respondido y lo demas conveniente a sus  
defenssas.
- 25 Y luego le fueron leydas al *dicho doctor* don  
Alonso de Alabes la publicacion  
de los testigos que deponen contra  
la *dicha doña* Teressa de Aguilera  
y lo que a ella ha respondido
- 30 y trato y comunico la susodicha  
con *dicho* su abogado sobre este su  
negozio y caussa. Y se leyo asta  
el capitulo onze del testigo dezimo septi-  
mo. Y en este estado se quedo

[fol.162v]

por ocupassion prezissa de dicho  
su abogado para continuarla en  
otro dia con la qual dicha *doña* Teresa  
fue mandada boluer a su carzel y

5 antes lo firmo.

Doña Teresa de  
Aguilera i Roche

Passo ante mi,

*Diego Martinez* Hidalgo, *secretario* {RUB.}

{LM: ^Audiencia en que | se continuo la lectura de la pu- | blicazion de testigos | y su respuesta  
con | su abogado }

10 En el santo officio de la *Inquisicion* de Mexico en quinze  
dias del mes de henero de mill seiscientos y sessenta y  
quatro años, estando en *audiencia* de la mañana  
el señor *inquisidor* *vissitador doctor* don *Pedro* de Medina Rico  
por su *mandado* fue trayda de su carzel donde esta

15 *doña* Teresa de Aguilera a la qual estando pre-  
ssente le fue dicho que ya saue que tiene echo jura-  
mento de dezir verdad en todas las *audiencias* que  
con ella se tubieren hasta la *conclusion* de su  
caussa.

20 Dixo que por ahora no se a acordado de  
cossa alguna que deba dezir.  
Fuele dicho que este atenta i se continuara  
la comunicazion de su prozesos con su abogado  
que a este *tiempo* se mando entrar en esta *audiencia*  
y abiendosele comenzado a leer desde

25 el capitulo doze del testigo dezimo septi-  
mo de la publicazion de testigos con sus res-  
puestas y huiendose continuado  
hasta principios del folio vndecimo del papel  
que *pressento* dicha *doña* Teresa para sus defensas

30 en la parte que se pusso hasta aqui, se quedo  
en este estado por hauer dado las doze  
hasta la primera *audiencia* y amonestada

[fol.163r]

que todavia lo piense bien y diga enteramente verdad fue mandada boluer a su carzel y antes lo firmo

Doña Teresa de Aguilera i Roche

5

Paso ante mi

Diego Martinez Hidalgo, *secretario* {RUB.}

{LM: ^Audiencia en que | se acabo la | lectura de la | respuesta que | dio por escrito doña  
Teresa a la | publicazion}

En el santo officio de la *Inquisicion* de Mexico  
en veinte y vn dias del mes de henero  
de mill y seis cientos y sessenta y quatro

10

años, estando en *audiencia* de la mañana  
el *señor* inquissidor vissitador doctor don Pedro de Medina  
Rico por su mandado fue trayda de la carzel en que esta

doña Teresa de Aguilera y Roche,

15

a la qual estando *pressente* le fue dicho que  
ya ssabe como tiene hecho *juramento* de dezir  
verdad en todas las *audiencias* que con ella se  
tubieren hasta la *conclusion* de su causa  
que debajo de dicho *juramento* si la promete de dezir[^las] en esta

20

y huiendo dicho que si promete  
dixo que por ahora no se a acordado  
de cossa *alguna* que deba dezir.

Y en este estado se *mando* entrar en esta *audiencia*  
a su abogado el doctor don Alonso de Alabes

25

y estando *pressente* le fue dicho que este atenta  
y se continuara en leerle lo que resta  
de lo que a dicho en razon de la publicazion  
de testigos que se le a dado y con efecto se le  
comenzo a leer desde el folio onze

30

en la parte que quedo en la vltima *audiencia*  
y se leyo hasta el fin del papel que escriuio

[fol.163v]

la dicha doña Teressa *para* sus defensas  
y comunico lo que quiso sobre este su *negocio*  
y caussa con su abogado y añadió que  
el día que se leyeron los edictos de *nuestra santa*  
5 fee en la villa de Santa Fee salio el pueblo  
diziendo y en particular *Pedro* de Leyba, Diego  
Romero y otros muchos y *doña* Catalina de  
Zamora, muger de dicho Diego Romero, que la  
tarde del propio dia se lo dixo esta que tenían  
10 grande alboroto y fiestas en la sacristia  
de la yglesia los frayles y que estaua dizien-  
do fray Diego de Santander, “padres por amor  
de dios bamonos poco a poco miremos  
que somos religiossos y sacerdotes mire-  
15 mos *nuestro* estado y este santo abito no nos meta-  
mos en cosa que despues no podamos pro-  
bar ni salir con ello, y luego resulte  
contra nossotros y nos benga mal, y que el dia  
de fiesta *siguiente* que se siguió al de los  
20 edictos, tambien se dixo y que aun que  
no se acuerda a quien lo oyo le parece se-  
rian los mesmos que lleba citados y otros  
por que se dixo publicamente diziendo las mes-  
mas palabras y añadiendo el *dicho* fray Diego  
25 de Santander, ahora padres, pues no puedo re-  
mediar esto ni soy parte para ello o poder  
hazer yo no quiero meterme en cossa que des-  
pues o no la podamos probar o resulte  
cossa contra nosotros y me benga a mi  
30 algun mal por ello y que assi no queria  
ser secretario, y que le hauian respondido  
ottros religiossos que lo dexara que no  
faltaria *quien* lo fuera que alli esta fray  
Saluador de Guerra y que el lo seria y que  
35 el *dicho* fray Salvador Guerra dixo que  
ssi que el lo seria, y que saue que desde



[fol.164r]

este dicho dia no fue secrettario dicho fray Diego de Santander sino el dicho fray Salvador Guerra y tambien añade que Pedro de Artiaga y Josepha su muger, criados que le sir-  
5 bieron en su cassa en el nuevo Mexico, los echaron don Bernardo su marido y esta confessante de su cassa desde el mes de diziembre de mill seiscientos y sessenta en el tiempo de la segunda o tterzera missa  
10 de aguinaldo y estubieron fuera de su cassa hasta el dia de pasqua de navidad de aquel año que la dicha Josepha boluio a cassa de esta a berla por comer no por asistir y vivir en su casa.  
15 Y tambien añade que Diego Melgarego, criado que fue suyo y de don Bernardo en el Nuevo Mexico, que entiende ser vezino desta ciudad huiendole llamado en la villa de Santa Fee el gouernador don  
{LM: ^contra D. Diego de | Peñalosa | sacado }  
Diego de Peñalosa con mucha instancia  
20 para ciertos negocios dixo en cassa de Antonia Gonzalez vezina de dicha villa que el no hauia jurado contra don Bernardo y contra esta confessante y le respondio la dicha Antonia Gonzalez que todos dezian  
25 que hauia jurado y el respondio que no que lo biniera a dezir a esta confessante y a dicho don Bernardo, y lo mismo le oyo Rodrigo Rubi, y Toribio de la Huerta a quien para el efecto fue a bisitar a la  
30 carzel; y en el camino tambien a esta ciudad biniendo con don Juan Manso en la ocasion que esta confessante bino benia diziendo lo mismo.  
Y tambien añade que todos sus criados y criadas,  
35 menos Miguel de Noriega, eran mestizos y mulatos, yndios e yndias y algunos de los que ha referido como Juan Griego y todos sus hermanos tienen de mulato y los mas de los del Nuevo Mexico tienen de yndio o de mulato.

[fol.164v]

Y que por ahora no se le ofrezca otra cosa  
que dezir, que respondera con consejo  
de su abogado y para ello se le entrega-  
ron a dicho su abogado y llevo consigo la copia  
5 de la acuzacion y publicacion que se dio a dicha  
doña Teressa antes en su carzel y a si  
mesmo vn pliego de apuntamientos  
que a hecho a la vista deste pleito con  
lo qual dicha doña Teressa fue mandada

10 boluiera a su carzel y antes lo firmo.

Ba entre *Renglon*es//la//en//un las// enmendo hora// vale

Doña Teresa de  
Aguilera i Roche

Paso ante mi,

15 Diego Martinez Hidalgo, *secretario* {RUB.}

{LM: ^Audiencia de su | voluntad}

En el *santo officio* de la *Inquisicion* de la Ciudad de Mexico  
en catorze dias del mes de febrero de mill y seiscientos  
y sesenta y quatro años estando en *audiencia* de la ma-  
ñana el señor *inquisidor* *visitador doctor* don Pedro de Medina Rico  
20 por su *mandado* fue trayda de la carzel en que esta  
doña Teressa de Aguilera y Roche; y estando *pressente* le  
fue dicho que el *alcayde* a hecho *relazion* que pide *audiencia*  
que en ella esta que diga para que la a pedido y en todo  
la verdad so cargo del *juramento* que tiene fecho.

25 Dixo que la a pedido *para* suplicar a este *santo* tribunal  
que llame a su abogado para comunicar con el al-  
gunas cosas que convienen a su *justicia*.

Fuele dicho que muchas y diversas vezes se a *mandado* a su  
abogado que benga y traiga sus defensas y pareze  
30 que como no experimentado en lo que debe hazer proze-  
de con *dilazion* grande por que siempre a respondido que esta  
trabajando en este *negozio* y que no a podido darle *expedien-*  
*te* y haziendole *algun* apremio *para* que despache a respondido  
que asta mañana biernes despachara que por ser  
35 abogado no experto en esta materia se le a concedido  
esta *dilazion*, pero que con todo cuidado se le apre-  
miara.

Y la dicha doña Teressa de Aguilera de Roche

[fol.165r]

- dixo que no da prissa a que su abogado despache sus defensas, que antes quiere que las bea muy deespacio y se hagan con toda justicia y con acuerdo que lo que quiere es que se proceda a sus defensas y que si tubiere culpa sea castigada y no la teniendo se declare assi por que confia en dios *nuestro señor* que la defendera porque a ssido y es siempre muy celosa de su santa fee y morira mill vezes por ella mejor
- 5  
10 que lo dize.  
Con lo qual dicho *señor inquisidor vissitador* dixo que lo mandara llamar para la primera audiencia y amonestada a dicha *doña* Teresa que todavia lo piensse bien y diga enteramente la verdad;
- 15 fue mandada boluer a su carzel y antes lo firmo.  
Doña Teresa de  
Aguilera i Roche  
Paso ante mi,  
Diego Martinez Hidalgo, *secretario* {RUB.}
- {LM: ^Audiencia pedida | de su voluntad}
- 20 En el sancto officio de la *inquisicion* de Mexico en quatro dias del mes de marzo de mill y seiscientos y sessenta y quatro años, estando en *audiencia* de la mañana el *señor inquisidor vissitador doctor* don Pedro de Medina Rico por su *mandado* fue trayda de la prision en que esta
- 25 *doña* Teresa de Aguilera y Roche a la qual estando *pressente* le fue dicho que el alcayde a echo relacion que pide *audiencia* que en ella esta que diga para que la a pedido y en todo la verdad so
- 30 cargo del juramento que tiene fecho.  
Dixo que la a pedido para suplicar a este sancto tribunal se le buelva a leer su caussa por que turbada y affixida no le pareze que a estado en su capacidad entera para dezir
- 35 y responder enteramente lo que es obligada

[fol.165v]

y quiere mas advertidamente cumplir con su conciencia assi en sus defensas como en lo demas pero que como muger y no bersada en caussas ni pleytos deseara, que su abogado  
5 estubiesse *pressente* y respecto de que a tantos dias que se dize estar enfermo si pareziere que con breuedad estara bueno le aguardara pero que no pudiendo estar bueno con breuedad quiere ver su caussa por ssi, y para esto a pe-  
10 dido esta *audiencia*.

Fuele dicho que lo que mas se dessea es el despacho de los *pressos* Y el suyo en particular que su abogado lo a detenido por caussa de sus ocupaciones y enfermedades que pareze que  
15 dentro de seis o ocho dias podra venir a cumplir con su obligazion que si le pareze espere dicho tiempo o diga lo que mas quisiere dixo que aguardara dichos seis o ocho dias aber si su abogado biene a cumplir con su obligazion  
20 y que por ahora no se le offreze otra cosa que dezir. Con que fue *mandada* boluer a su carzel y antes lo firmo.

Doña Teresa de  
Aguilera i Roche

25 Paso ante mi,  
Diego Martinez Hidalgo, *secretario* {RUB.}

{LM: ^*Audiencia* de comunica- | cion con su abogado | y pidio se le leyesse | otra vez su caussa}  
En el *santo officio* de la *inquisicion* de Mexico en onze dias del mes de marzo de mill seiscientos y se-  
senta y cuatro años estando en *audiencia*  
30 de la mañana el *señor inquisidor vissitador doctor* don Pedro de Medina Rico por su *mandado* fue trayda de la carzel en que esta doña Teressa de Aguilera a la qual estando *pressente* le fue dicho que ya sabe que tiene  
35 hecho juramento de dezir *verdad* en todas las *audiencias*

[fol.166r]

que con ella se tubieren hasta la conclusion de su caussa que si trae acordado algo que deba dezir lo haga debajo de dicho juramento,

- 5 Dixo que no trae acordado cossa alguna que deba dezir solo lo que tiene representado en la *audiencia* antezedente conviene a sauer que se le ofrezca comunicar algunas cossas con su abogado *para* sus defenssas.
- 10 Y en este estado se mando entrar en esta *audiencia* al doctor don Alonso de Alabes su abogado desta Rea a quien fue dicho que trate y comunique con el lo que le pareziere acerca de su *justicia* y haviendo propuesto que en sus *audiencias*
- 15 y en las respuestas a la acusazion y publicazion de testigos le parece que no a dicho cabalmente lo que debe y haviendole aduertido que casso que quiera que se le bueluan a leer sus *audiencias* y respuestas, en presencia de
- 20 su abogado se hara como lo pide pero que casso que aya de añadir o quitar algo de lo que tiene dicho la de hazer por ssi sola sin consejo ni pressencia de su abogado a quien despues se comunicara todo lo
- 25 que de nuevo dixere.  
Dixo que quiere se le buelua a leer toda esta su caussa *para* ver si estan asentadas las respuestas y que hecho se buelba a comunicar con su abogado. Con lo qual
- 30 dicho doctor don Alonso de Alaues salio desta *audiencia* y luego la dicha doña Teressa dixo que se le buelua a leer la acusazion que le pusso el señor fiscal y lo que a ella a respondido.  
Y haviendosele en especial leydo el *capitulo* pri-
- 35 mero de dicha acusazion y su respuesta dixo que se le ofrezca dezir que de costumbre se lababa en sabados y en discrepando de alli casualmente en qualquier dia de la semana pero que no se aquerda que ninguna vez se labara en viernes

[fol.166v]

y que si acaso se labo alguno no fue por  
viernes por que ella no entiende de estos  
viernes sino que puede ser que suzediera  
como en qualquiera otro dia de la semana  
5 y no por otro fin ni por el dia por ningun  
modo ni manera por que ella es catholica  
xristiana y no saue mas ley que la de Jesuxpto  
y que en esta a vibi[^?]?do y protexta hazerlo  
y que no saue ceremonia *alguna* ni xamas  
10 a llegado a su noticia ni a oydo hablar dellas  
hasta ahora y que todo *quanto* el cargo dize  
es falsso en todo y por todo y esto responde.  
Y hauiendosele leydo lo demas que pidio  
de la acuzasion que le fue puesta y de sus  
15 respuestas  
dixo que no a menester que se lea por  
que ella es muger y no saue lo que a de  
responder y dezir y no tiene quien la ayude  
y que todo aquello de que se le acussa es  
20 falsso y que da por testigo a dios *nuestro* señor  
y esto responde.  
Fuele dicho que ella dize que no tiene quien  
la ayude que para dezir lo que passa  
y a passado en el hecho no a menester ayuda  
25 que solo ella y no otro alguno puede dezir  
si passo o no y que para alegar y dezir de sus  
defenssas tiene abogado a quien se a comuni-  
cado y comunicara a todo lo que quisiere  
y es abogado elegido por su voluntad  
30 sin ser de los del numero deste *santo* oficio  
que se explique y diga que le falta *para* responder  
si passo o no lo *conttenido* en cada capitulo  
dixo que el dezir que no tiene quien la  
ayude lo a dicho por su afliccion y su  
35 pena que como muger de tantas obliga-  
ziones y no sabidora del modo de defenderse

[fol.167r]

dixo lo referido pero no por otra cossa  
que no tiene mas defensa que su yno-  
cencia y la justificazion de este *santo* tribunal  
y questo que tiene dicho es la verdad  
5 so cargo del juramento hecho y amonestada  
que todabia lo piensse bien fue mandada  
boluer a su carzel y antes lo firmo.  
Doña Teresa de  
Aguilera i Roche  
10 Passo ante mi,  
Diego Martinez Hidalgo, *secretario* {RUB.}  
{LM: ^Audiencia en que pidio | se le leyesse la acusazion | y publicazion}  
En el sancto officio de la Inquisicion de Mexico  
en diez y siete dias del mes de marzo de  
mill y seiscientos y sessenta y quatro años estando  
15 en *audiencia* de la mañana el *señor* inquisidor  
*doctor* don Pedro de Medina Rico *vissitador* deste  
tribunal por su *mandado* fue trayda de la car-  
zel en que esta  
doña Teresa de Aguilera i Roche a la *qual*  
20 estando *pressente* le fue dicho si trae acordado  
algo que deba dezir en esta su *caussa* lo diga  
y en todo la verdad so cargo del *juramento* fecho.  
Dixo que por ahora solo se le ofreze pedir  
y suplicar se le buelua a leer la *acusazion*  
25 y *publicazion* de testigos por que tiene que  
responder lo conveniente que como muger  
y no sabidora de lo que debe hazer juzga que  
no a respondido.  
Y el dicho *señor* *inquisidor* *vissitador* dixo que respecto de que  
30 parece que lo que pide quiere mas espacio  
que el que ay en esta *audiencia* por *ocurrenzia*  
de otros *negozios* mañana se la dara *audiencia*  
y se leera lo que pide y se escriuira lo  
que dixere que este advertida que  
35 en este *santo* tribunal no ay mas

[fol.167v]

modo de negociar y consegir *justicia* con mi-  
sericordia que dezir entera y cabalmente  
la verdad en todo y por todo y la dicha *doña*  
Teresa dixo que assi lo quiere hazer con lo  
5 qual fue mandada boluer a su carzel y antes  
lo firmo.

Enmendado viesse // valga

Doña Teresa de  
Aguilera i Roche

10 Paso ante mi,  
Diego Martinez Hidalgo, *secretario* {RUB.}

{LM: ^Audiencia en que se le | leyo la acusazion}

En el santo officio de la Inquisicion de Mexico  
en diez y ocho del mes de marzo de mill  
y seis cientos y sessenta y cuatro años  
15 estando en *audiencia* de la mañana el *señor*  
*inquisidor vissitador doctor don Pedro de Medina Rico*  
por su mandado fue trayda de la car-  
zel donde esta

doña Teresa de Aguilera y Roche a la  
20 qual siendo *pressente* le fue dicho si trae  
acordado algo que deba dezir en esta su  
caussa lo diga y en todo la verdad so cargo  
del juramento que tiene fecho.

Dixo que no se a acordado de cossa que  
25 deba dezir que como tiene suplicado  
se le lea los capitulos de la acuzacion  
que se le puso para ver lo que se le ofrezca  
dezir cumpliendo en todo con su obligazion  
de dezir verdad como lo tiene prometido

30 a Dios *nuestro señor* debajo de *juramento*.  
Y el dicho *señor inquisidor vissitador* mando se leyesse  
a dicha *doña Teresa* la acuzacion y haviendo-  
sele leydo el capitulo *primero*, segundo y ter-  
zero con sus respuestas dixo que en ellas

35 no hauia que añadir ni enmendar  
pero en la respuesta del *capitulo* cuarto  
dize que es falso todo el cargo  
por que ella y el dicho su marido son catholicos



[fol.168r]

- christianos por la *gracia* de *nuestro* señor Jesuxpto  
y como tales no saben mas que serlo y no  
zeremonias ni cossas que *nuestra santa* fee catho-  
lica no se hazen y no haziendosse en ella
- 5 no las hazen ellos y que a este cargo tiene  
respondido diferentes y varias cossas  
y que es la caussa que con el mucho *sentimiento*  
que tales testimonios falsos causan  
no sabe lo que se a dicho mas que esta es
- 10 la verdad y no otra cossa y esto responde.  
Y luego dixo que lo que dize ser la verdad  
es que es falso dicho capitulo y esto responde.  
Al capitulo quinto dixo que es falso  
lo contenido en el capitulo y que aunque
- 15 tubiessen muchos peynadores no se los  
hauian de poner por zeremonia por que  
como catholicos xpstianos no lo hauian  
de hazer y esto responde.  
Y huiendosele leydo los capitulos siguientes
- 20 y sus respuestas a ellos como lo fue pi-  
diendo dixo que se le lea la publicacion de  
testigos y huiendosele leydo el capitulo  
vnico del testigo primero y dichole si queria  
oyr su respuesta. Y huiendo dicho que
- 25 ssi y leydosele dixo que algunos dias  
de trabajo yban tambien a missa  
y no solamente los dias de fiesta y esto responde.  
Al *capitulo* primero y vnico del *segundo* testigo  
dixo que es falso en todo y por todo y que la
- 30 muger que en el se dize nunca labo los  
pies a esta *confessante* ni a su marido ni puso  
ropa alguna limpia *para* que se bitiesen  
y que esto es la verdad y lo demas niega y esto responde.  
Y huiendosele leydo algunos de los capi-
- 35 tulos de los demas testigos con sus respuestas  
hasta lo que depone el testigo catorze y en  
este estado dixo la dicha *doña* Teressa que no  
hauia menester que se leyesse otra cossa

[fol.168v]

por que le pareze que tiene respondido  
y amonestada que todabia lo piense bien  
y diga enteramente la verdad; fue mandada  
boluer a su carzel y antes lo firmo.

5 Doña Teressa de  
Aguilera i Roche

Paso ante mi,

Diego Martinez Hidalgo, *secretario* {RUB.}

{LM: ^Audiencia en que su | abogado pressenta | el escrito de defensas}

En el *santo officio* de la *inquisicion* de Mexico en veinte dias  
10 del mes de marzo de mill y seiscientos y sessenta y qua-  
tro años estando en *audiencia* de la mañana el *señor*  
*inquisidor* *vissitador doctor* don Pedro de Medina Rico por su  
*mandado* fue traída de la carzel en que esta  
doña Teressa de Aguilera y Roche a la qual siendo  
15 *pressente* le fue dicho si trae acordado algo que  
deba dezir en esta su *caussa* lo diga y en todo la  
verdad so cargo del *juramento* fecho.

Dixo que no se a acordado de *cozza* alguna  
que deba dezir para descargo de su conciencia.

20 Fuele dicho que *pressente* esta el *doctor* don Alonso  
de Alabes su *abogado* que trae hordenadas  
sus defenssas que las bea y comunique con el  
lo que conbenga a su justicia.

Y luego el *dicho doctor* don Alonso de Alabes

25 leyo a la *dicha doña* Teressa lo que traya  
para *pressentar* en sus defenssas que es  
vn escrito representando la calidad  
de la *caussa* y no tenerla de *cozza* tocante  
a este *santo officio* y que los *testigos* depussieron

30 *falssa* y *simuladamente*. Y la *dicha doña* Teressa  
aunque su *abogado* le *insinuo* que le parecia  
que podia *concluir* *difinitivamente* insistio en  
que queria hazer y probar sus defenssas diziendo  
que ella no hauia cometido *delicto alguno* contra

35 *nuestra santa fee catholica* y que lo que los *testigos* deponian  
eran *falsedades* en odio de la *administracion* de  
justicia y representandola que biesse que seria

[fol.169r]

fuerza que huiendosse de hazer sus defenssas  
como pretende tachando los testigos parece ser  
fuerza recurrir al Nuevo Mexico y hauerse  
de dilatar la determinazion de esta caussa

- 5 a que respondio que se ponga en estado  
de estar con su marido, y se detengan sus de-  
fenssas todo lo que convenga, y que las defenssas  
que tiene que dar son las que tiene apuntadas  
en dos pliegos de papel escritos que los enuio en la  
10 *audiencia* de cynco de octubre del año passado de  
seiscientos y sesenta y tres, y en siete pliegos de papel  
escritos que *presento* en nueue de henero de este  
*presente* año; y *dicho* su abogado dixo que para hazer  
interrogatorio en *dichas* defenssas nezessita de que  
15 se le buelva a comunicar esta caussa en presen-  
cia de *dicha doña Teresa*. Y el *dicho señor inquisidor vissitador*  
mando poner en esta caussa las defenssas  
*presentadas* por *dicha doña Teresa* que estan en diez  
y seis foxas, y que en otra *audiencia* o *audiencias*  
20 se le comunicara y bera todo lo demas que  
juzgare conueniente con lo qual *dicha doña Teresa*  
fue mandada boluer a su carzel y antes lo firmo.

Doña Teresa de  
Aguilera i Roche

- 25                   Passo ante mi,  
                      Diego Martinez Hidalgo, *secretario* {RUB.}

Aqui el escrito de  
defenssas {RUB.}

[fol.170r]

*Ilustrisimo Señor:*

Doña Teresa de Aguilera y Roche, muger legiti-  
ma del capitán don Bernardo Lopez de Mendiçabal, presu-  
5 puesto el tenor de la acusacion criminal que haze con-  
tra mi el *señor* fiscal arguyendome de apostata de  
nuestra *santa* fe catholica y ley evangelica y professora  
de la de la Moises y magica que estos son los dos prin-  
cipales asuntos de su escrito, aunque en el propone  
tambien otros delitos como en consecuencia de aquellos,  
10 digo *que* sin embargo de dicha acusacion y de todo lo  
contenido y deducido en ella y de las ponderaciones con  
que pretende darse cuerpo a los delitos que se me im-  
putan se ha de servir *vuestra señoria* de declarar no proceder con-  
tra mi la dicha acusacion o a lo menos absoluerme  
15 y darme por libre della restituyendome a mi entera  
fama y opinion por lo que de los autos resulta y puede  
colegirse en mi favor que reproduzgo y del derecho *que*  
ai por expreso y por que lo que contra mi se intenta  
y propone assi en los dichos dos principales puntos de  
20 la acusacion como en los capitulos de diferentes defec-  
tos y delitos que se ponderan como adminiculos della no  
tienen en los autos probança o informacion qual se re-  
quiere [<sup>^</sup>para condenar]. Y la verdad y lo *que* siempre hallara *vuestra señoria* ser  
cierto y constante es lo es lo *que* en mis audiencias tengo de-  
25 clarado que opongo por legitima y perenptoria ex-  
cepcion de mi defensa y *que* soy y siempre he sido por  
la gracia de Dios *nuestro señor* christiana catholica y pro-  
fessora de *nuestra santa* ley euangelica siguiendola con toda  
fidelidad y afecto y assi niego en todo y por todo la  
30 dicha acussacion y las inducciones o ponderaciones *que* se  
hacen [<sup>^</sup>y los delitos] *que* en el escrito del señor fiscal se dice ser

[fol.170v]

demonstratiuos de proteruia y apostasia.

{LM: 1}

Lo otro por que el primer capitulo de dicha acusacion que es decir que yo y mi marido teniamos por especial ceremonia el labarnos los viernes y el  
5 echar ropa limpia en la cama y el cortarnos las vñas y afirmandome en lo que tengo respondido a este capitulo en mis audiencias a que me refiero no se hallara estar probado por mas que la malicia y conspiracion de los testigos quiso cargar la mano  
10 en este punto, ni la qualidad de ser ceremonia judaica, para lo qual es de suponer la forma con que deponen los testigos la singularidad y defectos que contra ellos y sus dichos se perciben de los autos por que el testigo segundo en el capitulo 1ro y vnico y el tes-  
15 tigo sexto en el capitulo 1ro y vnico dicen el vno que corrio por publico y el otro que oyo en comun que vna criada española que mi marido y yo teniamos en casa fue preguntada por otra persona que a donde iua y auia respondido que a aquel martyrio a aquel trabaxo que el vn testigo ha-  
20 bla por este termino y el otro por aquel) que por que mi marido y yo auiamos dado en que todos los viernes nos auia de labar los pies y mudarnos ropa limpia y no hacen fe ni prueba alguna por que deponen de vos publica o fama  
{LM: ^A.mascar de pro- | bat con el 749 Vto | tam. | Testimonia eti- | am fidedignos | morum ho-  
minum | nullum habene pen- | clus in biu ques au- | dierunt alij | si testrumt de tet | eliet  
exquadama | e vtro bique inter[^te]- | pretes siles 3 f | q 45 simani de | cath inst 4 64 n | 39 et 40}  
sin los requisitos que en esta especie de prueba dispo-  
25 en el derecho y [^a] lo que mas es en materia incapas de fama pues viene a reducirse a lo que se supone auer dicho vna sola persona y assi ni aun testigos son de oydos siendo los desta qualidad de ninguna importancia por que dicen que lo oyeron a otros que se lo contaron por cere-  
30 monia sospechosa ni añade cosa alguna ni pone el dicho en diferentes terminos desto mismo aun que menos en forma (si es que los primeros deponen en alguna) testifica el testigo tercero en el capitulo 1 y vnico diciendo que sabia que preguntando vna muger a cierta persona  
35 que donde iua respondio lo referido y no da la raçon de como lo sabia con que tiene este defecto mas que los dos testigos antecedentes y por que en el discurso de su

[fol.171r]

alegacion es forçoso valerme muchas vezes desta raçon  
asiento que es constante resolucion [^a] de los autores (??) que quan-  
{LM:^ aa. cum agitur | de probanda | haeresi vt vale- | ant testimonia | testium necesse | est vt  
probabi- | lem sui testimo- | nii causam red- | dant etiam non | interrogati. D. | Simanc. de cathol. |  
inst. tt 51 de pro- | bat. n. 6 vers. sic | etiam. Alexan. cons. | 15 viso processu | inquisitionis for- |  
matq. n.6 bis 1. | Salicet. in l vlt. | c de probat. Mas- | card. de probat. | Lit. h. conclus. 855 | n. 12  
quod adeo | verum est vt et- | iam si fidedignis- | simi testes sint | nullum pondus est | habiturum  
eorum | testimonium | si rationem non | reddiderint de | his quae plene fu- | erint non autem | de  
aliorum au- | ditu. Simanc. | Vbi sa tt 64 de | testibus. n. 36. | vers. tametsi | autem cum seqq. |  
Mascard. vbi sa n. 13.}

do trata de probarse heregia debe el testigo [^mas fidedigno] dar probable raçon de su dicho [^y sin ella no vale] aun que no se le pregunte

- 5 añade este testigo tercero *que* sabido esto por muchas personas causo en ellas mucho escandalo por parezerles ceremonia judaica y la persona del dicho mi marido sospechosa y esto vltimo no es deponer si no calumniar y injuriar y lo primero no da mas peso al dicho por
- 10 que quando la materia del no fuese [^como es] pacion i falso testimonio y que la criada vbiese respondido a dicha persona aquellas palabras el origen venia a ser su dicho solo. Tampoco es de atender la deposicion del quinto testigo que en el *capitulo* primero dice que mis criados auian
- 15 echo reparo muchas vezes en que mi marido y yo nos lababamos las cabezas los viernes *que* era accion *que* los criados tenian por sospechosa de *nuestra santa fe* y *que* el testigo la tubo tambien sabiendo *que* obiese de ser siempre en viernes sin decir como supo *que* los cria-
- 20 dos auian hecho aquel reparo, o quales eran estos ni como supo que ubiese de ser siempre en viernes. De menos importancia es la deposicion del testigo octauo que en el *capitulo* primero dice *que* en su presencia y de otras personas dixo vna que daua gracias [^a dios] de auer-
- 25 la sacado de casa del dicho don *Bernardo* por *que* el y yo los viernes auiamos siempre de labarnos aunque el no si-  
enpre como yo por que este testigo no solo es singular sino de oydas. Tambien es de oydas el testigo nono diciendo *que* oyo por publico a las personas *que* nonbra
- 30 que yo y mi marido todos los viernes en la noche nos lauauamos y poniamos ropa limpia y sabanas y añade *que* el labarnos era todo el cuerpo y *que* nos çahumauamos en que no tiene conteste. Tampoco hace prueba el testigo duodecimo en el *capitulo* quarto
- 35 *que* dice saber que yo mudaua todos los viernes ropa limpia con particular cuidado en la cama y mesa y en mi persona y me lauaua la cabeza por

[fol.171v]

riguroso *que* fuese el frio y que acabandome de labar  
me encerraua en vn aposento por tiempo de  
vna hora sin consentir que entrase persona algu-  
na. Y lo primero es que dice saberlo sin dar ra-  
5 çon como lo sabe y aunque en el *capitulo* sexto hablan-  
do a otro proposito insinua aver asistido mucho ti-  
empo en mi casa no equivale a la raçon que debio  
asignar quien parece deponer de toda su asisten-  
cia de mi marido y mia en el Nuevo Mexico y en  
10 la circunstancia del tiempo *que* dice *que* me estaua  
encerrada diciendo que era de vna hora no conui-  
ene con el testigo decimo septimo que aunque el te-  
nor y forma de sus dichos dicta auer depuesto de-  
baxo de concierto dice este en el *capitulo* segun[<sup>do</sup>] que  
15 el estar encerrada era por espacio de tres horas.  
Tampoco es de effecto a alguno en quanto a hazer  
prueba el testigo decimo tercio que en el *capitulo* prime-  
ro depuso que sabia que todos los viernes *etcetera* sin dar  
raçon de como lo sabia y el mismo defecto padeze el  
20 testigo decimo quarto en el *capitulo* primero *que* dice *que* vio y  
supo sin dar raçon como lo vio o supo y en la circuns-  
tancia de que nos cortauamos las vñas es singular.  
Y el testigo decimo septimo en el *capitulo* primero y  
segundo añade algunas particularidades en que  
25 es singular oponiendose en vna dellas a los demas  
testigos por que dice que el ponernos ropa limpia  
mi marido y yo no era el viernes sino el sabado  
y el ponerla en la cama y mesa el viernes y *que* al en-  
cerrarme despues de labada la cabeza entraua agua  
30 en el aposento y que el encerrarme no era siempre  
sino las mas vezes y *que* si pudiera espiarme lo ub-  
iera hecho pero que nunca pudo *que* en todo es  
singular y el testigo vigesimo quarto deponien-  
do deste articulo da por racon de su dicho *que* solia asis-  
35 tir en mi casa *que* no basta para saber lo que supone  
que siempre se hacia en ella de *que* se infiere *que* este  
primer *capitulo* no esta probado ni del puede

[fol.172r]

{LM:^c. signa et praesump- | tiones in probati- | one haeresis plene de- | bent probari. Io- | an. Anan. in rub. de hae- | ret. Put. de synd. | vo aduertendum n. 6. | Ioan. Nicom. Arelat. | in tract. de haeret. n. | 27 inc. suspitio. A- | rchid. in c vt officium | § verum. n. 7. de haeret. | in 6 per c literas | de praesumpt. }

{LM:^d. Testes in cau- | sa haeresis debent | esse integri et omni | exceptione maiores. Franc. | Pegna in scol. | ad director. inq. | Nico. Eymerici | in 3 p. scol. 126 | q. 71. Arnald. | Albe. in tract. | de agnos. cathol. | et haeret. q. 34 n. 2. | Simanc. tt 51 | n. 9. Boss. in | pract. de haeret. | n. 4. Omni autem | exceptione ma- | iores sunt qui | repelli non po- | ssunt vlla excep- | tione vt ex gl. | Bald. Arnald. | Ioan. Roy. pro- | bat Masc. concl. | 855. n. 10. }

deducirse presuncion ni indicio <sup>c</sup> por que de mas de ser las deposiciones de los testigos imperfectas se colige de ellas que ellos son capitales enemigos de mi marido y mios pues como vera *vuesa señoria* en el discurso de las respuestas a los

5 demas capitulos los impele su pasion a llegar a depone-  
ner desacuerdos y de estos meramente internos con ma-  
nifiestas afectaciones *que* descubren su animo y es forma  
y precisa condicion de derecho principalmente en esta  
causa en *que* se trata de probarse heregias *que* los testigos

10 han de ser mayores de toda excepcion quales no son  
los que padecen qualquier repulsa en sus personas  
o en sus dichos con que consequentemente cesan las cir-  
cunstancias con *que* se propone el cargo o capitulo. La pri-  
mera que esto *que* los testigos aunque con variedad y sin-

15 gularidad deponen no permitamos que fuese en  
otro dia que el viernes y no ay testigo *que* con esta res-  
triccion lo diga con que no excluyen aun en suposicion  
de sus dichos apasionados *que* lo referido se hacia tambien  
en otros dias; y lo mas que depone el testigo decimo tercio

20 en el *capitulo* primero aunque con singularidad y confusion  
es *que* aunque esto se podia reservar no era permitido y otro  
como he informado dixo aunque es falsedad que el mudar  
ropa yo y mi marido era el sabado. La segunda es  
que me encerraua despues de labada la cabeza sin con-

25 sentir *que* entrase dentro persona alguna y esta es ficcion  
del testigo duodécimo y decimo septimo con la contrariedad  
de *que* el vno dice que vna hora y el otro *que* tres y tambien es maqui-  
nacion del *dicho* testigo decimo septimo vnico en esta cir-  
cunstancia *que* al encerrarme entraua agua dando a en-

30 tender *que* era para mi aseo. La tercera circunstancia  
o ponderacion es *que* desto nacio escrupulo en algunas  
personas y que aunque vna quiso espiar para saber *que*  
era no pudo conseguirlo por la astucia y cuidado con *que*  
se dice que yo estaua y esto no lo depone mas *que* un solo tes-

35 tigo *que* es el decimo septimo aunque por otros terminos  
la vltima ponderacion del capitulo prosigue diciendo *que*  
debe sentirse mal de la atencion de encerrarme respecto  
de la mala nota *que* resultaua de semejante ceremonia



judaica y que debe entenderse que para obrar otras de semejante calidad me encerraba a que satisfago lo primero *que* no esta probado el fingimiento desta clausula con los dichos de dos testigos  
5 singulares y contrarios; lo 2, que caso no concedido *que* lo estubiese no era accion judaica sino indiferente y que puede atribuirse a otros fines muy verisimiles y agenos desta malicia; lo tercero *que* regularmente no se presumen delictos demas de que como en mis  
10 audiencias tengo dicho el mudar ropa limpia era tres dias en la semana y caso no concedido *que* algunas o muchas vezes pudiese hacerse en vienes o lo *que* mas es que vno de dichos tres dias fuese fixamente el vienes que no lo fue) es acto indiferente de *que* no se  
15 induce presumpcion de ser ceremonia Judaica como se induxera si el acto no pudiera admitir interpretacion o no fuese adaptable a otro effecto o fin quales son la cena legal los ayunos de la ley vieja y otros ritos propia y solamente suyos de que  
20 nace legitima y concluyente presumpcion pero no de vna accion licita y vsual como es mudar ropa limpia y cuidar del aseo ni puede oponerse *que* la presumpcion se funda en *que* dicen los testigos *que* era en vienes y insinuar que era costumbre por *que* en  
25 estos terminos se verifica la consideracion de ser acto indiferente pues a no haber esta circunstancia (hablando en terminos de las temerarias deposiciones de los testigos) no fuera indiferente sino de todo punto licita y permitida o a lo menos cesaua  
30 el motiuo de inquirir si era accion indiferente como cesa en los demas dias y en vienes solamente es sospechosa en persona *que* ya lo fuese por otra parte no *que* pretenda constituirse en sospecha por este solo acto mayormente quando tengo en mi  
35 favor la presumpcion exclusiua deste delicto por christiana catholica hija de padres *que* lo fueron y notoriamente nobles y christianos viejos. Y como quiera *que* la accion *que* se imputa no es de las *que* inmediata y necessariamente influyen sospecha sino de

[fol.173r]

{LM: dd. quando capi | potest coniectu- | ra delicti et non | delicti semper de- | bemus capere eum | sensum per quem | quis non cadat in | delictum. Bart. Rom. | Felin. Haeresin [illegible] | Mars. Cardin. quos | refert et sequito. | Mascard. De prob. | concl. 855 n. 30. }

aquellas en que conforme a derecho debe hacerse benigna interpretacion<sup>d.d</sup> y tal *que* mas ayna excluya *que* admita el delicto no queda este primer capitulo ques toda la causa) ni aun en terminos de presumpcion y para *que* el

- 5 acto en *que* pretende fundarse perdiera algo de su indiferencia auia de auerse probado otro *que* fuese de ceremonia verisimilmente judaica *que* le diera cuerpo y peso y este no le ay ni se suple con auerse pretendido en los capitulos restantes de la accusacion
- 10 dar a entender que he faltado a las atenciones y obligaciones de christiana pues aunque esto nace de la pasion y iniquidad de los testigos, es compatible como se ve y experimenta no ser vno muy puntual en las

{LM: ^e Conspiraciones | in crimine haeresis | repellunt c per tuas | de Simon. c accusat- | us ve licet de haeres. | in 6. Nepos de Monte | Alb. Ludovi. Mont. | ioan Monach. Steph. | Auster Anchor | r. Parisi quos refert | et sequito Mascard. | de prob. lit. h. concl. | 858. n. 57-7 | Testis inimicus | ad probandum | crimen haeresis | non admittitur e | repellantur cme | minimus c cum | oporteat de accus. | c si testes 4. q 3 | Gundist in tract de | haeretic. q. 13 n. 13. | Pegna inschol. | 123. col. 2 iura quibus 3 p. dix. | tor. Federicus de | Senu ob trad. et | Marsil. quos refert et se- | quito Mascard. de prob. | lit. n. concl. 857. | n. 40 repelluntur | etiam a testimonio | in crimine haeresis | qui descendunt ab inimi- | capitali et qui | cum capitalibus ini- | micis eius commorant | & qui sunt de aliqua fam- | ilia seu factione alterifam- | iliae seu factione | contraria. Mascard. | vbi sa d. concl. 857. n. 49. 50. | 51. 52. }

{LM: ^f. Etiam si inimici- | tia contracta esset | culpa eius con- | tra quem | deponitur | Mascardus vbi s<sup>a</sup>. | no. 52. }

- obligaciones de christiano y serlo en la religion y catholico purissimo y tiene de inuerisimil lo *que* los testigos quisieron introducir de *que* todos los viernes me lavava los pies y la cabeza al ser el nuevo mexico tierra de insufribles frios y el auer estado yo enferma y casi tullida la mayor *parte* del tiempo *que* uiui
- 20 en ella y lo *que* facilmente puede percibirse del contexto de la informacion y del estylo con *que* en ella deponen los testigos es auer sido vna conspiracion y alianza de los enemigos<sup>e</sup> de mi marido y mios y de sus dependientes ya criados *que* fueron en mi
- 25 casa ya estraños pues es notorio y por tal lo alego *que* hemos tenido contra nosotros todas las prouincias del Nuevo Mexico y por declarados enemigos los dos gouernadores dellas don Juan Manso *que* acauaua de serlo y don Diego de Peñalosa que lo era
- 30 actual y a los de su sequito y a los religiosos de dichas prouincias y los vecinos dellas *que* se han mostrado quexosos y demandantes en la residencia de mi marido que ha sido tan reñida y el odio y pasion de todos estos se valio de la facilidad ligereza y mal
- 35 afecto de algunos domesticos de mi marido y mios *que* en mis audiencias he expresado las causas

[fol.173v]

por *que* nos aborrezan y la enemistad de donde quisiera y como quiera *que* se origino<sup>f</sup> es como en todos los juicios en este principalmente la mas legitima o a lo menos de los mas legitimas re-

5 pulsas.

{LM: 2}

Lo otro por *que* el segundo capitulo de *que* si por ocupacion o otro causa mi marido y yo no nos lababamos y poniamos ropa limpia el viernes lo dexauamos hasta el viernes siguiente sin ponernosla

10 ni obrar semejante accion en otro dia de la semana no ay de donde pueda formarse ni inducirse por *que* en la publicacion de testigos *que* se me dio no ay testigo *que* lo diga ni aun lo apunte y vno solo confusamente y sin dar raçon diciendo *que* era el viernes

15 añade *que* aunque pudiera reseruarse no era permitido como arriba he informado con *que* cesa la ponderacion *que* deste capitulo no probado se hace de *que* es eficaz presumpcion de que yo y mi marido eramos obseruantes de la ley de Moises.

{LM: 3}

20 Lo otro por que de la misma qualidad es el capitulo tercero de que el sabado acostumbraba yo el estarme tocando y componiendo como en muestra festejo y celebridad del dia de que quiere inferirse *que* soy obseruante de la ley de Moises y no

25 ay en toda la informacion (segun la publicacion de testigos *que* se me dio) quien tal diga refiera ni informe con *que* estan demas las respuestas *que* deste capitulo y antecedente he dado en mis audiencias.

{LM:4}

30 En el quarto capitulo se refiere *que* el viernes *santo* del año de sesenta y vno por la tarde estando para beber chocolate yo y mi marido entraron vnas muchachas apachas diciendo, “ya pasa la procesion,” y *que* aceleradamente me fui a vna caja

35 y della saque vna escofieta o virrete limpio y me fui a la cama donde estaua el dicho mi marido bebiendo chocolate sentado dentro de la ropa en

[fol.174r]

camisa y le quite otra escofieta *que* tenia en la cabeza  
y le puse la limpia diciendole, “ponte esta don Go-  
londron,” con otras palabras sobre que en el *capitulo* se hazen  
muchas ponderaciones como son *que* para lo referido se aguar-  
5 do el tiempo en que iua pasando la procession del entierro  
y la aceleracion diciendo *que* siendo tarda en todas mis acio-  
nes y *que* estaua entonces achacosa dexe de tomar chocolate  
siendome tan apetecible *que* estandolo bebiendo suspendia  
otras vezes lo *que* auia que hazer de *que* se quiere inferir  
10 que la accion fue cuidada y como irrisoria del religioso  
acto de la procession como de alegria por ser recuerdo de la  
pasion de Christo *señor nuestro* y de su muerte; asentandose en el  
*capitulo que* en la obseruancia de los ritos judaicos estoy  
tan bastantemente notada que debo explicar el moti-  
15 uo *que* tube para lo referido. Y si se reconoce *que* para cali-  
ficar la accion de sospechosa se necesita de declarar el  
motiuo no esta perfecto por si el cargo y se anticipan  
las *dichas* ponderaciones al presuppuesto en *que* auia de  
fundarse principalmente la de que estoy bastantemen-  
20 te notada de la observancia de los ritos judaicos; y ya  
tengo en mis audiencias declarado *que* en esta ocasion  
mi marido y yo estauamos enfermos y el en cama y *que*  
aquella tarde me entretube en leer la passion de Cris-  
to nuestro *señor* y *que* los criados estauan en la yglesia, y  
25 que si sucedio darle a mi marido otra escofieta fue  
acaso que esta no era accion maliciosa ni la ponen  
en estos terminos las circunstancias de ser viernes *santo* y pa-  
sar la procession demas de *que* este *capitulo* esta trasla-  
dado de la deposicion del testigo decimo quarto *capitulo*  
{LM: ^g. testimonio | vnus plenam fi- | dem habendam | non esse diuinum | et humanum ius |  
constituit. Siman | vbi sa tt 64 n. 31 | et 32}  
30 segundo con las circunstancias *que* me imputa la passi-  
on con *que* depuso. Y siendo vn solo testigo no haze prue-  
ba<sup>s</sup> y no es de omitir (??) *que* de dos testigos *que* deponen deste  
acto mismo por no haber ambos en este *capitulo* por  
estar discordes [^no se forma mas que del vno] por *que* el testigo vige-  
35 ssimo quarto que depone desto mismo dice que estando yo y  
mi marido bebiendo chocolate pregunte a vnas mucha-  
chas si ya pasaua la prosession y que me dixeron *que* si y *que*  
con mucha presteza fui a vna caxa y saque vn peinador

blanco de ruan y vn virrete del mismo genero y con mucha diligencia fui a la cama donde estaua mi marido sentado arrimado a las almohadas y que con mucha alegria le puse el peinador por debajo de la barba  
5 y se lo ate y luego le puse el virrete en la cabeza y le hable algunas palabras que no distinguio y que yo tenia puesto otro peinador o delantar de ruan que no aduertio si me lo puse entonces o si le tenia puesto antes en que no tiene palabra ni circunstancia que  
10 conteste con el otro testigo o que no este brotando passion inuerisimilitud y falsedad por que aquel dice que sucedio yendome a dar chocolate vna criada y el otro que estandolo bebiendo mi marido y yo: aquel que entraron dos muchachas apachas diciendo ya pasaba la procession  
15 este; que yo pregunte a las muchachas supponiendo que estauan alli si ya pasaua la procession aquel que solo saque y puse a mi marido vna escofieta limpia sin decir que con alegria, este que saque y le puse vn peinador por debajo de la barba y vn virrete con mucha alegria.  
20 Aquel no hace mencion de si yo tenia o no delantar este quiere que sea peinador y que me lo pusiese (aunque no lo afirma) en aquella ocasi<sup>o</sup>n y assi no ay medio para concordar estos dos testigos ni para que del vno mas que del otro hablando de un caso indiuidual y siendo singular  
25 gulares y contrarios se forme el capitulo y aunque de ambos no es posible formarle o que el dicho testigo vicesimo quarto pueda seruir para fundar el capitulo siguiente por que siendo el acto de que deponen vno no puede resultar de sus dichos mas que vn solo capitulo  
30 siendo contestes y no siendolo sino discordes ninguno.  
{LM: 5}

Lo otro por que el quinto capitulo coincide con el antecedente aunque por diferente estylo diciendo que vbo rumor en la villa de Santa Fe entre sus vecinos que no  
35 solo passo lo referido en el capitulo antecedente sino que en dicha ocassion me puse yo tambien otra escofieta o que puse a mi marido vn peinador i otro a mi y que con este trage estubimos mientras pasaba la procession del entierro y luego inmediatamente nos lo quitamos y lo primero

[fol.175r]

es, que no ay testigo *que* diga que corrio semegante rumor en dicha villa y los dos referidos en el paragrapho antecedente el vno que habla de la escofieta que dice auer yo puesto a mi marido y el otro que inuento la quimera del peinador y virrete y del peinador v delantar *que* dice auerme puesto no deponen en la forma que se refiere en este capitulo y ninguno dellos dice que en aquel trage estuvimos mientras paso la procession y que luego inmediatamente nos lo quitamos con que aqueste capitulo no tiene genero alguno de prueba  
10 en *que* subsista.  
{LM: 6}

Lo otro por que el capitulo sexto es decir que yo leya siempre en vn libro en lengua extrangera y ininteligible de que se engendro sospecha de que contendria algunas cosas contra *nuestra santa fe catholica* y se discurre sobre ser el libro en lengua incognita  
15 y *que* junto con la poca caridad y mal obrar mio prosigue la acusacion *que* menos que constando que libro es y reconociendose que no contiene doctrinas infectas ay malicia y *que* de hallarse algunas es de entender *que* yo las seguia y profesaua. Originose este capitulo de la deposicion de dos testigos el duodecimo  
20 que en el *capitulo* octauo dice *que* yo tenia vn libro en lengua extrangera en que siempre estaua leyendo y *que* solia decir cierta persona este libro debe de ser de hereges de Inglaterra esta muger debe de ser otra tal y *que* assi lo sospechaua por mi poca caridad y mal obrar y esto no es testificar sino consentir vn juicio temerario y injuriarme; pues debio espresar mis defectos en la caridad y mis excesos en el obrar. El otro es el testigo decimo septimo que en el *capitulo* decimo tercio dice que yo tenia un libro de lengua italiana en *que* de ordinario leya y solia reirme y decir a vna criada *que* me holgara  
30 de *que* entendiera aquella lengua y *que* el libro era de amores pero que el testigo no sabia lo *que* contenia y ya tengo declarado en mis audiencias que el libro eran las obras de Ariosto *que* no son reprobadas pero lo principal es que para que pudiera proceder este capitulo era  
35 precisamente necesario *que* constase el presupuesto de saberse y decir los testigos que libro era este y *que* fuese heretico o condenado por que el tener y leer libros aunque sean en lengua extrangera *que* la italiana o toscana

[fol.175v]

no es ininteligible ni incognita como dice el *capitulo* y no es cosa prohibida sino regularmente licita y permitida.

Fue obligacion de los testigos decir que era libro prohibido y en esta qualidad auia de fundarse el *capitulo*

- 5 estando probada que querer *que* se presume es resistencia al derecho *que* regularmente los permite; pues no ay libro que se presume prohibido sino no se prueba estarlo mayormente en este reyno donda la vigilancia deste santo tribunal es tan astuta en el examen y ex-
- 10 purgatorio de los libros y en recoxer los *que* no deben correr y assi que conste que libro es y *que* sea permitido no es obligacion del reo sino del actor *que* es el *señor* fiscal el probar *que* es reprobado pues aun en los *que* lo son y se hallan en poder de alguno esta recebido *que* para *que* se induzga

{LM: ^h. Duo requiruntur vt | librorum improba- | tae lectionis reten- | tio quem suspec- | tum de haeresi cons- | tuat primum sc- | ientia deinde quod | sint damnati pro | haereticis. Bursat. | Cons 90 an iudaeus | n. 10 [illegible] in | tract de haeret. cap.7 | n. 9 et notant concl. In c damna- | mus de sum. Trin | i Mascard con el | 862 p totam }

- 15 presumpcion de heregia consten dos cosas<sup>h</sup> : la primera que los libros son de autor herege; la segunda *que* lo sepa el que los tiene; y todavia ay disputa [<sup>i</sup>] entre los doctores<sup>i</sup> sobre que tal sera la presumpcion *que* desto resulte mas aqui no puede auerla ni motiuo para sospecha ni para estrañar *que* sabiendo la lengua italiana tubiese libro en ella; ni el ser ignorantes los criados *que* me vian leer es culpa mia.

{LM: 7 }

Lo otro por *que* el septimo *capitulo* de *que* la semana *santa* que estube en el Parral yendo al Nuevo Mexico no cumpli

- 25 con la iglesia no procede y mucho menos la ponderacion de que se recreio escandalo por que no vbo causa *que* me escusase y que nacio de vna obstinada voluntad de no satisfacer al precepto eclesiastico y *que* es como sentir mal de la virtud y necesidad de los sacramentos y de la potestad de
- 30 las clauas que reside en la iglesia y sus ministros y que naze sospecha de heregia en especial estando a lo dispuesto por el concilio tridentino en el lugar referido en el *capitulo* por que para todo esto no ay mas motiuo que el dicho de vn solo
- 35 testigo que es el decimo tercio en el *capitulo* sexto que hablando de este punto me disculpa y deshace el *capitulo* y lo que en el se pondera por *que*

[fol.176r]

dice que en esta ocasion estaua yo algo achacosa y la verdad es que lo estaua mucho y luego dice el testigo que fui al paso del rio a confesar y comulgar el dia de corpus christi de aquel año.

{LM: 8}

5 El octauo capitulo de *que* yendo caminando se noto que yo y mi marido jamas nos apeuamos de la carroza en *que* iuamos para oyr misa sino *que* nos estauamos acostados en ella y la parauamos delante del carreton donde se decia y que teniamos corridas las cortinas no se funda mas que en la deposicion del testigo deci-  
10 mo nono en el capitulo 1 y vnico *que* no hace prueba por *que* es solo y singular y *que* quiso introducir esta ficcion.

{LM: 9}

El capitulo nono de *que* la semana *santa* *que* asisti en el parral no acudi a los officios diuinos ni a prosession alguna ni a oyr misa tiene satisfaccion concluyente en la misma deposicion del testigo de  
15 *que* se forma *que* es el decimo tercio que si lo dice en el capitulo septimo auia dicho en el capitulo sexto *que* yo estaua achacosa aunque como apasionado no quiere *que* de todo punto sino algo achacosa con *que* tambien este capitulo se funda en vn solo testigo *que* con su misma deposicion lo desuaneze.

{LM: ^10}

20 El capitulo decimo de *que* yo como poco o nada afecta a la religion catholica *que* assi se dice en el 7 celebraua mucho el que mi marido hicieze repetir a Juan Gonçales Lobon lo *que* antes *que* fuésemos a aquellas prouincias auia dicho, *que* primero se enterraria con vn pellexo de Lucifer *que* con el habito de *señor* san  
25 Francisco y *que* me llama[ua] y oya estas palabras con gran alegria que se pondera en la acusacion ser mofa y escarnio al vso ordinario de los fieles en sus mortajas no es cargo ni ay materia de *que* formarlo por *que* vn solo testigo *que* desto depone *que* es el duodecimo en el capitulo segundo no me nombra  
30 mas que para decir que quando el dicho Juan Gonçales Lobon repetia aquel dicho me llamaua mi marido para para *que* lo oyese pero no dice *que* mostre alegria ni hice aplausso y es vn solo testigo y la materia del cargo o capitulo el donayre de vn hombre desatinado como el dicho Juan Gonçales Lobon  
35 *que* no ocasiona motiuo para acussacion.

{LM: ^11}

Lo otro por que menos procede el capitulo vndecimo de *que* dixes *que* en la iglesia de la villa de Santa Fe no auia tan hermosas imagenes como en otras iglesias y replicandome cierta persona pues el san Antonio de Padua, “Señora no es muy lindo?” Res-  
40 pondi, “vaya fulano no diga eso no ve *que* se parece al cauo?” Y estas se dice ser palabras irreuerentes a la imagen de san Antonio y que hacen presumir falta de veneracion y la



[fol.176v]

materia deste capitulo no es culpable ni capaz para producirlo sobre *que* tengo declarado en mis audiencias y es vn solo testigo el que habla desto que es el duodecimo en el *capitulo* septimo y qualquier persona de muy ajustada  
5 vida pudo hacer el [<sup>^</sup>dicho] reparo y el decirlo y el decir el defecto en la hermosura material *que* tenia la imagen de san *Antonio* por parecerse al cabo *que* era vn soldado no es falta de veneracion y en fin no vbo mas de lo que tengo declarado.

{LM: 12}

El duodecimo capitulo de que se noto en el Parral y en  
10 el Nuevo Mexico que jamas yo y mi marido cuidamos de que nuestros criados y familia cumplieran con el precepto de la *confession* y *comunion* ni aun se lo aconsejauamos con lo que cerca desto se pondera no tiene prueba ni puede tenerla por que se funda en vna negativa, de su  
15 naturaleza improbable por *que* para saber los testigos *que* jamas cuidauamos desto hauian de dar por raçon que siempre a todas las horas del dia y de la noche y en quantos lugares asistimos nos asistieron continuamente y estubieron atentos a todas nuestras acciones y pala-  
20 bras sin apartarse un punto y de otra manera pudimos mandarlo y no saberlo ellos; y este requisito que tan imposible es aun no bastaua, pues pudieran diuertirse y no advertir que lo mandauamos; y como quiera que ya en esto tengo hecha mi declaracion y que mi familia digo la de esclauos era cortisima y la de aquellos  
25 en que pudiera tenerse mano y los demas eran personas libres es de notar que los testigos no dicen que dexaron los vnos ni los otros de confessarse y comulgar y antes supponen que cumplieron con esta obligacion  
30 con que nunca vbo ocassion de inquirir si auia cuidado en mandarselo o aconsejarselo y si la familia acudia a esta obligacion ¿quien abra que pueda afirmar que no lo hacia mandada o aconsejada o en contemplacion de que podiamos o auiamos de mandarse-  
35 lo mi marido y yo ques lo mismo que si con effecto lo obiesemos hecho? Y vn testigo ques el decimo tercio en el *capitulo* sexto *que* dice que la semana *santa* que estubimos en el parral no mandamos ni aconsejamos a los siruientes *que* cumpliesen con la iglesia  
40 añade que confessaron y comulgaron luego *que* llegaron al Nuevo Mexico y *que* esto fue de su motiuo no por que yo ni mi marido nos acordasemos de exhortarlos a ello sin decir como sabe *que* fue motiuo suyo

o que no se lo mandasemos o que lo hiciesen ellos en preuen-  
cion de que se lo abiamos de mandar; y otro testigo *que* es el duodeci-  
mo dice en el *capitulo* nono que jamas oyo vio ni supo asistiendo mu-  
cho en mi casa que yo aconsejase o mandase a mis criados *que* fue-  
5 sen a confesar aunque fuese en semana *santa* en cuya deposicion mi-  
lita lo *que* en la antecedente por que pudo asistir mucho en mi casa  
y yo mandarlo y el testigo no oyrlo verlo ni saberlo y lo mis-  
mo corre en el testigo decimo quarto *que* en el tercer *capitulo* dice *que*  
nunca mi marido y yo mandauamos a los sirvientes de casa *que*  
10 se confesasen que es vna negatiua absoluta y indeterminada  
*que* el testigo que sobre ella depone segun llanas disposiciones  
de derecho incurre en falsedad y se reputa y juzga testigo.  
falso.

{LM: 13}

{LM: ^1 Hortens. Caua. | in tract de testib | 2 pte n. 119 et 20. | his verbis Iul cla- | rus s.fin q. 52 vers.  
scias improbati [illegible] testatur | et igneus in rep | q. non alias n. 77 | tt ad sillan et glo | in c bonae et de  
| elect. Hercul. | in tract. de nega- | tiva n. 137 | Rain. cons. 97 | and fin. lib. 4 et | n. 120 Sint igitur |  
prudentes testes | vt admonet cla- | rus vers. suas au- | tem quia corp. se | quod deponunt super ne- | gatiua  
redarguun- | tur de falso et | Cotta in suis me- | morali tes- | tis cauere advertit | testi tan qua ab | iure  
damnandum | est ne deponat super | negatiua non coarc- | tata loco et tem- | pore quia eo ip- | so incidit in  
fal- | sum atestante. | Angel. in l penult § | [illegible] tt ne quis | eum }

Lo otro por *que* el *capitulo* decimo tercio se funda en decir *que* se noto y ad-  
15 uirtio por los que nos asistian *que* yo y mi marido no bendeci-  
amos la mesa ni al alçarla que quitando los manteles los criados  
decian “alabado sea el *santisimo* sacramento,” jamas se oyo *que* dixesemos por  
siempre y *que* mi marido al oyrlo solia volver la cara a un lado  
y hacer un visage y que no se quitava el sombrero o montera  
20 y que nunca vieron *que* al acostarnos nos persignasemos ni alabasemos  
al *santisimo* sacramento ni reçasemos cosa alguna ni hiciesemos accion de ca-  
tholicos de que en el *capitulo* se haze vna grave ponderacion; y no esta  
probado ni puede directamente probarse por *que* de dos testigos *que* de-  
ponen en raçon de lo que contiene el vno *que* es el duodecimo en el *capitulo*  
25 sexto dice que auiendo asistido mucho tiempo en mi casa no vio ben-  
decir la mesa ni *que* al alçarla y al alabar al *santisimo* sacramento respondiесе-  
mos por siempre antes si que uolvia mi marido el rostro como  
enojado; y el otro testigo que es el decimo septimo en el *capitulo* septimo depo-  
niendo de lo mismo añade otras circunstancias en que es singular  
30 y solo como es que el dicho mi marido solia hacer un visage y *que* no se quita-  
ua el sombrero o montera, *que* todo esto por inuerisimil se excluye de  
todo credito. Mas por lo *que* a mi toca y en lo que contra mi viene a quedar  
este *capitulo* es solamente en decir *que* no bendecia la mesa ni respon-  
dia al alabar al *santisimo* sacramento a *que* tengo satisfecho en mis audiencias  
35 a *que* me refiero demas de que estos testigos de negatiua regularmente  
no hacen prueba como informo en el paragrapho antecedente y  
caso no confesado *que* tal vez o en las *que* estos testigos deponen auer asisti-  
do a la comida (*que* ni aun dan esta raçon de auer asistido a ella sien-  
do la que auia de dar ser a sus dichos quando siendo de negatiua  
40 pueden tener alguno) no se bendixese la mesa es inaduertencia  
o descuido *que* acaeze a muchos y no por eso incurren en nota de  
sospechosos en la fe y quando tambien alguna vez (*que* niego)

[fol.177v]

no respondiese al decir alabado sea el *santisimo* sacramento responderian los demas que se hallauan presentes demas de *que* es ficcion de los testigos y vna inuirisimilitud notable a *que* se llega *que* el dicho testigo decimo septimo [<sup>^</sup>dice] que nunca al acostarnos nos vio persignar ni alabar al *santisimo* sacramento ni rezar diciendo dicho en el *capitulo* octauo de su deposicion *que* mi marido y yo nos encerrauamos en nuestro quarto para dormir sin dejar entrar a nadie y aun desta clausura *que* dice este testigo se motiuo el *capitulo* decimo septimo de la acussacion con *que* manifiestamente se conuence este testigo por su misma deposicion pues si quiere dar a entender *que* nos encerrauamos sin permitir *que* persona alguna entrase no pudo testificar *que* al acostarnos no nos persinasemos o alabamos al *santisimo* sacramento o rezamos.

{LM: 14}

15 Lo otro por que el *capitulo* decimo quarto de que yo y mi marido nos encerrauamos para dormir sin permitir en el quarto mas *que* a vna mulatilla de ocho a nueve años ni *que* entrase persona alguna hasta *que* llamasemos la gente por tarde *que* nos leuantasemos y que sentiamos y açotauamos a las criadas si alguien entraua no contiene hecho de que resulte culpa, quando no fuese, como es, inuencion de los testigos sobre *que* me remito a lo dicho en mis audiencias; y ya se reconoce en la acusacion *que* esta era accion indiferente y para *que* no se considere serlo se ponderan mis malas qualidades sin  
20 expresar quales son y *que* seria el encerrarnos para no ser notados de las malas acciones que obrariamos que esto es [<sup>^</sup>querer] se presuman delictos sin probarse ni auer motiuo para congeturarlos mayormente quando este *capitulo* nace de la deposicion del testigo decimo septimo  
25 en el *capitulo* octauo que con la contrariedad que en el paragrapho antecedente refiero depone tan apasionadamente *que* diciendo *que* solo permitiamos en el quarto a vna mulatilla de ocho a nueve años [<sup>^</sup>añade] que estaua echa a nuestras mañas quando tan pequeña edad no es capaz de tener ningunas y como se compadeze auer dicho que no nos persinauamos ni reçauamos al acostarnos suponiendo aqui  
30 que ni el ni otros permitiamos que nos viesen. El otro testigo es el decimo tercio *que* en el *capitulo* segundo dice que no sabe si el encerrarnos  
40 era cuidado.

{LM: 15}

Lo otro por que el *capitulo* decimo quinto que *que* mi marido y yo aço-

tamos a vna negra esclaua por que aiunaua el miercoles por deuocion a nuestra señora del Carmen y que mande a la dicha negra *que* se quitase el escapulario que trahia puesto diciendole:

“Anda de ay perra hypocrita quitate ese mandil *que* tra-

5 hes ay,” sobre que se hacen muchas ponderaciones y bien merecidas si el caso fuera cierto, pero no lo es ni pasa mas de lo que tengo dicho en mis audiencias que reprodugo; y ya *que* el *capitulo* contiene dos partes discurrir en cada vna por los dichos de los testigos de *que* se componen. La primera es

10 *que* la causa de açotar a la negra fue por *que* ayunaua a *que* satisfago que era contingente auerla açotado por *que* como mala esclaua, *que* lo era en extremo, ocasionaua a ello muchas vezes; pero *que* fuese por que ayunaua es improbable y los testigos como es precisa obligacion principalmente *quando*

{LM: ^m. Louidae in | suo et vbiq. [illegible] vde | potest tt de condit | inst. et in l de | minore § tor | menta tt de qq. | Bertrand cons. | 324 n. 5 vol. | 4 Aluat. lib. | 7 in princ. tract. | de verb. sign.}

15 se habla de intenciones que no pueden rastrearse sino por palabras y señales exteriores debieron expresar quales vbo y ser estas demonstratiuas de aquella intencion [^m]; y tres testigos *que* refieren *que* se açoto vna negra el primero que es el testigo duodecimo en el *capitulo* duodecimo no habla

20 deste acto ni depone en forma el decimo tercio en el *capitulo* quarto dice *que* por mandado de mi marido açote a esta negra por que ayunava y le diximos *quera* vna perra embustera el testigo decimo septimo *capitulo* vndecimo depone tambien deste acto pero con el defecto *que* tengo referido y este vltimo pa-

25 reze *que* depone de oydas y de ambas deposiciones no se infiere la prueba de intencion o voluntad aunque el açotar la negra fuese el dia *que* se finge auer comulgado y no se suple este defecto con la segunda parte del *capitulo* *que* disponiendo como sucesiuo vn acto a otro dice que le mande quitar el escapula-

30 rio que trahia puesto diciendole, “anda hypocrita quitate ese mandil *que* traes ay,” y esta deposicion de vn solo testigo *ques* el decimo septimo en el *capitulo* vndecimo diciendo *que* lo supo sin decir como *que* supone *que* fue de oydas y de qualqui-

35 era manera vn testigo y que no da raçon de su dicho no hace prueba y en lo *que* añade *que* otras vezes vio *que* reñiamos a la negra por lo mismo es solo y singular aunque de todo punto no ay en *que* fundar este *capitulo*.

[fol.179r]

quando uoluia y lo mismo haciamos con las demas  
criadas y es dicho de vn solo testigo *que* es el decimo septimo  
*capitulo* quarto sin dar raçon de su dicho. La segunda par-  
te del *capitulo* - es que auiendo ido cierta persona el  
5 dia de san Nicolas del año pasado de sesenta a rezar su  
hora la embiamos a llamar estandola rezando primera  
segunda y tercera vez y *que* en fin se fue sin acabarla de  
reçar y *que* quando voluio la reñimos diciendo *que* para  
*que* se estaua en la iglesia papando santos - es tambien  
10 deposicion de vn solo testigo, *que* es el dicho testigo decimo  
septimo en el *capitulo* decimo octavo.

{LM: 19}

El decimo nono *capitulo* es decir que cierta persona hiço reparo  
en que todos los dias de los *que* asistio a mi marido y a mi  
entrando por la mañana quando despues de recordados  
15 la llamauamos y *que* puesta en el quarto del dormitorio de-  
cia dicha persona al entrar sea loado el *santisimo* sacramento bue-  
nos dias de Dios a *vuesa señoria* nunca oyo responder por siem-  
pre aunque algunas vezes el dicho mi marido decia "C" sin  
articular palabra es deposicion de oydas y fingimiento  
20 de vn solo testigo *que* es el decimo septimo acerrimo  
enemigo y censor nuestro en el *capitulo* decimo quarto de  
*que* no pudo formarse *capitulo* o cargo.

{LM: 20}

El *capitulo* vigesimo *que* en la casa en *que* mi marido y yo  
asistiamos el año de sesenta y vno teniamos en vna  
25 despensa entre inmundicias algunas imagenes de san-  
tos de *que* se dice en la acusacion *que* se demuestra vn  
hecho heretical con lo de mas *que* prosigue el *capitulo* se  
satisface con lo que tengo declarado en mis audien-  
cias en que insisto por *que* ni la casa ni las imagenes si algu-  
30 nas auia en algun aposento eran mias ni puestas alli  
por mi orden; y esta tambien es ficcion del dicho testigo  
decimo septimo en el *capitulo* decimo quinto pero no dice  
como lo sabe ni que inmundicias eran estas para *que* se  
causase indecencia ni cuyas eran las imagenes y es vn so-  
35 lo testigo y de la calidad *que* el mismo demuestra.

{LM: 21}

El *capitulo* vigesimo primo de *que* no solo impedimos mi  
marido y yo *que* la persona contenida en el *capitulo* dies y  
ocho no acabase de rezar su hora el dicho dia de san Nico-  
las sino *que* obligamos a *que* otra persona muy conjunta la

riñese porque se auia confesado y cumplido con dicha hora, de que se hace vna graue ponderacion, se elide con que es deposicion de vn solo testigo, que es el duodecimo, *que* en el capitulo duodecimo apunta algo de lo que dice el capitulo de la acusacion; y aunque alli dice *que* se açoto la negra, no expresa por *que* causa, y con solo este testigo, no procede el dicho capitulo.

{LM: 22}

El capitulo veinte y dos de *que* a mi ni a mi marido mientras estuvimos enfermos jamas se nos oyo llamar a Dios *nuestro señor*, ni a su santissima madre, ni a *santo* alguno, *que* esta es la primera parte del capitulo, no se funda mas que en el dicho de vn solo testigo, que es el decimo septimo, capitulo decimo sexto, *que* deponiendo de vna negatiua improbable y sin dar raçon de su dicho, ni poderla dar segun lo *que* pondero en la respuesta del capitulo duodecimo, dice *que* en las vezes que nos vio achacosos a mi y a mi marido jamas nos oyo llamar a Dios ni a *santo* alguno, en que se conoce ser manifiestamente falso y apasionado el testigo, pues ni siempre incessantemente pudo asistirnos y pudimos sin *que* el lo oyese inuocar a Dios y a su *santissima* madre, y a los santos como siempre lo hicimos. La segunda parte del capitulo es que ni en otra ocassion se halla *que* alabemos al *santissimo* sacramento, ni a dios, ni a su *santissima* madre, ni a otro *santo* es tambien de otro testigo, *que* siendo de negatiua y consequentemente de ninguna importancia, depone de tal forma *que* ni se reduce su dicho a sentido alguno ni a discurso *que* es el testigo duodecimo que en el capitulo decimo tercio, dice *que* sabia *que* ningun criado de mi marido abria *que* vbiese oydo [\*nos] alabar al *santissimo* sacramento, ni a dios, ni a su madre, ni a otro *santo* alguno, sin dar raçon de vna proposicion tan barbara. La tercera parte deste capitulo es que cierta persona que me comunicaua familiarmente desde que entre en el Nuevo Mexico nunca me oyo decir que tubiese deuocion a *santo* alguno en *que* dice el testigo que hiço reparo y añade la acusacion *que* muy legitimo respecto de la mala nota que contra mi y mi marido resulta de lo contenido en este capitulo de que no ay prueba por consistir en negatiua, y el testigo de *que* se saco esta vltima clausula del capitulo es el decimo septimo, capitulo decimo sexto en *que* es vnico y singular y inue-risimil y de cuya deposicion no se infiere cosa alguna, porque no se prueba que yo no tenia deuocion a *santo* alguno de *que* no se lo contase al testigo porque ¿que obligacion auia de decirselo, o *que* ocacion dice que se ofrecio de tratar desto

[fol.180r]

en que fuese forçoso decirlo?

{LM: 23}

Lo otro porque el vigesimo tercio capitulo en su primera parte (\*que) es que se reconocio que yo y mi marido iuamos a misa como violentados y forçados, y que aunque dauamos a entender que era por la inconmodidad de frios y nieues, concibieron los testigos que no nacia del dicho impedimento (\*??), sino del poco affecto (\*con que) biene a deducirse en juicio vn acto meramente interno y solo perteneciente al conocimiento de Dios

{LM: n. Marc. Mant. | cons. 24 n. 4 vol | 1 Menoch. de | arbitr. cas. 36 y n. 2 | Laurent. Silu. | cons. 7 n. 21 Man- | dos in reg. cancel | reg. 5. q. 4. n 7.}

nuestro señor, que es el affecto; y afirmar lo los testigos sin expresar conjeturas señales y demostraciones exteriores por donde rastrearlo, y siendo visible y patente la causa de los frios y nieues para que se hiciese trabajoso el ir a misa desechar esta causa, y recurrir los testigos a su malicia es hacer vn juicio temerario en que incurrieron el testigo quinto, *capitulo* segundo, diciendo *que* siempre reconocio *que* mi marido y yo iuamos algunas vezes a misa como forçados aunque dauamos a entender que era por la incomodidad de frios y nieues, pero que el testigo conciuio de nosotros poquisimo affecto a la deuocion de la misa sin dar la causa de tan temeraria y execrable deposicion

en que incurrio tambien el testigo decimo tercio en el *capitulo* tercero, *que* hablando de mi marido dice que jamas fue a oyr misa de voluntad, sino como violento y forçado sin decir de donde conjetura esta violencia o fuerça; y el testigo decimo septimo en el *capitulo* duodecimo dice que quando mi marido y yo iuamos a oyr misa iuamos como forçados o violentos con *que* en la estimacion del derecho todos estos testigos son falsos ni puede dar apariencia a esta primera parte del *capitulo* lo que se prosigue en el que dauamos orden a cierta persona *que* en embiandonos a llamar para oyr misa (que se supone era en los dias de precepto) dixiese(mos) que estauamos enfermos siendo assi *que* no lo estauamos, que es fundado en la deposicion de vn solo testigo que es el decimo tercio que aunque no dice tanto como el *capitulo* de la acusacion, depone en el tercero de su dicho (\**que*) hablando del dicho mi marido *que* muchas vezes daua por orden a vn criado suyo que enuiandolo a llamar para oyr misa dixese *que* estaua malo no estándolo. La tercera parte deste *capitulo* es que era publico y notorio en la villa de Santa Fe *que* se me pasauan dos y tres meses sin oyr misa sin tener enfermedad que me lo estorbase, pues en los dias de precepto en que se advirtio la falta estaua leuantada sin muestras de dolencia alguna y *que* esto se advertia mas especialmente en tiempo de inuierno en *que* no iuamos a oyr misa en los dias de precepto sino quando hacia mucho sol,

a *que* tengo bastantemente satisfecho en mis audiencias;  
y no se halla en los testigos lo que en la acusacion, pues  
vno solo *que* depone desto que es el primero en el *capitulo* prime-  
ro y vnico solo dice que era reparo comun en la *dicha* villa  
5 de *Santa Fe* sin decir de quien lo oyo o como supo *que* era reparo  
comun, *que* ni aun desta manera probaua por necesitar de tan-  
tos requisitos esta especie de prueba, dice pues que era repa-  
ro comun en la *dicha* villa de *Santa Fe* *que* mi marido no acudia  
a oyr misa a la iglesia sino es en dias de festiuidades y domingo.  
10 Y en esto nunca pudo auer nota ni reparo, y depone el  
testigo contra lo que contiene el *capitulo* y prosigue el tes-  
tigo *que* en el inuierno ni aun en estos dias estando la igle-  
sia vn tiro de (\*??) arcabuz de las casas reales y *que* lo mis-  
mo hacia yo y *que* solamente y *que* solamente iuamos a misa  
15 en tiempo de inuierno quando hacia algun dia de mucho  
sol; y aunque por ser este testigo vnico y singular, no hay  
prueba, no es de omitir que la qualidad en *que* consiste el  
*capitulo* es que en los dias de precepto en *que* dicen *que* dexa-  
mos de oyr misa estauamos sin enfermedad ni impedimen-  
20 to, *que* no lo dice este testigo, y debio expresarse y la cau-  
sa como lo sabia.

{LM: 24}

Lo otro porque el vigesimo quarto *capitulo* de que en los dias de ayu-  
no como los de quaresma en que yo y mi marido decia-  
mos que ayunauamos, bebiamos por la mañana chocolate  
25 con dos tostadas de pan y a la tarde con otras dos y que eran  
de una ogaza grande *que* se hacia de proposito; y *que* si se  
quebraua alguna eran tres y sino auia tostadas eran  
dos viscochuelos, y esto se atribuye en la acusacion a  
mofa del precepto del ayuno cena de lo qual tengo  
30 hecha declaracion en mis audiencias en *que* insisto, y lo  
*que* contra ello depone el testigo decimo tercio en el *capitulo*  
quinto de donde se traslada el de la su acusacion es effe-  
cto de la pasion, porque quando ayunauamos era en  
la forma que obserua la iglesia, y si tal vez comia de  
35 vna tostada de pan, de las ordinarias, no de las *que* pinta  
el testigo, era por la debilidad causada de mis continuos  
achagues y por el rigor de aquella prouincia del Nuevo  
Mexico, *que* es de los mas frios *que* se conocen; y bien se conuen-  
40 ze la afectacion de decir que para el efecto se hacia vna  
torta grande y mucho mas *que* si se quebraua vna tosta-



da eran tres, porque si el quebrarse era antes de lleuar la criada el chocolate, no auia de lleuar la quebrada, y la que substituya en su lugar, y si era al beberlo, era forçoso quebrarlas y no da este testigo raçon de su dicho; y el mismo defecto tiene el decimo septimo en el *capitulo* decimo, y quando esta no fuera, como es, ficcion de dichos testigos, el exceso en la paruidad de la materia disperable en el ayuno quando le vbi-ese no arguye mofa o escarnio del precepto, sino poca abstinencia en que incurren muchos católicos, y aun en terminos de las deposiciones destes testigos ya se reconocia el precepto, aunque se executase [\*mal] con que solo abria pecado pero no sospecha en la religion.

{LM: 25}

Lo otro porque el *capitulo* vigesimo quinto de que mi marido no hacia escrupulo de comer carne en los dias de vigilia, que esta es su primera parte y no me toca, es originado de la deposicion del testigo decimo tercio que en el *capitulo* decimo lo refiere sin decir si estaua achacoso o sano, y lo mismo milita en la deposicion del testigo decimo septimo *capitulo* decimo, que es en la misma forma. Y aunque prosigue el *capitulo* que llegando al Parral dos dias antes del domingo de ramos, comimos carne toda la semana *santa* yo y toda mi familia, sin que vbiese enfermedad alguna, aunque yo parecia que estaua [\*algo] achacosa, pero no de concideracion con lo de mas que refiere el *capitulo* tiene bastante satisfaccion con lo dicho en mis audiencias a que me refiero, y en fin segui el vso o la necesidad de la tierra por que alli no ay pescado, y sin embargo de que estaua grauemente achacosa procure comer cosas indiferentes; y como huespedes que eramos del gobernador de aquella prouincia, auiamos de comer la familia y los dueños della lo que nos diesen, pues no estaua a nuestro arbitrio ni podiamos tenerle en casa agena; y el testigo que depone desto que es el decimo tercio en el *capitulo* sexto confiesa que yo estaua algo achacosa que con su deprauada intencion disminuye el mal auiendo sido mucho, que no es del testigo calificar si era bastante a disculpar, y aunque prosigue la acusacion diciendo que aun parece que en la villa de Santa Fe continuamos este abuso, no ay testigo que lo deponga. Y sin embargo se hacen grauissimas y notables ponderaciones añadiendo circunstancias que tampoco estan probadas, y entre otras la de que me segregaua de los *santos sacramentos* de la iglesia no llegando a ellos en el tiempo en que era obligada; porque si vna semana *santa* estando en El Parral y yendo de camino y enferma,

no cumpli con esta obligacion, acudi a ella luego *que* pude,  
*que* fue el dia de corpus christi del mismo año, y en otra  
ocasion no se probara *que* aya faltado a esta obligacion.

5 Tampoco esta probada la circunstancia de la poca  
frecuencia a las iglesias a *que* tengo bastantemente  
satisfecho.

{LM: 26}

Lo otro porque el *capitulo* vigesimo sexto es decir *que* nunca  
se vio ni conocio *que* yo ni mi marido nos inclinamos  
a confesarnos materia sobre *que* regularmente no pue-

{LM: o Marcus Mant | cons. 24 n. 4 | vol. 1 per glose | in c de occiden- | dis 22 q. 5 et i- |  
nclem exiuit | de Paradiso [??] | verb. sign. c no- | uit de iudic. c | Kia de simon | Blanc. de  
indic. | n. 57 tom. 15 et | Ioan. Lug. in trac. | de matrim et legit. | pnl. n. 6 et 10 vbi | inquit  
esse quasi | impossibilem | probationae et | plene corn. cas. | 81. n. 6. vol 1. | et cons. 124 n. 3 |  
vol. 3 Hemed. | cons. 63 n. 3.}

10 de formarse juicio, y en *que* el testigo *que* depusiese sin dar vi-  
sible y concluyente causa seria temerario, y consequen[\*te]men-  
te falso, como lo es el decimo septimo, *que* en el *capitulo* diez  
y siete dice ciegamente *que* jamas vio ni conocio *que* yo ni  
mi marido nos inclinamos a confesarnos sin expre-

15 sar muestras o señales exteriores por donde auia de verlo  
o conocerlo; demas de *que* es deposicion de negatiua inde-  
terminada, y de cosa *que* no se sujeta a los sentidos,  
tampoco procede lo *que* en este *capitulo* se prosigue  
diciendo *que* yo solia decir en muchas y diuersas ocasi-

20 iones que jamas que estaua en officios me queria con-  
fesar porque los clerigos y los frailes reuelauan las con-  
fessiones y *que* en San Juan de los Llanos me auia sucedido,  
y assi hablaua de experiencia de *que* se hacen en la acu-  
sacion grandes y graues ilaciones y ponderaciones; pe-

25 ro no ay [\*bastante] probança de donde deducirlos porque el testigo duo-  
decimo en el *capitulo* tercero deponiendo de oydas dice  
que vna muger le auia dicho *que* me auia oydo decir  
*que* no me queria confesar porque los religiosos de alli  
reuelauan las confessiones, pero *que* despues me confese,

30 y el testigo decimo septimo en el *capitulo* diez y siete  
que es el que solamente parece dar motiuo a este  
*capitulo* depone auerme oydo decir muchas y diuer-  
sas vezes que nunca que estaua en officios me que-  
ria confessar, porque los clerigos y los

35 frayles reuelauan las confessiones, y *que*  
en San Juan de los Llanos me auia sucedido,  
y assi hablaua de experiencia con *que* este *capitu-*  
lo no tiene mas que este testigo de la ca-  
lidad que su mismo dicho demuestra y he ponderado.

Demas de que la materia de lo *que* aqui se me imputa, no conuiene con el asunto de la acusacion, *que* es decir *que* profeso la ley de Moises, pues se supone creer *que* ay *sacramento* de la penitencia y la obligacion del secreto de la *confession*, y aunque en esto  
5 no pasamos de lo *que* tengo dicho en mis audiencias, en *que* insisto, sin embargo en supposicion de los terminos del dicho *capitulo* y del testigo de *que* se forma no era el dicho considerable, ni tenia el cuerpo *que* quiere darsele ni el sentido o inteligencia debe ser otra, *que* como sucede las mas vezes no estar corrientes clerigos y religiosos con el alcalde mayor si aquellos mormuran de las acciones deste o sus domesticos, y la materia de la mormuracion es pecado *que* les ayan confesado viene a ser, sino reuelar formalmente la *confession* a lo menos poco recato y atencion al exacto secreto *que* requiere y en esta forma debia entenderse caso no concedido *que* yo vbiera dicho *que* reuelauan las confesiones, y que me auia sucedido; y tambien el *señor* fiscal en su acusacion esta en *que* no sucedio pues dice y es assi que lo vbiera expresado en mis audiencias.

{LM: 27}

Lo otro, porque el vigessimo septimo *capitulo* es *que* era en mi tan frecuente vicio el hablar mal de los sacerdotes *que* no solo injuriaua a los *que* estauan en el Nuevo Mexico, sino *que* decia *que* vn beneficiado rico, nombrandolo por su nombre, que auia muerto con once o doce hijos y su amiga a la cabezera; y aunque en esto tengo declarado en mis audiencias, no es cosa *que* induzga delicto contra la fe, porque quando vbiese mormurado de los religiosos del Nuevo Mexico entre quienes y mi marido auia disenciones y enemistades y tan reñidos pleytos y vbiese dicho del beneficiado lo que se me imputa es vn pecado de mormuracion y demostracion de mal afecto a las personas y sujetos, pero no a la religion y estado sacerdotal, *que* respecto y venero; y la consecuencia *que* se infiere en la acusacion diciendo *que* desto resulta sospecha de que siento yo que el proximo se puede disfamar sin escrupulo es tan nueua y general *que* pudiera aplicarse a todas las especies de pecado, diciendo *que* de ellos se induce sospecha de que quien los comete siente que pueden cometerse sin escrupulo, pues no ay mas rason en el de la mormuracion *que* en los demas *que* fueren en perjuicio del proximo; y ni aun deste *capitulo* ay mas probança *que* vn solo testigo, que es el duodecimo en el *capitulo* primero que me [\*??] expresado lo que dice de los religiosos.

{LM: 28}

Lo otro, porque el vigessimo octauo *capitulo* de que no cuide este *que* mi familia viuiese en temor de Dios ni de que cumpliese con los pre-

ceptos eclesiasticos, y que en algunas personas que lo advirtieron resulto no pequeño el escandalo y reparo (\*??) general, porque debieron especificarse estos y ocasiones en que mi familia vbiese excedido o estado escandalosa, y que yo lo supiese y consintiese y las ocasiones en que dexo de cumplir con los preceptos eclesiasticos porque antes convienen los testigos o a lo menos suponen que acudio al de la confession y communion las semanas santas; y en vna que fue la que yendo de camino tube en El Parral si yo por enfermedad, y ella por embarazo de ir caminando, no cumplio con este precepto, depone el testigo de cuyo dicho se formo el capitulo que de esto trata que yo el dia de corpus christi y mi familia luego que llego al Nuevo Mexico, comulgamos; y los testigos pertenecientes a este capitulo que son el duodécimo en el capitulo nono, y el decimo quarto en el capitulo quarto dicen el primero que jamas, aunque fuese en semana santa, oyo vio ni supo que yo ni mi marido aconsejasemos o mandasemos a los criados que fuesen a confesarse, y el otro que la semana santa no aconsejauamos a los criados que fuesen a misa, deponen de negatiua improbable, y lo que primero debieron decir, y no lo dicen, era que no se confesauan i oyan misa los criados porque los dueños no cuidauan desto, y pasar luego a dar la raçon de como sabian que no cuidauan, sobre que tengo informado en la respuesta al capitulo duodécimo [\*??].

{LM: 29}

Lo otro, porque el vigesimo nono capitulo es de que jamas vieron las personas de mi familia que yo ni mi marido reçasemos ni contasemos vidas de santos, ni tubiesemos deuocion alguna, ni se nos vio jamas rosario en la mano saluo algunas veces que quando yo iua a misa le lleuaua, y en voluiendo le guardaua, que esta es la primera parte deste capitulo y en raçon della tengo declaradas en mis audiencias las muchas devociones que siempre he tenido y tube en aquel tiempo, y entre otras el de reçar cada dia el oficio de nuestra señora; y se puede probar con todas las personas que me conozen, y an comunicado assi en esta ciudad, como en otros lugares quan atenta he sido a mis devociones, a rezar el rosario y frequentar las iglesias, y los santos sacramentos. Y los testigos que desto testifican el duodécimo en el capitulo segundo no habla de mi y tiene el defecto de ser de negatiua, y no dar raçon de su dicho, o por hablar mas propiamente, no poderla dar, y lo mismo se halla en el testigo decimo quarto capitulo tercero y en el testigo decimo septimo en los capitulos sexto y decimo

nono, y en el testigo vigesimo quarto *capitulo* primero; y este vltimo confiesa que algunas vezes aunque pocas vio a mi marido con vn rosario en la mano, mas *que* no sabe si reçaua; y assi conforme a lo *que* tengo alegado en la respuesta al *capitulo* duodecimo, no ay probança alguna en la primera parte deste, ni en la segunda en *que* se dice que quando yo y mi marido viamos el rosario al cuello a cierta persona *que* nos asistia o a otra qualquiera de casa les deciamos que eran hypocritas *que* se quitasen aquellos colgajos del cuello, por-  
5 *que* vn solo testigo, que es el decimo septimo en el *capitulo* sexto, dice que quando viamos a los de casa el rosario al cuello les deciamos lo referido mas este testigo es singular y tan apasionado como muestran sus deposiciones.

{LM: 30}

Lo otro porque en raçon del *capitulo* trigesimo de *que* yo con mucho cuidado guardaua la gaueta de vn escritorio *que* era la de enmedio no consintiendo *que* persona alguna viesse lo *que* auia en ella, y lo demas *que* contiene el *capitulo* no pasa mas de lo *que* he declarado en mis audiencias; y esta es vna de las ficciones del testigo decimo septimo, *capitulo* nono, *que* es el  
15 *que* motiua el de la acusacion, y quando no lo fuese era accion de *que* no puede congeturarse culpa, pues puede cada vno en su casa guardar y ocultar de los criados lo *que* le pareciere, mas no quiso este testigo que obiese accion humana *que* me fuese permitida, ni expresa el fin a que esto pudiera atrivuirse.  
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{LM: 31}

Lo otro porque al *capitulo* trigessimo primo *que* es decir *que* a los delictos referidos añade el ser magica y supersticiosa, porque referi que me auian dado vnos polvos y los auia echado a mi marido en la cama hacia los pies, y lo demas que el *capitulo* propone y pondera se satisfase que no ay mas testigo *que* deponga de la *confession* extrajudicial *que* se me imputa *que* vno solo que es el vigesimo tercio *capitulo* primo y vnico  
25 *que* dice que yo se lo conte a vna muger en *que* depone sinies- tra y apasionadamente y aunque pretende el *señor* fiscal que esta *confession* *que* se dice auer yo hecho me perjudica aunque sea extrajudicial por especial prerrogatiua de la causa de fe en que se alega ser bastantes semejantes *confessiones* extrajudiciales para prueba del delicto y imposicion de su pena, se responde, sin tocar a esta ques-  
30 tion, que no puede auerla en *que* esta *confession* extrajudicial que se me imputa auia de probarse con dos testigos mayores de toda excepcion, y pues falta este presupues-  
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40

[fol.183v]

{LM: p. Torreblanca | in epitome de | Autor. [?] cap. 8 An. | 17 praecipue n. 26}

to, no se necesita de satisfacer mas; en forma *que* tambien  
pudiera alegarse *que* vsar de cosas superticiosas en *que* ay pacto  
implicito es pecado mortal grauisimo proreso bastante  
para condenar de manifiesta heregia, pero no es nesesa-  
ria mas defensa *que* no estar probado el cargo o capitulo.

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{LM: 32}

Lo otro, porque el *capitulo* trigessimo segundo de que se decia  
*que* yo recogia la sangre del menstruo, y lo *que* se pondera  
en orden a *que* coadjuve al antecedente, y lo demas *que* pro-  
sigue la accusacion se satisface con *que* en la publica-  
cion de testigos *que* se me dio no ay probança *que* ocasione  
motiuo a este capitulo, que por increíble y indigno de  
referirse necesitaua de exactissima prueba; y des-  
ta misma alegacion me valgo para excluir otro delicto  
*que* en la relacion o compendio de los que se proponen en  
la acusacion se refiere en el capitulo quarenta y vno,  
acusandome de sortilega superticiosa, no auiendo  
en todos los autos ni aun remota conjetura de crimen  
de sortilegio.

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{LM: 33}

Lo otro porque el *capitulo* trigessimo tercio de *que* vsaba po-  
nerme todos los dias en los pies cascos de cevolla, y *que*  
aunque preguntada por cierta persona respondi *que* me  
los ponía por remedio para los callos, y *que* se ha de enten-  
der ser afectado el motiuo y *que* seria alguno supersticio-  
so, se encamina a presumir o imaginar delicto sin  
motiuo *que* pueda dictar semejante presumpcion,  
pues cupiera en todas las acciones indiferentes y  
nadie pudiera curarse con remedios de los *que* no son  
muy conocidos sin sujetarse a esta sospecha; y esta  
fue deposicion del testigo duodecimo *capitulo* quinto *que* de-  
pone *que* vna muger de mi casa se lo dixo y del testigo  
decimo septimo, que en el *capitulo* tercero dice *que* vio *que* me  
ponia en los pies cascos de ceuolla, y *que* preguntada  
por vna criada, dixe que era remedio para los callos  
con que se descubre la malicia y aborrecimiento destos tes-  
tigos, que atribuyen a supersticion vna accion tan per-  
mitida.

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{LM: 34}

Lo otro porque el *capitulo* trigessimo quarto es *que* a la publica-  
cion del edicto de la *santa* fe que se hizo en aquella villa [\*no]  
asistimos yo y mi marido, y que yo no oy misa aquel dia,  
auiendose pregonado *que* pena de excomunion acudiesen  
todos, y *que* no tubimos indisposicion *que* nos escusase

40

y *que* aunque mi marido aquel dia y los dos antecedentes auia estado en la cama era fingida la enfermedad, y que los criados y otras personas de fuera dias antes decian *que* se auia de hacer malo para no asistir, y con este supuesto se procede a ponderar el  
5 capitulo; y como tengo declarado en mis audiencias en aquella ocasion estaua yo tullida y mi marido enfermo en cama, y decir el testigo octauo en el *capitulo* segundo *que* se sauia por publico *que* estauamos buenos mas es temeridad *que* deposicion, pues esta auia de ser con los requisitos de *que* necesita la prueba  
10 de fama o voz publica, ni dice como la vbo ni da raçon de como pudo auerla ni el saberlo y el testigo vndecimo *capitulo* vnico no perjudica ni concluye nada porque dice *que* no sabe *que* yo estubiese achacosa y su obligacion era afirmar que estaua sana y el testigo decimo tercio *capitulo* octauo no dice mas de *que* no fui  
15 sin expresar si estaua buena o mala; y de mi marido dice que le parecio *que* la enfermedad era supuesta; *que* este modo de deponer sin dar raçon del juicio *que* hace no solo es reprobado, sino *que* induce presumpcion de falso; y este es el *que* depone *que* oyo a los criados y a otras personas de fuera dias antes *que* mi  
20 marido no auia de asistir porque es deponer sin forma y de vn juicio temerario, y vltimamente lo desuanese todo con rematar el dicho diciendo *que* mi marido y yo mandamos *que* vna persona fuese a oyr el edicto; y el testigo decimo quarto en el *capitulo* quarto dice que aunque mi marido estaua en la cama no pa-  
25 reze que el achaque era riguroso y esto no lo auia de juzgar el ni da raçon de lo que juzgaua y de mi dice *que* estaua buena sin poder saber si lo estaua ni dar causa de como lo sabia.

{LM: 35}

Lo otro, porque el capitulo trigessimo quinto en *que* se refiere que yo pregunte a vn religioso si mi marido estaua preso por este *santo* tribunal, y que fue con grande conato y repeticiones y admiraciones de que no lo estubiese y yo sola fuese la presa, es trasladado de la deposicion del testigo vigessimo quinto, *capitulo* primero, y vnico cuya singularidad, afectación, y estylo estan demostrando vna dañada intencion y capital enemistad pues con imputarme las preguntas y admiraciones que finge quiere inducir presumpcion de culpa contra mi marido; y siendo vn solo testigo y de la calidad que muestra el tener [tenor] de su dicho, no resulta bastante prueba de indicio o congetura.

{LM: 36}

40 Lo otro porque el *capitulo* trigessimo sexto *que* pregunte a cierta persona si auia ido a mi casa, y diciendome que no, le rogue *que* fuese

otro dia y de vna caixa de chocolate me sacase y lleuase dos cartas que en ella, auia manchadas de tablillas de chocolate porque consistia en ellas mi total defensa, de que la persona salio con sospecha, diciendo, “A este muger le acusa la consciencia; estas cartas  
5 no son buenas, y las quiere consumir,” y concluye el capitulo que se debe presumir no serlo, y mandarme declare las que son, de quien, y lo que contienen; y aunque ya lo tengo dicho en mis audiencias y el cargo es de la calidad que se conoce, no ay probança que le motiue; pero cartas que siruieron  
10 de hacerse en ellas tablillas de chocolate, ¿que cartas, y de que importancia pueden ser?

{LM: 37}

Lo otro porque el capitulo trigessimo septimo de que el presente comisario hiço açotar a vna muchacha porque lleuo vn recaudo a mi marido y que hable libre y impacientemente, a que  
15 el padre comissario me correspondio con vna aspera reprehension y que como no obedecia el precepto debaxo de excommunion de que no comunicase a persona alguna, y lo demas que refiere el capitulo sobre que se hace vna graue ponderacion viene a ser de la qualidad del antecedente, porque no ay probanca en que fundarlo; y en esta raçon tengo declarado en mis audiencias, principalmente sobre que no se me intimo semejante censura y la accion que se me imputa de que enbie recaudo a mi marido no tiene conexi3n, con el fin de la acusacion que se encamina a (\*que soy) quererme introducir profesora de la ley de Moises y magica; y aviendo sucedido era accion muy remota destes fines, y que trahe consigo la disculpa del affecto y amor a mi marido, que de tantas exemciones goça en el derecho, especialmente en causas criminales.  
20  
25  
30

{LM: 38}

{LM: q. Tiraquell | de proen | temp. causa | 4 per totam}

Lo otro porque el capitulo trigessimo octauo de que diuisando el [\*carro] en que iba cierta persona dixee con muchas lagrimas y indignacion algunas injurias contra los religiosos del Nuevo Mexico, que eran vnos traidores enemigos de Dios, sacrilegos hereges, malos sacerdotes y christianos y otros ymproperios,  
35 que como lleuauan a aquel innocente sin culpa ni causa sino por las falsedades y testimonios de dichos religiosos, que la justicia de dios con rayos, fuegos, y castigos del cielo, baxase sobre ellos es fundado en la deposicion de vn solo testigo que es el vigessimo sexto, capitulo primero; y aunque  
40



tambien tengo dada satisfaccion en mis audiencias deste capitulo,  
la materia del incluye vn pecado de mal afecto a dichos religi-  
osos, pero no contra la fe ni se encamina[\*ua] contra la religion, sino  
5 contra los religiosos, y concurrían las circunstancias de la  
compassion y amor a mi marido, y el sentimiento de verle y  
verme en tan misero estado, y la ponderacion de que parece  
*que* injurie en cierto modo el recto proceder deste *santo* tribunal  
presumiendole no tal no cabe en el hecho del capitulo pues  
10 decir *que* padecia mi marido sin culpa ni causa por las fal-  
sedades y testimonios de dichos religiosos no toca a este  
*santo* tribunal, sino a ellos que serian testigos autores de la delacion.

{LM: 39}

Lo otro porque el *capitulo* trigesimo nono de que estando yo con muchos  
sentimientos para templarmelos me dixo vna persona,  
que me consolase con venir a vn *santo* tribunal donde me guardari-  
15 an justicia, pues auia en el ministros tan santos y ajusta-  
dos, agenos de passion, respondi que, que ministros, ni passion,  
pues cometian mi prision, y la de mi marido a enemigos co-  
nocidos, a *que* me respondio *que* no hablase cosa semejante, *que* este  
*santo* tribunal no tenia por tales a los *que* executauan sus ordenes  
20 y mandatos, que en aquellas prouincias no auia otros minis-  
tros sino los religiosos del *señor* san Francisco, sobre *que* se hace en  
la acusacion vn discurso graue imputandome *que* senti me-  
nos decentemente [\*de lo que debia] deste *santo* tribunal y de sus procederes y  
*que* fue desconfianza de que se me guardaria justicia, y que  
25 fue osadia y deslenguada audacia viene a reducirse a  
la falsa y apasionada deposicion de vn solo testigo, *que* es  
el vigesimo sexto capitulo segundo *que* no fue sino denunciaci-  
on *que* este nombre se le da en la dicha publicacion de testigos  
y con ella sola no ay bastante fundamento para el *capitulo*  
30 en cuya raçon tengo declarado en mis audiencias a que  
me refiero y caso no concedido que esta no fuese como es vna  
falsa delacion y *que* en raçon de la materia deste capitulo se  
ubiera introducido alguna conuersacion lo *que* pude decir  
*que* ni aun eso dixere era *que* que importaua la justificacion  
35 y rectitud de este *santo* tribunal si los executores de sus man-  
datos eran apasionados, y a esto alude el testigo o denuncia-  
dor diciendo *que* me replico no hablase cosa semejante *que*  
este *santo* tribunal no tenia por tales a los *que* executauan  
sus mandatos que en aquella prouincia no auia otros mi-  
40 nistros sino los dichos religiosos. Pero nunca pude decir ni cre-  
er que este *santo* tribunal cometia la execucion de sus mandatos a per-  
sonas apasionadas sabiendo *que* lo eran ni faltar a la venera[cion] (??)

en *que* siempre le he tenido, ni desconfiar de *que* a sus ojos venia muy segura mi inocencia y *que* auia de mirar mi causa con la justificacion y misericordia, *que* acostumbra pues esta no solo se verifica en templar las penas en los *que* se hallan culpados sino en la benigna interpretacion de lo *que* se les opone a los *que* se pretende *que* lo parescan.

{LM: 40}

Lo otro porque el *capitulo* quarenta se encamina a culparme de negativa y *que* la constancia en mis audiencias es proteruia a *que* se satisface *que* no puede darse nombre de negatiuo a quien no es-

{LM: r. Simanc. vbi Sa. | tt 51. n. 12 Mascar. | concl. 856. n. 12 | s. Imerito tt pro soci. | Menih depraesump. | lib. 1. q. 38 | n. 11 et lib. 3 praes. | 86. n. 9. | t. probationes simi- | plenae aut imper- | fectae etsi multae | concurrant non suffic | iunt ad plenam | faciendam fidem in crimi- | ne haeresis. Simanc. | tt 51 n 5 | Testibus singularibus | neque in genere neque | in specie probatur haere- | sis idem tt 64 n. 79. | et 81. nam si singulares | sint et prorsus di | uersi perinde sunt | ac si vnus testificare | tur. ibidem n. 31 et 32 | Duo testes necessari | sunt ad haeresis pro- | bationem fide digni | et omni exceptione ma- | iores idem tt 64 n. 36}

10 ta encuencido, y lo *que* se prosigue *que* deste *santo* tribunal debe entenderse que no procede a prision sin bastante informacion, se responde *que es* assi, pero *que* no es lo mismo ser la informacion bastante para inquirir processar y prender *que* para condenar.

{LM: 41}

15 Lo otro, porque en el *capitulo* quarenta y vno se propone *que* es de presumir *que* he hecho y cometido visto hacer decir y cometer otros delictos mayores y menores, cuyo conocimiento toca a este *santo* officio, y que los callo y encubro maliciosamente a *que* resiste el derecho que como tantas vezes he repetido, no presume delictos sino se prueban; pasa el *capitulo* a reducir a compendio los *que* en la acusacion se han deducido y aun añade otro no tocado en ella ni por los testigos que el del sortilegio a *que* tengo bastantemente satisfecho en la respuesta a cada vno de los *capitulos que* todos son diuersos en su substancia y en el hecho y miran a diferentes fines independientes del assumpto de la acusacion y los testigos, *que* deponen en ellos son singulares sin expresion de causa y sin verisimilitud de lo *que* testifican y en ninguno de dichos *capitulos* se hallan dos testigos fidedignos mayores de toda excepcion y contestes a *vuestra señoria* pido y suplico *que* sin embargo de lo propuesto en dicha acusacion se sirua de absoluerme y darme por libre reintegrandome en mi antigua opinion y fama en que recibire merced con justicia *que* pido y juro a Dios y a la cruz deste pedimento y si otro mas formal y juridico me conuiene hacer lo suplo y he por fecho y en lo necesario, etcetera.

35 Otro si presupuesto el delesiabo (??) del *señor* fiscal, digo que conforme a los meritos de la causa no ay fundamento para la pretension del tormento, por de *que* tengo informado en la respuesta a cada vno de dichos *capitulos*, y assi se ha de seruir *vuestra señoria* de declarar no auer lugar la dicha pretension. 40 *testado*: y que mos *que* = piedra = sexto y *que* en algunas personas *que* = nide (\*??) cumplase con los preceptos ecclesiasticos e(\*??) vago = j = *que* soy = entre ren[glones]: y ha de le(\*??)los = mas fidedigno = y sin ella no vale (\*??)ador = ua = dicho = dice = qua (\*??) añade *que* = d: n: digo: bastante: septimo vago y: a esta: ua: =del *que* debia enmendado: m (\*??) a.I. (\*??)jer total= fuera de renglón: tamos(\*??)fol = grosor = carro

45 Don Alonso de Alauas Pinelo {RUB.} Doña Teresa de Aguilera y Roche.

[fol.186r]

{LM: Audiencia | de su | voluntad}

En el *santo officio* de la *inquisicion* de la *ciudad* de Mexico  
martes, veinte y dos dias del mes de abril de  
mill y seiscientos y sessenta y quatro años, es-  
tando en su *audiencia* de la mañana el *señor* inquisidor  
5 doctor don Pedro de Medina Rico, *vissitador* deste  
tribunal, mando traer a ella de su carcel, a  
*doña* Theresa de Aguilera y Roche, a la qual  
siendo *pressente*, le fue dicho que aier en la *vissita*  
de carcel pidio *audiencia* que en ella esta que  
10 diga para que la quiere y en todo diga la ver-  
dad so cargo del juramento que tiene fecho.  
Dixo que es *verdad que* la pidio para decir en este *santo*  
tribunal que el primero dia que el *señor* inquisidor  
*vissitador* de este *santo* tribunal le dio *audiencia* que  
15 fue a once de abril del año passado de mill  
y seis cientos y sessenta y tres, saliendo esta  
confessante de esta *audiencia* para el quar-  
to del alcaide, a donde estaba, le dixo Juan  
de Cardenas, aiudante de alcaide, que le

{LM: Contra Juan de Cardenas | sacado a su proceso}

20 pessaba mucho de todos sus trabajos, que la  
hauia conocido en mui diferente esfera en cassa  
de sus padres en Cartagena quando era su  
padre *gouernador* y *capitan general* de dicha *prouincia*  
en tiempo de los galeones de don Geronimo  
25 Gomes de Sandobal, donde el era proveedor  
de dichos galeones, que en aquel tiempo le dio  
a el su padre de esta confessante vna boleta  
para sacar de las bodegas pipas vacias para  
hacer aguada para los galeones, y que

por este conocimiento de su padre le pesaba mucho de sus trabajos, y *que* le ayudaria y haria por esta confessante quanto pudiesse, y tambien porque el era muy amigo de los  
5 parientes de su marido, lo qual le agradecio todo esta confessante. Y despues aconsejo a esta confessante que viniesse a pedir en esta *audiencia* que mandase su señoria detener la gente que hauia venido en los  
10 carros del rey para ser examinadas en sus descargos [\*i como lo hiço]. Despues le insto muchas veces que viniesse a pedir al tribunal la *caussa* de su prission, y que dixesse en el muchas cossas que esta confessante no quiso decir como que pidiera la *caussa* de estar  
15 tanto tiempo *pressa* sin *caussa*, diciendole muchas veces, “Esta bien, puede ser justicia, y lo deue de ser, pues se hace; mas yo no lo entiendo,” aconsejandole que se quejasse  
20 del *señor inquisidor* o de los señores inquisidores; y preguntandole esta confessante si aquello de detenerlos *pressos* sin decirles la *caussa* de su prission se hacia con todos los *pressos*, respondia que no se hacia. Y que quando  
25 se le dieron los *cargos*, la pregunto el susodicho si le hauian dado los *cargos*, porque antes, quando la traia a esta *audiencia*, la decia, “Oí le dan los *cargos*, mañana, le dan los *cargos*”; y esta confessante le respondia  
30

[fol.187r]

respondia que ya se los hauian dado, porque el  
dicho Juan de Cardenas se exasperaba mucho  
quando le decia esta confessante como todavia  
no le hauian dado los cargos, a que respondia dicho  
5 Juan de Cardenas, “Voto a Dios, yo no se que ha-  
cerme si esto no basta; baste la misericordia  
de Dios.” Y muchas veces la persuadia a que  
pidiessse audiencia, y ella escussaba algunas  
de pedirla, diciendole que que hauia de pedir  
10 en audiencia, que ella era muger corta en  
especial en las cossas tocantes a este *santo* tribunal,  
aunque le parecia que en las demas no era tan  
corta; pero esta confessante no le dixo que car-  
gos eran los *que* se le hacian, y sin embargo di-  
15 cho Juan de Cardenas hablaba a esta confessante  
en ellos, porque estando esta confessante y su  
marido en el reino del Nuevo Mexico, dixo a  
esta confessante y a su marido, Toribio de la Gu-  
erta y Juan Dominguez de Mendoza, residen-  
20 tes en dicho Nuevo Mexico, y asistentes en su  
cassa de esta confessante, como se mormuraba  
que esta confessante se lababa la caueza en la  
forma, conviene a sauer los viernes en la noche,  
y con esto, esta confessante, pregunto al dicho  
25 Juan de Cardenas, si aquello de labarsse la  
caueza tocaba a este *santo* tribunal, y el respon-  
dio que si; y por esta caussa tenia noticia  
de ellos. No se acuerda si hablo o no en otro  
algun cargo; y oiendo el dicho Juan de Cardenas  
30 que esta confessante le decia que ya se le hauian

[fol.187v]

dado cargos, respondio, “Vendito sea Dios,” y  
pregunto a esta que que le parecia de los cargos,  
a que le respondio que no sauia, que como  
5 muger y en cossas de este *santo* tribunal no en-  
tendia la calidad de dichos cargos. Y despues  
dicho Juan de Cardenas dixo a esta *confessante*  
que don Bernardo Lopez, su marido, le em-  
biaba a decir que cargo era el que mas cui-  
dado le daua. No saue esta *confessante* si  
10 se lo pregunto o no dicho don Bernardo;  
que pudo ser que el por ver lo que esta sen-  
tia se lo preguntasse con aquel pretexto; y  
esta *confessante* la [sic] respondio, que no sauia  
que cargo, o, cargos eran los que eran de  
15 mas cuidado, porque ella no lo sauia  
como muger, y en cossas tocantes a este *santo officio*.  
Y despues aconsejo dicho Juan de Cardenas a  
esta *confessante* que pidiera papel y tacha-  
sse a muchas perssonas del Nuebo Mexico,  
20 o a toda la tierra, y en particular a los frai-  
les; y diciendole esta *confessante* *que* no los co-  
nucia a todos, y que que hauia de decir de  
todos, que si les hauia de lebantar falssos  
testimonios, a *que* respondio que no lebantase  
25 falssos testimonios, pero que todos los frailes  
decian contra esta confesante, y assi era me-  
nester tacharlos; y diciendole esta que ya  
no se acordaba de muchas cossas, respondio  
el dicho Juan de Cardenas que “Si *vuestra merced* no  
30 se acuerda de sus defenssas, ¿que quiere que

[fol.188r]

le haga yo?” Y despues pregunto esta confessante  
al dicho Juan de Cardenas que que cossas se hauian  
puesto por cargo a los pressos del Nuebo Mexico,  
combiene a sauer, el sarjento maior Francisco  
5 Gomez Robledo y a su primo Diego Romero, y  
Christobal de Anaia y Nicolas de Aguilar,  
a que respondio que a todos quatro se le ha-  
uian puesto grandes cargos, en especial al dicho  
sarjento maior Francisco Gomez Robledo, que le  
10 hauian puesto cargo de judio, y que hasta con  
su padre judaizaba, y que hauian depuesto del  
hasta que tenia cola, y le hauian registrado  
los cirujanos, y que hauian visto que era falso.  
Y que Diego Romero estaua loco, y que el di-  
15 cho Diego Romero vino a este tribunal a acu-  
ssar al dicho Juan de Cardenas; de como hauia  
dicho Christobal de Anaia, de que estaban en  
esta ciudad sus hermanos los Dominguez, por  
que el dicho Christobal de Anaia le hauia pre-  
20 guntado a el dicho Juan de Cardenas si es-  
taban en esta ciudad sus hermanos, y le hauia  
respondido que si; y que el tribunal por  
no dar credito al dicho Diego Romero por  
estar loco, no lo hauia castigado a el; y assi  
25 que por amor de Dios mirasse esta confessante  
no se le soltasse alguna palabra en este  
tribunal por donde le pudiessen venir a el  
daños. Y assi mesmo aconsejaba el dicho Juan

de Cardenas que viniessse a este tribunal y dixesse, que como se hacia justicia a vnos, se hiciesse a otros, y que no fuesse justicia de compadres; como dandole a entender que el *señor inquisidor vissitador* hacia por los frailes del Nuebo Mexico no hiciesse contra esta confessante y su marido; y esta le respondia que como hauia de venir a decir esso, que qualquiera juez, aunque fuesse de palo, lo sentiria por  
5  
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a su señoria, a que le respondio dicho Juan de Cardenas, que si era esta confessante alguna yndia, que porque no hauia de hablar y decir, a que le respondia esta confessante que no era justo ni eran cossas para dichas y sin embargo continuaba en la persuacion, diciendo que antes el *señor inquisidor vissitador* se olgaria de que se lo dixesse, a que le respondio esta confessante que si se holgaria de oir las defenssas, pero no lo que no era a propossito, y que quien hauia de tener animo para venir a decir aquello; a que respondia el dicho Juan de Cardenas que alli prendian vn hombre de el campo, y se defendia, que siendo assi, como esta confessante criada en palacio, y entre gentes entendidas no se defenderia. Y despues pocos dias a dixo a esta confesante el dicho Juan de Cardenas que el gobernador del



[fol.189r]

del Nuevo Mexico, don Diego de Peñalossa,  
hauia prendido al comissario de este *santo officio*  
y lo tenia con dos pares de grillos. Esto se lo dixo  
con ocassion de que esta confessante le solia pre-  
5 guntar por dicho don Diego de Peñalossa, y por  
los frailes del Nuebo Mexico, y si este *tribunal*  
estaba bien con ellos; a que hauia respondido  
el dicho Juan de Cardenas *que la real audiencia*  
de esta ciudad hauia quitado el officio a di-  
10 cho don Diego de Peñalossa y lo traian pre-  
sso a esta ciudad con vnos grillos, que todos yban  
pagando; que la prission de fray Juan Rami-  
rez, por este tribunal que estaba presso, se  
hauia caussado de hauerles hecho mal, y que  
15 porque no hauia dicho antes contra el dicho  
fray Juan Ramirez, lo de la comission; que  
aquel propio dia hauia llamado el *señor inquisidor*  
a don Bernardo Lopez su marido, y se lo  
hauia preguntado que por que esta *confessante*  
20 no lo hauia dicho antes, a *que* respondio que no  
se le hauia acordado, y tambien dixo a  
esta confessante como estaba presso en la car-  
cel de corte de esta ciudad don Juan Mansso,  
alguacil maior *que* fue deste *santo officio*  
25 para la prission de esta confessante y su marido  
que todos yban pagando; y diciendole esta  
confessante que si aquello se podia creer,  
porque ya esta confessante no lo creia, respon-  
dio el dicho Juan de Cardenas que el hauia

[fol.189v]

visto carta y la hauia leido en *que* se decia assi  
y que estaban aguardando vnos carros que  
venian en que venia el pliego para este  
*santo officio*. Y por ser mas de las doze del dia,  
5 se quedo esta audiencia en este estado para  
continuarla en la de mañana en que se  
le leera, con lo qual dicha *doña* Theressa  
de Aguilera, amonestada que todauia  
lo piensse bien y diga la *verdad*, fue man-  
10 dada voluer a su carcel, y lo firmo  
entrerenglonas, como lo hizo enmendado.  
Eso valga.

Doña Teresa de  
Aguilera i Roche  
15 Passo ante mi,  
Bartolome de Galdiano. {RUB.}

{LM: Audiencia en que | prosigue declarando *contra* | Juan de Cardenas | sacado a su proceso}

En el *santo officio* de la *inquisicion* de la ciudad de Mexico,  
lunes veinte y ocho dias del mes de abril  
de mill y seiscientos y sessenta y quatro años,  
20 estando en su audiencia de la mañana el *señor inquisidor*  
*doctor* don Pedro de Medina Rico, vissitador de este  
*santo tribunal* mando traer a ella de vna de las  
carceles de este *santo officio* a  
doña Teressa de Aguilera y Roche, pressa  
25 en ellas, y siendo pressente la fue dicho  
si trae alguna cossa acordada que deua  
decir en este su negocio y caussa la diga  
y en todo la verdad so cargo del juramento  
que

[fol.190r]

que tiene fecho.

Dixo que por aora no se le ofrece cossa alguna  
que decir acerca de su negocio, solo continuar  
en decir lo que toca a lo que el capitan Juan  
5 de Cardenas ajudante dixo a esta confessante,  
y lo que passa es que algunos dias antes que  
a esta confessante se le diessen los cargos, que  
se le dieron despues en la acussacion, dixo a esta  
10 confessante el dicho *capitan* Juan de Cardenas *que*  
el *señor inquisidor* vissitador estaba haciendo informa-  
cion de los procederes del *padre* comissario fray  
Alonso de Possadas, *que* lo es en el Nuebo Mexico,  
y que allaba que hauia procedido como vn  
15 angel, y que aquel propio dia hauia ex-  
saminado el dicho *señor inquisidor* vissitador a fray  
fulano de Villasis (*que* no le saue esta con-  
fessante el propio nombre) religioso lego  
de la orden del *señor* San Francisco, el qual  
20 hauia dicho, vn grande dicho en fauor del  
dicho padre Comissario. Y de alli a vnos dias,  
como tres o mas, hiendo dicho *capitan Juan* de Carde-  
nas a la carcel de esta confessante a llebar la  
comida, poniendosse la mano en el pecho,  
dixo a esta confessante, “Plegue a Dios, ple-  
25 gue a Dios, que por el camino *que* se a hecha-  
do que resulte en maior seruicio de Dios  
y honra de *vuestras mercedes*; plegue a Dios mire  
lo que le digo.” Y con los ojos llenos de lagri-  
mas, cerro la puerta y se fue, con que esta  
30 confessante no le pudo preguntar la caussa

[fol.190v]

por *que* lo decia; y le parece, aunque no esta cierta,  
que despues pregunto a dicho *capitan* Cardenas  
que qual era el camino *que* le decia, y que  
le parece, *que* le respondio que por el peor;  
5 y los dias passados que no saue quantos  
fue el dicho *capitan* Cardenas a su carcel al  
medio dia y le dixo, que a que venia  
a esta *audiencia* (porque aquel dia hauia  
venido esta confessante a ella) y le dixo  
10 dicho *capitan* Cardenas *que* no venia sino  
a hablar disparates, y a decir cossas que  
la hauian de estar muy mal, que el la  
decia a esta confessante la verdad, y  
esta confessante le respondio *que* no seria  
15 mucho, porque hablaba en materias  
*que* como muger no las entendia, mas que  
decir si o no, y que fuera de esto, no sa-  
uia otra cossa, a que el dicho *capitan* Juan  
de Cardenas la volvio a reñir a esta con-  
20 fessante, a que le dixo esta confessante  
que ya que la reñia la dixesse por que  
la reñia para que viesse si lo podia  
enmendar, y el dicho *capitan* Cardenas  
no le quiso decir nada, mas *que* sola-  
25 mente que alla lo veria, y se fue.  
Y que abra como cossa de tres semanas  
poco mas o menos que vna manana  
fue a la carcel de esta confessante a llevarle  
vna poca de lumbre, el dicho *capitan* Juan  
30 de Cardenas, y dixo esta confessante  
aora

[fol.191r]

“Aora me acaba de decir el señor *inquisidor* vssitador,  
‘mire lo que hace, mire lo que hace,’ y esto al-  
çando el dedo, ‘ponderandolo mucho, mire  
que le digo, mire lo que hace,’” y que aquello  
5 se lo agradecia mucho a su senoria, porque  
era senal de *que* lo queria bien, porque sino  
le deseara bien no se lo advirtiera, que por-  
que no hiciera algo *que* le estuviesse mal, se lo  
advertia su senoria; pero esta confessante  
10 no le pregunto cossa alguna, aunque quisso  
preguntarselo, porque algunas veces solia  
preguntarle algunas cossas al dicho capitán  
Juan de Cardenas, y el no le respondia, y  
se yba. Y que despues dixo dicho capitán Car-  
15 denas a esta confessante lo que hauia dicho  
contra el Diego Romero, en raçon de lo  
que deja declarado en la audiencia prece-  
dente, y por ello presume esta confessante  
que lo que dixo dicho capitán Cardenas seria  
20 por lo que contra el dixo el dicho Diego  
Romero; y dixo muchas veces el dicho capitán  
Cardenas a esta confessante que el dicho Diego  
Romero juraba muy mal contra esta confe-  
ssante y don Bernardo Lopez su marido,  
25 pero que como el tribunal veia que dicho  
Diego Romero estaua loco, no hacia casso de  
Esso. Y que quando se dieron a esta confessante  
sus cargos y respondió a ellos, le preguntaba  
varias veces el dicho capitán Juan de Cardenas

[fol.191v]

que como le hauia ydo con los cargos, y que  
que hauia respondido a este y a esse otro,  
y esta confessante le respondia *que* no sauia  
lo que hauia respondido, porque en salien-  
5 do del tribunal se le oluidaban, como era  
verdad *que* se le oluidaban las respuestas  
y el cargo tambien. Y añade que quando  
esta confessante le pregunto si era cargo que  
hacia el *santo* oficio el labarsse la caueza en  
10 viernes, y le respondió dicho Juan de Car-  
denas, que si, le dixo esta confessante,  
“Ve aqui, que yo soi catholica christiana  
y que no he sauido, ni se, esse cargo, ni por-  
que se hace, ni en que se ofende a Dios *nuestro*  
15 *señor* y *que* lo hiciesse sin sauer ni entender  
como puede ser cargo contra mi,” a que  
respondio dicho *capitan* Juan de Cardenas  
que sin embargo era cargo, y se deuia  
hacer; y esta confessante le pregunto lo  
20 referido por no sauer la caussa de su prissi-  
on y hauer oido como deja dicho que se  
le hacia cargo de que se lababa la ca-  
beza los viernes, ni tampoco a oido decir  
jamas que aia dia prohibuido para labar-  
25 se la caueza, o, dejarse de labar; y que estan-  
do en el Nuevo Mexico, huvo tanto de des-  
concierto en su cassa por la condicion y fa-  
cilidad de su marido don Bernardo Lopez en  
materias sensuales con varias mugeres

y perssonas de su cassa; *que* esta confessante temio riesgo notorio de su vida, y de su honrra, y lo entendieron assi otras perssonas, y aconsejaron a esta confessante que mirasse mucho, no dar  
5 caussa a su marido con acciones casseras, y de gobierno de su cassa, para que el se resoluesse a alguna maldad, como era encerrar a esta confessante en vn aposento, y que alli pereciesse  
10 o, la matasse; y de ello la auissaron el maesse de campo Pedro Lucero de Godoi, vecino de la villa de *Santa Fee*, significandole el desasosiego *que* le costaba la materia; y que temia que le entrassen en su cassa algun hombre para tomar pretexto de matarla, lo qual pusso a esta confessante en tanto cuidado que si huuiera vn  
15 combento de monjas a donde entrasse, se entrara en el; y esto mesmo le auisso a esta confessante fray Diego Rodriguez predicador apostolico de la orden de *señor San Francisco*: que estaba  
20 en dicho reino, siendo guardian de dicha villa, y antes se vino a esta ciudad, el qual por medio de la muger de Diego Romero, *doña Cathalina de Çamora*, embio a decir a esta confessante que por amor de Dios, que  
25 dejara esta confessante a su marido que hiciesse lo que quissiese, disimulando con prudencia y con temor de su riesgo, porque el dicho don Bernardo le hauia dicho a el *que* hauia de encerrar en vn aposento

[fol.192v]

a esta confessante para que alli pereziese, y assi  
esta confessante, no hauendo combento de mon-  
jas, se determino a dejarlo todo; y por la  
dificultad *que* hauia de labarsse y peinarsse  
5 aun mesmo tiempo, en que se gastaba mucho  
rato, determino de labarsse por las noches  
y peinarsse por las mañanas, porque diui-  
dido el tiempo era menor la ocupacion,  
y con ello no daba lugar a que las cria-  
10 das y gente de su cassa y las de fuera ha-  
blassen al dicho don Bernardo y le indu-  
jussen a alguna maldad, porque es suma-  
mente celoso y con qualquier cosa que  
falssamente le dixeran se mouiera a muchos  
15 desatinos; y assi se lababa por las noches,  
conviene a sauer, los viernes, y se peinaba  
por la mañana, como todas las gentes  
acostumbran a peinarse, y sin que esta  
confessante se reserbase especialmente  
20 para los viernes y sauados, sino que lo  
hacia en otro qualquier dia, sin mas  
atencion ni caussa que su limpieza, y  
la que deja dicha de no labarsse y to-  
carse aun mesmo tiempo, por no dar  
25 tanto lugar a las maldades *que* temia.  
Y tambien añade que el dicho *capitan* Juan  
de Cardenas fue vn dia a su carcel y le  
dixo a esta confessante que pidiera y  
suplicara a su señoria el *señor* vissitador  
30 *que*



[fol.193r]

que mandasse llamar al abogado de esta  
confessante que tenia que consultar con el cossas  
que tocaban a su defenssa; y que viniendo  
a la *audiencia* esta confessante vn dia se lo  
5 suplico assi a su señoria, y el dicho *capitan*  
en esta ocassion la dixo a esta confessante  
que en estando en la *audiencia* pidiesse  
a su *sseñoria* o delante del abogado, o, sin el  
que no pedia por ninguna manera a su  
10 abogado breuedad en su caussa sino que  
se dilatara todo quanto pudiera; y que esta  
confessante vino al tribunal y lo pidio, y  
dixo assi al *señor inquisidor* *vissitador* segun y de la  
manera que el dicho *capitan* Juan de Car-  
15 denas se lo hauia aconsejado a esta *confessante*.  
Y que por aora por ser tarde, no continuara  
en esta *audiencia* que se continuara en la pri-  
mera, y por ser muy cerca de las doce del  
dia se quedo en este estado a donde se le lera  
20 con la antecedente; y amonestada que  
todavia lo piense bien y diga la verdad  
fue mandada volver a su carcel, y  
antes lo firmo.  
Doña Teresa de  
25 Aguilera y Roche.  
Passo ante mi.  
Bartolome de Galdiano {RUB.}  
En el *santo officio* de la *inquisicion* de Mexico.

[fol.193v]

a nueue dias del mes de mayo de mill y seis *cientos* y  
sesenta y quatro años, estando en su audiencia de la  
mañana el *señor* inquisidor vissitador doctor don Pedro  
de Medina Rico, mando traer de la carcel secreta  
5 en que esta a  
{LM: Prosigue declarando | contra Juan de | Cardenas | sacado}  
Doña Theresa de Aguilera y Roche, a la qual siendo  
pressente le fue dicho si ha acordado algo en su negocio  
y que en todo diga la verdad, so cargo del  
juramento que tiene fecho.  
10 Dixo que lo que por ahora se le ofrece es declarar  
algunas cossas que restan de las que le han passado  
con el ajudante de alcaide Juan de Cardenas;  
y prosiguiendo en el estado que quedo esta declarazion  
en la audiencia antecedente, dijo que hauia  
15 vuelto el *dicho* Juan de Cardenas por segunda vez  
a su carcel y le dijo a esta confessante que en vini-  
endo su abogado, viniera a audiencia y pidiera  
que esta no pedia por ninguna manera brevedad en su  
caussa, sino que se dilatara todo lo posible, y le dijo  
20 *dicho* ajudante que no le podia estar bien otra cossa  
que lo pidiera assi, y le *pregunto* esta confessante  
que si no le estaria bien ahora, y le respondió *dicho*  
Cardenas que no, y le replico esta que por que no,  
y le dijo que si eso no estaba visto que si era me-  
25 nester decirselo, y le *pregunto* esta confessante la  
causa, que por que no le estaria bien ahora,  
que si despues (\*no) le estaria mejor, y le dijo *dicho* Cardenas  
que ahora no le estaria bien. Y que despues

de aqui alla Dios saue lo que sera, y que esta se encogio de hombros y dijo que assi lo haria pero esta no entendio la caussa. Y despues de alli a algunos dias voluio el *dicho* Cardenas por tercera  
5 vez vna mañana a la carcel desta *confessante* y le dijo, “Ahora en viniendo su abogado, pida prueba en su caussa, y no consienta en ninguna manera otra cossa, porque le ha destar mal; mire lo que le digo que solo pida *que* la pongan en estado  
10 y que la junten con su marido, porque de otra manera lo ha de passar mal, y que quiere morir en todo casso defendiendo su caussa, y digalo assi todo, y veamos”; y que a la noche del mismo dia, dijo el *dicho* Cardenas a esta *confessante* que que  
15 hauia hauido aquel dia en la audiencia, que si hauia pedido esta lo que el la hauia dicho, y le respondio esta que ella no entendia sus cossas *que* los dias pasados le hauia dicho, que decia su abogado, (hauriendole hablado *dicho* Cardenas) que aunque fuera  
20 metiendo vna peticion al tribunal pidiera que la juntaran con su marido, lo qual vido esta que no se hauia hecho nada; y tambien la dijo *dicho* Cardenas que en las defenssas *que* hauia de hacer don Alonso su abogado que hauia de decir grandes  
25 cosas contra los religiosos del Nueuo Mexico y que lo veeria, y que esta *confessante* no hauia visto nada de lo que le decia *dicho* Cardenas; y que aquel dia le hauia hecho pedir aquello, y le *pregunto* asta con algun genero de mofa, que si don Alonsso

[fol.194v]

su abogado lo hauia pedido assi como ella lo pedia,  
y le respondio esta ni esso ni otra cossa alguna  
de quantas el le hauia *dicho* veia esta que se pedia  
ni se hacia; y que tambien quando hiço las tachas  
5 que las hauia hecho segun y como el *dicho* Cardenas  
se las hauia hecho hacer, y la dijo *dicho* Cardenas  
en aquella ocassion que decia *dicho* don Alonso  
su sbogado, pussiera en dichas tachas algunas  
cossas de menudencias de maldades que sus criados  
10 y criadas desta hacian en su cassa, y le res-  
pondio esta que como era posible *que* don Alonso  
su abogado aca en Mexico supiera aquellas  
menudencias, que casseramente hauian passado  
en su casa desta quinientas leguas de aqui, que  
15 era imposible que las supiera ni le inuiara  
a decir tal cossa, y la respondio *dicho* Cardenas  
que si las sauia, y que decia las pussiera para  
su defenssa; y que otro dia le voluio a pre-  
guntar esta, quera imposible que *dicho* su abogado  
20 las supiera, y le voluio a asegurar *dicho* Cardenas  
que ssi, lo qual conocio esta despues ser todo falsso  
quando en esta audiencia le riño *dicho* don Alonso  
su abogado porque las hauia puesto, y que  
assi mismo, la misma noche de *dicho* dia, en la  
25 misma ocasion, *que* le dijo esta las cosas referidas,  
se quedo el *dicho* Cardenas callado, pero muy con-  
tento vn ratito y luego dio dos palmadas

[fol.195r]

sobre vna petaca en que estaba sentado y dijo  
muy alegre “Aqui no ay mas que hacer; ya  
he hecho todo quanto he podido, ya no ay que hacer mas,  
5 porque todo lo que he podido he hecho.” Y que miran-  
dole esta, porque no le entendio si se lo decia por bien  
o por mal en el modo con que se lo decia, estuvo dicho  
Cardenas otro poquito, y luego le dijo a esta que  
con todo esso, en todas las audiencias, no le restaba  
10 a esta que hacer, sino que instara siempre  
que le juntaran con su marido; y que despues el  
viernes antecedente al sauado de ramos proximo  
pasado deste *presente* año fue a la carcel desta el dicho  
Cardenas y le dijo a esta, “Mañana es la vissita  
15 general; en todo casso pida con grande instancia  
que la junten con su marido porque otra cossa  
la ha de estar muy mal, y lo ha de passar mal  
sino lo hace con todas veras, que tambien don  
Bernardo dice que ha de decir velleças sobre eso ma-  
ñaña”; y que despues aquella misma noche  
20 el dicho Cardenas le pregunto a esta, que quiere  
decir la del sauado de ramos siguiente a la de dicho  
viernes, y la pregunto que como le hauia ydo  
en la vissita, y *que* le respondió esta que ya  
lo podia hauer oido, y le dijo a esta que si lo hauia  
25 oido, y no se acuerda bien esta que palabras mas,

[fol.195v]

dijo entonces *dicho* Cardenas, y que obrara Dios  
y le pregunto esta que si hauia pedido *don* Bernardo  
como el se lo hauia *dicho* que la juntaran con el,  
y le respondio *dicho* Cardenas que si lo hauia pedido,  
5 y que le hauia respondido su *señoria* el *señor* *inquisidor* *vissitador*  
que el tribunal tendria cuidado, y otras cosas de que  
esta no se acuerda; y le voluio a decir a esta  
entonces y otras veces despues que en todo caso  
en todas las audiencias y *vissitas* de carcel  
10 hiciera siempre instancia [\*y pidiera] en que la juntaran  
con su marido, porque si no, lo hauia de pasar muy  
mal, sin decirle la *caussa*. Y que despues de alli a dos  
o tres dias por la noche, le dijo *dicho* Cardenas a esta  
*confessante*, “Mire que hora esta, y no han salido  
15 de consulta,” y le dijo esta que estarian ocupados,  
y le respondio que algun *casso* *graue* de alguna  
*cossa* de mucha importancia era o seria en la  
que estaban, y encarecio mucho. Y que el  
dia siguiente o otro por la noche, estando esta  
20 *confessante* muy mala de la *pesadumbre*  
de las cosas de *dicho* Cardenas, se sento el *susodicho*  
y le dijo a esta que la juzgaba al *presente*  
la muger mas llena de ansias, dolores, tormentos  
y penas, que el mundo entero hauia tenido  
25 jamas ni pudiera tener, y esta le respondio  
que su desgracia era tanta que della creeria

[fol.196r]

quanto hubiera, y la dijo dicho Cardenas que  
assi era verdad, pues los coraçones de los hombres  
se hauian vuelto de piedra por esa caussa, y le  
dijo esta que Dios era dueño de todo, y que  
5 a el se lo encomendaba, y que despues por la  
pasqua de resurezion vna mañana hauiendo esta  
confessante vacilando en las cosas *que* le hauia dicho  
dicho Cardenas y hecho la pedir, decir, y hacer  
de todas las quales hauia colegido esta, que el la  
10 hauia engañado como muger que no entendia  
estas materias, y el la hauia guiado, y que  
infaliblemente colegio que le hauia hecho  
pedir, decir, y hacer cosas que le deuian de hauer  
estado mal desde el dia que entro esta en este *santo* officio;  
15 y que sentida dello se lo dijo a dicho Cardenas que  
por *que* le hauia hecho pedir prueba ni otra cossa  
que si le hauia de aconsejar lo que le estubiera mal  
pudiera no hauerlo hecho, y que el mismo  
tribunal la hubiera guiado, *porque* ella no sauia  
20 hacerlo; y le dijo dicho Cardenas que por que  
lo decia, muy confusso viendo que ya esta  
hauia caido en la quenta, y le dijo que  
quanto la hauia hecho pedir hauia sido con  
pretexto engañandola de que era para su bien,  
25 y que ya hauia conocido no hauia esta seguido  
por el engañadola los consejos de los que la deseaban

[fol.196v]

bien por hauerla el engañado; y le respondió  
dicho Cardenas que no, que por que se lo decia, y le  
dijo esta que porque le hauia hecho pedir prueba  
y otras cosas le dijo esta a este modo lamentandose  
5 del, de que no se acuerda, a lo *que* le dijo dicho Cardenas  
que era bueno, y que don Bernardo la hauia  
pedido tambien, o la hauia de pedir, y que  
si esta no la queria que dixera *que* lo que hauia  
pedido no era sino que a essa negra, o que que se yo,  
10 y voluio las espaldas y se fue; con que hecho  
de ver esta que *totalmente* la hauia destruido  
desde el primero dia, y que todos aquellos dias  
de la semana santa y pasqua tubieron esta y dicho  
Cardenas grandes devates sobre los consejos  
15 *que* la hauia dado a esta, y siempre le decia dicho  
Cardenas que don Bernardo decia muchas cosas  
y que no le diera pena de los consejos que el la  
hauia dado, y que decia don Bernardo que  
estaba bien assi, y que le respondió esta  
20 que don Bernardo mal podia sauer el bien o mal  
que el la hauia hecho, ni poder sauer mas  
don Bernardo que lo que el le dixera, que que  
sauia esta si era *verdad* que el se la decia a don  
Bernardo, y que destas cosas le decia *mas* por sosegarla  
25 acerca de dicho particular de que por ahora no se acuerda.



[fol.197r]

Y que despues el lunes pasado el domingo  
de casimodo, despues de hauer hecho la vissita  
el *señor inquisidor don Juan de Ortega Montañés*, y a causa  
de hauerse hechado fuera del aposento a la mu-  
5 chacha que la asiste para dar quenta a su *señoria* de la  
declarazion que tiene hecha contra Juan de Cardenas,  
como dicho Cardenas andaba receloso por las muchas  
quejas que esta le hauia dado, fue aquella noche  
dicho Cardenas a la carcel desta, muy triste y afligido,  
10 y le pregunto a esta que que hauia hauido en la  
vissita, y le respondio esta que nada, que la hauia  
estado su *señoria* consolando como la veia tan mala,  
a que le respondi[o], “m V,” no creiendo lo que esta le decia;  
y le voluio a preguntar que si no hauia hauido  
15 otra cosa, y le dijo esta que no; y el dia *siguiente*  
hauiendo estado esta *confessante* en la audiencia  
fue dicho Cardenas a mediodia desatinado con los  
ojos muy llorosos, la voca seca y los lauios muy  
blancos, y le pregunto a esta que a que la hauian  
20 traido a la audiencia, y le respondio esta que  
no era cossa de importancia, que la hauia llamado  
el *señor inquisidor vissitador* para preguntarle de cosas de alla  
del Nueuo Mexico, a que le dijo dicho Cardenas, “Muy  
bien esta,” no creyendo a esta lo que le decia, aunque  
25 se lo aseguraba. Y despues la noche del dia *siguiente*

[fol.197v]

o la antecedente, o aquella propia noche que  
deja dicho fue dicho Cardenas muy lloroso y afligido,  
y le dijo a esta algunas cosas, de que no se acuerda bien,  
y le dijo a esta que don Bernardo estaba bueno y que  
5 la estaba encomendando a Dios, y que decia que  
no tubiera mucha pena que Dios lo remediaria  
como padre de misericordia, y esta le respondió  
que no hacia otra cosa de día y de noche que en-  
comendar a Dios a el; y a esta y prosiguió dicho  
10 Juan de Cardenas diciendo muy afligido que su  
plaza, su vida, y su honrra, estaba depen-  
diente, como le hauia dicho muchas veces a esta,  
con solo que se supiera de que el la decia alguna  
cosa de don Bernardo, aunque fuera no mas  
15 de aquello tan leue de que la estaba en-  
comendando a Dios, y que no sauia que hacerse,  
y se dio vna palmada muy afligido en la ropa  
por el recelo que tenia, de que esta confessante  
se abria quejado aquel día del, y que por esta  
20 causa se abria hechado la muchacha del aposento;  
y que aquel mismo día, mientras esta estuvo en  
la audiencia, dicho Cardenas fue a la carcel desta  
a lleuar agua, y le pregunto a la mulatilla,  
“¿Que es de tu nana?”, y le respondió dicha mulatilla  
25 sigun dijo a esta alla, “La lleuaron a la  
audiencia,” y que la hauia preguntando  
a que, y que la hauia respondido que no sauia,  
y le dijo a esta dicha muchacha que dicho Cardenas

[fol.198r]

estaba muy lloroso, y con los labios muy blancos;  
y se lo dijo dicha muchacha porque iendo esta  
a su carcel la hallo llorosa, y preguntandole  
que por que estaba assi, le dijo lo referido, pesarosa de  
5 hauer visto a dicho Cardenas de aquella manera.  
Y que a la noche siguiente, fue muy enojado a dicha  
carcel dicho Cardenas y pregunto a esta que  
si se le hauia preguntado a esta en la vissita  
por el *señor inquisidor* del o del alcaide don Fernando  
10 sobre el trato alguna cosa, o si le hauia preguntado  
el *señor inquisidor vissitador* en la audiencia, a que le  
respondio esta que no, que no sauia lo que le decia,  
y la dijo dicho Cardenas, “Pues algun soplo ha haulado,”  
15 y le pregunto esta que por que lo decia, que ella  
no sauia nada, y la dijo que hauia hauido con el  
*señor inquisidor* vn ruido de todos los diablos, y pre-  
guntandole esta que por que, la respondio que  
por las puertas, y no dijo quales, ni esta lo en-  
20 tendio por que esta le pregunto, si lo decia por sus  
puertas, y respondio que por las de alla dando  
a entender las de las carceles secretas, y en efecto  
hiço a esta confessante vn genero de amenazas,  
diciendo, “En fin, en fin,” y que hauia mandado  
25 dicho *señor Inquisidor* que no se diese otro genero de cosa que  
tasadamente lo necesario de pan y carne y no otra cosa alguna;

[fol.198v]

y le dijo esta que no sauia nada de todo aquello  
que si le hauian hecho mal, que de otra parte seria,  
con que se fue enojado. Aquella noche y luego  
la *siguiente* fue *dicho* Cardenas a *dicha* carcel muy lloroso  
5 y triste y llegando a la cama a donde esta estaba  
enferma, la dijo, sin hablarla otra palabra,  
muy a lo falso, que si no hauia quedado *don* Alonsso  
su abogado de venir, y le dijo esta que si,  
y la dijo *dicho* Cardenas que como no hauia venido,  
10 y dijo esta que no sauia, y luego al otro dia entro  
en *dicha* carcel *dicho* Cardenas por la mañana  
a llevar agua y la pregunto a esta que que hauia  
hauido, y le respondio esta que nada, y le pregunto  
esta que si hauia algo de nuebo, porque ya iba  
15 alegre y consolado, y le respondio *dicho* Cardenas  
que no hauia nada de nuebo, y preguntandole  
esta por don *Bernardo* la respondio que estaba  
bueno, y se fue; y no le ha visto esta declarante  
mas. Y que esto es lo que le ha pasado con *dicho*  
20 Juan de Cardenas, y siguiendo su consejo, ha  
*dicho* y pedido en sus audiencias muchas  
cossas, que no son verdad, ni le estan bien,  
y assi pide y suplica que con presencia de su  
abogado se le lean y dira en cada parte  
25 y lugar la *verdad* y que no es mucho, que  
aya creido al *dicho* capitan Juan de Cardenas

[fol.199r]

porque haviendola pasado a la carcel a donde  
ahora esta que fue pocos dias despues de pressa,  
vino a dicha carcel el dicho Juan de Cardenas,  
y le dijo que no le preguntara al alcaide don  
5 Fernando por don Bernardo sino a el, que el le diria  
siempre del, y que lo propio le hauia dicho, o le  
hauia de decir a don Bernardo y otras muchas cosas,  
y añadia que por esta y dicho *don* Bernardo tenia el  
riesgo de la plaça, vida, y honrra; y que  
10 otras veces le solia decir a esta que saldrian esta  
y su marido de aqui, y verian lo que el hacia  
por ellos, pero esta no saue lo que hacia dicho Cardenas  
por esta ni por su marido, lo qual le dijo muchas  
veces; y que por ahora no se acuerda de otra cosa.  
15 Preguntada si el dicho Juan de Cardenas le trajo algun  
recaudo de su marido diciendole lo que hauia de  
confessar o negar o otros particulares acerca  
de sus causas, o si esta se lo inuio a decir o lo  
inuio a decir a otro algun presso, o algun otro  
20 presso lo inuio a decir a esta, o a otras personas  
de afuera, y si les inuiaba o traya recaudos  
de dichas personas,  
dixo que el dicho don Bernardo le inuio a decir a esta

[fol.199v]

confessante con *dicho* Juan de Cardenas, a lo que  
el refirio, y despues dijo que el *dicho* Juan de  
Cardenas, pregunto a esta que si su marido don  
Bernardo traya siempre bonetillo de lienço en la  
5 caueça estando en la cama, y esta le respondio  
que si, y el *dicho* Cardenas dijo entonces, “Pues, ponello  
assi,” y assi lo pusso esta en los dos pliegos que  
escriuio para sus defenssas. Y tambien le  
vino a decir y acordar *dicho* Cardenas a esta que  
10 dixese y se acordase como quando fueron  
{LM: Contra *don* | Diego de Peñalosa | sacado }  
a las execuciones por don Diego de Peñalosa  
como se hauian vaciado todos los escritorios  
delante de toda la gente que fue, y que los  
hauia baciado *Juan* Lucero, *secretario* de *dicho* don  
15 Diego, y que en aquella ocassion estaba esta  
bien descuidada, por estar muy apretada en la  
cama de achaques, por lo qual pusso esta en los  
pliegos de sus defenssas lo referido por ser *verdad*;  
pero no saue de donde o como lo supo el *dicho*  
20 Juan de Cardenas, poque el susodicho solia  
preguntarle cosas que ella no sauia o de  
donde tomaba motiuo para preguntarle.  
Y en especial, quando le dieron su acusacion,  
le preguntaba a esta *dicho* Cardenas por mu-  
25 chas cosas que la confundian, diciendo que las  
dejase y tambien la dijo *que* don Bernardo

[fol.200r]

y luego dijo que la decia el *dicho* Juan de Cardenas  
que eran tantas las maldades *que* hauian leuantado  
al *dicho don* Bernardo, y tantos los cargos con vn  
epiqueyas (??) y vnas circunstancias diabolicas, que  
5 parecia que el demonio se las hauia enseñado,  
pero que siempre queria Dios que dejaran  
vn portillo por donde entrarlle a la defenssa;  
de lo qual ha conocido esta despues *que* ha visto  
la intencion del *dicho* Cardenas, que quiças no le  
10 deue de quedar ningun portillo a *dicho don* Bernardo  
para defenderse, y que esto no es mucho lo juzgue  
esta, por lo que la dijo *dicho* Cardenas, porque  
mucho antes que se dieran a esta sus cargos le decia  
15 muchas veces que aunque dixeran esta y su marido  
otra cosa de lo que hauian prouado los religiosos  
en el Nueuo Mexico, que no lo hauian de probar  
ellos porque no les hauian dejado puerto ni re-  
fugio alguno, y les hauian cogido todos los caminos  
y que era chança aunque dixeran otra cossa  
20 porque no lo hauian de probar. Y tambien  
el *dicho* Juan de Cardenas dijo a esta que su marido  
la inuiaba a decir que la negra Ana como la in-  
ducirian en El Passo del rio, por *quanto* Francisco  
Xabier, *que* la lleuaba, se detubo alli tanto  
25 con el despacho, porque en esa ocassion la lleuaba  
al Parral a entregarla para que la vendieran;  
y que quando voluio del Parral el *dicho* Francisco

[fol.200v]

Xabier desde la toma del rio en la ocassion  
que fue el *dicho* don Diego le escribio *dicho* Francisco  
Xabier al *dicho* don Bernardo vna carta en que  
le da quenta, entre otras cosas, como esa negra  
5 antes que hauia llegado al Parral, hauia  
*dicho* en cassa del *gouernador* del muchos males  
desta y su marido, la qual carta es *verdad*, que la  
escriuio el *dicho* Francisco Xabier y ha de estar  
entre los *papeles* del marido desta confesante;  
10 y le hiço instancia el *dicho* Juan de Cardenas  
en la ocassion que se lo dijo hiciera instancia  
en que se tragesse a este santo oficio a *dicha* negra  
para que se supiera della con verdad la falsedad  
que tienen los cargos que se les hacen. Y que  
15 por ahora no se acuerda de otra cossa *que* le dixesse  
le inuiaba a decir *dicho* don Bernardo ni [??] esta  
inuió a decir a don Bernardo mas que la en-  
comendasse a Dios; y que no le ha *dicho*  
ni ella ha inuiado a decir a otro presso cossa *alguna*,  
20 ni a perssona de afuera, ha inuiado esta recaudo  
ni se lo han traído, solo dijo a esta *dicho* Juan  
de Cardenas en dias pasados que su *señora* doña  
Leonor de Pastrana lloraba mucho por esta,  
porque la queria mas que a su propio hijo  
25 don Bernardo, y que el no hauia visto a *dicha*  
doña Leonor, sino se lo hauia *dicho* persona



[fol.201r]

y esta le respondio, que era assi verdad que su *señoria* la  
queria mucho, y que por ahora no se acuerda  
de otra cosa que deua decir. Y por ser tarde y no  
poderse leer esta audiencia y las dos antecedentes  
5 se quedo en este estado, para que se haga dicha lectura  
en la primera, y amonestada la dicha *doña* Theresa  
que todauia lo piense bien y diga enteramente  
la *verdad*, fue mandada voluer a su carcel, y antes  
lo firmo. Tstado = no = y = *entrerenglones* = y pidiera valga.  
10 Y despues dijo que no pudo firmar, por hauerle  
sobre venido vn temblor en todo su cuerpo, y lo fir-  
mo dicho *señor inquisidor vissitador*.  
*Doctor don Pedro Medina Rico* {RUB.}.  
Paso ante mi.  
15 *Pedro de Arteeta, secretario* {RUB.}  
{LM: Audiencia | en *que* se leyo, | lo testificado | contra Cardenas}  
En el *santo officio* de la *inquisicion* de Mexico  
a diez dias del mes de mayo de mill y seiscientos y sesenta  
y quatro años, estando en su audiencia de la mañana  
el *señor inquisidor vissitador doctor don Pedro de Medina Rico*  
20 mando traer de la carcel secreta en *que* esta a  
*doña Theresa de Aguilera y Roche*, a la qual siendo  
pressente le fue dicho si ha acordado algo en su negocio,

[fol.201v]

y que en todo diga la *verdad*, so cargo del juramento que tiene fecho.

Dixo que no se ha acordado de cosa *alguna* que deua decir.

5 Fuele dicho que este atenta y se le leeran sus audiencias, desde la primera de martes, *veinte* y dos de abril deste año, para *que* vea si estan bien escritas, o ay que añadir o, enmendar; y haviendoseles leído dijo estar bien escritas y assentadas y no ay en ellas que añadir ni enmendar

10 que en la audiencia *siguiente* dira algunas cosas de que nueuamente se acuerda; y por ser dadas ya las doce del dia, se quedo esta *audiencia* en este estado; y la *dicha doña* Theresa dijo *que* por su temblor de los braços no podra firmar, y por ello lo

15 firmo el *dicho señor* inquisidor vissitador.

Doctor don Pedro Medina Rico {RUB.}

Passo ante mi.

Pedro de Arteeta, *secretario* {RUB.}

{LM: Prosigue | contra | el capitan Cardenas | sacado }

20 En el *santo officio* de la *inquisicion* de Mexico, a quinze dias del mes de mayo de mill y seiscientos y sesenta y *quatro* años, estando en su audiencia de la mañana el *señor* inquisidor vissitador doctor don Pedro de Medina Rico, *mando* traer de la carcel

[fol.202r]

secreta en que esta a  
doña Teresa de Aguilera y Roche, a la qual siendo  
pressente le fue dicho que es lo que ha acordado en su ne-  
gocio, y que en todo diga la verdad so cargo del juramento  
que tiene fecho.

5

{LM: Contra | don Diego de Peñalosa | Sacado }

Dixo que lo que dijo en la audiencia antecedente  
tenia mas que decir es que estando esta confessante  
vna noche dias ha no se acuerda quanto tiempo,  
hablando con el capitan Juan de Cardenas acerca  
10 de las cosas que hauian passado en el Nueuo Mexico  
y hecho don Diego de Peñalosa acerca de la  
ressidencia de don Bernardo Lopez, le dijo esta confessante  
que como Xptoual de Anaya que alla se hauia dicho  
que el dicho que hauia dicho ante el dicho don Diego de  
15 Peñalossa contra el dicho don Bernardo hauia sido supuesto  
y no hauia hecho mas que firmarlo dicho Xptoual  
de Anaya vn día de fiesta por la mañana  
y que luego se hauia ido de la villa de Santa Ffe para  
su cassa, y que les hauia inuiado a decir a esta y a  
20 su marido (no se acuerda con quien) que ya  
hauia dicho y se iba, siendo assi que fue publico  
que no tubo lugar mas que para firmar, y que dicien-  
dole esta confessante esto al dicho capitan Juan de Carde-  
nas le respondio que aquel dia, hauia estado  
25 en este tribunal en esta audiencia el dicho Xptoual  
de Anaya y que sobre lo mismo hauia de-  
clarado lo que hauia pasado alla, y le dijo tambien  
dicho Cardenas como Francisco de Almazan,

[fol.202v]

escriuano *que* fue de la residencia, hauia hecho  
vna por esta y su marido tal y tan buena,  
pero no supo esta confessante lo que era ni el dicho  
Cardenas se lo dijo, aunque se lo encarecio. Y  
5 que en *quanto* al cargo que se le hace a esta confessante  
de hauerse lauado la caueça, *que* aunque es *verdad*  
que al principio le dijo, como tiene dicho Cardenas, que  
era casso de *inquisicion* por el camino *que* le decia (??),  
pero despues le dijo siempre y hasta ahora hasta  
10 los fines, lamentandose esta a el muchas veces  
que si podia hauer dolor *que* se igualara al de esta  
que si por lauarse una muger xptiana  
podia en el mundo atribuirse cossa semejante,  
y le respondia siempre y le aseguraba mu-  
15 chas veces de que no era eso, y que eso no  
importaba nada y le solia responder esta,  
“Pues, ¿que si no es esto, y *que*?” En quanto  
a los demas cargos, le pregunto esta a los prin-  
cipios, hablandole a esta dicho Cardenas en ellos  
20 por mayor que le dixera que si todos los cargos  
que se le hacian eran cassos de *inquisicion*,  
y la respondio dicho Cardenas que no, y le  
voluio a preguntar esta que la dixera,  
por su vida, quales lo eran con efecto  
25 cargos de *inquissicion*, y la respondio que esos,  
dos del viernes *santo*, que dicen a ser verdad,

[fol.203r]

lo fueran; y le respondio esta que esta le dio a su  
marido vn bonetillo por estar sucio el que tenia  
casualmente y xptianamente, y que no se lo  
hauia dado aquellos dias, aunque se lo hauia pedido  
5 por tener vnas puntas descosidas y por estar  
algo enojada con el *dicho* su marido, por lo qual  
no le daba gana a esta de hacer lo que *dicho* su marido  
le mandaba; y que entonces, por la raçon *que* tenia  
de hauer tanto que la andaba pidiendo, se lo dio,  
10 pero que todo lo que decian ambos cargos era falsso,  
porque eso era lo que hauia passado; y que al prin-  
cipio no entendia esta los *dichos* cargos, como no en-  
tendia otros que alli estan; y que le pregunto  
esta assi mismo *que* le dixera que si todos eran  
15 cargos de inquisicion los que se le hacian, y le dijo  
que no, sino que era volumen para computo de  
caussa; que lo que entendio esta confessante fue  
que aunque algunas cosas por si no tocaban al  
*santo officio*, juntas con otras tocaban. Y que  
20 por ahora no se acuerda de otra cossa, y que  
lo que tiene *dicho* es la *verdad* por el juramento *que* tiene fecho;  
y siendole leido lo *que* ha *dicho* en esta *audiencia*, dijo estar  
bien escrito, y lo firmo, con *que* fue *mandada* llevar a su carcel.  
Doña Teresa de  
25 Aguilera i Roche.  
Paso ante mi.  
Pedro de Arteeta, *Secretario* {RUB.}

[fol.203v]

{LM: Audiencia en que se | enbio a llamar a | don Alonso de Alabes | abogado de doña | Teresa de Aguilera | y se lescuso diziendo | estaba indispuesto }

En el *santo officio* de la *inquisicion* de Mexico,  
en diez y seis dias del mes de mayo de  
mill seiscientos y sessenta y quatro años, estando  
en *audiencia* de la mañana el *señor inquisidor vissitador*  
5 *doctor don Pedro de Medina Rico*, por su *mandado*  
se abisso al *licenciado don Alonso Alabes*,  
abogado de doña Theressa de Aguilera, para  
que biniessse a este *santo officio*; y hauiendo  
ydo con dicho recaudo, Juan Manuel de Leon,  
10 ayudante de alcayde de las carzeles secretas  
deste *santo officio*, dixo que el *dicho licenciado don*  
*Alonso de Alabes* hauia dicho se hallaba  
indispuesto y que aguardaba el medico para  
que le viesse por lo qual no podia venir. Y *dicho*  
15 *señor inquisidor vissitador* me mando lo pussiese en estos  
autos para que constasse.

Diego Martinez Hidalgo, *Secretario* {RUB.}

{LM: Diligencia en que | se inbio a llamar a don | Alonso Alaues abogado | en esta causa }

En el *santo officio* de la *inquisicion* de Mexico, a diez  
dias del mes de junio de mill seis *cientos* y sesenta  
20 y quatro años, estando en su *audiencia* de la mañana  
el *señor inquisidor vissitador doctor don Pedro de Medina Rico*  
mando se avisase al *licenciado don Alonso Alaues*,  
abogado en esta caussa, para que viniessse a este *santo officio*; y  
hauiendo ido con el recaudo, Geronimo del Castillo, y nun-  
25 cio deste *dicho santo officio*, dixo que el *dicho licenciado Alaues*  
hauia respondido que se hallaba achacoso, y que estando  
bueno avisaria a este tribunal; y *dicho señor inquisidor*  
*vissitador* mando pusiese en estos autos esta *diligencia* para  
que constase della.

30 Pedro de Arteeta, *secretario* {RUB.}

[fol. 154r] The Chaveses,<sup>132</sup> in case they should have testified, are our enemies, because one of them is the son-in-law of Tomé Domínguez and the other, the father-in-law of Juan, and for all the reasons stated [concerning them], and also on their own, they have many complaints of having been sent both on escort duty and on expeditions, and because he reproved them for sowing discord and other things, for which reasons they are and have been our mortal enemies.

The Granillos, in case they should have testified, are our enemies, both as cousins of Tomé's wife, who is our enemy and proved it by speaking very ill of us, and because of the reasons stated concerning them, and because when one of them was taking the dispatch that my husband sent to Sonora, we know for sure that two weeks after he left the kingdom a Theatin friar gave him 7000 pesos for it, effectively buying it all, and he, to suit himself, wanted only to go to Sonora, and after more than a year he returned to us the men who had driven the pack animals and some of the beasts, without sending silver<sup>133</sup> or anything; and after Don Diego came, because from El Parral he ordered him to bring him the silver as though it were his property, he came with part of it, and although it should have been the said 7000 pesos, they say he only brought 2952 pesos, which Don Diego took, like everything else; and he did not want to settle accounts before, because he asked my husband for the account book, which he had sent to El Parral and therefore could not deliver even had he wanted to, after great urgings and demands he fined him 200 pesos because he did not hand it over, despite his having told him that he did not have it there. And in addition to this, they lodged a claim against him then, although the audit had long been over, for the carrying charges of the mules that had brought the silver that Don Diego seized; and for all these reasons and many others they have been and are our mortal enemies.

Francisco de Trujillo, his wife, his son and daughter-in-law, Andrés Hurtado and his wife, who is his son-in-law, the son of Vaca, who is also his son-in-law, and his wife,<sup>134</sup> in case they should have testified, all are and from the first day have been our mortal enemies. The father, because when we went there he removed him from his post as mayor of Moqui, where he was from, and they all took offense at that. He also sent them on escort duty and expeditions and had them under arrest on various grounds. In addition he sequestered and rebuked the women several times as the most scandalous women in the place. And after countless occasions like these he sent them word to come to town; and having notified them, and they having said that they would obey, the old man and his son took the latter's wife and dressed her in men's clothes, and when they had walked past two or three houses in this way, and people saw her like that in a big leather jacket and all of them dressed for travel, they asked them where they were going, and they said that in order not to come to town they were running off to El Parral; and afterwards it was said that they had hidden her in a monastery, and others said in a house, and leaving her hidden they went to El Parral; and when Don Diego got there a little later he brought them back, very much attached to him, and after some dealings he reappointed the old man mayor of Moqui, and he had great authority with them and later even had relations with one of the women, for which reasons and many others they have been and are merciless

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<sup>132</sup> There is no Chaves among the witnesses, but one of them is referred to by Catalina de Zamora, witness No. 23 (f. 38v).

<sup>133</sup> *plata*: 'silver' or, colloquially, 'money.' In the seventeenth-century context, the money is likely to be silver.

<sup>134</sup> None of these persons is a witness, although Diego de Trujillo is witness No. 8.

mortal enemies not only of my husband but also, as I have learned, of mine, even though I hardly know them.

And Alonso Vaca and his wife, in case they should have testified, are also part of this, in case he has some complaints, which also makes them our enemies.

And Trujillo and some of his sons-in-law are claimants in the audit.

A mulatto called Ortega, whose first name I do not know, in case he should have testified, is one of these and our mortal enemy, in case he complains of escort duty and expeditions like all of them, and of other things.

Francisco de Valencia, in case he should have testified, is our enemy because he is the enemy of every governor. He has the usual complaint about escort duty and expeditions, and others that Don Bernardo will know better than I, as with many others that I do not know.

Alonso García, in case he should have testified, has been our enemy since we went there because he is much devoted to Manso, and was the one who eventually brought him to this city when he fled. And for this reason he has many complaints against my husband, because of which he is [our enemy].

Ana Rodríguez, her mother, grandmother, and aunt, in case they should have testified: [fol. 154v] This woman, with Arteaga as go-between, had relations with my husband, for which reason, after I found it out, I publicly spoke about them as they deserved, and my resentment almost made me tell her husband, which they found out through Josefa and her husband and considered themselves much offended by it as though they were in the right; and when Don Bernardo, who had been away, came back and I had the opportunity to let him know I was informed of it, there was such unpleasantness and grief that words cannot express it; and as they kept it up and I found out that he brought her to my house several times and that her wicked mother, who covered up for her with her husband, would accompany her, and I was affected by it as his lawful wife, they eventually put me in so bad a state, unable to find a remedy or to remain unaffected by it, and seeing that every day brought more and more grief on account of these women and I had no remedy but always to speak ill of them, I did so constantly; and when they found out about it, as they did through the aforesaid, they hated me no end. And despite all this I learned that one Easter, to dissimulate, they wanted to come to see me with their husbands, who told them to come, and I said they should do so, for I should have my Apaches whip them one by one till they were skinned alive. Apart from this I made them feel ashamed so that they might not show themselves before me, and to their aunt Ana, for reasons that she gave me, I sent word several times telling her what she deserved on their account. And also because I found out that some of the times that they were brought to my house they were shut up in the storeroom to hide them from me, and on these occasions carried off whatever they wanted and afterwards sold what they wished, I called them thieves, and they were not unaware of this, because that is what they were called in town. And in short, all these women, for these reasons and many others impossible to recount, are and have been my mortal enemies, and so much so that on account of them I was sometimes threatened even with the loss of my life, so vexed was I because of these women. And when Almazán, who was their grandfather, and his sons and sons-in-law found out about it they hated Don Bernardo for it more than one can say, and even me, although they knew I was in the right, for because of those women I hated them, and when they came to the house I spoke to them as unkindly as may be imagined, and for this reason and because they knew what I was saying about them, they hated me to an incredible degree. And Don Diego attached these women to himself, so much so that he called them his relatives, and there would be no end to it if one tried to tell all that



happened with this; and he made Almazán a clerk for my husband's audit because he knew of his enmity.

Colonel Pedro Lucero de Godoy,<sup>135</sup> in case he should have testified, and his sons, who are many, in case they should have done so, and the people of his household: Since we went there this man has harbored the greatest ill will toward my husband because he told him I do not know what on the day he rode out to meet us because he had learned some things about him. To suit his purposes he kept these feelings to himself while my husband was governor, and he is in the habit of saying, "Keep quiet and move on, for another [day] will come." And on every occasion they all say, "To the rising sun, not the setting sun," and this they say because of the governors who come and the one whose term is over, indicating that the latter can no longer do them any good, and the new one can, and this is very common there and I heard it said several times. This man and all of them were much devoted to Manso. And sometimes he grows angry with the governors and withdraws from them and then pretends to be sick, and since my husband realized this and said so to his relatives, they resented it. They also resented the fact that on receiving some news he sent Bartolomé Romero on escort duty when he had gone only recently, because others were about to set out on an expedition, and then he fell ill and they said it was because of going, despite having treated him very kindly on that occasion, which they repaid as they repay everything, and they lodged various complaints about it and they resented their sons and brothers having to go on other such expeditions. And if they had not had other reasons to be angry, as they are at their judge about everything, there would have been sufficient reason with the return of their brother and son with the dispatches that they were taking to the tribunals of this city, and they came back with them and did the other things that are known about this matter. And Don Diego, because they came back with him, and in order to attach them to the others because of what had happened, made Juan Lucero, the son, his secretary, who tried to attach all the others, and for various reasons they were finally all attached, like the relatives they were. And Don Diego caused no little trouble [fol. 155r] to help achieve this by telling them countless slanders against Don Bernardo, and one was that shortly after he had gone there, when Doña Catalina de Zamora, this man's daughter, had come to see me, he had her go about asking who had heard what I had said to her, and when some people asked her what it was, she said that I had fought with her and among other things had called her a so-and-so, all of which was false; and when we tried to find out where this story had come from, she herself told me that Don Diego had invented it and that she could find no other reason for it than that he had done it to separate her from me and so that it should come to the notice of her family in order to put them on bad terms with us. And he did many things like this, and I also found out from a sister of this woman about the great trouble he stirred up with Francisco Gómez, saying, why did he not kill my husband; and to incite him to do this he told him that he had said many bad things about him and his father, which was false. I heard and she told me many other things, and among them also that he told him that his mother<sup>136</sup> was overly fond of friars, all of which is false, because it was one of his lies. And I also learned that just now or a little before we were arrested he had called Doña Ana Robledo and her daughter Doña Francisca, who are the mother and stepmother of Francisco Gómez and of Juan Lucero, and for an unknown purpose had told them that

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<sup>135</sup> Pedro Lucero de Godoy is not a witness, although he figures in some of the testimony.

<sup>136</sup> *le decía que su madre*: It is not clear whether the subject is masculine or feminine and to whom *su* refers. I take it that this is a reported—and unflattering—remark by Don Bernardo to Francisco Gómez. Doña Teresa says that the report is one of Peñalosa's lies.

having received orders—I do not know whether he said from the royal audiencia—to cut off the heads of these two because of the return,<sup>137</sup> he had not done so, and that for all that he could not content them, and I do not know why he would have told them this, nor did they know. They are our enemies also because of the [enmity] that Antonio de Salas feels toward us, and because he was jailed for a few days because of things that he did, and because he reprimanded María de Vera and her daughters, because sometimes we would laugh at how Salas's daughter was pulled out of the chimney, and they found out about it. And in short, even if this family had no reason other than the mortal enmity of Juan Lucero, that would suffice for them to hate us without mercy or limits, because being, as Don Diego's secretary, so fierce an enemy, and the depositary of all his secrets and deeds, what would he and his family not do for their preservation and to please him, as we have seen and experienced whenever an occasion arose. To try to recount all of these would be an endless task, but for [the reasons] mentioned and many others all of them are and have been our mortal enemies.

Diego Romero and his wife,<sup>138</sup> in case they should have testified: She is this man's daughter, and he, his son-in-law, and so they are our enemies because these complaints affect them. They also considered themselves wronged by our complaints that they had testified falsely at the audit, although he always said and insisted very emphatically that what the charges of the audit said had been his testimony was untrue, and he sent us word to this effect through various persons; but they nonetheless declared themselves our enemies on this occasion and took the side of his brother Juan Lucero and his cousin Francisco Gómez, who were on that of Don Diego, as I have stated, who I suppose told them, among other things that he told, if not to Diego Romero himself, to his relatives, so that they should tell him, what Father Villar was said to have said a few days earlier, that my husband had had something to do with Doña Catalina in a bean field; and I was told that they were furious about it, although the truth is that what the friar had said was not that, as we later learned, and this was false witness against him, and what he was saying had happened with another friar; and she complained to me about it at the time; and she felt affronted by me because, with good intentions and without believing it to be true, I told her about her niece, Salas's daughter, so that they might remedy it, and she took offense at it. She was greatly disturbed by the arrest of her brother and his being made to pay what he owed. They resented the matter of the sheep that he gave my husband in lieu of what he owed him, and afterwards they considered themselves deeply offended on that account; and in short, these two, for all these reasons of their own and those of their relatives, which it would be an endless task to try to recount, have been and shown themselves to be our enemies. And in addition, if she should have testified, Don Diego will know very well why, because she was one of those whom I asked him to call for me and he told me, what did I want her for, that the women there were only good for giving false witness, and the other things that I have stated he said to me on that occasion.

Antonio de Salas, his wife and sons and daughters, in case they should have testified: These are our enemies. He is the brother of this Doña Catalina and Juan Lucero. He declared himself [our enemy] shortly after we went there, because at the request and on the complaints of the Indians of [fol. 155v] Puaque on account of the great vexations that they all inflicted on the Indians and of those that his sons inflicted on the Indians and other offenses, he [Don Bernardo] ordered him to demolish a small adobe house he had in the town; and he took great offense because the Indians asked for the land that was theirs.

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<sup>137</sup> Crossed out after *buelta* is *de los despachos*, without which Doña Teresa's meaning is unclear.

<sup>138</sup> Diego Romero is not among the witnesses, but his wife, Catalina de Zamora, is witness No. 23 (f. 38r).

He jailed his sons for their misdeeds. He sent them on escort duty and expeditions, which is the general complaint and cannot be avoided. He had him under arrest for a day or a day and a half for having gone as an absolute ruler to take from an Indian the few supplies he had, for no reason and without his owing him anything; and after he came to complain of him he was ordered to make restitution, and since in his arrogance he would not do so he placed him under arrest until he paid.<sup>139</sup> He complains that on another occasion he made him pay another man, and pretending that he had nothing to give him, he gave him a jacket or cape, intending that it be returned to him; and because he received it as payment and went off with it, he complained loudly. And he did the same because of some sheep that my husband received, and although he gave them to him as payment for what he owed him, he later repented and complained constantly, saying that he had taken them from him. He complains about his son-in-law's having asked him for what he owed him, which he has not paid, and he has given a note for it. And besides this he has given many an occasion for punishment, and although he did not receive it as he deserved, he and his family have been such enemies of ours that even after Juan Lucero attached him to himself, and Don Diego, too, despite his having carried off his virgin daughter through the chimney, instead of feeling offended with the man who had done this he was offended with us who sometimes witnessed it. And because he is our great enemy, and for his own reasons, Don Diego, as soon as he arrested my husband, made him the chief guard, in which position, giving vent to his own hatred and to Don Diego's, he inflicted so many vexations and annoyances on us that they cannot be told. And he is a claimant in the audit. And when this man was at our house, if someone came in without his seeing them and he saw them as they were leaving, he stripped them to see whether they were carrying dispatches from my husband, as he did with Francisco Jiménez; and when we asked him why he did that, he said it was by order of Don Diego, and in this respect he did things impossible to describe. And on other occasions he would search the persons who entered the house, even my own Indians, and especially at nightfall; and when we asked him several times why he did that, sometimes he said it was by order of Don Diego, who strongly urged him to take care lest some disguised friar should come in to kill my husband, and at other times he would say that he did it on his own for that same reason; and there was an occasion, among the few when my husband spoke to him while he was at the house and told him that one day he would be called to account for the many things he was doing, when he answered him that as for searching those who went in and out, he did not want a disguised friar to come in and kill him; and when Don Bernardo answered him, "Go on, what friars? Because the others do not get involved in such things or think of it," he answered him that he was inside there and did not know anything, and many things were going on outside and everything was topsy-turvy, and that his bed was very well made, and many other things, so many that to tell them all is impossible.

María de Vera and her daughters, in case they should have testified: This woman is the stepdaughter of this Salas, and as such all his complaints affect her, and she has many on behalf of herself and her daughters, and not the least of them is that Don Bernardo sent them reprimands several times because of the scandals that they occasion with their loose living, and also because he collected what she owed him, and I believe she is still in debt to him. And beside this he took away from her the estate<sup>140</sup> that belonged to her stepson

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<sup>139</sup> This sentence is a good example of how, in Doña Teresa's prose, the masculine singular subject pronoun can shift meaning. The "he" of the sentence refers at different points to Antonio de Salas, to the anonymous Indian, and to Don Bernardo López de Mendizábal.

<sup>140</sup> *encomienda*.

Pedro de Montoya, and since it belonged to him he assigned it to him, and it is unbelievable how much offense she took at this and how many complaints she lodged. And he also had some other business with her, which Don Bernardo knows and can explain better than I, for what I know in general is the great enmity that for this and other reasons she has always felt and feels [toward him] and toward me, speaking ill of me without my knowing her and showing herself to be the mortal enemy of both of us. In addition she is a claimant in the audit. And furthermore she is the mother-in-law of Trujillo's son, and all of their complaints affect her. And beside this she is very much attached to Don Diego and very close to him because one of her daughters has an illicit relationship with him. Another [daughter], whom I have mentioned, belongs to Fray Nicolás de Fletas, who is one of our greatest enemies.

Inés de Zamora and her son, in case they should have testified: She is our enemy, and her son more so, and his hatred reached such a point that once he met my little mulatto girl in some houses that he frequented, and as though the girl had reached the age of reason he [fol. 156r] threatened her, telling her, with reference to my husband, "Now your daddy will see, he'll see"; and when she told me that he kept telling her this, and when I looked into who it was that was telling her this, I learned it was he, who I believe is called Domingo López; and although, if he has some complaints, I do not know for sure what they are, except for an argument about a petty estate, and I know of no other reason whatsoever other than his being part of the conspiracy mounted against us by them all. The mother was a strong adherent of Don Diego and I do not [know] whether he is, and she is considered to be one of the most wicked tongues there are there, and I have some experience of that. She is a dependent of the Luceros and even related to some of them, and they are our enemies, like all of them.

Bartolomé Romero and his wife,<sup>141</sup> in case they should have testified: He declared himself our enemy, and so did she, on the occasion when they all conspired, without there having previously been any reason for it; but as they never lack reasons as long as they are against the judge, that is how it turned out, for at the time of the petition or complaint that I have mentioned, either on behalf of private citizens or prepared, they said, on behalf of the council by order of Don Diego, and it appeared that it was drawn up at his house, and they said he said that in it they should say that my husband had tried to scale his house to get to his wife, when the fact is that no scaling was needed to get at her, besides the report being false, and it is a fact that Don Bernardo did not leave his house except to go to church. But as long as he could malign him he had no concern for his own repute, and finally, it was said, those who were drawing it up refused to put down such a thing and blamed him for it. And this man, only because of the escort duty on which he sent him shortly after we arrived because there was no one else to send, always considered himself our enemy. And he is a cousin of Francisco Gómez and Diego Romero, related to Juan Lucero, and all of them and she are [relatives?] of those they call "the many,"<sup>142</sup> which is enough for them all to be our enemies, and I know they are also mine, without my having given them any cause for it, unless she is my enemy because she was a friend of Josefa's, because she was the sort of woman who does not miss the chance to make trouble with whomever she can. And I believe he is a claimant in the audit.

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<sup>141</sup> Bartolomé Romero is witness No. 15 (f. 25r).

<sup>142</sup>*i es primo hermano de francisco gomes i de diego romero pariente de Juan lucero i todos ellos,i ella de las que llaman los muchos*: My translation of the latter part of this passage can only be a speculation. One trouble with it is the discrepancy of gender (*las que llaman los muchos*). Another possibility would be 'she is one of those [women] whom many [men] call.' In that case, the *los* of *los muchos* is problematical.

And concerning Miguel de Noriega, in addition to what I have stated, I now remember that when he had joined with Don Diego and was at his house, it was said he had the council summoned for I do not know what documents, and he sent him for them, and what I found out is that when he would not comply with what some of the residents seemingly wanted, the mayor, who was Bartolomé Gómez Robledo, had some differences with him about them and after exchanging some words they drew their swords or partly drew them or were about to do so in the council; and when Don Diego learned of it he had the mayor arrested and brought him to his house, and when we found out what was going on and investigated what it was about, we were told it was about some letters or I do not know what documents that Don Diego was making the council prepare against Don Bernardo, but we could not find out for certain what they were or what they contained or about what, and we only learned that the quarrel had been about the mayor's having said that that was the greatest and most obvious unfairness, and we were also told that he had said other things that I do not now recall, nor do I know whether the documents were drawn up or not.

So that it may be known, in case it is important, Manuel Jorge, the smith, and his wife, in case they should have testified: He is our enemy and has various complaints against my husband and has on every occasion shown his hatred for us. And he is a claimant in the audit. And he is at all times truly our mortal enemy, and his wife along with him.

Francisco de Madrid and his wife and sons and daughters, in case they should have testified: This man has been our enemy since we went there, in the first place because he is very devoted to Manso, and because after he had told my husband that he is a mestizo, he asked I don't know whom whether it was true, and he answered him that it was, and he told him, and since he is so conceited he took great offense at this.<sup>143</sup> He was also offended because when he was on the expedition to the Rio Grande, he sent him as a soldier and not as a commander; and Manso, it was seen, had no small part in this trouble, as on their return, when it became known that they were on the way, he came to tell Don Bernardo before they arrived that he should be aware of the fact that many of the men who were coming would desert and that Madrid was their leader; and when finally they all came back he asked him or told him what he had been told, and he replied that it was true, he had been about to desert, that on the way he had been given a letter that he had shown to some of the men and in which he was told that when he reached town Don Bernardo would do him much harm, [fol. 156v] and that some of the men had counseled him not to worry and he would see that the warning was false, to which Don Bernardo replied that no such thought had occurred to him; and finally, when he asked him from whom the letter had come, he insinuated, if I remember correctly, that it was from Manso. I do not know whether this was true, yet nonetheless he always harbored enmity and complaints. Several times he rebuked his sister. Because of complaints he several times arrested his nephews, sometimes obliged them to go on escort duty and expeditions, and also his brother Lorenzo, who is also our enemy for different reasons. He pointed out how little attention they paid to their mother while she was perishing. This man is related to the

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<sup>143</sup> The ms. clearly reads *a mi marido*, making 'husband' the indirect object of told, and not the subject. One possible interpretation of this rather confusing passage is that Francisco de Madrid told Don Bernardo that he (F. de M.) was a mestizo, that Don Bernardo asked someone whether this was true, that this person said that it was and mentioned it to F. de M., who then took offense, although why he should do so if it was he who first raised the matter is not clear to me. Another possibility is that the *a* is a scribal error and that Don Bernardo told F. de M. that he (F. de M.) was a mestizo, that F. de M. then asked someone about it and that this person said that it was true and also told Don Bernardo about it.

little mulatto girl whom Don Diego has in his house and is very much attached to him, as is Lorenzo, and for all these reasons and many that my husband knows better than I, he and all of them have been no end hostile to us; and he and, I understand, his brother are claimants in the audit.

Mariaca<sup>144</sup> and her daughters, in case they should have testified: She has always been our enemy and is a sister of the Madrids, and she clearly showed her hatred toward us, because her vengeance did not stop until she saw me taken away under arrest on the night they did that, and I know this because when we got to the corner of the square Fray Nicolás de Fletas said, "Listen, who is that woman over there?", and the others answered him, "Where?", and he said, "Over there next to the poplars," and when they all looked they said, "Mariaca," and they also said, "I would have sworn it had to be she," and this was without my knowing her or ever having spoken to or of her in my life. Her complaint stems from the rebukes that my husband used to send her because of her loose living, and from his arresting her sons on some complaints and making them pay for some things that they were stealing in the towns and other places. And he sent them on escort duty when it was necessary, and they went out on some expeditions. And finally she is related to the one they call the woman of many,<sup>145</sup> who is the mother of the little mulatto whom Don Diego has in his house, and they are all mortal enemies of mine and speak and have spoken about me like the sort of people they are.

Miguel de Hinojos, in case he should have testified, and his wife and sons and sister and daughter: He is our enemy because Don Bernardo removed him from the chieftainship of the Jemez on account of illness and incapacity, and he had a complaint about his collecting what he owed him, and also about the rebukes to his sister and niece, which they all complain about bitterly, even though they live as they do, and also for many other reasons that my husband knows better than I; and he is a claimant in the audit.

One Mondragón and his daughters, in case they should have testified: I do not know that this man has any reason [for complaint] other than his having told him often to rebuke his daughters, because of which he and they are our enemies, because that is all the reason one needs there. He clearly showed his hatred when Don Diego had made him chief bailiff and sent him to our house on various errands and he took his revenge as best he could. Don Bernardo must know whether he has other complaints; I do not, since I hardly know these people. I do not know whether he has lodged some claim in the audit.

José Téllez Girón and his mother-in-law, wife, and sisters-in-law, in case they should have testified: This man is our enemy because, on account of his lack of judgment and things that he did, he removed him from his post as adjutant, [and] because he told him to hand over some lands to a brother-in-law of his because they were rightfully his, because he was obliged to send him on escort duty, and he jailed him for a day or two; for which reasons, and others of his mother-in-law and brothers-in-law, he and they are our mortal enemies. And he is the brother-in-law of Juan Lucero, and a claimant in the audit.

The Cerrillos, Doña Bernardina, her daughters and sons, in case they should have testified, all of whom are our enemies, because Manso is the godfather of Doña Margarita's child,<sup>146</sup> and Agustín de Carabajal, who is her brother-in-law, is the son-in-law of Madrid; and they all have many reasons, which I do not know and Don Bernardo does

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<sup>144</sup> *Mariaca*: perhaps to be read as *Mariaça*, i.e., *Mariaza*. In either case, an augmentative of *María*.

<sup>145</sup> *la de barrios*: another meaning could be 'the Barrios woman,' but why would "they call her" that?

<sup>146</sup> *la doña margarita es la comadre de mans*": This can mean that Manso is the godfather of her child, or that she is the godmother of Manso's child, or simply that she is Manso's good friend. The last possibility, in view of the difference of sex, seems to me the least likely.

and he will explain them. And I know only that they are all mortal enemies not only of my husband but also mine. And some of them are claimants in the audit.

Elena Gómez and her daughters, in case they should have testified, are our enemies, and one of her sons more than any of them, because, if I am not mistaken, when he was guarding Don Juan Manso at the time he fled, he fled with him, and I think his name is Domingo López. They also have other complaints, which are never lacking against a judge, and they have the usual one about escort duty and expeditions. And my husband probably knows other things that I, since I hardly know them, do not; and some of them are claimants in the audit. And I know that some of them owe my husband money, and he must have notes signed by them.

Diego González Lobón and Margarita, his wife, in case they should have testified: [fol. 157r] This man, when Don Bernardo sent him to El Parral with a dispatch shortly after we arrived, gave some persons some of the bulls or oxen that he was taking and did other things like that; and after he came back he failed to give a proper account of what he had taken, and some things were missing, and when he was asked about it he had countless excuses, and one of those who had gone with him told him and reported to him all he had done, and when he was told this he replied that he had done it with the intention of paying for it if it were found out; and when Don Bernardo ordered some persons to settle the accounts there, they did so, and he said he would pay within a time limit that he requested and that was granted to him, and a few days later he asked for permission to go to the salt pits to collect I do not know what things, and he came to this city and stayed here until he became strongly attached to Don Diego when he went [to New Mexico], and he kept him with him there, too, and would not make him pay my husband what he owed him. And he sent him with Father Fray Nicolás de Chávez to this city to deliver the audit he had made of him and the dispatches that the friars were sending to this Holy Office, according to what people said there; and afterwards, because Fray Nicolás died as soon as he arrived in this city, he took the replies back to Don Diego and the friars, as was seen by their effect, and it was said that Don Diego rewarded him for the good news, and his own sister told me that. And his wife and he are our enemies because at the outset she was one of Josefa's gang and her close friend, and she covered up for the girl with whom Arteaga was involved, who became pregnant; and on the day he quarreled with her, Arteaga said the quarrel was about her wanting to give her a potion that would make her miscarry, and because he did not want this they were finally on the point of killing each other. And Don Bernardo had her under arrest for a few days because of this, and he also rebuked her several times for her loose living and about other women for whom she covered up both within and without her house. And for these reasons and others these two have been and are our mortal enemies. And he is a claimant in the audit.

Antonia González, in case she should have testified, and Pedro de Montoya, her nephew, in case he should have done so: She is the sister of Diego González Lobón, and he is his nephew, and they have the same complaints as they and in addition, that he rebuked her for her loose living, for that is all the reason you need there to make them your enemies. The nephew is much attached to Don Diego; he has made him his adjutant and brought him from Zacatecas in his immediate circle and almost always has him in his house. And he serves him in other ways that are not good. And for these reasons he is our enemy.

Juan Durán and his father, in case they should have testified: These are a couple of wretched Indians. The son is warden of the jail, very devoted to Arteaga and his wife and so must share their wiles. He is our enemy, and a claimant in the audit.

Nicolás Durán and his wife and sons—he is Don Diego's adjutant—in case they should have testified, it must have been to follow in the path of all the others. I do not know of any reasons. He was our enemy.

Hernando Martín and his sons and daughter-in-law, in case they should have testified: This man adapts himself to every change in the weather and acts in keeping with it. And as long as he can play his tricks, as he says, he is satisfied. If he has done anything it must be so as not to do without them, and he would be our enemy. And his daughter-in-law is very much our enemy.

Bartolomé de Ledesma, in case he should have testified, and his wife: This is the man Don Diego made attorney for the council and the one who prepared the aforesaid petition or complaint. He is our enemy because he rebuked him for allowing his wife to live as she does. He has the usual [complaint] about escort duty and expeditions and other things that Don Bernardo will know better than I; as he did not tell me about them, I do not know them. And if she has done anything it would be because of Noriega, because of the relations she maintained with him. And as soon as we were arrested, this man fled to Sonora, I do not know why.

An Indian of the Apache nation, married to an Indian muleteer whose name I believe must be Alonso, and hers, Antonia,<sup>147</sup> in case they should have testified: [fol. 157v] This woman was brought from the Río Abajo area from the house of a Spaniard in which she was employed, because it was known that she maintained unlawful relations with him; and she had I do not know how many children by him despite being married. We hired her as a cook, and she lived there as though under compulsion and against her wishes, and she joined up with Josefa like all the others and helped her in all she did, for which reason, and others, I sometimes chastised her, and also for being there so grudgingly even though she was being paid; and finally, after I do not know how long, for reasons that I do not remember and for being unskilled, I threw her out, and Don Bernardo ordered her under various threats not to return to the house where she had been; and because of her regret at losing the comforts she had there, and for other reasons, she and her husband have been our enemies.

A young Indian called Alonso, in case someone should have made him testify: He was brought to our house and flogged for thefts that he was committing in the towns and ranches. And when he was at our house he was flogged several times for this bad habit and we often scolded him, and as that was his nature there was no reforming him. And finally, because he gambled away some stirrups and buffalo hides, he ran away, and Peñalosa, or Don Diego, took him along in his service when he went to Moqui. And because we scolded and punished him he is our enemy, and because he goes along with all the others.

A certain Francisco, whom they call Calavés, in case he should have testified: This man is our enemy and always has been. He has some complaints, because people will always complain against judges. Toward the end I scolded him and grew very angry because of a rug that he was making for me and that was almost finished, and he replied that Don Diego had taken it away from him and ordered him to finish it for him. And I have paid him for the work and have given him full deposit for it, and despite this, at the end of our time there he sent for a deposit and I gave it to him and he gave us a note for [the rug] and for what I had given him for it, because that was the truth, despite his being angry at us; and if he has done anything it must have been in order to go along with all the others and because Don Diego brought him to his house to make rugs and kept him there.

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<sup>147</sup> This Antonia seems to be the cook Antonia Isabel, witness No. 14 (f. 23r).



A certain Apodaca, whose first name I do not know, in case he should have testified: Don Bernardo kept this man in jail for many days, and although I do not know the reason in detail, in general it was this, that on complaint from his wife or report that [Don Bernardo] received that he had illicit relations with two or three of his step-daughters, and some of them had children or had had them by him, and finally some or all of them confessed, and he banished him and punished him in other ways. And when Don Diego found him at El Parral he brought him along attached to him, as he did others, and later he examined the case and arrested him and was so stern with him that he sentenced him to be hanged, although afterwards he did not do it; and if he has done anything it might be to support his denial, and for this reason he is our enemy, [and] for the same reason, his wife and step-daughters and their husbands, because both of them are married now, and also the other one and the daughter who had been placed under the protection of the court, and I do not know whether this one had relations with him, or I do not remember what I heard about her, although I do recall that she has a baby, and I do not know whose they told me it was. And I believe he is a claimant in the audit.

Juan Muñoz Polanco,<sup>148</sup> in case he should have testified, has been our enemy almost since our arrival there, and he went with us as a soldier, and stayed there, and we did a great deal for him. Because [Don Bernardo] had learned that he had had relations with one of the daughters of Catalina Bernal and had scolded him for it, both because he was offending against God and because he was spending on her what he had taken with him and what his wife would need here, and after other things Don Bernardo had told him several times he should come here to live with her, because he had no business there, one of those times when he so ordered him he replied with I do not know what impertinence that obliged him to arrest him, and he indicted him and held him for punishment for the lack of respect, and finally I interceded for him and he did him no harm; and despite this he has been one of our worst enemies, and as our enemy, and as a countryman of Valdés and Noriega, he joined up with Don Diego as soon as he arrived; and as he spoke so badly of us, he kept him very close to him and made him one of the captains whom he appointed; and he lodged a complaint against Don Bernardo in the audit. And afterwards he made him a guard at our house and he served as such for a few days; and on one of them, when he came in for some reason, they spoke of the complaint, and at last he told him that he [fol. 158r] was not avoiding payment of his debts, but so that he should see that he was mistaken in the accounts and that he owed him nothing he should go over them himself right there, and finally between the two of them they did it, and even when he forgave him many things and dealt with them as he wished, he came to see how mistaken he was, and as my husband went along with everything he wanted, what he owed him came to very few pesos, and he told him to pay, and he answered that he would do so forthwith, but that he should file a petition and reduce the amount for a note he would give him immediately, and he said he would do it but that he did not dare because of Don Diego, but since he needed it badly he would go to ask for his approval; and after he went and did not come back someone who lived in our house, I do not remember who, came from his house, I do not know whether it was Toribio or Juan Domínguez, and when he was told what had happened he said that he was coming from there and had heard Don Diego reply when he was asked for permission for the aforesaid, "Hold fast, Captain Polanco, and I'll make him pay you all of it." And that was why he did not come back then. And I mention this here because if anyone is owed some small amount—because it all came to little—he interferes and he would not allow them to be paid, as happened in

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<sup>148</sup> Juan Muñoz Polanco is witness No. 7 (f. 11r).

the case I am speaking of. And the same thing in some others. And a poor Indian shoemaker whose need made him come, and he paid him some five or six pesos that he owed him. He persecuted him in such a fashion that whenever something had to be sent somewhere he would say, "Call the cobbler," and the cobbler would go at once, and he wound up owing us some pesos that he gave him in addition to what he was asking for paying the boys in kind.<sup>149</sup> When Polanco came back the next day or the one after, he finally said that he did not dare and [gave] other excuses until at last he said it clearly that time and many others; and despite what had happened, his enmity was such that although he now almost hated Don Diego, although without saying so, he took part in almost every attachment carried out and was the first to trouble us in every act of persecution against us, and on the road he did a good deal, nor was there any occasion on which he failed to show his lack respect for my husband and me with harsh persecutions to which, if I were to recount them in detail, there would be no end, as there is none to his enmity.

UP TO HERE<sup>150</sup>

Jusepe Jurado, the armorer, in case he should have testified: Ever since we went there and he went with us, and even before we left here, this man took offense for no reason whatsoever, even though we favored him. And once there, he always displayed the ill will he bore us. And he caused trouble, but I do not now recall the reasons, and my husband knows them better than I. And at the end he even witnessed my arrest, coming there with the friars, I do not know what for. He is a bitter enemy, and I do not know whether he is a claimant in the audit.

The carters, in case they or some of them should have testified: On our voyage there, Don Bernardo rebuked many of them and punished some, although few, for offenses that they committed; and although this is no reason and they do not have to testify, in case they should have done so I can find no reason for it other than the one that Don Diego told me, that they might have done it because Fray Juan Ramírez was so great an enemy of ours, or that he, for this reason, might have made them do it, because those whom he mentioned to me were so devoted to him. I do not know what truth there is in this, other than that he told it to me. And this Fray Juan Ramírez is and has been our bitter enemy for reasons that arose before we left this city, when we went there, which are known; and apart from that he deceived my husband in some things, not keeping his word and the promises that he would make and then regret and not keep; and during the voyage, although he dissimulated to suit his interests, he always, although discreetly, showed his ill will toward us; and although now he spoke to us [fol. 158v] a few times, this was not because of any love or good will that he felt toward us, but only because he was on bad terms with the other friars and he knew how hostile they were to us. He wanted to do this because he thought he would thereby cause them chagrin, and he even told me this a few times and told me they were very upset by it because they believed that as our enemy he would help to have us burned, and they saw that he had become our friend and were very upset by it. And I know that the feelings he had toward us were to speak quite badly of us where they might not hear it, and my girls told me the things he used to say when the father commissary of this Holy Office had them returned to me in Zacatecas at the request of Juan, something he resented to an incredible degree; and if he

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<sup>149</sup> *para pagar en obra a los muchachos*: I do not know who these *muchachos* are. If they are the cobbler's apprentices, I do not understand why he should ask Don Bernardo to provide for their payment.

<sup>150</sup> See below, f. 162v.

had disliked me up to then, he did so far more afterwards because on that day, when they had been brought and while they were being entrusted to Francisco de León, he begged me repeatedly to ask that they be entrusted to him, and I would not do it because I had heard people there shout aloud what he wanted them for, something I had not known until then, but later they told me all about it; and in short, for this reason and the aforesaid and many others he is a great enemy of my husband and mine.

Father Custodian Fray Alonso de Posadas [*sic*], in case he should have testified: He has been our enemy since before we left this city, because when he came to our house in the afternoon of Corpus Christi Day to see Don Bernardo and was told that he was not there, he said that he wanted to see me, and when he was told to come right in he did so, and after we had greeted each other he said he was coming to see my husband to tell him that if he thought that he was going to govern men, he was mistaken, because he was going only to govern riff-raff,<sup>151</sup> and since he had not found him at home he was telling me so that I might tell him. And I, scandalized at what he was telling me, said, "Good Lord, Father, don't say that!" But he, as a man who knew them, began to tell me so many things, both of men and of women, that I was astonished at them; and while he was talking and I defending them all, he came to tell me among other things that if Pacheco had cut off the heads of Colonel Pedro Lucero de Godoy and Sergeant Major Francisco Gómez Robledo, his father, they would have richly deserved it. To which I replied, "Well, Father, if they deserved it and were accomplices as you say, how is it that he cut off other [heads] and not theirs? Because it seems to me that if they were as guilty as your reverence says, he would have cut them off as he did the others." And he replied to me that he would tell me the reason, and it was that Lucero deceived him with some tamales or a pie or something like that, and apart from that, out of fear and to flatter him, he would get up early and have his house and kitchen swept, and that is how he deceived him, and he had pardoned him and not beheaded him. And that Francisco Gómez came every morning to curry his mule, and that is how he deceived him so that he would not do it. And the things he told me about this matter and others were so many that they make a long story, as he told me countless bad things about everyone and I defended them vigorously; and he eventually left, and, scandalized, I said to my husband's mother, who was present—although, not knowing any of them, as she hardly knew any of those who were in this city, she had remained silent during the conversation because she did not have the information that I did about people there or my knowledge of those here—"Madam, if we were to go to confession and said that we had said these things, would this friar not order us to ask those involved for their forgiveness?" And, crossing herself, she answered me, "Yes indeed." And I asked this about the women there who carried on illicit [**fol. 159r**] relations, and although I did not know them I did so on behalf of their husbands<sup>152</sup> who were here. And sometimes she would ask me afterwards whether that father had come back, who later saw my husband and told him the same things or others more or less. And, finally, since then he bears me ill will; and after he went back there as custodian Don Bernardo had some differences with him that he will be able to explain better than I, because I do not remember them well, and for this reason he has been and is the enemy of both of us. This is apart from his carousing and feasting with Don Diego; and other things could be said about this, and as I do not know how to do so I shall not do it, to avoid error. And I shall only say that I heard some residents say in general that some friars were complaining that he was plundering, or I do not know how they put it, the monasteries in order to get presents for himself, because I

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<sup>151</sup> *esto i lo otro*: Literally, 'this and that,' but what follows suggests the interpretation I give.

<sup>152</sup> *a parte de los marido* [*sic*]: I suggest that this is a *lapsus calami* for *de parte de los maridos*.

also heard that he sent orders or word that from each monastery they should send him a present of what he asked for. I do not know what truth there is in this, and I know only that it is true that he received presents every day and that sometimes I saw what they were taking him pass by my house, and also the mule trains of wheat and corn they brought him even from Taos.

Fray Salvador Guerra,<sup>153</sup> in case he should have testified: Almost since we went there he has been our most mortal enemy possible. I have already mentioned his reasons for this, and if there are others, Don Bernardo will know and [tell] them, as he is better informed of these matters than I; I only know what I chanced to hear there at times, that although I had not offended against him in any way, he would speak about me as he wished and has on all occasions shown his hatred for me.

Fray Nicolás de Fletas,<sup>154</sup> in case he should have testified: He has been our mortal enemy since the time of our journey there, firstly, because he is one of the favorites of Fray Juan Ramírez and of his [enmity?].<sup>155</sup> He showed this on one occasion, when one afternoon a soldier and one of the carters were fighting with knives, and when Don Bernardo saw it, he went there and got out of the cart in which he was riding and began to argue about their being arrested, in order to defend the carter, although Don Bernardo told him that he had judicial authority over them; and finally I went there and said to two more sensible friars that were there that they should go and take him away, and they answered me that they were keeping quiet because they had no reason to get involved in something that did not concern them, what did they have to do with stabbings, and that father was doing it because of the custodian's indulgence toward him; and from that point on his ill will was even greater. Later, in New Mexico, because of whippings with a leather whip, which they say is a severe punishment, and shearing the Indians and other things of which the poor natives complained several times, and for other reasons that my husband will also know and explain better than I, he is and always has been our fierce enemy, and mine, too, although I have done nothing to him or given him any reason whatsoever. He came back from this city traveling from Zacatecas on in the company of Don Diego, who is his close friend. And he was not satisfied until he could arrest me without having any warrant. And afterwards he insulted me as stated and asked me about papers and other things.

The vice custodian Fray García de San Francisco,<sup>156</sup> in case he should have testified: He is our enemy and has always shown it, and he took offense at being told to attend to the complaints that he received from the friars, of which he was informed so that he might do so. There are many reasons and I do not know them either; Don Bernardo will specify them; I only know that his enmity is great.

Fray Diego de Santander, who was his secretary, in case he should have testified: This is one of our greatest enemies and has revealed himself as such on every occasion. When we went there he was the secretary of Fray Juan Ramírez, in which position he also showed his ill will toward us on every occasion; and his great complaint is that when he was guardian of Jumanos—I believe that is the name of the town—he told him to take the monastery's cattle to where the guardians have always kept it, near the town, and not in it, as he had done. And this [fol. 159v] was because there is no water in that town, and the little that it has often dries up, and the inhabitants go very far off to fetch their drinking

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<sup>153</sup> Fray Salvador Guerra is witness No. 25 (f. 42r).

<sup>154</sup> Fray Nicolás de Freitas, whom Doña Teresa probably means, is witness No. 3 (f. 5r).

<sup>155</sup> *i de la suia* [?].

<sup>156</sup> Fray García de San Francisco is witness No. 2 (f. 3r).

water, at great risk of [attack from] Apaches, and they say he had taken a great number of cattle and sheep there. They used to draw their water by hand with ropes from very deep wells, and since it was as scarce as I have said, in addition to the great effort it required, they needed it badly. And, finally, this is a town that the governors never go to visit because of the lack of water, so that the horses in their train may not drink up the natives' water. And the father complained about this a great deal. He also occasionally spoke ill of my husband and of me without our having done anything to him or given him any reason, and neither do I know what reasons for complaint he has, and my husband knows them and will explain them, for I know only that he is our great enemy.

Fray Fernando de Monroy, in case he should have testified: This friar says himself that I have given him no reason for the enmity that he admits to feeling toward me, but that as he is my husband's enemy he is mine, too, and that his enmity toward my husband stems only from a petty annoyance that he says he caused him; and although it is a thing of no consequence, his rancor toward us is so great. God will give him his reward, and he is our enemy.

Fray Benito,<sup>157</sup> in case he should have testified: He has felt offended since we went there because, as a result of his discourtesy and inattention toward us, we did not go to lodge at his monastery, and when he found out he went to plead with us to go there, excusing himself with his absentmindedness; and finally we went, to do him a favor, and he asked Don Bernardo that we should not go that day or the following one, and as a favor he did that, too; and despite all this he had complaints, and I have heard that he circulated some false rumor about the visit to the monastery or I do not quite know what. He also complains that once during an inspection an Indian woman publicly asked him for a blanket that Father Hore owed her<sup>158</sup> and had not paid her, and Don Bernardo, scolding her, said that if there was any soldier there who had a blanket or deerskin, he should give it to her and throw her out, and since there was no blanket, one man gave her a deerskin that he had, and she said she did not want it, that he had promised her a blanket. And when she was again scolded and told to take it, they say that Fray Nicolás de Chávez, who was there, said, "No, no, give it to her, that's my order,"<sup>159</sup> and going inside, he brought it out and gave it to her, and they threw her out, because of which, although my husband was not to blame and had scolded her, he felt deeply offended. And he is our enemy and has always shown it, and so are they all.

Fray Fernando de Velasco, Fray Antonio de Ibergaray, Fray Felipe Rodríguez, Fray Juan de la Chica, who is a little demented because of an illness he had, Fray Juan de la Ascensión, Fray Nicolás del Villar, Fray Josué<sup>160</sup> de Paredes, Fray Something de Monpián,<sup>161</sup> and many others whose names I do not know, are all our enemies and have all shown it, because all they need is for one of them to have some petty complaint, and then they will all have it, and they need little reason for one, and among these are Fray Pedro Moreno, who is not one of the least ill-disposed toward us, Fray Something de

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<sup>157</sup> Fray Benito de la Natividad is witness No. 6 (f. 10r).

<sup>158</sup> *quel padre ore* [perhaps *are*] *le deuia*: The surname Hore exists; I do not know of a surname Hare. If the three letters, which are clearly legible, do not indicate a name, I do not know what they mean.

<sup>159</sup> *no no de la pues sela mando*: The translation is a guess.

<sup>160</sup> *Juose*: I take this as representing *Josué*, though it could conceivably, but I believe less probably, represent *José*, the spelling of which is simpler.

<sup>161</sup> Fray Antonio de Ibergaray is witness No. 20 (f. 32r); Fray Nicolás del Villar is witness No. 9 (f. 14r); the others mentioned here are not among the witnesses.

Alvarado,<sup>162</sup> Fray Blas, and these and all the others that were there are our enemies for different reasons and have always demonstrated it. And likewise all the friars who were in town when the edicts of the faith were read. From the day they were read they began, one by one and two by two, and sometimes more, to go from house to house, constantly visiting the residents, in which Don Diego was of no little assistance to them, and sometimes he went with them. And he and they did not cease to do this, and sometimes, where they were, there would be dances and parties and gossip of all sorts; and apart from this, they and Don Diego, and Don Diego and they, lived in constant banquets and festivities, so that they and the residents were in such turmoil that I cannot describe it. And they would say various things against us unfortunates, and when they saw my little Apaches in town they would even set to saying, "There go that heretic's boys," as Toribio de la Huerta then sometimes told me they called them; [fol. 160r] and some of the friars were with Don Diego, playing cards till the small hours of the night, and on other occasions he did the same at the monastery until very late. And besides this, in order to intimidate the residents, Don Diego had a gallows set up and a gibbet and a pulley<sup>163</sup> and had two or three poles put up in the jail for garroting, and he would threaten punishments for the least thing, as he sometimes imposed,<sup>164</sup> although I do not recall on what occasions; and there was one resident who once told me a little before the audit, or during it, that it was not because he did not want to that he had not come to our house, but that they were telling him that he came to report on what was going on, and when Don Bernardo came out of one of the rooms as he was telling me that—and if I remember aright he had gone there to get I do not know what document that he had come to ask him for, I do not know whether on behalf of Don Diego—and he asked him what he was saying, he repeated it to him, saying that he had had a very disagreeable incident with him and that among the threats he had made against him he had told him that that was why he had set up that gallows and that he knew how to hang and quarter many people and was very eager to do so, and many other things, and that for this reason he did not dare to visit us, lest some slander be spread about him to his disadvantage; and this is what he constantly did with many people. On other occasions he would say that his enemy's friend was not his friend, and that anyone who came to our house should not go to his. And at other times he would send for Juan Domínguez late at night when he was at our house, and when he went he told him, putting his sword up against him, that he knew how to fight and fence; and this was because he was at our house, and he ordered him and Toribio de la Huerta to leave our house, and Toribio, feeling sorry for our abandonment and because we had only him to do anything for us on the outside, explained this to him and asked him for permission to serve us at least during the day to meet our needs as best he could; and in short, so much could be said about this matter that it is no exaggeration to say that no human tongue could explain it, because none could do it justice. And I shall say only that these disturbances and threats, together with the docility of the local population, finally sufficed to make everyone turn against us; and all of them joining and conspiring to persecute us in every way, they shamelessly spread so many and such great slanders against us as in so many ways they have done.

And all the friars who were in that country during the time that my husband was governor are also claimants in the audit on account of their cattle that they say died

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<sup>162</sup> Fray Tomás de Alvarado is witness No. 21 (f. 34r).

<sup>163</sup> Presumably for purposes of quartering, as suggested below.

<sup>164</sup> *como lo hico [sic, for hiço] algunos*: Either *lo* is superfluous, and the meaning is as translated, or an *a* is missing between the last two words, and the meaning is 'as he imposed on some persons.'

because of the severe winter, which also caused the loss of many of ours. And concerning the cattle they are demanding, I heard Juan Domínguez de Mendoza say that some of the friars who were asking for cattle had used them to marry off some girls and given them to them as dowries, and they would tell the custodian they were dead, and he also named the friars who had done this, whose names I do not at present recall except for a certain Alvarado, and he also named the houses where the girls and their husbands and the cattle were. And he said that others had done other things with them, and that Don Bernardo should not reply to their petition except in his presence, so that he might tell him individually what many of them had done with them and where they were and under what conditions, and that he would go and show them to the custodian if he wished. And I heard him say this many times. And besides this, only God can control the weather. And as soon as the news of Don Diego's coming arrived, many friars came to town to say a mass of thanksgiving, which I heard they had promised to do on receipt of news of a new governor.

Juan Luján the Elder, in case he should have testified: what with the disturbances, this man followed the behavior of the crowd, and so if he did anything it would be because he was one of those threatened. I do not doubt that he would probably do anything to avoid trouble, [fol. 160v] especially since they always keep a close watch on him because of something they say he plans to do; and apart from this he is related to Lucero and is the brother-in-law of Francisco Gómez, and so he was of his party, which was that of Don Diego, and for this reason he must be our enemy.

Pedro de Leiva,<sup>165</sup> in case he should have testified, and his wife: This man also followed the course of all the others; and as he told me himself, Don Diego threatened him repeatedly, as a result of which he followed him out of fear and became our enemy. And on his own behalf, or perhaps on Apodaca's, he is a claimant in the audit, in which, because of some accounts that he examined, or for some reason I do not quite understand, I believe he has been shown to be a false witness, it seems to me I do not remember in what way. May the truth of whatever it was prevail.

The late Luis Martín and his sons and wife and daughters, in case they should have testified: These are all our enemies. As he was about to die, or, once dead, in his name, they filed a claim in the audit, and I do not doubt that Don Diego had a hand in it, because, as he was such an enemy of ours, he wanted him to be mayor even after he was dead, only because that was a hostile act toward us. And if he and his family did anything it would have been because they went along with all the others and because they were our enemies.

Francisco de León, in case he should have testified: When this man was coming in the carts as a soldier, Don Diego attached him to himself and regaled him in his house, lodging him there, because Don Bernardo recused him and rejected all his appeals. In short, after many incidents, and others with a man who only to give himself importance sought to be accompanied, and not wanting to do so he finally chose him to accompany him<sup>166</sup>; and the said Francisco de León, puffed up with being a judge, did what Don Diego wanted, and since in all this he was only a figurehead I do not blame him much. Afterwards Don Diego appointed him chief guard over all and over my poor husband, so that, prejudiced as he was, he [and] I would have in him a man who would truly persecute us like an enemy, as he demonstrated on every occasion during our voyage, missing no

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<sup>165</sup> Pedro de Leiva is witness No. 16 (f. 26r)

<sup>166</sup> *solo por acer papel ico [=hiço] se aconpañaua i no quiriendo por ultimo lo escogio a el por aconpañado*: I find this passage quite obscure. I think it is Don Diego who wants to be accompanied and who chooses Francisco de León to accompany him.

chance to persecute us as much as he could, and constantly treating him and me with disrespect, and some of the other guards said he did this because he was also much attached to the friars, who, the guards said, had persuaded him that if he brought us here in the way he was doing, this Tribunal of the Holy Office would send him back for the witnesses who had testified against us, and I do not know to whom they were referring, or how to find it out; and with what they say they told him he was so puffed up that what I know to be true is what he told me many times, which was that he was convinced that as soon as we arrived he would be sent back there, and that he would be very sorry to do so because he would not want to return to a country where such slander was spread and people behaved as sinfully as they did there. And after he had often told me this and other things, perhaps unable to bear his vanity, I once asked him to tell me for Heaven's sake why they would send him and the others back as they said, because who were they that anyone would entrust anything to them, or did they think there were no men in the world, and only if there were none could what they were saying be true, at which he took great offense, and so did some of the other guards, to whom for the same reason I sometimes said the same thing. And concerning this man Polanco sometimes told me, and Arteaga, and I think Noriega, too, that he had given his word to the friars that within I do not know what time of his going there he would bring them lots of work, concerning which I do not know the truth [fol. 161r] except that it is true that they said that. And this was because of the bad terms on which they were with him because he sometimes threatened them with writing down how utterly they failed to fulfill the obligations they had undertaken, in order to testify to it before this Holy Office. But after we drew near this city they all joined in making submissive declarations to him so that he might not accuse them and might help them in all things, and I believe he promised to do so. And of all of them and him in particular, all I know for sure is that for these reasons and many others he is and has been the most bitter enemy of my husband and myself, and he has demonstrated this as much as can be, and he would always threaten us that he might testify against us whatever he pleased, perhaps because he really had nothing to say. And he was also extremely resentful of my telling, as one so hurt by them, the things that Don Diego had done with us, and he defended him most vigorously, on account of which we sometimes had some squabbles, which he deeply resented.

Francisco de Anaya and his wife, in case they should have testified: He is the son of Almazán, who was Don Diego's secretary in the audit, and he has his own cause for complaint because Don Bernardo scolded him for the troubles he caused because a mulatto attacked him with his sword on account of his wife. And he is our enemy because he is the uncle of Ana Rodríguez, and Don Diego called them his relatives. He has the usual complaints about escort duty and expeditions, and he is a great troublemaker, and she is the sister of Miguel de Hinojos. And for these reasons and others they are our enemies.

Francisco Jiménez, in case he should have testified, and his wife: It seems to me she is one of the Griegos, and if they should have done so, they will be following all the rest. And she was very close to Josefa, and they were our enemies.

The Indian Antonia, the cook: in addition to what I have said, I have remembered that after serving us,<sup>167</sup> she would go at night to sleep in her house, [and] that one of the causes of her enmity was our not allowing [it and], when we could do so, ordering her not to do it because we had learned that it was in bad condition; and I found out that some of those nights she would go to see Don Diego and they would hold long conversations, I did

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<sup>167</sup> *despues que nos siruio de merce*: *Servir a merced* is to serve without fixed pay; I find no trace of *de merced*.



not find out about what subjects. And this woman also would constantly carry on with Pedro de Valdés during the daytime, and she did the same at night, and during this time there would be great conclaves with him at Josefa's house. I could not learn the purpose of this either, but because they were all enemies of ours they were great friends, and Valdés being such a fierce enemy, it is obvious that they would not have been consulting with each other to our benefit.

A little Indian of the Humana nation, who was our coachman, in case he should have testified: This fellow belonged to Noriega and shared all his tricks and complaints. He was flogged as a thief many times, and we often chastised and scolded him for various reasons. And finally after various incidents we sheared him and flogged him for an outrage and impertinence that he committed in our house, which was why we threw out his master. And for this reason, and because of him, he is our enemy, and if he should have done anything they must have made him do it.

Juan González Bernal and his wife Polonia and his daughter, in case they should have testified: These are allied with the Griegos [and] are our enemies for the same reasons as they, and also because the daughter was the one who had relations with Pedro de Arteaga. We had them scolded several times, because they were stealing from us to maintain their household, and Don Bernardo had the father jailed because he did not control his daughter; and for these reasons and others having to do with commotions that they caused and quarrels, all of them, as Griegos, have been and are our enemies.

Cristóbal de Anaya and his wife, in case they should have testified: They are our enemies because they followed the path of all the others. And when he was summoned to testify [fol. 161v] in the audit and was about to do so, we found out one holiday when Don Diego was coming out of mass that he had only gone in and left right away and gone home, and he sent us word that he had already testified. And it was said that they had prepared his testimony and all he had done was to sign it, wherein one can see what they probably did in everything, because he himself probably did not know what they had written. And on the voyage this man would say to me, "Now we're all going there, and the truth will come out, because we'll be able to speak it freely," and he often shouted this at me. And he did speak it, as well as what he did or was made to do in this matter or another. This man is the uncle of Ana Rodríguez and the brother of Inés and Ana de Anaya, and I often chastised all of these and their mother. And his wife is the sister of the Domínguezes, and all of them are our enemies.

Nicolás de Aguilar and his wife, in case they should have testified, it must have been to do like all the others. And he told how Don Diego, as soon as he went there, had prepared the written testimony against Don Bernardo that I have reported him as saying that they made him give. And they say the friars made this public, and for this reason he must be our enemy.

And as for what they say about not seeing me pray or knowing me to have any special devotion, and so that this may be seen clearly, and as a Christian, which by the grace of Our Lord I have been, am, and shall be, a member of the following confraternities: first, in that of St. Peter and St. Paul; in that of Jesus, Mary, and Joseph, and I had its bull, and likewise in that of St. John Lateran, and I had its bull; and that of St. Anthony; and that of St. Roch; and that of St. Augustine, and I had its bull and wear its girdle and am inscribed in its register of members; and with the Dominicans as a slave of the Blessed Virgin of the Rosary, and I had the certificate as a slave and an assigned time for the rosary, and the truth of this can be seen in the books of these confraternities; and wherever I have been, I have tried as best I could to comply with all of these devotions and say their prayers in keeping with the places where I was, and in addition I have always prayed the

ten-bead rosary of the Passion of Our Lord Jesus Christ, for which so many blessings are granted, and I had a list of them and of the great ones that are granted for a thousand beads.

And likewise when Fray Diego de Santander read the first edicts I handed him the liturgy of the pure and immaculate conception of Our Lady and that of the glorious patriarch St. Joseph, and some litanies of the sweet and adored Mother of God and the list of the five greatest sorrows of the Blessed Virgin, all of which were among the things that the edict said this Holy Tribunal had ordered collected, and as a faithful and Catholic Christian and as such obedient to its commands, although these were among my favorite devotions, I was the first to turn them in. And I have always said these prayers and others and also the lesser office of the Blessed Virgin, and in it I have long recited the penitential psalms and the graduals and other devotions, and by their means, by the mercy of Our Lord and His Blessed Mother, I trust that His holy mercy will deliver me from my false accusers and for His sake bring me to a safe harbor out of so many torments, for His greater service.

Magdalena, an Apache, in case she should have testified: When she was making lace at our house I threw her out for good cause that she gave me, and I chastised her severely on that occasion. She greatly resented being thrown out, and Josefa more so, as she was very close to her. Another one, Jacinta, belonged to me, and I also threw her out for many reasons, and she was with Josefa and her group, and they are our enemies.

DOÑA TERESA DE AGUILERA Y ROCHE<sup>168</sup>

[fol. 162r] HEARING AT WHICH HER ATTORNEY IS INFORMED OF THE PRESENTATION OF  
TESTIMONY AND OF THE REPLY TO IT

In the Holy Office of the Inquisition in Mexico on the 10<sup>th</sup> day of the month of January of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera y Roche was brought from the cell in which she is being held, and once present she was told that she knows she has taken an oath to tell the truth at all the hearings that may be held with her until her case is decided, [and asked] whether she promises under the said oath to do so at this one. She stated that for the time being she has not recalled anything that she should declare.

And at this point Dr. Don Alonso de Alavés, her attorney, was ordered to appear at this hearing. She was told that Dr. Don Alonso de Alavés, her attorney, is present, that she should discuss and impart to him the presentation of testimony that has been given to her and what she has replied to it and anything else conducive to her defense. And thereupon the presentation of testimony against the said Doña Teresa de Aguilera and what she has replied to it were read to the said Dr. Don Alonso de Avilés, and the aforesaid discussed and communicated with her said attorney about this her case and affair. And the reading went on until count 11 of the 17<sup>th</sup> witness, and at this point it was suspended [fol. 162v] because of pressing business of her said lawyer, to be continued on another day, whereupon the said Doña Teresa was ordered back to her cell, and first she signed.

Doña Teresa de Aguilera y Roche  
Done before me. Diego Martínez Hidalgo, secretary [Rubric]

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<sup>168</sup> Although Doña Teresa hardly left any margins on her sheets, she squeezed her signature to the left of her text toward the foot of this page.

HEARING AT WHICH THE READING TO HER ATTORNEY OF THE PRESENTATION OF TESTIMONY AND  
OF HER REPLY WERE CONTINUED

In the Holy Office of the Inquisition in Mexico, on the 15<sup>th</sup> day of the month of January of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera was brought from the cell in which she is being held, who, when she was present, was told that she knows she has taken an oath to tell the truth at all the hearings that may be held with her until her case is decided. She stated that for the time being she has not recalled anything else that she should declare. She was told that she should pay attention and that the communication of her trial to her attorney would continue, and at this point he was ordered to appear before this hearing; and the reading to him having begun with count 12 of the 17<sup>th</sup> witness in the presentation of testimony and her replies, and having continued until the beginning of folio 11 of the document presented by the said Doña Teresa in her defense, where "Up to here" has been written, it was suspended at this point until the next hearing because twelve o'clock had struck; and having been admonished [fol. 163r] to think carefully about the matter and tell the whole truth, she was ordered back to her cell; and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Diego Martínez Hidalgo, secretary [Rubric]

HEARING AT WHICH THE READING OF DOÑA TERESA'S WRITTEN REPLY TO THE PRESENTATION OF  
THE EVIDENCE WAS CONCLUDED

In the Holy Office of the Inquisition in Mexico on the 21<sup>st</sup> day of the month of January of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera y Roche was brought from the cell in which she is being held, who, when she was present, was told that she knows that she has taken an oath to tell the truth at all the hearings that may be held with her until her case is decided, [and asked] whether under said oath she promises to do so at this one; and having said that she does so promise, she stated that for the time being she has not recalled anything that she ought to declare.

And at this point her attorney, Dr. Don Alonso de Alavés, was ordered to appear before this hearing, and when he was present she was told to pay attention and that the reading of what she has declared with regard to the presentation of evidence given to her would be continued, and in fact the reading began from folio 11, where it was suspended at the last hearing, and the reading continued until the end of the document written by [fol. 163v] the said Doña Teresa for her defense, and she discussed what she wished about this her case and affair with her attorney.

And she added that on the day when the edicts of our holy faith were read in the town of Santa Fe, people were saying, and in particular Pedro de Leiva, Diego Romero, and many others, and Doña Catalina de Zamora, wife of the said Diego Romero, told her that on the afternoon of the same day there was great excitement and celebration among the friars in the sacristy of the church, and that Fray Diego de Santander was saying, "Fathers, for Heaven's sake, let us not rush into anything but remember that we are friars and priests, let us have regard for our estate and this sacred habit, let us not get involved

in something that later on we cannot prove or carry off, and then it backfires on us and we suffer for it," and that on the next holiday after that of the edicts, this was also said, and although she does not recall whom she heard say it, she believes it must have been the same ones she has mentioned and some others, because it was said publicly and in the same words, with the said Fray Diego de Santander adding, "Now, my fathers, since I cannot remedy this and am no party to it and can do nothing, I do not want to get involved in something that afterwards we cannot prove or that turns out to be to our disfavor and I suffer some damage from it," and so he did not wish to be secretary, and that other friars had replied to him to let it be, that someone would be sure to do it, and that there was Fray Salvador de Guerra and he would be secretary, and that the said Fray Salvador Guerra said that he would be, and that she knows that from [fol. 164r] the said day on, the said Fray Diego de Santander was not the secretary, but the said Fray Salvador Guerra was.

And she also adds that Pedro de Arteaga and his wife Josefa, servants who served in her household in New Mexico, were thrown out of their house by Don Bernardo, her husband, and by this confessor, as of the month of December 1660 at the time of the second or third holiday mass and remained outside her house until Christmas Day of that year, when the said Josefa returned to her house to visit her to eat, not to serve and live in her house. And she also adds that Diego Melgarejo, who was her servant and Don Bernardo's in New Mexico, whom she believes to be residing in this city, when the governor Don

#### AGAINST DON DIEGO DE PEÑALOSA, COPIED

Diego de Peñalosa summoned him very urgently in the town of Santa Fe for certain affairs, he said in the house of Antonia González, resident in the said town, that he had not testified against Don Bernardo and against this confessor, and the said Antonia González replied to him that everyone was saying that he had testified, and he replied that he had not, that she should come to say so to this confessor and to the said Don Bernardo, and Rodrigo Rubí heard him say the same, and so did Toribio de la Huerta, whom for this purpose he went to visit in jail; and on the journey to this city, when he was coming with Don Juan Manso at the same time as this confessor, he kept repeating the same thing.

And she also adds that all her servants of both sexes, except Miguel de Noriega, were mestizos and mulattoes [and] Indians, and some of those whom she has mentioned, like Juan Griego and all his brothers, have mulatto blood, and most of the people in New Mexico have Indian or mulatto blood.

[fol. 164v] And for the time being she has nothing else to declare, and she would reply upon advice of her attorney; and for this purpose the copies of the indictment and of the presentation of evidence that were previously given to the said Doña Teresa in her cell were delivered to her attorney, and he took them with him, and also a sheet of notes that she<sup>169</sup> has made concerning this case, whereupon the said Doña Teresa was ordered back to her cell; and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Diego Martínez Hidalgo, secretary [Rubric]

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<sup>169</sup> Or he.

#### HEARING AT HER REQUEST

In the Holy Office of the Inquisition in the city of Mexico, on the 14<sup>th</sup> day of the month of February of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera y Roche was brought from the cell in which she is being held; and when she was present she was told that the warden has reported that she has requested a hearing, that she is now before it, that she should say why she has requested it and in all things tell the truth under the oath she has taken.

She stated that she has requested it to beseech this Holy Tribunal to summon her attorney in order to discuss with him some matters conducive to her defense. She was told that on many distinct occasions her attorney has been ordered to come and bring his defense, and that it seems that not being experienced in what he ought to do, he is proceeding very slowly, because he has always replied that he is working on this matter and has not been able to do so more quickly, and when he was pressed to do something he has replied that he will take care of the matter by tomorrow, Friday; that since he is an attorney without experience in such matters he has been granted this delay, but that care will be taken to pressure him. And the said Doña Teresa de Aguilera de Roche [*sic*] [fol. 165r] said that she is not pushing her attorney to prepare her defense quickly, preferring rather that he study it very deliberately and that it be presented fairly and judiciously, that what she wants is for her defense to be presented and that if she should be guilty, she be punished, and that if she were not, she should be declared innocent, because she trusts in the Lord that He will defend her, because she always has been and is very zealous for His holy faith and she is more ready than she can say to die for it a thousand times.

Whereupon the said Inquisitor Inspector said that he would have him summoned for the next hearing; and the said Doña Teresa, having been admonished to reexamine the matter carefully and to tell the whole truth, was ordered back to her cell; and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Diego Martínez Hidalgo, secretary [Rubric]

#### HEARING HELD AT HER REQUEST

In the Holy Office of the Inquisition in Mexico, on the 4<sup>th</sup> day of the month of March of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera y Roche was brought from the cell in which she is being held; and when she was present she was told that the warden has reported that she has requested a hearing, that she is now before it, that she should say why she has requested it and in all things tell the truth under the oath she has taken.

She said that she has requested it to beseech this Holy Tribunal that the record of her trial be read to her again, because it seems to her that in her distress and affliction she has not been fully competent to declare and reply all of what she ought to, [fol. 165v] and she wishes to discharge her conscience more thoughtfully, both in her defense and in other things, but that as a woman and one inexperienced in suits and trials, she would like her attorney to be present; and since he has been said to be sick for so many days, if it seems that he will be well soon, she will wait for him, but if he cannot be well soon, she wishes to see her record for herself; and this is why she has requested this hearing.

She was told that settling the cases of the prisoners, and particularly hers, is the first priority; that her attorney has delayed this because of his other business and illnesses; that it seems that he will be able to come within six or eight days to meet his obligations; that she should wait the said time if that is agreeable to her, or say what she wants to do. She said that she will wait the said six or eight days to see whether her attorney comes to meet his obligations and that for the time being she can think of nothing else to declare, whereupon she was ordered back to her cell; and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Diego Martínez Hidalgo, secretary [Rubric]

HEARING TO COMMUNICATE WITH HER ATTORNEY, AND SHE ASKED THAT THE RECORD OF HER TRIAL BE READ TO HER AGAIN

In the Holy Office of the Inquisition in Mexico, on the 11<sup>th</sup> day of the month of March of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera was brought from the cell in which she is being held, and when she was present she was told that she knows that she has taken an oath to tell the truth at all the hearings [fol. 166r] that may be held with her until her case is decided, and that if she has recalled anything that she should say, she should do so under the said oath.

She stated that she has not recalled anything that she should say, only what she has stated at the previous hearing, to wit, that she wishes to discuss some things for her defense with her attorney; and at this point Dr. Don Alonso de Avalés, the attorney for this accused, was ordered to appear at this hearing, and she was told to discuss and communicate with him whatever she wishes concerning her case; and having averred that it seems to her that at her hearings and in her replies to the indictment and presentation of evidence she has not fully declared what she should, and having been advised that if she should wish [the record of] her hearings and replies to be read to her again in the presence of her attorney, it will be done as she requests, but that if anything is to be added to or stricken from what she has declared she must do so on her own without counsel or presence of her attorney, who would thereafter be informed of all her new declarations.

She said that she wishes that all her trial be read to her again, in order to see whether her replies have been recorded, and that after this her attorney be consulted again. Whereupon the said Dr. Don Alonso de Avilés left this hearing, and then the said Doña Teresa asked that the indictment brought against her by the prosecutor be read to her again, and what she has replied to it.

And the first count of the said indictment and her reply having been specifically read to her, she said that she wished to state that she customarily washed herself on Saturdays, and failing that, on any day of the week, but that she does not recall ever washing herself on a Friday, [fol. 166v] and if perchance she did wash herself on one, it was not because it was Friday, as she does not know anything about these Fridays, but because it could have happened just as it could on any other day of the week, and for no other purpose, and in no wise or manner because of the day, for she is a Catholic Christian and knows no faith but that of Christ Jesus, and that in that faith she has lived and intends to live, and that she knows no ceremony whatsoever nor has she ever learned or heard of any until now, and that everything said in this count is totally false, and this is her reply.

And having been read the remainder of what she requested from the indictment brought against her and from her replies, she said that there is no need to read further, because she is a woman and does not know what she should reply and declare, and she has no one to help her, and all the accusations against her are false, and she calls on Our Lord as her witness. And this is her reply.

She was told that [although] she says that she has no one to help her, she needs no help to state the facts and what has happened, that only she and no one else can say whether it happened or not, and that to plead and speak in her defense she has an attorney who has been informed and will be informed of whatever she wishes, and he is an attorney chosen by her, without being one of those registered with this Holy Office; that she should speak clearly and explain what she needs to reply whether what is contained in each count did or did not occur.

She stated that when she said that she had no one to help her, she did so because of her affliction and sorrow; that as a woman with so many obligations, and not knowing how to defend herself, [fol. 167r] she said the above, and not for any other reason; that her only defense is her innocence and the right proceeding of this Holy Tribunal, and that what she has declared is the truth under the oath she has taken; and having been admonished to reexamine the matter further, she was ordered to return to her cell; and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Diego Martínez Hidalgo, secretary [Rubric]

HEARING AT WHICH SHE ASKED THAT THE INDICTMENT AND PRESENTATION OF TESTIMONY BE  
READ TO HER

In the Holy Office of the Inquisition in Mexico, on the 17<sup>th</sup> day of the month of March of the year 1664, while the Inquisitor Dr. Don Pedro de Medina Rico, Inspector of this Tribunal, was holding his morning hearing, by his order Doña Teresa de Aguilera y Roche was brought from the cell in which she is being held, and when she was present she was told that if she has recalled anything that she ought to declare at this her trial she should declare it, and in all things tell the truth, under the oath she has taken. She stated that for the time being she wishes only to request and beseech that the indictment and presentation of evidence be read to her again, because she must make an appropriate reply, which she believes that, as a woman and ignorant of what she should do, she has not done.

And the said Inquisitor Inspector said that since it seems that what she requests requires more time than is available at this hearing because of other pending business, she will be granted a hearing tomorrow and what she requests will be read to her and what she may say will be recorded; that she should take note that before this Holy Tribunal the only [fol. 167v] way to proceed and to obtain justice with mercy is to tell the whole truth in all things, and the said Doña Teresa stated that this is what she wishes to do, whereupon she was ordered to return to her cell; and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Diego Martínez Hidalgo, secretary [Rubric]

HEARING AT WHICH THE INDICTMENT WAS READ TO HER

In the Holy Office of the Inquisition in Mexico, on the 18<sup>th</sup> of the month of March of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera y Roche was brought from the cell in which she is being held, and when she was present she was told that if she has recalled anything that she ought to declare in this her trial, she should declare it, and in all things tell the truth under the oath she has taken. She stated that she has not recalled anything that she ought to declare; that, as she has requested, the counts of the indictment brought against her be read to her to see what reply she wishes to make, complying in all things with her obligation to tell the truth, as she has promised Our Lord under oath.

And the said Inquisitor Inspector ordered that the indictment be read to the said Doña Teresa, and when the first, second, and third counts and her replies thereto had been read to her, she stated that there was nothing to add or correct in them; but in reply to the fourth count she declares that the entire charge is false, because she and the said her husband are Catholic [fol. 168r] Christians by the grace of Our Lord Jesus Christ, and as such know only how to be Christians, and nothing about a ceremony and things that are not done in our holy Catholic faith, and since they are not done in it they do not do them; and that she has replied several different things to this charge, and the reason is that with the deep affliction caused by such false testimony she does not know what has been said, but that this, and nothing else, is the truth. And this is her reply. And then she said that what she says is the truth is that the said count is false, and this is her reply.

To count 5 she replied that the content of the count is false, and even if they had many smocks they would not put them on as a ceremony, because as Catholic Christians there was no reason for them to do so, and this is her reply.

And when the following counts and her replies to them had been read to her as she requested, she said that the presentation of evidence should be read to her; and when the single count of the first witness<sup>170</sup> had been read to her and she had been asked whether she wished to hear her reply, and she had said that she did, and it had been read to her, she stated that on some work days they also went to mass, and not only on holidays. And this is her reply.

To the first and only count of witness 2 she replied that it is totally false and that the woman mentioned in it never washed the feet of this confessor or her husband or set out any clean clothes for them to put on, and that this is the truth, and she denies everything else. And this is her reply.

And when some of the counts of the other witnesses had been read to her, along with her replies, as far as the testimony of witness 14, at this point the said Doña Teresa said that she did not need to have anything else read [fol. 168v] because it seems to her that she has given her reply; and having been admonished to think carefully about the matter and tell the whole truth, she was ordered back to her cell; and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Diego Martínez Hidalgo, secretary [Rubric]

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<sup>170</sup> See the presentation of evidence, ff. 125ff.



HEARING AT WHICH HER ATTORNEY SUBMITS THE BRIEF FOR THE DEFENSE

In the Holy Office of the Inquisition in Mexico, on the 20<sup>th</sup> day of the month of March of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, by his order Doña Teresa de Aguilera y Roche was brought from the cell in which she is being held, and when she was present, she was told that if she has recalled anything that she ought to say in this her trial she should declare it, and in all things tell the truth under the oath she has taken. She said that she has not recalled anything that she ought to declare to ease her conscience.

She was told that her attorney, Dr. Don Alonso de Alavés, is present and has prepared her defense; that she should examine it and discuss with him what may aid her case. And then the said Dr. Don Alonso de Alavés read to the said Doña Teresa what he had brought to present in her defense, which is a document setting forth the nature of the case, which is not of the sort subject to the jurisdiction of this Holy Office, and that the testimony of the witnesses was false and fabricated. And the said Doña Teresa, although her attorney suggested to her that he thought he could conclude definitively, insisted that she wished to present and prove her defense, declaring that she had not committed any offense whatsoever against our holy Catholic faith, and that the testimony of the witnesses consisted of falsehoods arising from hatred for the administration of justice; and when it was explained to her that she should understand that [fol. 169r] if she were to present her defense as she wishes, impugning the witnesses, it would seem necessary to have recourse to New Mexico and delay the resolution of this case, she replied that if she is allowed to be with her husband, her defense may be delayed as much as need be, and that the defense she has to present is the one she has written down on two folds of paper that she delivered at the hearing of 5 October of last year, '63, and on seven folds of paper that she presented on 9 January of the current year; and the said her attorney stated that in order to carry out questioning in the said defense he needs that this case be communicated to him again in the presence of the said Doña Teresa; and the said Inquisitor Inspector ordered that the defense presented by the said Doña Teresa, which forms 16 folios, be made a part of this record, and that at another hearing or hearings whatever else he may deem opportune will be communicated to him for his perusal, whereupon the said Doña Teresa was ordered back to her cell; and first she signed.

Doña Teresa de Aguilera y Roche  
Done before me. Diego Martínez Hidalgo, secretary [Rubric]

Herewith the brief for the defense. [Rubric]

[fol. 169v] [blank]

[fol. 170r] Your Honor:

I, Doña Teresa de Aguilera y Roche, lawful wife of captain Don Bernardo López de Mendizábal, with full knowledge of the content of the criminal indictment brought against me by the prosecutor, accusing me of apostasy against our holy Catholic faith and the law of the Gospel, and adherence to that of Moses, and of witchcraft, which are the chief subjects of his brief, although in it he also alleges other offenses derived from the foregoing, declare that despite the said indictment and everything stated and implied

therein and despite the exaggerations intended to give substance to the offenses imputed to me, Your Honor should be pleased to declare the said indictment to be inadmissible against me, or at least to absolve me and acquit me thereof, fully restoring my standing and reputation, because of what is shown in the record and can be inferred in my favor, which I cite, and explicit law, and because what is alleged against me, both in the said two chief points of the indictment and in the charges of various faults and offenses that are amplified in support thereof, is not proven or attested to in the record as required for a conviction; and the truth, and what Your Honor will always find to be clear and evident, is what I have declared at my hearings, which I present as lawful and peremptory basis for my defense; and that by the grace of Our Lord I am and have always been a Catholic Christian and observer of the holy law of the Gospel, obeying it faithfully and devotedly, and I therefore deny in their totality the said indictment and the inferences and hyperboles made therein and the offenses that in the prosecutor's brief are said to [fol. 170v] prove insolence and apostasy.

[MARGINAL NOTE] 1

In addition, as for the first count of the said indictment, which is to say that I and my husband adhered to a special ceremony of washing on Fridays and laying out fresh bed linen and cutting our nails, reaffirming what I have replied to this count at my hearings, to which I refer, it will be found that, for all that the malice and plots of the witnesses tried to belabor this point, there is no proof of this even being a Jewish ceremony, in regard to which the manner in which the witnesses testify must be taken into account, [and] the uncorroborated nature and defects seen in the record with regard to them and their testimony, because witness 2, in the first and only count, and witness 6, in the first and only count, declare, one, that it was public knowledge, and the other, that he heard it said, that a Spanish maid whom my husband and I had in our household was asked by another person where she was going and had replied, "To that torment, to that ordeal," for one witness uses one term, and the other another, because my husband and I had taken it into our heads that every Friday she was to wash our feet and give us clean clothes; and this is no evidence or proof, because they testify on the basis of rumor without the requisites that the law prescribes for this type of evidence,<sup>a</sup> and, what is more, concerning matter incapable of being the subject of rumor, because in the last analysis it amounts to what one single person is supposed to have said, and thus these are not even hearsay witnesses, which at any rate are of no importance, because they say that they heard it from others who related it to them as a suspicious ceremony, and nothing is added to this, nor is there any change in the terms of the testimony. Concerning this same matter, although less properly (if there is anything proper about the previous two witnesses), the third witness testifies in his first and only count, stating that he knew that when a woman asked a certain person where she was going, she answered as above, and he does not explain how he came to know this, so that he has this defect more than the two previous witnesses; and since in the course of this [fol. 171r] plea I am obliged often to make use of this argument, I state that it is the firm view of the experts<sup>aa</sup> that when heresy

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<sup>a</sup> [The notes identified by letters are marginal notes in the ms.] Mascard de probat. concl. 749 per totam. testimonia etiam fidedignissimorum hominum nullum habent pondus in his quae audierunt ab aliis & testium potest v<sup>e</sup> licet ex quadam & vtrobique interpretes. Ales. 3 pte q. 45. Simanc. de cath. inst. ff. 64 n. 39 et 40.

<sup>aa</sup> cum agitur de probanda haeresi vt valeant testimonia testium necesse est vt probabilem sui testimonii causam reddant etiam non interrogati. D. Simanc. de cathol. inst. tt 51 de probat. n. 6 vers. sic etiam. Alexan.

is to be proven, even the most trustworthy witness must supply a plausible reason for his testimony, without which it is invalid, even if he is not questioned about this. This third witness adds that many persons, when they learned of this, were greatly scandalized because it seemed to them to be a Jewish ceremony and that the said my husband was a suspicious person, and this last is not to testify but to slander and insult; and what precedes gives no more weight to the testimony, because even if it did not consist, as it does, of animosity and false witness, and the maid had replied those words to the said person, the source would turn out to be her bare assertion.

Neither is account to be taken of the testimony of witness 5, who in his first count states that my servants had often noticed that my husband and I washed our hair on Fridays, an act that the servants took to be of suspect orthodoxy, as did the witness, knowing that this would always occur on Fridays, without saying how he learned that the servants had made this observation or who they were or how he learned that this always happened on Fridays.

Of less importance is the testimony of witness 8, who in his first count states that in his presence and that of other persons, one person said that she gave thanks to God for having removed her from the household of the said Don Bernardo, because he and I always insisted on washing on Fridays, although he did not do so always, as did I, which testimony is not only uncorroborated but hearsay.

Equally hearsay is [the testimony of] witness 9, when he states that he heard the persons he names say that it was public knowledge that I and my husband washed every Friday evening and put on clean clothes and sheets, and he adds that what we washed was our whole bodies and that we perfumed ourselves, which testimony is uncorroborated by any other witness.

Neither is there any probative value to the testimony of witness 12, in count 4, who says that he knows that I put on clean clothes every Friday with special attention to the bed and table and my person and washed my hair no matter [fol. 171v] how severe the cold, and that when I finished washing I would shut myself up in a room for an hour without letting anyone come in. And first of all he says this without giving any explanation of how he comes to know it; and although in count 6, speaking of another matter, he insinuates that he served in my household for a long time, this does not constitute the explanation that ought to have been given by someone who seems to be testifying about all the time of his service to my husband and me in New Mexico; and in the circumstance of the time during which he says I was shut in, which he says was an hour, he does not agree with witness 17, who, although the content and form of his testimony show him to be testifying according to plan, states in his count 2 that I was shut in for three hours.

Neither is there any probative value in [the testimony of] witness 13, who in his first count stated that he knew that every Friday, etc., without explaining how he knew it; and the same defect is found in witness 14, count 1, who states that he saw and learned, without explaining how he saw or learned, and who is uncorroborated with respect to the circumstance of our cutting our nails; and witness 17, counts 1 and 2, adds some specifics in which he is uncorroborated, contradicting the other witnesses with regard to one of them, because he says that it was not on Friday but on Saturday that my husband and I

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cons. 15 viso processu inquisitionis formatq. n.6 bis 1. Salicet. in l vlt. c de probat. Mascard. de probat. Lit. h. conclus. 855 n. 12 quod adeo verum est vt etiam si fidedignissimi testes sint, nullum pondus est habiturum eorum testimonium si rationem non reddiderint de his quae plene fuerint non autem de aliorum auditu. Simanc. Vbi s<sup>a</sup> tt 64 de testibus. n. 36. vers. tametsi autem cum seqq. Mascard. vbi s<sup>a</sup> n. 13.

put on clean clothes, and that the placing of fresh linen on the bed and table occurred on Friday, and that when I shut myself in after washing my hair I brought water into the room, and that I did not always shut myself in, but mostly, and that if he had been able to spy on me he would have done so, but that he could never do it, all of which is uncorroborated; and witness 24, testifying to this point, gives as an explanation for his testimony that he used to serve in my household, which does not suffice for him to know what he supposes was always done there, from which it follows that there is no proof of this first count, nor can [fol. 172r] any presumption or indication be inferred from it,<sup>c</sup> because in addition to the witnesses' testimony being imperfect, it shows them to be fierce enemies of my husband and myself, for, as Your Honor will see in the course of my replies to the other counts, they are driven by their rancor to give contradictory testimony, and even self-contradictory, with evident care that displays their state of mind; and it is proper procedure and a clear legal principle, especially in this case which deals with proving heresies, that the witnesses are to be beyond all objection,<sup>d</sup> which is not the case with those whose person or testimony is subject to impeachment, so that as a consequence the circumstances on the basis of which the charge or count has been advanced disappear.

The first [such circumstance] is that we did not allow what the witnesses, although with some variations and lack of conformity, testify to, to occur on any day other than Friday; and there is no witness who states it with this restriction, so that even if their biased testimony is accepted, they do not exclude that the aforesaid act was performed also on other days; and the most that witness 13, in his count 1, declares, although uncorroborated and confused, is that although this might be left for another day, that was not allowed; and another, as I have stated, said, although falsely, that my husband and I changed our clothes on Saturday.

The second [circumstance] is that I shut myself in after washing my hair without allowing anyone to come in, and this is an invention of witnesses 12 and 17, with the contradiction that one says [it was] for one hour and the other, for three; and it is also a fabrication of the said witness 17, uncorroborated with regard to this circumstance, that when I shut myself in I brought in water, giving to understand that it was for purposes of cleanliness.

The third circumstance or aggravation is that this caused suspicions in some persons, and although one of them tried to spy on me to find out what was going on, he could not do so because of my alleged caution and astuteness; and this is declared by only one witness, who is witness 17, although in other respects the last aggravation of the count continues by saying that my care in shutting myself in must be viewed in a bad light because of the bad impression caused by this kind of [fol. 172v] Jewish ceremony, and it must be supposed that I shut myself in to perform others of the same sort, to which I reply, first, that the fiction of this passage is not proven by the testimony of two uncorroborated and contradictory witnesses; second, that if it were, which I do not concede, this was no Jewish action but an indifferent one and that it can be attributed to other, very plausible, purposes having nothing to do with this wickedness; thirdly, that offenses are not normally presumed, besides which, as I have stated at my hearings, we put on clean

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<sup>c</sup> [There is no note b.] signa et praesumptiones in probatione haeresis plene debent probari. Ioan. Anan. in rub. de haeret. Put. de synd. v<sup>o</sup> aduertendum n. 6. Ioan. Nicom. Arelat. in tract. de haeret. n. 27 inc. suspitio. Archid. in c vt officium § verum. n. 7. de haeret. in 6 per c literas de praesumpt.

<sup>d</sup> Testes in causa haeresis debent esse integri et omni exceptione maiores. Franc. Pegna in scol. ad director. inq. Nico. Eymerici in 3 p. scol. 126 q. 71. Arnald. Albe. in tract. de agnos. cathol. et haeret. q. 34 n. 2. Simanc. tt 51 n. 9. Boss. in pract. de haeret. n. 4. Omni autem exceptione maiores sunt qui repelli non possunt vlla exceptione vt ex gl. Bald. Arnald. Ioan. Roy. probat Masc. concl. 855. n. 10.

clothes on three days of the week; and even if, which I do not concede, it might some or many times have been done on a Friday, or even if one of the said three days had regularly been a Friday, which it was not, this is an indifferent action that does not lead to a presumption of its being a Jewish ceremony, as it would if the action admitted of no [other] interpretation or could not serve any other aim or purpose, as is the case with the Passover feast,<sup>171</sup> the fasts of the Mosaic law, and other rituals exclusively belonging to it, from which a legitimate and convincing presumption [of guilt] arises, but not from a lawful and ordinary action like putting on clean clothes and keeping clean; nor can it be argued that the presumption is founded on the witnesses' saying that this occurred on Friday and insinuating that this was habitual, because these terms prove the action to be indifferent, since without this circumstance (speaking in the terms of the witnesses' baseless declarations) it would not be indifferent but wholly lawful and permitted, or at least there would be no reason to inquire whether it was an indifferent action, as is there is none for other days, and it is suspicious on Fridays only in a person already suspect for other reasons, not one whom it is sought to render suspicious for this sole action, the more so since I have in my favor a presumption of innocence of this offense as a Catholic Christian, daughter of Catholic Christian parents of known nobility and Christian lineage;

And although the action alleged is not one of those that immediately and necessarily arouse suspicion, but of [fol. 173r] those in which the law requires an interpretation favorable to the accused,<sup>dd</sup> so much so that it is quicker to reject than to admit the offense, this first count, which constitutes the entire case, does not even reach the level of a presumption [of guilt], and in order for the action on which it seeks to base itself to lose some part of its indifferent character it would have been necessary to prove another that could plausibly be considered a Jewish ceremony that would give it a certain weight and substance, and there is none such, nor is this defect remedied by claiming in the other counts of the indictment that I have neglected the observances and obligations of a Christian, for although this springs from the bias and iniquity of the witnesses, it is compatible, as one can see and observe, for a person not to be very conscientious in the obligations of a Christian and yet to be so in faith and to be an absolutely pure Catholic; and there is something unlikely about what the witnesses attempted to present, that I washed my feet and hair every Friday, as New Mexico is a land of unbearable cold and I was sick and almost crippled most of the time that I lived there.

And what is easily seen in the content of the declarations and the style in which the witnesses make them, is that this was a conspiracy and alliance of my husband's enemies' and mine and of their kin, whether former servants in my household or outsiders, because it is well known, and I submit it as such, that we have had against us all the provinces of

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<sup>171</sup> *cena legal*: I have failed to find an explanation of this term; but since it means 'supper according to, or sanctioned by, law,' and since it appears in the context of Jewish rituals, I suggest that it refers to the *seder* or Passover supper.

<sup>dd</sup> quando capi potest coniectura delicti et non delicti semper debemus capere eum sensum per quem quis non cadat in delictum. Bart. Rom. Felin. Haeresin [illegible] Mars. Cardin. quos refert et sequito. Mascard. De prob. concl. 855 n. 30.

<sup>e</sup> Conspiraciones in crimine haeresis repellunt c per tuas de Simon. c accusatus v<sup>e</sup> licet de haeres. in 6. Nepos de Monte Alb. Ludovi. Mont. ioan Monach. Steph. Auster Anchor r. Parisi quos refert et sequito Mascard. de prob. lit. h. concl. 858. n. 57-7 Testis inimicus ad probandum crimen haeresis non admittitur e repellantur c me minimus c cum oporteat de accus. c si testes 4. q 3 Gundist in tract de haeretic. q. 13 n. 13. Pegna in schol. 123. col. 2 iura quibus 3 p. dix. tor. Federicus de Senu ob trad. et Marsil. quos refert et sequito Mascard. de prob. lit. n. concl. 857. n. 40 repelluntur etiam a testimonio in crimine haeresis qui descendunt ab inimico capitali et qui cum capitalibus inimicis eius commorant & qui sunt de aliqua familia seu factione alteri familiae seu factione contraria. Mascard. vbi s<sup>a</sup> d. concl. 857. n. 49. 50. 51. 52.

New Mexico and as declared enemies two of their governors, Don Juan Manso, who immediately preceded, and Don Diego de Peñalosa, the present one, and their followers, and the friars of the said provinces and the residents thereof who have appeared with complaints and claims at my husband's audit, which has been so contentious; and the hatred and bias of all of these took advantage of the complaisance, irresponsibility, and disaffection of some of my husband's and my domestics, and at my hearings I have explained the reasons [fol. 173v] why they hate us; and enmity, wherever and however it may arise,<sup>f</sup> is, as in all cases, in this one especially the most legitimate or at least one of the most legitimate impugnments.

[MARGINAL NOTE] 2

Secondly, because count 2, concerning whether, if my husband and I did not wash and put on clean clothes on a Friday because we were otherwise occupied or for another reason, we left it for the following Friday without putting them on or taking any other similar action on another day of the week, lacks any basis for such a conclusion or inference, because in the presentation of testimony that was given to me, there is no witness that declares this or even hints at it, and only one who in a confused manner and without giving any explanation, saying that it occurred on Fridays, adds that although it could be put off, that was not permitted, as I have stated above, which puts an end to the weight placed on this unproven count as establishing a valid presumption that I and my husband observed the law of Moses.

[MARGINAL NOTE] 3

Further, because count 3, that I used to comb and adorn my hair on Saturdays as though to mark and celebrate the day, which is supposed to show that I observe the law of Moses, is equally defective; and in all the evidence, according to the presentation thereof given to me, there is no one who declares, mentions, or reports such a thing, so that the replies to this count and the preceding one that I have given at my hearings are superfluous.

[MARGINAL NOTE] 4

In count 4 it is said that on the afternoon of Good Friday of the year '61, as I and my husband were about to drink chocolate, some Apache girls came in, saying, "The procession is going by," and that I hastily went to a chest and from it took out a clean bonnet or cap and went to the bed where my said husband was drinking chocolate, sitting in his shirt under the bedclothes, [fol. 174r] and took off a bonnet he was wearing and put on the clean one, telling him, "Put this one on, Sir Lazybones," along with other words, of all of which a great deal is made in this count, such as, that we waited with the above action until the procession of the Holy Burial was passing by, and my haste, saying that although I was slow in all my actions and was ailing at that time, I stopped drinking chocolate, although I was so fond of it that when drinking it on other occasions I would put off things that had to be done, which is supposed to show that this action was deliberate and in mockery of the religious act of the procession, as though rejoicing, because it commemorates the Passion and death of Christ Our Lord, it being stated in this

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<sup>f</sup> Etiam si inimicitia contracta esset culpa eius contra quem deponitur Mascardus vbi s<sup>a</sup>. no. 52.

count that I am so well known as an observer of Jewish rituals that I must explain my reason for the above; and if it is recognized that in order for the action to be classified as suspect, its motive must be declared, the charge by itself is defective, and the said considerations presuppose the grounds on which they should be based, primarily that I am well known to observe Jewish rituals; and at my hearings I have already declared that on this occasion my husband and I were ill and he, in bed, and that afternoon I occupied myself in reading the Passion of Christ Our Lord and the servants were at church, and if I did give my husband another bonnet, this occurred by chance, that this was not an act of malice, nor is it made such by the circumstances of its being Good Friday and the procession passing by, besides which this count is copied from the testimony of witness 14, count 2, with the circumstances that his bias attributes to me; and being a single witness, he does not constitute proof;<sup>8</sup> and it should not be overlooked that of the two witnesses who testify concerning this act, as they do not both fit within this count because they are in disagreement, it is based on but one, because witness 24, who testifies concerning this same matter, says that when I and my husband were drinking chocolate I asked some girls whether the procession was passing by, and that they told me it was, and that very hastily I went to a chest and took out a white linen smock [fol. 174v] and a cap of the same material, and very quickly went to the bed where my husband was seated, leaning on the pillows, and that with great signs of gladness I placed the smock under his chin and tied it and then put the cap on his head and said some words to him that the witness could not make out, and that I also had on a linen smock or apron, and he did not notice whether I put it on at that time or was already wearing it before, in all of which there is no word or circumstance that agrees with the other witness and that does not exude bias, inverisimilitude, and falseness, because the one says that this happened when a maid went to serve me chocolate, and the other, while my husband and I were drinking it; the one, that two Apache girls came in saying that the procession was passing by, the other, that I asked the girls, assuming them to be already present, whether the procession was passing by; one, that I merely took out a clean bonnet and put it on my husband, without mentioning gladness, the other, that I took out a smock and placed it under his chin, and also a cap, with signs of great gladness; one makes no mention of whether I had on an apron, the other calls it a smock and says I put it on on that occasion, though he does not flatly declare this; and so there is no way to make these two witnesses agree with one another or for basing the count on one or the other, since they speak of a single event and are uncorroborated and in contradiction one with the other; and it is impossible to base it on both of them or that the said witness 24 might serve as a basis for the following count, because, since the act concerning which they testify is one, only one count can be derived from their testimony if they are in agreement, and if they are not, no count at all.

[MARGINAL NOTE] 5

Further, because count 5 repeats the preceding one, though in a different style, saying that among the residents of the town of Santa Fe it was rumored not only that what is mentioned in the previous count did happen, but that on the said occasion I also put on a bonnet or that I put a smock on my husband and another on myself, and that we were thus dressed while the procession of the Holy Burial was passing by, and that immediately thereafter we took off these garments; and the first [objection] [fol. 175r] is that there is no

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<sup>8</sup> Testimonio vnus plenam fidem habendam non esse diuinum & humanum ius constituit. Siman. vbi s<sup>a</sup>. tt 64 n. 31 et 32.

witness who says that such a rumor was circulating in the said town, and the two mentioned in the preceding paragraph, one who speaks of the bonnet that he says I put on my husband, and the other who invented the chimera of the smock and cap and of the smock or apron that he says I put on, do not testify in accord with what is stated in this count, and neither of them says that we remained thus dressed while the procession passed by and that immediately thereafter we took off these garments, so that there is no evidence whatsoever on which to base this count.

[MARGINAL NOTE] 6

Further, because count 6, that is to say, that I used always to read a book in a foreign and unintelligible language, which gave rise to the suspicion that it might contain some things contrary to our holy Catholic faith, and there is discussion of the book's being in an unknown language and that in view of my lack of charity and wicked conduct—the indictment continues—unless it becomes clear what book this is and it is seen to contain no harmful doctrine, there is suspicion, and if any such doctrines be found it is to be assumed that I adhered to them and professed them. This count arose from the testimony of two witnesses, witness 12, who in his count 8 says that I had a book in a foreign language that I was always reading, and that a certain person used to say, “This must be a book by English heretics, [and] this woman must be of their ilk,” and that he suspected as much because of my lack of charity and wicked conduct; and this is not giving testimony but accepting a rash opinion and insulting me, for he should have explained how I fell short in charity and how my conduct was improper. The other is witness 17, who in his count 13 states that I had a book in the Italian language that I used to read, and that I would say to one of my servants that I should be happy if she could understand that language and that the book was about love, but the witness did not know what it contained; and I have already stated at my hearings that the book was the works of Ariosto, which are not prohibited; but the main point is that for this count to stand it was first indispensable that the witnesses should know what book this was and that it was heretical or condemned, because owning and reading books, even if they are in a foreign language—and the Italian or Tuscan [fol. 175v] language is not unintelligible or unknown as this count says—is not prohibited but normally lawful and permitted, and the obligation of the witnesses was to say that this was a prohibited book, and the count should have been based on this quality if it were proven, for to suggest that it be presumed is contrary to law, which normally permits them, for no book is presumed to be prohibited without proof that it is, especially in this kingdom where the vigilance of this Holy Tribunal is so keen in the examination and expurgation of books and in the confiscation of those that ought not to circulate; and once it is shown what book it is and that it is permitted, it is not the obligation of the accused but of the initiator of this action, which is the prosecutor, to prove that it is condemned, for even with those that are condemned and are in someone's possession, the accepted view is that in order to support a presumption of heresy two things must be established:<sup>h</sup> first, that the books are by a heretical author; second, that their possessor knows it, and it is still disputed among the doctors of the law<sup>i</sup> what sort of presumption results from this; but in this instance there can be none, nor any

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<sup>h</sup> Duo requiruntur vt librorum improbatae lectionis retentio quem suspectum de haeresi constuat primum scientia, deinde quod sint damnati pro haereticis. Bursat. Cons. 90 an iudaeus n. 10 [illegible] in tract. de haeret. cap. 7 n. 9 et notant concl. in c damnamus de sum. trin.

<sup>i</sup> Mascard. concl. 862. per totam



grounds for suspicion or surprise at my having a book in the Italian language, since I know it, nor is it my fault that the servants who saw me read are ignorant.

[MARGINAL NOTE] 7

Further, because count 7, that during the Holy Week when I was at El Parral on my way to New Mexico I did not comply with my religious obligations, is irrelevant, and much more so the assertion that scandal arose because there was nothing to excuse me from them and that my incomppliance arose from a stubborn wish not to satisfy the precepts of the Church and is equivalent to holding a low opinion of the power and necessity of the sacraments and of the power of the keys that resides in the Church and her ministers, and that a suspicion of heresy arises, especially in view of the dispositions of the Council of Trent in the place mentioned in the count, because for all this there are no grounds other than the testimony of a single witness, who is witness 13, in his count 6, who, speaking of this matter, justifies my conduct and destroys the count and what is asserted in it, because [fol. 176r] he says that on that occasion I was somewhat sick, and the truth is that I was very sick, and then the witness says that I went to El Paso to confess and receive communion on Corpus Christi day of that year.

[MARGINAL NOTE] 8

Count 8, that as we were traveling it was noted that my husband and I never left the carriage in which we were riding to hear mass but remained lying down in it and stopped it in front of the cart where it was being said, and that we kept the curtains closed, is based only on the testimony of witness 19, in his first and only count, which does not constitute proof because it is unique and uncorroborated, and he wished to introduce this fiction.

[MARGINAL NOTE] 9

Count 9, that during the Holy Week that I spent at El Parral I did not attend divine services or any procession or hear mass, is definitively rebutted in the very testimony of the witness on which it is based, who is witness 13, who, though he states this in his count 7, had stated in his count 6 that I was ailing, although, biased as he is, he will not say fully ailing but somewhat ailing, so that this count is also based on a single witness, who disproves it with his own testimony.

[MARGINAL NOTE] 10

Count 10, that having, as it states, little or no devotion to the Catholic religion, I was much amused by my husband's making Juan González Lobón repeat what he had said before we went to those provinces, that he would rather be buried in Lucifer's hide than in the habit of St. Francis, and that he would call me and I would hear these words with great amusement, which the indictment emphasizes as mockery and derision of the burial custom of the faithful, is no charge, nor is there any basis for forming one, because the sole witness who testifies concerning this, who is witness 12, in his count 2, mentions me only to say that when the said Juan González Lobón would repeat that expression, my husband would call me to hear it, but he does not say that I showed amusement or applauded it,

and he is a single witness, and the charge or count concerns the witticism of a foolish man like the said Juan González Lobón, which is no justification for an indictment.

[MARGINAL NOTE] 11

Further, because even more inadmissible is count 11, that I said that the images in the church of the town of Santa Fe were not as beautiful as those of other churches, and that when a certain person replied, "But is not the St. Anthony of Padua very handsome, madam?", I answered, "Come now, don't say that; can't you see that he looks like the *cabo*?" And these words are said to show irreverence toward the image of St. Anthony and to raise the presumption of a lack of veneration; and the [fol. 176v] matter dealt with in this count is not of a criminal nature or capable of producing such, concerning which I have testified at my hearings; and there is but one witness who speaks of this, who is witness 12 in his count 7; and any person leading a very proper life could have made the said criticism, and to express it and to speak of a lack of physical beauty in the image of St. Anthony because it resembled the *cabo*, who was a soldier, is not a lack of veneration; and in short, there was nothing to this but what I have declared.

[MARGINAL NOTE] 12

Count 12, that at El Parral and in New Mexico it was noticed that my husband and I never saw to it that our servants and staff complied with the precept of confession and communion or even advised them to do so, along with the emphasis placed on this, lacks proof, nor can there be any, because it is based on a negative unprovable by nature, because in order for the witnesses to know that we never saw to this they would have to assert that always, at every hour of the day and night, and wherever we were, they continuously served us and observed all our actions and words without leaving us even for a moment, because otherwise we could have ordered it without their knowing it; and even this requirement, impossible as it is, would not suffice, because they could be distracted and not notice that we were ordering it; and although I have already given my declaration concerning this, and although my staff, that is, my slaves and those whom I might influence, was very small, and the others were free persons, it should be noted that the witnesses do not say that either one group or the other failed to confess and receive communion, but rather assume that they complied with this obligation, so that there was never any occasion for inquiring whether care had been taken to order or advise them to do so; and if my staff complied with this obligation, who can affirm that they did not do so on orders or advice from me or considering that my husband and I might or would order them to do so, which is the same as if we had in fact done so? And one witness, who is witness 13, count 6, who says that during the Holy Week that we spent at El Parral we did not order or advise our servants to fulfill their obligations to the Church, adds that they confessed and received communion as soon as they reached New Mexico, and that this occurred on their initiative and not because I or my husband thought of urging them to do so, without saying how he knows that it was on their initiative [fol. 177r] and that we did not order them to do so or they did so in anticipation of our ordering them to do so; and another witness, who is witness 12, declares in his count 9 that although he long served in my household he never heard, saw, or learned that I advised or ordered my servants to go to confession, even if it was Holy Week, concerning which testimony the same considerations apply as for the preceding, because he could serve long in my household and I could so order without his hearing, seeing, or learning it; and the same applies to

witness 14, who in his count 3 states that my husband and I never ordered the servants of our household to confess, which is an absolute and indeterminate negative, and according to the plain rules of law the witness who testifies to it commits falsehood and is deemed and judged a false witness.<sup>1</sup>

Further, because count 13 is based on stating that it was noticed and observed by those who served us that I and my husband did not say grace even at the end of a meal, when, as the servants who cleared the table would say, “Praised be the Blessed Sacrament,” we were never heard to say “Forever,” and my husband, on hearing it, would turn his face to one side and make a grimace, and he would not take off his hat or cap, and they never saw us cross ourselves or praise the Blessed Sacrament on going to bed, or pray or perform any other act of a Catholic, on which much stress is laid in this count; and this is unproven and cannot be directly proven because of the two witnesses who testify to its contents, one, who is witness 12, count 6, says that although he long served in my household he did not see us say grace or, when the table was cleared and the Blessed Sacrament praised, reply “Forever,” but that rather my husband turned away his face as though annoyed, and the other witness, who is witness 17, count 7, testifying on the same matter, adds other circumstances in which he is uncorroborated and unique, such as that the said my husband used to make a grimace and would not take off his hat or cap, all of which, because of its unlikeliness, can be given no credit; but what concerns me and the essence of what this count has to say against me is only that I did not say grace or reply to the praise of the Blessed Sacrament, to which I have replied at my hearings, to which I refer, in addition to which these witnesses to a negative do not normally constitute proof, as I have pointed out in the preceding paragraph; and in the hypothetical event, which I do not concede, that grace was not said, by chance or on the occasions when these witnesses state that they served at mealtime (for they do not even explain that they did so, when this is what would give substance to their testimony if, concerning a negative, it could have any), this is an oversight or slip that happens to many, who do not for such reason become suspected of heresy; and even if also on some occasion (which I deny) [fol. 177v] I did not reply when “Praised be the Blessed Sacrament” was said, the other persons present would have replied; besides which it is fiction on the part of the witnesses, reaching the point of egregious inverisimilitude when the said witness 17 states that he never saw us cross ourselves or praise the Blessed Sacrament or pray when we were going to bed, having declared in count 8 of his testimony that my husband and I shut ourselves within our room to sleep without allowing anyone to enter, and this shutting in that this witness speaks of is the basis of count 17 of the indictment, so that this witness evidently refutes himself with his own testimony, because if he wished to convey that we shut ourselves in without allowing anyone to enter, he could not testify that when going to bed we did not cross ourselves or praise the Blessed Sacrament or pray.

[MARGINAL NOTE] 14

Further, because count 14, that I and my husband shut ourselves in to sleep without allowing anyone in the room other than a little mulatto girl of eight or nine years of age, or

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<sup>1</sup> Hortens. Causal. in tract de testib 2 pte n. 119 et 20. his verbis Iul clarus s.fin q. 52 vers. scias improbati [illegible] testatur et igneus in rep q. non alias n. 77 tt ad sillan et glo in c bonae et de elect. Hercul. in tract. de negativa n. 137 Rain. cons. 97 and fin. lib. 4 et n. 120 Sint igitur prudentes testes vt admonet clarus vers. suas autem quia corp. se quod deponunt super negatiua redarguuntur de falso et Cotta in suis memoriali – testis cauere — advertit testi tan qua ab iure damnandum est ne deponat super negatiua non coarctata loco et tempore quia eo ipso incidit in falsum atestante. Angel. in l penult § [illegible] tt ne quis eum

allowing anyone to enter until we called our servants, no matter how late we might get up, and that we were upset and whipped our maids if someone entered, contains no fact that would establish guilt, even were it not, as it is, an invention of the witnesses, concerning which I refer to what I have declared at my hearings; and the indictment itself recognizes that this is an indifferent action, and so that it might be deemed otherwise my bad qualities are emphasized, without stating what they are, and that we probably shut ourselves in so as not to be observed in the wicked deeds that we might perform, which is an attempt to presuppose crimes without proving them and with no reason to presume them, especially when this count arises from the testimony of witness 17, count 8, who, with the contradiction that I have pointed out in the preceding paragraph, testifies in so biased a manner that when he says that we only allowed a little mulatto girl eight or nine years old in our room, he adds that she was used to our wicked ways, when such a young child is incapable of having any; and how can his declaration that we did not cross ourselves or pray when going to bed be reconciled with his here supposing that we did not allow him or others to see us? The other witness is witness 13, who in his count 2 states that he does not know whether our shutting ourselves in was a precaution.

[MARGINAL NOTE] 15

Further, because count 15, which is that my husband and I whipped [fol. 178r] a black slave because she fasted on Wednesday out of devotion to Our Lady of Carmel, and that I ordered the said slave to take off the scapular that she was wearing, saying to her, “Go on, you hypocritical bitch, take off that apron you’re wearing,” on which a good deal of emphasis is placed, rightly if the occurrence were true, but it is not, and the facts are only what I have declared at my hearings, which I adduce; and since the count consists of two parts, I shall examine each one according to the testimony of the witnesses of which they are composed. The first part is that the reason for whipping the slave was her fasting, to which I respond that we just happened to whip her then, because as a bad slave, which she was in the greatest degree, she often gave us grounds for it; but it is unprovable that it was because she was fasting, and the witnesses, as is obligatory, especially when speaking of intentions that can only be traced by words and external signs, should have explained what these were and that they demonstrated that intention;<sup>m</sup> and of three witnesses who testify that a slave was whipped, the first, who is witness 12, count 12, does not speak of this act or testify properly; witness 13, count 4, states that on orders from my husband I whipped this slave because she was fasting and we told her that she was a deceitful bitch; witness 17, count 11, also testifies concerning this act, but with the flaw that I have mentioned, and he seems to be testifying from hearsay; and these two declarations do not produce proof of intention or will, even if the slave should have been whipped on the day she received communion, as is imagined here; and this defect is not remedied by the second part of the count, which presenting one act as following on the other, states that I ordered her to take off the scapular she was wearing, saying, “Go on, you hypocrite, take off that apron you’re wearing”; and this testimony by a single witness, who is witness 17, count 11, who states that he knew of this without saying how, he supposes he heard of it—at any rate one witness, and one who does not explain his testimony—does not constitute proof; and what he adds, that on other occasions he saw us scold the slave for the same reason, is uncorroborated, so that there is no basis whatsoever for this count.

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<sup>m</sup> Louidae in suo et vbiq. [illegible] v<sup>de</sup> potest tt de condit inst. et in l de minore § tormenta tt de qq. Bertrand cons. 324 n. 5 vol. 4 Aluat. lib. 7 in princ. tract. de verb. sign.

Further, because count 16, that when the said slave came to ask my permission to go confess and receive communion to say her prayers, I told her to get out of there, that she was deceitful, and that I did not want her to go, and that I told my husband, and that the rest of what the count states then happened, in which several inferences and exaggerations are made with no proof; and at my hearings I have already declared what occurred with regard to these prayers, and that when the slave came to ask me to see what day it was, I found that her appointed day had long since passed, and the rest of what I relate there; although concerning this count it suffices for me that it has no basis other than the testimony of a single witness, who is witness 12, count 11; and assuming that I scolded the slave for her negligence and letting her time of prayer slip by, this was a virtuous action, and it is usually a judicious plan for the head of a household to deny these permissions that are requested deviously under the pretext of devotions, although none of this is needed to respond to the count.

[MARGINAL NOTE] 17

Count 17, that one day when the said slave wished to go to confession in the company of another person, for the purpose of gaining the jubilee of the Portiuncula, my husband and I did not permit her to do so, and that we punished her for this reason, is based on nothing but the testimony of the said witness 17, count 5, who states that we whipped her because she wished to go to confession in the company of another person; but he does not explain how he learned that our whipping her, assuming that we did so, was due to her wishing to go to confession; and with a single witness, and one of the quality of this one, the said count is inadmissible.

[MARGINAL NOTE] 18

In count 18 it is said that we never allowed another person who served us to go to confession or to hear a whole mass, but scolded her<sup>172</sup> if she wished to do so, which is the first part of the count, and that if she sometimes went we scolded her [fol. 179r] when she came back and did the same with the other maids; and this is the testimony of a single witness, who is witness 17, count 4, who gives no explanation for his testimony. The second part of the count—that when a certain person went on St. Nicholas’s Day of the year ’60 to say her prayers we sent for her as she was praying, once, twice, and three times, and that finally she left without finishing, and when she came home we scolded her, saying, why was she spending time in church sucking on the saints—is also the testimony of a single witness, who is the said witness 17, count 18.

[MARGINAL NOTE] 19

Count 19, that is, that a certain person noticed that every day while she served my husband and me, when she entered in the morning after we had awakened and called her, the said person, on entering our bedroom, said, “Praised be the Blessed Sacrament. Good morning to Your Honor” [and] never heard the reply “Forever,” although sometimes the

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<sup>172</sup> Since *persona* is feminine, I here use feminine forms, which in this case agree with the sex of the witness.

said my husband said "C" without articulating a word, is hearsay testimony and the invention of a single witness, who is witness 17, our bitter enemy and critic in count 14, on the basis of which no count or charge could be brought.

[MARGINAL NOTE] 20

Count 20, that in the house where my husband and I lived in the year '61 we kept some images of saints among trash in a storeroom, which, the indictment says, constitutes a heretical act, with what follows in this count, is answered by what I have declared at my hearings, in which I insist that neither the house nor the images, if there were any in any room, were mine or placed there by my order; and this is also an invention of the said witness 17, count 15, but he does not state how he knows this or what trash this was that would produce impropriety or of whom the images were, and he is a single witness and of the quality that he makes evident.

[MARGINAL NOTE] 21

Count 21, that my husband and I not only kept the person mentioned in count 18 from finishing her prayers on the said St. Nicholas's Day, but that we obliged another person very close to her to [fol. 179v] scold her for having confessed and attended to the said prayers, on which much stress is laid, is weakened by being the testimony of a single witness, who is witness 12, who in his count 12 insinuates some of what the count of the indictment says; and although there he says that the slave was whipped, he does not give the reason; and with this sole witness the said count is inadmissible.

[MARGINAL NOTE] 22

Count 22, that when I and my husband were sick we were never heard to call on God or His Blessed Mother or any saint whatsoever, which is the first part of the count, is based only on the testimony of a single witness, who is witness 17, count 16, who, testifying to an unprovable negative and giving no basis for his testimony and unable to give one, as I stress in my reply to count 12, declares that on the occasions when he saw me and my husband ailing he never heard us call on God or any saint whatsoever, which shows the witness to be evidently false and biased, because he could not have waited on us uninterruptedly, and we could, without his hearing it, invoke God and His Blessed Mother and the saints, as we always did. The second part of the count, that neither were we found on other occasions to praise the Blessed Sacrament or God or His Blessed Mother or any other saint, also comes from another witness, who, testifying to a negative and therefore of no importance, testifies in such a manner that no sense or reason can be made of his testimony, [and] who is witness 12, who in his count 13 states that he knew that there could be no servant of my husband's who had heard us praise the Blessed Sacrament or God or His Mother or any other saint whatsoever, without giving any explanation for so rash a proposition. The third part of this count is that a certain person close to me since I came to New Mexico never heard me say that I was devoted to any saint, which the witness says he noticed, and the indictment says that he did so very legitimately, in view of the ill fame that falls on me and my husband because of the contents of this count, of which there is no proof, as it consists of a negative; and the witness from whom this last clause of the count is copied is witness 16, who is the sole and uncorroborated and unlikely witness to this, from whose testimony nothing can be

inferred, because my having no devotion to any saint whatsoever is not proven by my not telling the witness about it, because what obligation did I have to tell him, or what occasion does he mention on which this subject arose and [fol. 180r] I should have to tell him?

[MARGINAL NOTE] 23

Further, because count 23, in its first part, states that it was seen that I and my husband used to go to mass as though against our will and forced to do so, and that although we gave it to understand that this was because of the discomfort caused by the cold and snow, the witnesses suspected that it did not arise from the said impediment but from our lack of inclination, whereby there is alleged before the court a purely internal act known to God alone, which is our inclination; and for the witnesses to affirm this without presenting any evidence, signs, or outward indications that would lead to it,<sup>n</sup> whereas the cold and snow are a clear and visible reason why going to mass should be burdensome, [and] for the witnesses to disregard this reason and to have recourse to their malice is to form a rash judgment, as was done by witness 5, count 2, stating that he always noticed that my husband and I sometimes [*sic*] went to mass as though forced to do so, although we gave it to understand that it was because of the discomfort of cold and snow, but the witness considered us very little inclined to the devotion of the mass, without giving any reason for such rash and execrable testimony, as was also done by witness 13, count 3, who, speaking of my husband, states that he never went voluntarily to hear mass but as though against his will and forced to do so, without saying from what he infers this compulsion or force; and witness 17, count 12, states that when my husband and I went to hear mass we went as though forced to do so and against our will; so that in the sight of the law all these are false witnesses.

Nor can this first part of the count be made more probable by what is next stated in it, that we ordered a certain person that if we were summoned to hear mass (which it is supposed occurred on days of obligation) he should say that we were ill, although we were not, which is based on the testimony of a single witness, who is witness 13, who, although he does not state as much as the count of the indictment, declares in count 3 of his testimony, speaking of my said husband, that he often gave orders to one of his servants that if he was summoned to hear mass he should say that he was ill, although he was not.

The third part of this count is that it was public knowledge in the town of Santa Fe that three or four months would go by without my hearing mass, although I had no illness that would keep me from doing so, because on the days of obligation when my absence was noted I was up and about with no sign of any ailment, and this was noted especially in the winter, when we did not go to hear mass on days of obligation unless it was very sunny, [fol. 180v] to which I have given sufficient reply at my hearings; and the testimony does not contain what the indictment does, for the only one who testifies concerning this, who is witness 1, count 1, only states that this was a common observation in the said town of Santa Fe, without stating from whom he heard it or how he learned that it was a common observation. And not even that would have constituted proof, because this kind of proof has so many requisites; and so he states that it was a common observation in the said town of Santa Fe that my husband did not go to church to hear mass except on

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<sup>n</sup> Marc. Mant. cons. 24 n. 4 vol 1 Menoch. de arbitr. cas. 36 y n. 2 Laurent. Silu. cons. 7 n. 21. Mandos in reg. cancel. reg. 5 q. 4 n. 7.

holidays and Sundays, and this could never be a cause for reproof or objection, and the witness testifies in contradiction with what the count contains, and the witness continues that in winter not even on those days, although the church was a harquebus's shot from the governor's palace, and I did likewise, and in winter we only went to mass on very sunny days; and although, this being a single and uncorroborated testimony, it does not constitute proof, it should be noted that the circumstance that is the basis for the count is that on the days of obligation when they say we failed to hear mass we had no illness or impediment, which this witness does not state, and it should have been specified along with how he came to know it.

[MARGINAL NOTE] 24

Further, because count 24, that on fast days, like those of Lent, when I and my husband said we were fasting, we drank chocolate in the morning with two slices of toast, and the same in the afternoon, and that these slices came from a large loaf made for the purpose, and if one of them broke there would be three, and if there was no toast we ate two biscuits, which in the indictment is attributed to mockery of the precept of fasting, concerning which I have given testimony at my hearings, which I reiterate; and what witness 13 testifies to the contrary in his count 5, from which the count of the indictment is copied, is the result of his bias, because when we fasted we did so in the manner observed by the Church; and if sometimes I ate part of a piece of toast, of the ordinary kind and not one of those described by the witness, it was on account of the weakness caused by my constant ailments and by the harsh climate of that province of New Mexico, which is one of the coldest known; and it is easy to see the exaggeration in the statement that a large loaf was baked for this purpose, and much more [in the statement] that if one slice of [fol. 181r] toast broke, there were three, because if the breaking occurred before the maid brought the chocolate, she would not bring the broken one and the one with which she replaced it; and if it happened while drinking the chocolate, it was necessary to break them; and this witness gives no explanation for his testimony, and the same flaw is found in witness 17, count 10; and if this were not, as it is, an invention of the said witnesses, to exceed the small amount of nourishment allowed for the fast does not, if it occurred, show mockery or contempt for the precept, but inadequate abstinence, of which many Catholics are guilty; and even within the terms of the testimony of these witnesses the precept is recognized, although insufficiently followed, so that there might be sin, but no grounds for suspecting heresy.

[MARGINAL NOTE] 25

Further, because count 25, that my husband did not hesitate to eat meat on fast days, which is its first part and does not concern me, stems from the testimony of witness 13, who in his count 10 states this without saying whether he was ailing or in good health, which is also true of the testimony of witness 17, count 10, which is of the same sort.

And although the count continues, that when we came to El Parral two days before Palm Sunday, I and all my household ate meat all through Holy Week without being sick, although I seemed to be somewhat ailing, but not seriously so, along with all the rest that it relates, this count is sufficiently refuted with what I have declared at my hearings, to which I refer; and, in short, I followed the custom or necessity of the place, because there is no fish there, and although I was gravely ill I made an effort to eat indifferent things; and as guests of the governor of that province, my household and its masters had to eat what



they gave us, because this was not within our discretion, nor could we impose our will in another's house; and the witness who testifies concerning this, who is witness 13, count 6, confesses that I was somewhat ailing, reducing the degree of my illness in keeping with his depraved malice, when actually it was great, and it is not for the witness to judge whether it sufficed as an excuse.

And although the indictment goes on to say that we seem to have continued this wrongful behavior even in the town of Santa Fe, there is no witness who testifies to this, and nonetheless the most serious and significant stress is laid on this, adding circumstances that are also unproven, and among them that I abstained from the holy sacraments of the Church, not partaking of them at the times I was obliged to do so; because if I did not comply with this obligation during one Holy Week while I was at El Parral and traveling and sick, [fol. 181v] I did so as soon as I could, which was Corpus Christi Day of the same year, and there can be no proof of my having failed to comply with this obligation on any other occasion. Neither is there proof of the circumstance of my rare attendance at church, to which I have given sufficient reply.

[MARGINAL NOTE] 26

Further, because count 26, that is, that neither I nor my husband were ever seen or known to be inclined to confession, a subject concerning which no judgment can properly be formed,<sup>o</sup> and concerning which a witness who testified without producing visible and conclusive reasons would be rash and therefore false, as is witness 17, who in his count 17 blindly affirms that he never saw or learned that I or my husband were inclined to confession, without specifying the indications or outward signs by which he might have seen or learned it; and besides this being testimony concerning an indeterminate negative and a matter not accessible to the senses, equally inadmissible is what is next stated in this count, that on many and diverse occasions I used to say that I never wanted to confess when I was at services because the clergy and friars revealed confessions, and that this had happened to me at San Juan de los Llanos, so that I spoke from experience, from all of which great and grave inferences and exaggerations are derived in the indictment; but there is not sufficient evidence from which to deduce them, because witness 12, testifying from hearsay in his count 3, states that a woman had told him that she had heard me say that I did not want to confess because the friars there revealed confessions, but that afterwards I did confess, and witness 17, in his count 17, which seems to be the only one to support this count, declares that he heard me say many and diverse times that I never wanted to confess when I was at services, because the clergy and friars revealed confessions, and that this had happened to me at San Juan de los Llanos and so I was speaking from experience, so that for this count there is only this witness, whose quality, shown by his own testimony, I have pointed out.

[fol. 182r] In addition to this, the matter that is imputed to me here contradicts the subject of the indictment, which is to say that I follow the law of Moses, because it presupposes that I believe there is a sacrament of penance and an obligation to maintain the secrecy of confessions, and although in this we limit ourselves to what I have declared at my hearings, which I reiterate, nonetheless, were we to admit the terms of the said

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<sup>o</sup> Marcus Mant. cons. 24. n. 4 vol. 1 per gloss in c de occidendis 22 q. 5 et inclem. exiit de Paradiso [illegible] verb. sign. c nouit de iudic. c Kia de simon. Blanc. de indic. n. 57 tom. 15 et Ioan. Lug. in trac. de matrim. et legit. pñl n. 6 et 10 vbi inquit esse quasi imposibilem probationae et plene corn. cas. 81 n. 6 vol. 1 et cons. 124 n. 3 vol. 3. Hemed. cons. 63 n. 3.

count and of the witness on whom it is based, the statement was of no consequence and did not have the importance that is being given to it, nor should any meaning or import be attributed to it other than that, as the clergy and friars are generally not on easy terms with the mayor, if the former speak ill of the actions of the latter or of his domestics and the subject of this talk is a sin that they have confessed to them, this comes to be, if not formally revealing the confession, at the least a lack of prudence and concern for the full secrecy that it requires, and that is how it should have been understood in the event (which I do not concede) that I should have said that they revealed confessions and that it had happened to me; and the prosecutor, in his indictment, also thinks this did not happen, for he states, correctly, that I would have mentioned it at my hearings.

[MARGINAL NOTE] 27

Further, because count 27 states that I so frequently indulged the bad habit of speaking ill of priests that I not only offended those who were in New Mexico but that I used to say that a rich beneficiary, whose name I mentioned, had died with eleven or twelve children and his mistress at his bedside; and although I have declared concerning this at my hearings, it is not something that infers an offense against the faith, because if I had spoken ill of the friars in New Mexico between whom and my husband there was strife and hostility and very bitter lawsuits, and if I had said of the beneficiary what is attributed to me, this is a sin of gossip and an indication of aversion toward certain persons and individuals, but not toward religion and the priestly estate, which I respect and venerate; and the consequence inferred in the indictment, which states that this raises the suspicion that I believe that one may freely defame one's neighbor, is so novel and general that it could be applied to every sort of sin, saying that it raises the suspicion that he who commits it believes that it can freely be committed, for there is no greater reason [to apply it to] the sin of gossip than to such others as may harm our neighbor; and this count also lacks any proof other than [a single witness,]<sup>173</sup> who is witness 12, count 1, [concerning the clergy.]

[MARGINAL NOTE] 28

Further, because count 28, that I did not [take care that my household] lived in the fear of God or com[ply with the] [fol. 182v] precepts of the Church and that some persons who noticed this were not a little scandalized by this and it drew general attention, because these should have been specified, and likewise the occasions on which the persons of my household committed excesses or behaved scandalously and that I knew of it and consented to it, and the occasions on which they failed to comply with the precepts of the Church, for the witnesses, on the contrary, agree or at least presuppose that they went to confession and received communion in Holy Week; and if in one Holy Week, which was the one I spent at El Parral while traveling, I, because of sickness, and they, because of the occupations of travel, did not comply with this precept, the witness on whose testimony the count dealing with this is based declares that I on Corpus Christi Day, and my household as soon as we reached New Mexico, received communion; and the witnesses relevant to this count, who are witness 12, count 9, and witness 14, count 4, stating, the former, that he never, even in Holy Week, heard, saw, or learned that I or my husband

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<sup>173</sup> The passages in brackets are not readable in the ms. because the lower right corner of the folio has been torn off. The missing text is restored from the earlier passages referred to.

advised or ordered our servants to go to mass, and the other, that during Holy Week we did not advise our servants to go to mass, testify to an unprovable negative, and what they should have said first, and do not say, was that the servants did not confess or hear mass because their masters did not attend to this, and then go on to explain how they knew that they did not attend to this, concerning which I have testified in my reply to count 12.

[MARGINAL NOTE] 29

Further, because count 29 states that the members of my household never saw me or my husband pray or recount the lives of saints or follow any special devotion, nor were we ever seen with a rosary in our hands except for a few times when I carried one when going to church and put it away as soon as I returned, which is the first part of this count, and concerning it I have declared at my hearings the many devotions that I have always followed and did follow at that time, and among others that of saying the office of Our Lady every day; and it can be proven by recourse to all the persons who know me and have had dealings with me, both in this city and in other places, how attentive I have been to my devotions, to reciting the rosary and going to church and receiving the holy sacraments.

And of the witnesses who testify concerning this, witness 12 does not speak of me in his count 2 and has the defect of dealing with a negative and giving no explanation of his testimony, or, to put it more correctly, being unable to give any, and the same is found in witness 14, counts 6 and 19, [fol. 183r] and in witness 24, count 1; and this last confesses that sometimes, though rarely, he saw my husband with a rosary in his hand, but that he does not know whether he was praying; and so, in accordance with what I have argued in my reply to count 12, there is no proof whatsoever in the first part of this one, nor in the second, in which it is stated that when I and my husband saw a rosary around the neck of a certain person who served us or that of any other member of our household, we would tell them that they were hypocrites and should take those rags off their necks, because a single witness, who is witness 17, count 6, states that when we saw the members of our household with a rosary around their neck we would tell them the above, but this witness is uncorroborated and as biased as his testimony shows him to be.

[MARGINAL NOTE] 30

Further, because concerning count 30, that I carefully guarded the drawer of a desk, which was the middle drawer, not allowing anyone to see what was in it, and the remaining contents of this count, amounts only to what I have declared at my hearings; and this is one of the fictions of witness 17, count 9, which is the basis for the count of the indictment; and even were it not, this was an action from which no guilt can be inferred, since everyone may in his own house guard and hide from his servants whatever he wishes to, but this witness would not have any human action be allowed me, nor does he say to what purpose this might be ascribed.

[MARGINAL NOTE] 31

Further, because to count 31, which to the above offenses adds that of practicing magic and superstition because I said that I had been given some powders and had sprinkled them at my husband's feet in bed, and the rest of what this count avers and stresses, the reply is that the only witness who testifies to this extrajudicial confession

attributed to me is witness 23, count 1, who says that I told this to a woman, which constitutes a malicious and biased testimony; and although the prosecutor claims that this alleged confession incriminates me despite being extrajudicial, because of a special rule for religious trials, in which, it is alleged, such extrajudicial confessions suffice for proving the offense and imposing punishment therefor, my reply, without touching on this question, is that it cannot arise, since this extrajudicial confession attributed to me had to be proven with two irrefutable witnesses, and as this requisite is lacking, [fol. 183v] there is no need for a fuller response; [and] although it could also be argued that to make use of superstitious things that imply a pact [with the Devil] is a most grave mortal sin and therefore sufficient to establish guilt of evident heresy,<sup>p</sup> yet there is no need for any defense other than that the charge or count is unproven.

[MARGINAL NOTE] 32

Further, because count 32, that it was said that I used to collect my menstrual blood, and what is stressed concerning this in support of the preceding count, and the rest of what the indictment states, is refuted by the fact that in the presentation of evidence given to me there is no proof on which to base this count, which is so incredible and unworthy of mention that it required the most rigorous proof; and I use this same argument to exclude another crime that in the account or compendium of those alleged in the indictment is mentioned in count 41, accusing me of being a superstitious sorceress, when in the entire record there is not even a remote indication of sorcery.

[MARGINAL NOTE] 33

Further, because count 33, that I was in the habit of placing onion peels on my feet every day, and that although when I was asked about it by a certain person I replied that I used them as a remedy for my corns, this explanation must be considered spurious and that there must be some superstitious one, tends to presume or imagine a crime with no basis for such a presumption, for this could be applied to every indifferent action, and no one could employ unusual remedies without incurring this suspicion; and this was the testimony of witness 12, count 5, who testifies that a woman of my household told him about it, and of witness 17, who in his count 3 states that he saw me put onion peels on my feet and that when a servant asked me about it I said that it was a remedy for corns, which shows the malice and hatred of these witnesses, who attribute to superstition an action so permissible.

[MARGINAL NOTE] 34

Further, because count 34 is that I and my husband did not attend the public reading of the edict of faith that was held in that town and I did not hear mass that day, although it had been proclaimed that all should attend under penalty of excommunication, and that we suffered no ailment that would exempt us, [fol. 184r] and although my husband was in bed that day and the two preceding ones, his illness was feigned, and the servants and other persons from outside our household were saying days earlier that he would pretend to be sick in order not to attend, and on this basis the count is then emphasized; and as I have stated at my hearings, at that time I was crippled and my

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<sup>p</sup> Torreblanca in epitome de Autor. [?] cap. 8 An. 17 praecipue n. 26.

husband was sick in bed; and for witness 8 to declare in count 2 that it was public knowledge that we were in good health is more temerity than testimony, because testimony would have to fulfill the requirements for evidence by rumor and public report, and he neither says how this came about nor explains how it could come about or how he knew of it; and witness 11, in his single count, says nothing conclusive or to my prejudice, because he states that he does not know of my being ill, and his obligation was to affirm that I was healthy; and witness 13, count 8, says only that I did not go, without saying whether I was in good or poor health, and of my husband he says that it seemed to him that his illness was spurious; and this manner of testifying without explaining the judgment uttered is not only condemned, but it raises a presumption of being false; and this is the witness who testifies that some days earlier he heard the servants and other persons from outside say that my husband would not attend, because this is improper testimony and based on a rash judgment, and finally he invalidates it all when he concludes his testimony by saying that my husband and I ordered that a certain person go to hear the edict; and witness 14, count 4, states that although my husband was in bed, his illness did not seem to be serious, and this was not something for him to judge, nor does he explain the grounds for his opinion, and of me he says that I was in good health when he had no way of knowing whether I was and gives no explanation of how he came to know it.

[MARGINAL NOTE] 35

Further, because count 35, which relates that I asked a friar whether my husband had been arrested by this Holy Tribunal and that I did so with great insistence and repetitions and surprise at his not being arrested and only I being arrested, is copied from the testimony of witness 25, count 1, whose simulation, lack of corroboration, and style demonstrate his wicked intentions and mortal hatred, for by attributing to me the questions and expressions of surprise that he invents he wishes to lead to a presumption of guilt against my husband; and being a single witness and of the quality shown by the tenor of his testimony, there is insufficient proof for any indication or inference.

[MARGINAL NOTE] 36

Further, because count 36, that I asked a certain person whether he had gone to my house and, when he told me that he had not, begged him to go [fol. 184v] the next day and from a box of chocolate take out and bring me two letters kept therein, stained by bars of chocolate, because they constituted my entire defense, which created suspicion in this person, who said to himself, "Her conscience is accusing this woman; these letters are something bad, and she wants to destroy them," and the count ends by saying that it must be presumed that they are something bad and ordering me to declare what they are, from whom, and what they contain; and although I have already stated this at my hearings and the merits of the charge are evident, there is no evidence to motivate it; and letters that served for making chocolate bars, what sort of letters can they be, and of what importance?

[MARGINAL NOTE] 37

Further, because count 37, that the father commissary had a girl whipped because she took a message to my husband and that I spoke [to him] impudently and impatiently,

to which the father commissary replied with a stern reproof and [by asking me] why did I not obey the order, under penalty of excommunication, not to communicate with any person whatsoever, and the rest of what this count relates, on which it lays a great deal of stress, turns out to have the same merits as the foregoing, because there is no evidence on which to base it; and to this effect I have testified at my hearings, principally that I was not given any such reproof, and that the act imputed to me, that I sent a message to my husband, is unrelated to the purpose of the indictment, which is intended to show me as an adherent of the law of Moses and a sorceress; and if it took place, it was an act quite alien to these purposes and one that entails its own excuse, affection and love for my husband, which is granted so many immunities, especially in criminal cases.<sup>9</sup>

[MARGINAL NOTE] 38

Further, because count 38, that when I saw the cart in which a certain person was traveling, I pronounced, with much weeping and indignation, some remarks offensive to the friars of New Mexico, that they were traitors, enemies of God, sacrilegists, heretics, bad priests and bad Christians, and other insults, and how was it that they were taking away that innocent man without guilt or any reason other than the falsehoods and testimony of the said friars, that the justice of God should fall on them with lightning, fire, and punishments from Heaven, is based on the testimony of a single witness, who is witness 26, count 1; and although [fol. 185r] I have also replied to this count at my hearings, its contents deal with a sin of hostility toward the said friars but not toward the faith, nor was it directed toward religion but toward the religious, added to which is the circumstance of my compassion and love for my husband and my chagrin at seeing him and seeing myself in such a pitiful condition; and the claim that I seemed in a way to have insulted the righteous proceedings of this Holy Tribunal, assuming it to be otherwise, does not fit with the facts of the count, because to say that my husband was suffering without guilt or reason because of the falsehoods and testimony of the said friars is not directed at this Holy Tribunal but at them, who would be the witnesses who brought forward the denunciation.

[MARGINAL NOTE] 39

Further, because count 39—that when I felt great chagrin a certain person, to assuage it, told me that I should console myself with coming before a Holy Tribunal where justice would be done me, for it had ministers so holy and just, free of all bias, I replied, what ministers and what bias, since they entrusted my arrest and that of my husband to our known enemies, to which he replied that I should not say such things, that this Holy Tribunal did not so consider those who carried out its orders and commands, that in those provinces there were no ministers other than the friars of St. Francis, concerning which the indictment contains a grave disquisition alleging that my sentiments toward this Holy Tribunal and its proceedings were less respectful than they ought to have been, and that this constituted a lack of confidence in my being dealt with justly, and that this was boldness and impudent audacity—comes down to the false and biased testimony of a single witness, who is witness 26, count 2, which was nothing but a denunciation, which is what it is called in the said presentation of evidence, and with this alone there is insufficient basis for the count, concerning which I have testified at my hearings, to which

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<sup>9</sup> Tiraquell. de proen. temp. causa 4 per totam

I refer; and if (which I do not admit) this were not a false denunciation, as it is, and if in relation to the subject of this count some conversation should have taken place, what I could have said, though I did not even say that, was that what did the justice and righteousness of this Holy Tribunal matter if those who carried out its orders were biased; and the witness or denouncer alludes to this when he says that I should not say such a thing, that this Holy Tribunal did not so consider those who carried out its orders, that in that province there were no ministers other than the said friars. But I never could say or believe that this Holy Tribunal knowingly entrusted the execution of its orders to biased persons, or offend against the veneration [fol. 185v] in which I have always held it, or doubt that in its eyes my innocence was secure and that it would examine my case with its accustomed justice and mercy, for this is shown not only in lessening the penalties of those found guilty but in the benign interpretation of the evidence presented to produce an appearance of guilt.

[MARGINAL NOTE] 40

Further, because count 40 is intended to make me guilty of denying my crimes, and [to infer] that my steadfastness at my hearings is obstinacy in my guilt, the reply to which is that one cannot be said to deny one's crimes when one has not been convicted; and to the continuation, that one must realize that this Holy Office does not arrest anyone without sufficient evidence, the reply is that this is so, but that the evidence's sufficing for investigation, trial, and arrest is not the same as its sufficing for conviction.<sup>r</sup>

[MARGINAL NOTE] 41

Further, because in count 41 it is argued that it must be presumed that I have perpetrated and committed, and seen perpetrate, express, and commit, other greater and lesser crimes falling under the authority of this Holy Office, and that with malice I maintain silence about them and cover them up, which [argument] is contrary to the law, which, as I have so often repeated, does not presume [the existence of] crimes if they are not proven;<sup>s</sup> [and] the count goes on to present the resume of those that have been alleged in the indictment and even adds another not dealt with in it or by the witnesses, which is that of witchcraft, which I have sufficiently refuted in my reply to each of the counts, all of which<sup>t</sup> are different in substance and facts and are directed toward different ends separate from the matter of the indictment; and the witnesses that testify to them are uncorroborated without explaining the reason and likelihood of what they are declaring, and in none of the said counts can one find two trustworthy unimpeachable witnesses who ratify each other's testimony,

I ask and beseech Your Honor that despite the allegations of the said indictment you be pleased to absolve me and release me, restoring to me my former character and repute, which will grant me favor and justice, which I request, and I swear to God and the

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<sup>r</sup> Simanc. vbi s<sup>a</sup>. tt 51. n. 12. Mascar. concl 856. n. 12.

<sup>s</sup> Imerito tt pro soci. Menih de praesump. lib. 1. q. 38 n. 11 et lib. 3 praes. 86. n. 9.

<sup>t</sup> probationes semiplenae aut imperfectae etsi multae concurrant non sufficiunt ad plenam faciendam fidem in crimine haeresis. Simanc. tt 51. n. 5. Testibus singularibus neque in genere neque in specie probatur haeresis idem tt 64. n. 79. et 81. nam si singulares sint et prorsus diuersi perinde sunt ac si vnus testificaretur. ibidem n. 31 et 32. Duo testes necessarii sunt ad haeresis probationem fide digni et omni exceptione maiores. idem tt 64 n. 36.

cross of this brief, and if I should take another more formal and juridical oath, I hereby take it and consider it taken, and in all things necessary, etc.

Furthermore, even admitting the allegations<sup>174</sup> of the prosecutor, I state that the merits of the case provide no basis for his request for torture, because I have testified in my reply to each of the said counts, and so may it please Your Honor to declare the said request to be inadmissible.

Don Alonso de Alavés Pinelo [Rubric] Doña Teresa de Aguilera y Roche

[fol. 186r] HEARING AT HER REQUEST

In the Holy Office of the Inquisition in the city of Mexico on Tuesday, the 22<sup>nd</sup> day of the month of April of the year 1664, while holding his morning hearing, the Inquisitor Dr. Don Pedro de Medina Rico, Inspector of this Tribunal, ordered Doña Teresa de Aguilera y Roche brought from her cell, who, when she was present, was told that yesterday, during the inspection of cells, she requested a hearing, that she is now before it, that she should state why she wants it and should in all things tell the truth under the oath she has taken.

AGAINST JUAN DE CÁRDENAS. COPIED FOR HIS TRIAL.

She stated that it is true that she requested it, in order to say that on the first day that the Inquisitor Inspector of this Holy Tribunal granted her a hearing, which was on 11 April 1663, when this confessor was leaving this hearing room for the warden's room where she was being held, Juan de Cárdenas, assistant warden, told her that he was very sorry about all her travails, that he had known her in a very different sphere at the house of her parents in Cartagena when her father was governor and captain general of the said province at the time of the galleons of Don Jerónimo Gómez de Sandoval, where he was provisioner for the said galleons; that at that time he gave the father of this confessor an order for taking some empty barrels out of the warehouse to store water for the galleons, and that [fol. 186v] because of this acquaintance with her father he was very sorry about her travails and he would help her and do whatever he could for this confessor, and also because he was a close friend of her husband's relatives, for all of which this confessor thanked him.

And afterwards he advised this confessor to come to request before this Tribunal that His Honor have the people who had come in the King's carts arrested, to be examined in her defense, as she did. And afterwards he often urged her to come to the Tribunal to ask why she had been arrested, and that before it she should say many things that this confessor did not want to say, such as asking why she had been so long under arrest for no reason, often saying to her, "Very well, this may well be justice, and it must be, since it is being done; but I do not understand it," advising her to complain about the inquisitor or inquisitors; and when this confessor asked him whether imprisoning people without telling them the reason for their imprisonment was something that occurred with all the prisoners, he replied that it was not.

And when she was given the charges, the aforesaid asked her whether they had given her the charges, because before, when he brought her before this Tribunal, he told

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<sup>174</sup> *presupuesto el delesiato*: I can find no trace of the word *delesiato*, which is, however, clear in the ms. My translation is guided by context.



her, "Today they will give you the charges, tomorrow they will give you the charges"; and this confessor [fol. 187r] replied to him that they had already given them to her, because the said Juan de Cárdenas would grow greatly exasperated when this confessor would tell him that they had not yet given her the charges, to which the said Juan de Cárdenas replied, "By God, if this is not enough, I don't know what to do; let God's mercy suffice."

And he often urged her to ask for a hearing, and she would sometimes fail to ask for one, saying, what should she ask for at a hearing, that she was a woman, especially ignorant in matters dealing with this Holy Tribunal, although it seemed to her that she was not so ignorant in other matters; but this confessor did not tell him what charges were being brought against her, and nonetheless the said Juan de Cárdenas would speak to this confessor about them, because when this confessor and her husband were in the kingdom of New Mexico, Toribio de la Huerta and Juan Domínguez de Mendoza, residents of the said New Mexico and servants in this confessor's household, told this confessor and her husband that people were gossiping that this confessor washed her hair in a certain manner, to wit, Friday evenings, and in view of this, this confessor asked the said Juan de Cárdenas whether washing one's hair was a matter for this Holy Tribunal, and he replied that it was; and this is how he had knowledge of them.

She does not recall whether or not she spoke about any other charge; and when the said Juan de Cárdenas heard this confessor tell him that she had already been [fol. 187v] given the charges, he replied, "The Lord be praised," and asked her what she thought of the charges, to which she replied that she did not know, that as a woman, and in matters of this Holy Tribunal, she did not understand the nature of the said charges. And afterwards the said Juan de Cárdenas told this confessor that Don Bernardo López, her husband, sent word to ask which charge she found most worrisome. This confessor does not know whether the said Don Bernardo asked this or not; but [Cárdenas], in order to find out what she was thinking, might have asked her this under this pretext; and this confessor replied that she did not know what charge or charges were the most serious, because as a woman, and in matters dealing with this Holy Office, she did not know.

And after this the said Juan de Cárdenas advised this confessor to ask for paper and discredit many persons in New Mexico, or the entire country, and especially the friars; and when this confessor told him that she did not know them all, and what should she say about all of them, should she bear false witness against them, he replied that she should not bear false witness, but that all the friars were testifying against this confessor, and so it was necessary to denounce them; and when she told him that she had forgotten many things, the said Juan de Cárdenas replied, "If you cannot remember your defense, what do you want [fol. 188r] me to do about it?"

And afterwards this confessor asked the said Juan de Cárdenas what things the prisoners from New Mexico had been charged with, to wit, Sergeant Major Francisco Gómez Robledo, and his cousin Diego Romero, and Cristóbal de Anaya and Nicolás de Aguilar, to which he replied that serious charges had been brought against all four of them, especially the said Sergeant Major Francisco Gómez Robledo, whom they had charged with being a Jew, and that he practiced Judaism even with his father, and that there had even been testimony that he had a tail, and the surgeons had examined him and found that this was false. And that Diego Romero was crazy, and the said Diego Romero came to this Tribunal to accuse the said Juan de Cárdenas; and how Cristóbal de Anaya had testified that his brothers, the Domínguezes, were in this city, because the said Cristóbal de Anaya had asked the said Juan de Cárdenas whether his brothers were in this city, and he had answered that they were; and the Tribunal, because it did not believe the said Diego Romero, as he was crazy, had not punished [Cárdenas]; and so this confessor

should take care, for the love of God, not to let slip any word before this Tribunal that might bring him harm.

And the said Juan [fol. 188v] de Cárdenas likewise advised that she should come before this Tribunal and say that as justice was meted out to some, it should also be meted out to others, and that it should not be a justice among cronies, as though giving her to understand that [what] the Inquisitor Inspector [did not do to] the friars of New Mexico, he should not do against this confessor and her husband;<sup>175</sup> and she replied, how was she going to say that, because any judge, even were he made of stone,<sup>176</sup> would resent this anywhere, and even more so before this Tribunal and His Honor, to which the said Juan de Cárdenas replied, was this confessor some Indian, why should she not speak and testify, to which this confessor replied that it was unjust and that these were not things one could say, and nonetheless he continued his urgings, saying that the inquisitor inspector would rather be pleased to hear it, to which this confessor replied that he would indeed be pleased to hear her defense, but not things that were not germane, and who could be so bold as to say those things, to which the said Juan de Cárdenas replied that there they arrested a man out in the countryside, and he defended himself, and if this was so, how was this confessor, raised in a palace and among learned persons, not to defend herself.

And after this the said Juan de Cárdenas told this confessor a few days ago that the governor [fol. 189r] of New Mexico, Don Diego de Peñalosa, had arrested the commissary of this Holy Office and was holding him with two sets of shackles. This he told her because this confessor used to ask him about the said Don Diego de Peñalosa and about the friars in New Mexico, and whether this Tribunal was on good terms with them, to which the said Juan de Cárdenas had replied that the royal audiencia of this city had relieved the said Don Diego de Peñalosa of his charge and was bringing him in shackles to this city, that they were all paying; that this Tribunal's arrest of Fray Juan Ramírez, who was under arrest, arose from his having harmed them, and why had she not testified before this against the said Fray Juan Ramírez concerning the commission; that very day the inquisitor had summoned Don Bernardo López, her husband, and had asked him about it, and why had this confessor not declared this before, to which she replied that she had not remembered it. And he also told this confessor that Don Juan Manso, former chief bailiff of this Holy Office for the arrest of this confessor and her husband, was a prisoner in the central prison of this city, that they were all paying; and when this confessor told him that that was hard to believe, because this confessor did not believe it, the said Juan de Cárdenas replied that he had [fol. 189v] seen and read a letter that told of this and that they were awaiting some carts that were under way and bringing the document for this Holy Office.

And since noon had passed, this hearing was suspended at this point, to be continued at tomorrow's hearing, at which [the record] will be read to her, whereupon the said Doña Teresa de Aguilera, admonished to reexamine the matter carefully and tell the truth, was ordered back to her cell, and she signed.

Doña Teresa de Aguilera y Roche

Done before me. Bartolomé de Galdiano. [Rubric]

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<sup>175</sup> *como dandole a entender que el Señor Inquisidor Vissitador hacia por los frailes del Nuebo Mexico, no hiciesse contra esta confessante y su marido:* I believe the sense to be what I have used as my translation, in keeping with what precedes, but the syntax is hardly clear.

<sup>176</sup> *palo*, but in English 'stone' seems more usual.

HEARING AT WHICH SHE CONTINUES TO TESTIFY AGAINST JUAN DE CÁRDENAS. COPIED FOR HIS TRIAL

In the Holy Office of the Inquisition in the city of Mexico, on Monday, the 28<sup>th</sup> day of the month of April of the year 1664, the Inquisitor Dr. Don Pedro de Medina Rico, Inspector of this Holy Tribunal, while holding his morning hearing, ordered that there be brought to it from one of the cells of this Holy Office Doña Teresa de Aguilera y Roche, a prisoner therein; and when she was present she was told that if she has recalled anything else that she ought to say in this her case and trial she should do so, and in all things tell the truth under the oath [fol. 190r] she has taken

She stated that for the time being she has nothing to say concerning her case, only to continue testifying concerning what the assistant [warden] Captain Juan de Cárdenas said to this confessor, and that is, that a few days before the charges were presented to this confessor, which were afterwards given to her in the indictment, the said Captain Juan de Cárdenas told this confessor that the inquisitor inspector was investigating the official conduct of Father Commissary Fray Alonso de Posadas, commissary in New Mexico, and had found that he had conducted himself like an angel, and that on that same day the said inquisitor inspector had interrogated Fray Something de Villasís (whose first name this confessor does not know), a lay member of the Order of St. Francis, who had given strong testimony in favor of the said father commissary.

And a few days later, some three or more, when the said Captain Juan de Cárdenas was going to this confessor's cell to take her her food, he told this confessor, placing his hand on his breast, "Please God, please God that the way now taken may be for the greater service of God and your honor and your husband's; God grant that you heed what I am telling you." And with his eyes bathed in tears he closed the door and left, so that this confessor could not ask him why [fol. 190v] he was telling her this; and it seems to her, although she is not sure, that afterwards she asked the said Captain Cárdenas what way he was talking about, and it seems to her that he answered that it was the worst; and after some days, she does not know how many, the said Captain Cárdenas went to her cell at midday and asked her what this hearing was for (because that day this confessor had come to it), and the said Captain Cárdenas told her that she was coming only to speak nonsense and to say things that would be very bad for her, that he was telling this confessor the truth; and this confessor answered him that it could not amount to much, because she was talking about matters that as a woman she did not understand, other than to say yes or no, and beyond that she knew nothing, upon which the said Captain Juan de Cárdenas again scolded this confessor, upon which this confessor told him that since he was scolding her he should tell her the reason, so that she might see whether she could remedy it, and the said Captain Cárdenas would not tell her anything, except that she would see, and he left.

And about three weeks ago the said Captain Juan de Cárdenas went to this confessor's cell to take her a little fire,<sup>177</sup> and this confessor said, [fol. 191r] "Just now the inquisitor has told me, 'Watch what you do, watch what you do,' and as he spoke he raised his finger for emphasis, 'Pay attention to what I tell you, watch what you do,'" and that she was very grateful to His Honor for this, because it was a sign that he had good intentions, because if he did not wish her well he would not so admonish her, because His Honor admonished her so that she would not do something that would be bad for her; but

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<sup>177</sup> *una poca de lunbre*: fire for heating, or for light.

this confessor did not ask him anything, although she wished to do so, because sometimes she would ask things of the said Captain Juan de Cárdenas and he would not answer and would leave.

And afterwards the said Captain Cárdenas told this confessor what Diego Romero had testified against him, concerning what she has declared at the preceding hearing, and therefore this confessor supposes that the reason for what the said Captain Cárdenas said must have been what the said Diego Romero testified against him; and the said Captain Cárdenas often told this confessor that the said Diego Romero was giving very damaging testimony against this confessor and Don Bernardo López her husband, but that since the Tribunal saw that Diego Romero was crazy, it paid no attention to it.

And when this confessor was given the charges against her and she replied to them, the said Captain Juan de Cárdenas asked her several times [fol. 191v] how things had gone for her with the charges and what she had replied to this one and the other, and this confessor would reply to him that she did not know what she had replied, because she forgot it as soon as she left the Tribunal, which was the truth, that she forgot her answers and the charge, too.

And she adds that when this confessor asked him whether the Holy Office charged people for washing their hair on Friday, and the said Juan de Cárdenas answered her that it did, this confessor told him, "Look here, I am a Catholic Christian and I never knew, or know, of such a charge or why it is made or how it constitutes an offense against the Lord, and how could my doing it without knowing or understanding it be a charge against me?" To which the said Captain Juan de Cárdenas replied that nonetheless it was a charge, and it had to be brought; and this confessor asked him the above because she did not know why she had been arrested and had heard, as she has stated, that she was charged with washing her hair on Fridays, and she has never heard that there was a prohibited day for washing or not washing one's hair.

And when she was in New Mexico there was so much turmoil in her house because of the inclination and laxness of her husband Don Bernardo López in sexual affairs with various women [fol. 192r] and persons of her household that this confessor was in fear of serious danger to her life and honor, and other persons were of the same opinion and advised this confessor to be very careful, in her domestic behavior and the governance of her household, not to give her husband occasion to determine on some evil deed, such as locking this confessor up in a room to perish there, or killing her; and she was warned of this by Colonel Pedro Lucero de Godoy, a resident of the town of Santa Fe, who conveyed to her his uneasiness about the matter; and she feared that some man would be sent into her house to create a pretext for killing her, which gave this confessor such concern that had there been a convent of nuns for her to enter, she would have done so; and the same warning was given to this confessor by Fray Diego Rodríguez, missionary preacher of the Order of St. Francis, who was in the said kingdom as guardian of the said town, and came to this city before, who, through Diego Romero's wife, Doña Catalina de Zamora, sent word to this confessor that this confessor should for the love of God let her husband do as he wished, prudently tolerating it in view of her danger, because the said Don Bernardo had told him that he would shut this confessor up in a room [fol. 192v] to perish there; and so this confessor, since there was no convent of nuns, decided to leave everything; and because of the difficulty of washing and combing her hair at the same time, which took a long while, she decided to wash in the evenings and comb herself in the mornings, because by dividing the time she was less constantly occupied and therefore gave no grounds for the servants and persons of her household and those from the outside to speak to the said Don Bernardo and lead him to some wicked act, because he is extremely

jealous and any false report they might give him would lead him to many wild deeds; and so she washed in the evening, that is, on Fridays, and combed her hair in the morning, as everyone does, and without reserving this especially for Fridays and Saturdays, but she did this on any other day with no consideration or reason other than her cleanliness and the one she has mentioned, not washing and dressing her hair at the same time, in order to prevent the evil that she feared.

And she also adds that the said Captain Juan de Cárdenas went to her cell one day and told this confessor that she should ask and beseech His Honor the inspector [fol. 193r] that he should have this confessor's attorney summoned, that she had to consult him about matters pertaining to her defense; and when this confessor came one day to the hearing she so besought His Honor; and on this occasion the said captain told this confessor that at her hearing she should tell His Honor, either in the presence of her attorney or without him, that she was by no means asking her attorney to despatch her case promptly, but rather that it be drawn out as long as possible; and that this confessor came before the Tribunal and so requested, and so spoke to the inquisitor inspector, just as the said Captain Juan de Cárdenas had advised this confessor.

And because it was late she would not for now continue at this hearing but would continue at the next, and since it was nearly noon the [hearing] was adjourned at this point, at which it will be read to her along with the previous [hearing]; and having been admonished to reexamine the matter carefully and tell the truth, she was ordered back to her cell, and first she signed.

Doña Teresa de Aguilera y Roche

Done before me. Bartolomé de Galdiano. [Rubric]

SHE CONTINUES HER TESTIMONY AGAINST JUAN DE CÁRDENAS. COPIED

In the Holy Office of the Inquisition in Mexico, [fol. 193v] on the 9<sup>th</sup> day of the month of May of the year 1664, the Inquisitor Inspector Dr. Don Pedro de Medina Rico, while holding his morning hearing, ordered that Doña Teresa de Aguilera y Roche be brought from the secret cell in which she is being held, who, when she was present, was asked whether she has recalled anything concerning her case, and told to tell the truth in all things, under the oath she has taken.

She stated that what she wishes to do at present is to declare some of the remaining things that happened with the assistant warden Juan de Cárdenas; and continuing from the point at which this testimony was suspended at the preceding hearing, she stated that the said Juan de Cárdenas had returned to her cell a second time and told this confessor that once her attorney had arrived she should come to a hearing and [declare] that she was by no means requesting dispatch in her case, but rather that it be drawn out as long as possible; and the said assistant told her that anything else would not be to her advantage, that she should make her request as he said; and this confessor asked him whether it would not be to her advantage now, and the said Cárdenas replied that it would not, and she replied, why not, and he said, was it not obvious, did he have to tell her, and this confessor asked him the reason why it would not be to her advantage now if it would be more so later, and the said Cárdenas told her that it would not be to her advantage now, and that afterwards [fol. 194r] as time went on God knows what would happen, and she shrugged her shoulders and said that she would do as he said but did not understand the reason.

And one morning a few days after this the said Cárdenas came to this confessor's cell a third time and told her, "Now, as soon as your attorney comes, ask that your case be submitted for judgment, and do not in any way consent to anything else, because that will be to your disadvantage; pay attention to what I tell you, that you request only that they settle it and that they reunite you with your husband, because otherwise it will go badly for you, and you are ready to die defending yourself, come what may, and say it all like this, and let us see"; and in the evening of that same day, the said Cárdenas asked this confessor what had happened at the hearing that day, whether she had requested what he had said, and she answered him that she did not understand the things he had been telling her for the past several days, that her attorney, after the said Cárdenas had spoken to him, said that even if she had to petition the Tribunal she should ask to be reunited with her husband, concerning which she saw that nothing had been done; and the said Cárdenas also told her that in the defense that Don Alonso her attorney would prepare he would make serious accusations against the friars in New Mexico and she would see, and this confessor had seen nothing of what the said Cárdenas told her; and that day he had made her request this, and he asked her, even somewhat mockingly, whether Don Alonso [fol. 194v] her attorney had requested it as she was requesting it, and she replied that she did not see that this or anything else he had told her was being requested or done, and also that when she made the denunciations she had made them exactly as the said Cárdenas had made her do, and on that occasion the said Cárdenas told her that the said Don Alonso her attorney was saying that she should include in the said denunciations some details of the wicked behavior of the servants in her household, and she replied, how was it possible for Don Alonso her attorney to know, here in Mexico, those details that had taken place privately in her house 500 leagues from here, that it was impossible for him to know them or ask her to say such a thing, and the said Cárdenas replied that he did know them and that he was telling her to include them for her defense; and another day she again told him that it was impossible for her said attorney to know them, and the said Cárdenas again assured her that he did, all of which she later found out to be false, when the said Don Alonso scolded her before this Tribunal for having included them.

And likewise, on the same evening of the said day, on the same occasion on which he told her the above things, the said Cárdenas was quiet but very pleased for a short while and then clapped his hand twice [fol. 195r] on a leather chest on which he was sitting and said very cheerfully, "That's all there is to do here; I've done all I can, I don't have to do any more. Because I've done all I can." And when she looked at him—because, from the way he said this, she did not understand whether he was speaking favorably or unfavorably—the said Cárdenas stayed another short while and then told her that after all that, at all her hearings she needed only to keep pressing to be reunited with her husband; and then on the Friday before Palm Sunday of this year the said Cárdenas went to her cell and told her, "Tomorrow there will be a general inspection; whatever happens, request most urgently to be reunited with your husband, because anything else will be greatly to your disadvantage and it will go badly for you if you do not do it in all seriousness, because Don Bernardo also says that he will say fine things about this tomorrow"; and later that same evening, or rather on the Saturday after the said Friday, the said Cárdenas asked her how things had gone during the inspection, and she replied that he might have heard that already, and he told her that he had heard it, and she does not remember exactly what other words [fol. 195v] the said Cárdenas said at that time, and that it was in God's hands; and she asked him whether Don Bernardo had requested to have her join him, as he had told her, and the said Cárdenas replied that he had requested it, and that His Honor the inquisitor inspector had answered him that the

Tribunal would look into the matter, and other things that she does not remember; and at that time, and at other times later, he again told her that at any rate, at all her hearings and during all inspections, she should always urge and request that she be reunited with her husband, because otherwise it would go very badly for her, without telling her the reason.

And two or three days after this, in the evening, the said Cárdenas told this confessor, "Look what time it is, and they are still deliberating," and she told him that they must be busy, and he replied that they were or must have been dealing with some serious case about a very important matter, and he gave much importance to it.

And the next day or the one after, in the evening, when this confessor was feeling very low because of the sorrow caused her by what the said Cárdenas was telling her, the aforesaid sat down and told her that at present he considered her the most distressed, sorrowful, tormented, and afflicted woman the whole world had ever seen or could see, and she replied to him that her misfortune was so great that she would believe [fol. 196r] anything about it, and the said Cárdenas told her it was so, because the hearts of men had turned to stone in this case; and she told him that all things were in God's hands and that to Him she entrusted them.

And afterwards, one morning about Easter time, when this confessor had been having misgivings about the things that the said Cárdenas had told her and made her request, declare, and do, all of which led her to believe that he had deceived her, a woman who did not understand these things and was guided by him, she reached the firm conclusion that since the day on which she entered this Holy Office he had made her request, declare, and do things that must have been to her disadvantage; and disturbed by this, she told the said Cárdenas, why had he made her ask that her case be sent for decision or anything else, and if he was going to advise her to do things to her disadvantage he might have refrained from doing so, and the Tribunal itself would have given her guidance, because she did not know how to do it; and the said Cárdenas, very disconcerted when he saw that she had caught on to what was happening, asked her why she was saying this, and she told him that in all his advice to her, making her request things, he had acted under pretext and deceived her into thinking it was for her good, and that she had now realized that because of his deception she had failed to follow the advice of those who had her interest [fol. 196v] at heart; and the said Cárdenas replied that no, and why was she saying this, and she replied, because he had made her request a decision, and she told him other things, complaining of him along these lines, that she does not remember, to which the said Cárdenas replied that that was a good thing and Don Bernardo had requested the same, or would do so, and if she did not want it she should declare that what she had requested was only that that slave, or what do I know, and he turned his back and left; whereupon she realized that from the first day he had worked her complete ruin; and all those days of Holy Week and Easter she and the said Cárdenas engaged in lengthy debates about the advice he had given her, and the said Cárdenas always told her that Don Bernardo was saying many things and she should not regret the advice he had given her, and that Don Bernardo said that was the right way, and she answered him that Don Bernardo could hardly know what good or harm he had done her or know more than what he told him, and how did she know that it was true that he told Don Bernardo the truth, and he said more to her about these things to calm her, which she does not now remember.

[fol. 197r] And after this, on the Monday after Quasimodo Sunday,<sup>178</sup> after the Inquisitor Don Juan de Ortega Montañés had inspected the cells, and because the girl who

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<sup>178</sup> That is, the Sunday after Easter.

serves her had been removed from the room to report to His Honor about the testimony she has given against Juan de Cárdenas, since the said Cárdenas was suspicious because of the many complaints she had made to him, the said Cárdenas went to her cell that evening, very sad and upset, and asked her what had happened during the inspection, and she answered him, nothing, that His Honor had been consoling her, since he saw her so dejected, to which he replied "Hmm,"<sup>179</sup> not believing what she was telling him; and he again asked her whether nothing else had happened, and she told him it had not; and the next day, after this confessor had been at the hearing, the said Cárdenas came at midday, disturbed, teary-eyed, hoarse, and white-lipped and asked her why they had taken her to the hearing, and she replied that it was nothing important, that the inquisitor inspector had summoned her to ask her things concerning New Mexico, to which the said Cárdenas replied, "Very well," not believing what she was telling him.

And then in the evening of the next day [fol. 197v] or the previous one, or that same evening that she has mentioned, the said Cárdenas came weeping and distressed and told her some things that she does not remember well and told her that Don Bernardo was well and was commending her to God, and that he said she should not feel great sorrow because God, as her merciful father, would remedy it; and she replied that she did nothing day and night but commend him and herself to God; and the said Juan de Cárdenas continued and said, much distressed, that his position, his life, and his honor would hang in the balance, as he had often told her, if it as much as became known that he told her anything about Don Bernardo, even if it were only such a trivial thing as that he was commending her to God, and that he did not know what to do, and he beat his hand against his clothes out of fear that this confessor might have complained about him that day, and that the girl might have been removed from the room for that reason; and the same day, while she was at the hearing, the said Cárdenas went to her cell to bring her water and he asked her little mulatto girl, "What has become of your missus", and the said mulatto, according to what she told her, replied, "They took her off to the hearing," and he had asked her what for, and she had replied that she did not know; and the said girl told her that the said Cárdenas [fol. 198r] was very tearful and his lips very white; and the said girl told her this because when she went to her cell she found her tearful, and when she asked her why she was like that she told her the above, upset at having seen the said Cárdenas like that.

And the next evening the said Cárdenas came to the said cell very angry and asked her whether she had been asked anything by the inquisitor during the inspection, or by the inquisitor inspector at the hearing, about her treatment by him or by the warden Don Fernando, to which she replied that she had not, that she did not know what he was talking about; and the said Cárdenas told her, "Well, somebody has talked," and she asked him why he said that, that she did not know anything, and he told her that he had had one devil of a row with the inquisitor, and when she asked him what about, he replied, about the doors, and he did not say which, and she did not understand it, because she asked him whether he was referring to her doors, and he replied, no, to those over there, giving her to understand, those of the secret cells, and in fact he made a sort of threat against this confessor, saying, "In sum, in sum," and that the said inquisitor had ordered that nothing should be delivered beyond the strictly necessary quantities of bread and meat; [fol. 198v] and she told him that she knew nothing about all that, and if any harm had been done to him, it must have come from elsewhere, whereupon he left angry that evening.

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<sup>179</sup> The ms. reads *le respondi*, *mV*. The context justifies correction to *respondio*, but I am guessing as to what *mV* represents.



And then the following evening the said Cárdenas came to the said cell very tearful and sad, and coming over to the bed where she was lying sick, he asked her, without saying another word, very deceitfully, whether her attorney Don Alonso had not said he would come, and she told him he had, and the said Cárdenas asked her why he had not come, and she said that she did not know; and then the next day the said Cárdenas came to the said cell in the morning to bring water and asked her what had happened, and she replied, nothing, and she asked him whether there was any news, because now he was cheerful and in good spirits, and the said Cárdenas replied that there was no news, and when she asked him about Don Bernardo he replied that he was well, and he left; and this confessor has not seen him again.

And this is what has happened to her with the said Juan de Cárdenas, and following his advice she has at her hearings declared and requested many things that are not true and are not in her interest, and she therefore asks and beseeches that in the presence of her attorney they be read to her, and she will declare the truth concerning each part and passage thereof, and that it is not surprising that she should have believed the said Captain Juan de Cárdenas [fol. 199r] because when she was transferred to the cell where she is now held, which was a few days after her arrest, the said Juan de Cárdenas came to the said cell and told her that she should not ask the warden Don Fernando about Don Bernardo, but him, that he would always inform her about him, and that he had said or would say the same to Don Bernardo, and many other things, and he added that for her sake and that of the said Don Bernardo he was risking his position, his life, and his honor; and on other occasions he would tell her that she and her husband would get out of here and would see what he was doing for them, but she does not know what the said Cárdenas was doing for her or for her husband, which she often told him; and for the time being she does not remember anything else.

Upon being asked whether the said Juan de Cárdenas brought her any message from her husband telling her what she should confess or deny or any other particulars of their cases, or whether she sent such word to him or sent it to any other prisoner, or whether any other prisoner sent such word to her or to other persons outside, and whether he took or brought messages from the said persons, she declared that the said Don Bernardo sent word to this [fol. 199v] confessor by the said Juan de Cárdenas, according to his report, and afterwards she declared that the said Juan de Cárdenas asked her whether her husband Don Bernardo always wore a linen cap on his head when he was in bed, and she replied that he did, and then the said Cárdenas said, "Well, say that," and she so said in the two folds of paper that she wrote for her defense.

AGAINST DON DIEGO DE PEÑALOSA. COPIED.

And the said Cárdenas also came to tell and remind her that she should declare and recall how, when they went for the attachment on orders of Don Diego de Peñalosa, all the desks had been emptied in front of all those who went, and that Juan Lucero, secretary to the said Don Diego, had emptied them, and that on that occasion she had taken no interest in this because she was very sick in bed, because of which she wrote the above in her defense, because it was true; but she does not know how or from whom the said Juan de Cárdenas learned this, because the aforesaid used to ask her things that she did not know and did not know why he was asking them.

And especially, when she was given the indictment against her, the said Cárdenas asked her about many things that confused her, saying that she should not worry about them, and he also told her that Don Bernardo— [fol. 200r] and then she declared that the

said Juan de Cárdenas would tell her that so many wicked deeds had been alleged against the said Don Bernardo and so many charges brought against him, with such wild deeds<sup>180</sup> and such diabolical circumstances that it seemed that the Devil himself had invented them, but that it was God's will that there should always be an opening for a defense; which has shown her, after she has seen what the said Cárdenas's intentions were, that perhaps no opening is left for the said Don Bernardo to defend himself, and it is not surprising for her to think this, in view of what the said Cárdenas told her, because long before the charges against her were presented to her he often told her that even if she and her husband should say something contrary to what the friars in New Mexico had declared, they would be unable to prove it, because they had left them no harbor or refuge and had cut off every road, and it would be folly for them to testify anything else, because they would not be able to prove it.

And the said Juan de Cárdenas also told her that her husband sent her word that the black slave Ana must have been persuaded [to talk] at El Paso, because Francisco Javier, who had her with him, stopped there with the dispatch for such a long time, because he was then taking her to El Parral to be sold; and when the said Francisco Javier returned from El Parral [fol. 200v] from the branching of the river at the time when the said Don Diego went there, the said Francisco Javier wrote a letter to the said Don Bernardo, in which, among other things, he reports to him that that slave, before reaching El Parral, had said many bad things about her and her husband in the home of the governor of the place, which letter the said Francisco Javier did indeed write, and it must be among the papers of this confessor's husband; and the said Juan de Cárdenas urged her on the occasion mentioned that she should request that the said slave be brought before this Holy Office so that the truth about the falseness of the charges against them might be learned from her.

And for the time being she does not recall any other message that he told her that the said Don Bernardo sent her, nor did she send any word to Don Bernardo other than that he should commend her to God; and she has not spoken or sent word about anything to any other prisoner, nor has she sent any message to any person outside or received any, only that the said Juan de Cárdenas told her some days ago that her ladyship Doña Leonor de Pastrana was crying for her a great deal, because she loved her more than she did her own son Don Bernardo, and that he had not seen the said Doña Leonor, but that someone had told it to him, [fol. 201r] and she had replied that it was true that her ladyship loved her a great deal; and for the time being she does not recall anything else that she should declare.

And since it was late and there was no time for reading this hearing and the two preceding ones, the hearing was adjourned at this point, the said reading to take place at the next hearing. And the said Doña Teresa having been admonished to reexamine the matter carefully and tell the whole truth, she was ordered back to her cell. And first she signed. And then she said that she could not sign, because her whole body had begun to tremble, and the said inquisitor inspector signed it.

Dr. Don Pedro Medina Rico [Rubric]

Done before me. Pedro de Arteeta, secretary [Rubric]

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<sup>180</sup> *con vnas epiqueyas*: I can find no trace of this word. Is it perhaps to be understood as *epiquillas*, which would be a plural diminutive of *épica*, but which I also have not found? That, at any rate, is the basis, influenced by context, of my suggested translation.

HEARING AT WHICH THE TESTIMONY AGAINST CÁRDENAS WAS READ

In the Holy Office of the Inquisition in Mexico, on the 10<sup>th</sup> day of the month of May of the year 1664, while holding his morning hearing, the Inquisitor Inspector Dr. Don Pedro de Medina Rico ordered Doña Teresa de Aguilera y Roche brought from the secret cell in which she is being held, and once present, she was asked whether she has recalled anything concerning her case [fol. 201v] and [told] that she should tell the truth in all things, under the oath she has taken.

She said that she has not recalled anything that she ought to declare. She was told to be attentive and her hearings would be read to her, beginning with the first, on Tuesday, 22 April of this year, so that she may see whether they are correctly recorded or whether something needs to be added or corrected; and after they had been read to her she stated that they were correctly written down and recorded and that nothing needs to be added or corrected in them, [and] that at the next hearing she will declare some things that she has now recalled; and since noon had struck, this hearing was adjourned at this point; and the said Doña Teresa said that because of the tremor in her arms she will be unable to sign, and therefore the said inquisitor inspector signed.

Dr. Don Pedro Medina Rico [Rubric]

Done before me. Pedro de Arteeta, secretary [Rubric]

SHE CONTINUES [TO TESTIFY] AGAINST CAPTAIN CÁRDENAS. COPIED

In the Holy Office of the Inquisition in Mexico, on the 15<sup>th</sup> day of the month of May of the year 1664, while holding his morning hearing, the Inquisitor Inspector Dr. Don Pedro de Medina Rico ordered [fol. 202r] Doña Teresa de Aguilera y Roche brought from the secret cell in which she is being held, who, once she was present, was asked what she has recalled concerning her case and [told] to tell the truth in all things under the oath she has taken.

AGAINST DON DIEGO DE PEÑALOSA. COPIED

She declared that the additional testimony that at the preceding hearing she had said she had to offer is that when this confessor was speaking with Captain Juan de Cárdenas one evening a few days ago, she does not recall how long ago, about the things that had happened in New Mexico and that Don Diego de Peñalosa had done with regard to the audit of Don Bernardo López, this confessor told him that it was said there that Cristóbal de Anaya's testimony against the said Don Bernardo before the said Don Diego had been fraudulent and the said Cristóbal de Anaya had merely signed it one holiday morning and then had left the town of Santa Fe to go to his house and had sent word to her and her husband, she does not recall by whom, that he had given his testimony and was leaving, although it was public knowledge that he had had no opportunity to do anything but sign; and when this confessor told this to the said Captain Juan de Cárdenas, he replied that on that day the said Cristóbal de Anaya had appeared at the hearing of this Tribunal and had declared what had happened there in this matter, and the said Cárdenas also told her that Francisco de Almazán, [fol. 202v] former notary in the audit, had given

some favorable [testimony] on behalf of her and her husband, but this confessor could not learn what it was and the said Cárdenas did not tell her, although she pleaded with him.

And concerning the charge made against this confessor that she washed her hair, although it is true that at first, as she has testified, Cárdenas told her that this was an Inquisition matter for the reasons he explained,<sup>181</sup> yet afterwards he always and until now told her, when she often complained to him whether there could be any sorrow equal to hers and whether because a Christian woman washed herself there was any way in the world to find [a sinful motive for]<sup>182</sup> such a thing, and he would always reply and often assure her that that was not the problem, that it was of no importance, and she would answer him, "Well, if it is not this, what is it?"

And concerning the other charges, when at the outset the said Cárdenas was speaking to her about them in general, she asked him whether all the charges brought against her were matters for the Inquisition, and the said Cárdenas replied that they were not; and she again asked him to tell her, for God's sake, which were really Inquisition charges, and he answered her that the two concerning Good Friday, if the testimony were true, [fol. 203r] would be; and she replied that by chance and in a Christian manner she gave her husband a cap because the one he had on was dirty, and although he had been asking her for one she had not given it to him because some of its lace had come unsewn and because she was somewhat angry at the said her husband, because of which she did not feel like doing what her husband ordered; and at that time, because he had been asking her for it for so long, she gave it to him, but everything said in the two charges was false, because that was what had happened; and at the beginning she did not understand the said charges, as she did not understand some of the others; and she also asked him to tell her whether all the charges brought against her were Inquisition matters, and he told her they were not, but were padding to make up a case; and what this confessor understood was that although some things in themselves did not concern the Holy Office, when combined with others they did.

And for the time being she does not recall anything else, and what she has declared is the truth under the oath she has taken; and what she has declared at this hearing having been read to her, she stated that it was correctly recorded, and she signed, whereupon she was ordered returned to her cell.

Doña Teresa de Aguilera y Roche

Done before me. Pedro de Arteeta, secretary [Rubric]

[fol. 203v] HEARING AT WHICH DON ALONSO DE ALAVÉS, ATTORNEY FOR DOÑA TERESA DE AGUILERA, WAS SUMMONED, AND WAS EXCUSED WHEN HE DECLARED HIMSELF INDISPOSED

In the Holy Office of the Inquisition in Mexico, on the 16<sup>th</sup> day of the month of May of the year 1664, while the Inquisitor Inspector Dr. Don Pedro de Medina Rico was holding his morning hearing, on his orders Licenciado Don Alonso Alavés, attorney for Doña Teresa de Aguilera, was informed that he should come to this Holy Office; and having gone to him with the said message, Juan Manuel de León, assistant warden of the secret prison of this Holy Office, stated that the said Licenciado Don Alonso de Alavés had said

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<sup>181</sup> *por el camino que le decia*: I take this to mean that Cárdenas had explained how hair-washing came to be matter for the Inquisition.

<sup>182</sup> In the ms., simply *atribuir* 'attribute,' but without specifying to what.

that he was indisposed and that he was waiting for the physician to examine him, for which reason he could not come. And the said inquisitor inspector ordered me to enter this here for the record.

Diego Martínez Hidalgo, secretary [Rubric]

SUMMONS TO DON ALONSO ALAVÉS, ATTORNEY IN THIS CASE

In the Holy Office of the Inquisition in Mexico, on the 10<sup>th</sup> day of the month of June of the year 1664, while holding his morning hearing, the Inquisitor Inspector Dr. Don Pedro de Medina Rico ordered that Licenciado Don Alonso Alavés, attorney in this case, be instructed to come to this Holy Office; and having taken the message to him, Jerónimo del Castillo, messenger of this Holy Office, stated that the said Licenciado Alavés had replied that he was ailing and that as soon as he was well he would advise this Tribunal; and the said inquisitor inspector ordered me to enter these proceedings here for the record.

Pedro de Arteeta, secretary [Rubric]