

**Informaciones y recaudos que se hicieron en razón de la gente
que se volvió de Nuevo México: primera parte**

San Gabriel, 7 de septiembre de 1601

Archivo General de Indias. Audiencia de México, legajo 26, 48-E, fols. 15r-25v

Transcripción de Kirsten Ernst

Revisada por A. Roberta Carlin, Barbara De Marco, Jerry R. Craddock y John H. R. Polt

Traducción de John H. R. Polt

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Prólogo

Tras una investigación que se abre el siete de septiembre de 1601 en el pueblo de San Gabriel y se concluye el 29 del mismo mes, Francisco de Sosa Peñalosa, teniente de gobernador de Nuevo México, rechaza la petición de los misioneros franciscanos y los colonos que quieren abandonar la empresa y refiere el pleito al virrey de Nueva España, Gaspar de Zúñiga y Acevedo, conde de Monterrey.

La transcripción es paleográfica, pero se han desarrollado tácitamente las abreviaturas y se han modernizado la puntuación, el uso de mayúsculas y la separación de palabras, con mínimas excepciones que se podrán apreciar en la lectura del documento. Se ha regularizado el valor de las letras u y v; aquélla es siempre vocálica, ésta siempre consonántica. La sigla MI significa “margen izquierdo”.

Se sigue la foliación del manuscrito, o sea 16r-25v, asignándole a la hoja de la portada el número artificial de fol. 15r-v, pero en el expediente tal como se conserva actualmente no hay constancia de los 15 folios que en su día habrían precedido los folios transcritos en este trabajo.

Posdata del 23 de agosto de 2013

Como parte de un proyecto que abarca la edición y estudio de la totalidad de los documentos que versan sobre la expedición de Juan de Oñate a Nuevo México, proyecto apoyado por el American Council of Learned Societies con una importante beca, Barbara De Marco tuvo ocasión de revisar una vez más las transcripciones de los tres documentos que componen el número 48-E del legajo 26 del ramo Audiencia de México del Archivo General de Indias. Por consiguiente, se han incluido en esta reedición las enmiendas que ha revelado como imprescindibles la notable acribía de nuestra colega y se han adoptado varias sugerencias suyas en cuanto a la disposición tipográfica de la transcripción.

Las palabras y frases enfatizadas en amarillo se comentan en el epílogo al final de la transcripción.

Posdata del 20 de septiembre de 2014

Se han incluido las imágenes digitalizadas del documento custodiado en el Archivo General de Indias. *26 de mayo de 2023: se han colocado las imágenes en el casillero titulado "Supplementary Material" desde donde se pueden descargar.*

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[fol. 15r]

[MI] Núm. 48-E.

✠

Nueva Mexico

[fol. 15v]

[en blanco]

[fol. 16r]

✠

[MI] Auto del govenador | del Nuevo Mexico y di- | lijençias para que se | levante el campo.

En el pueblo de Sant
Gabriel en siete dias del mes de septiembre de mill
y seisçientos y un años Françisco de Sossa Peñalossa al-
ferez rreal teniente de governador y capitan general por el rrey nuestro señor
5 dixo que a su notiçia a venido que muchos de los capitanes, o-
fiçiales y soldados deste rreal, siendo en conformidad de todos
los rreligiosos padres vennemeritos pedricadores del
sancto evanjelio que rresiden en estas provinçias, an tratado y
comunicado muchas y diversas vezes en que conviene al servicio
10 de dios nuestro señor y de su magestad que todo este cuerpo de
rreal se aprestasse y fuesse marchando adonde se diesse parte
a el rrey nuestro señor y al yllustrisimo virrey de la Nueva
España las causas lijitimas que puede haver para salir
de este pueblo y para ver y conprovar los yntentos de los rre-
15 ligiosos de señor sant Françisco y en conformidad de toda la mayor
parte del exerçito este dicho dia se hizo junta y congregacion en la
yglesia deste dicho pueblo hallandosse presente a ella el rreverendo
padre frai Françisco de Sant Miguel biçecomisario destas dichas pro-
vinçias *cum plenitudine potestatis* y el rreverendo padre
20 frai Françisco de Çamora y el rreverendo padre frai Lope
Yzquierdo y el rreverendo padre frai Gaston de Peralta

y el padre frai Damian [Escu]dero lego de la dicha horden y hallandose ansimesmo presente el dicho señor theniente de governador con todo el demas cuerpo del rreal exerçitto
25 capitanes, alferезes, sarjentos y demas ofiçiales mayores e menores y despues de haver dicho una missa mayor ofiçiada por los dichos rreligiosos dirigida al Spiritu Sancto se junto junto al altar mayor toda la congregaçion dicha delante del santissimo sacramento qu'estava en una devota caja y ençerrada
30 en el altar mayor a la qual dicha junta dando la mano por el dicho padre viçecomisario al rreverendo padre frai Lope Yzquierdo dipusso y trato muchas causas rrefiriendo muchas y diversas vezes que convenia que todo este cuerpo del [e]xerçito saliesse y se mudasse adonde se diesse quenta a su magestad de
35 muchas y ligitimas causas que avia para ello y para saverlas y entenderlas y acudir en todo lo que conviniere al serviçio de dios nuestro señor y de su magestad, mandava y mando que se hiziessen las declaraciones neçesarias, ansi rreçiviendo los pareçeres de los dichos rrelijosos como el cuerpo de
40 la yglessia como de los demas capitanes, ofiçiales y soldados qu'estavan conformes a seguir a los dichos rreligiosos e yglesia lo qual mando que anssi se haga y cumpla y lo firmo de su nombre

[fol. 16v]

Françisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

Este dicho dia, mes y año dicho el dicho teniente de governador fue a la cassa y convento del señor sant Francisco, en el qual hallandosse en el los rreverendos padres en la caveça desta caussa rreferidos,
5 paresçio presente el rreverendo padre frai Françisco de Sant Miguel vicçecomisario destas dichas provinçias, del qual fue rrescibido juramento en forma de derecho segun y de la manera que a los tales rreligiosos y prelados se suele rreçivir, el qual dicho padre lo hizo poniendo su mano derecha en el lado derecho sobre el avito de señor san Francisco que tenia vestido
10 y juro por el dicho avito y como rreligioso y saçerdote yndigno, de dezir la verdad en todo lo que supiere y entendiere segun dios y su conçiencia en lo que tocare al vien comun y lo que se deve hazer en serviçio de dios y de su magestad en esta tierra para el vien y conservaçion della. A lo qual dixo que save y hes verdad quel movimiento que hizimos
15 de tierra de paz a estas provinçias fue a servir a dios y al rrey nuestro señor y que a veinte años poco mas o menos que este declarante salio de Mexico para venir a estas provinçias y sienpre a estado con este presupuesto con yntençion de morir en esta tierra y no salir della por ningun acaesçimiento ni por temor de la muerte
20 y que dende que entro en ella hasta este punto en que haze esta declaracion siempre a estado con la conçiencia ynquieta por ver las maldades que

con estos naturales se an usado que en lugar de venir a predicarles y a dezirles la palabra de dios a visto que la blasphemar y que a comen-
çado este declarante a deprender quatro lenguas de la tierra y que
25 en ellas a travajado mucho y con los yndios y gente de la tierra para
convertirlos y atraerlos al sancto evangelio y que sienpre a hallado
grandissima dificultad de parte de los yndios por los malos tratos
que de nuestra parte se ussa con ellos, porque no les dexan en sus cassas
ninguna cossa viva ni ninguna cossa de comer ni ninguna alaxa, por
30 lo qual los yndios se huyen y a visto este declarante muchos pueblos
despoblados sin ninguna jente de miedo de los malos tratos y este
declarante a dicho una y muchas vezes al governador, siendo este declarante
prelado, que se duela de la afliçion destos naturales y que no consienta
tantos rrobos e ynjustiçias y que la tierra hes tan pobre y tan miserable
35 que el dicho governador no lo a podido remediar ni puede porque para que
den maiz para el sustento a sido menester dar tormento a los prin-
cipales y ahorcarlos y matarlos por el proprio casso y que aviendo-
nos visto ya en lo ultimo de la neseçidad del mantenimiento y que
mueren de hambre los naturales comiendo quantas ynmundiçias ay
40 en el campo y las proprias rramas de los arboles, tierra
y carbon y çeniza, save este declarante que se an muerto muchos
dellos de hambre y en el rreal la a avido y la ay sin poderla rre-
mediar porque en toda la tierra no ay maiz seco y las milpas
estan las mas perdidas que nunca an estado y que si se espera a mas
45 tiempo que pereçeran los naturales y todos los que estan en la tierra
de hambre, frio y desnudez y que este declarante a vestido a algunos españoles
y les a dado para su rremedio muchas cosas viendo las lijitimas
neçesidades y la penuria de la tierra y que a muchos dias que anda

[fol. 17r]

entreteniendo a muchos que se quieren yr y dejar la tierra
y llevar los pocos cavallos, [los] quales [al] presente estan en el rreal,
de que rresultaria pereçer todos los niños ynnoçentes y toda la
demas jente porque a visto este declarante y a savido que hazen junta
5 los yndios para contra los españoles cotidianamente, aguardando a ver
tiempo dispuesto para ello y visto las pocas armas que los españoles
tienen, por todo lo qual y por otras muchas causas que le
ynquietan la conçiencia y por no poder guardar su rregla
en estas partes por las neseçidades de la tierra que careçe
10 de las cosas que son para el culto divino como son çera, bino y
ornamentos y estar tan lejos el rremedio y tan despoblados, da su pa-
reçer y dize este declarante que agora que ay una poca de comodidad
que hes rrazon yr a dar quenta al rrey nuestro señor y a su virrey y au-
diencia y a sus prelados de todas estas cossas y otras que pareçeran en
15 qualquiera destos tribunales y que lo que tiene dicho hes la verdad segun
dios, lo que save y pasa y hes justo se rremedie so cargo del juramento que

fecho tiene, en el qual se afirmo y rratifico, siendole leyda esta declaracion y parecer por mi el presente secretario y lo firmo de su nombre y dixo ser de hedad de setenta años poco mas o menos y lo firmo
20 y el dicho teniente de governador. Frai Françisco de Sant Miguel,
Frਾਂçisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

[MI] Testimonio.

Este dicho dia, mes y año el dicho teniente de governador mando le fuesse llamado a el rreverendo padre frai Françisco de Çamora, el qual estando presente y aviendole dado liçençia ante mi el presente secretario
25 su prelado, fue por el dicho teniente de governador rreçivido juramento en forma de derecho segun y de la manera que se suele tomar y rreçivir de los tales rreligiosos y pusso su mano sobre el avito de señor sant Françisco y juro por el y como saçerdote yndigno y rreligioso de dezir verdad de todo lo que supiere y entendiere segun dios y su conçiencia
30 en lo tocante al vien universal desta tierra y serviçio de dios y de su magestad y ansi lo haziendo // dixo que todos juntos vinieron y partieron de la çiudad de Mexico con liçençia de sus prelados y por horden de su magestad a estas tierras del Nuevo Mexico a atraer al conosçimiento de nuestro señor a los naturales dellas
35 y que despues de haver asistido en ella mas de tres años y haver echo de parte deste declarante todo lo que a podido segun dios, a visto el poco provecho que en los naturales della se a echo, lo uno por no haver mostrado ellos tanta afixion a nuestra doctrina como quisieramos para mas esforçarnos a dotrinarles / lo otro
40 porque toda la jente que bino con nosotros y la que a venido despues aca para su sustento y pasar su vida an echo notabilisimos agravios a los naturales de la tierra en haverles tomado por fuerça toda la comida que tenian rrecoxida de muchos años hasta no dejarles ninguna para el sustento de los dichos naturales y de sus hijos, quitando
45 doles el pobre vestido que tenian para cubrir sus carnes ellos y sus mugeres y hijos y otras muchas alajas de su cassa, con grande agravio y sentimiento dellos por donde a venido nuestra dotrina en grande ynfamia, diziendo que si los que heramos cristianos haziamos tan

[fol. 17v]

grandes agravios y fuerças, que como avian de ser ellos cristianos y le consta a este declarante darles estocadas, cuchilladas y palos por quitarles las cossas rreferidas y otras que les quedavan, ultra de los malos exemplos que an dado a las
5 yndias con las muchas flaquezas que con ellas an ussado, constandome haverlas forçado muchas vezes en los caminos y viendo este declarante las muchas cosas que aqui a rreferido y que el sancto evanjelio hes tenido en poco entre estos naturales y asimismo

la opinion de nuestro rrey, todo lo qual no an podido escusar mu-
10 chas vezes los pobres españoles de hazer segun an padescido
tan exçesiva hambre y desnudez por la mucha esterilidad de la
tierra, en la qual se careçe sumamente de comida y bestido y
particularmente el dia de oy esta tan destruida en el ultimo extremo
para que sin duda muramos todos de hambre y desnudez y a ma-
15 nos de nuestros henemigos. Y assi es mi pareçer y que en nombre de
dios y de nuestro rrey que dios guarde muchos años y de su governador
qu'este rreal se mude todo entero para que no perezcamos todos y mas
particularmente las mugeres y niños ynnocentes que estan en el.
Y assi digo de mi parte y dixo este declarante que le movia
20 dios y su conçiencia a ser deste pareçer porque la yglessia **de uxo**
de asistir nosotros los rreligiossos en esta tierra y la
palabra de dios no se infame mas ni su magestad este tan engañado como
hasta agora lo an tenido y nuestros prelados y su magestad sepan
el justo motivo que tuvimos para mudarnos deste sitio
25 y que desde donde fuere acordado se haga esto que en nombre de
la yglesia y del exerçito se de aviso al señor visorrey
y audiencia que rreside en la çiudad de Mexico para que sepa
como estamos alli esperando para que en todo se cumpla lo que
su magestad nos ynviare a mandar, pues este declarante y todos los
30 que deste puesto salieron ban prestos en ovedeçerlo en todo
y por todo como hasta aqui lo avemos echo en serviçio de dios
y de su magestad. Y esto que dicho tiene este declarante hes la verdad,
lo que passa y save y es justo que segun dios se haga y vuelve
a dezir que es la verdad para el juramento que fecho tiene en el qual
35 siendole leido por mi el presente secretario se afirmo y rratifico y
dixo ser de hedad de setenta años y lo firmo de su nombre jun-
tamente con el dicho teniente de governador. Frai Françisco de Çamora,
Frਾਂçisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario. //

[MI] Testimonio.

E despues de lo sussodicho en el dicho dia, mes y año dicho para la dicha ave-
40 riguaçon, el dicho teniente de governador pidio le fuese lla-
mado al rreverendo padre frai Lope Yzquierdo, guardian deste dicho convento,
el qual estando presente fue rresçivido por el dicho alferez rreal
juramento en forma de derecho segun y de la manera que se a sole-
nizado y echo a los demas rreligiossos que hasta aqui tienen declarado
45 en esta caussa, so cargo del qual prometio de dezir verdad segun dios
y su conçiencia de todo lo que supiere en el bien comun y serviçio de dios y
de su magestad y ansi lo haziendo = dixo y depusso lo siguiente, diziendo
este declarante que es verdad quel año de seisçientos a dos de marzo,
governando la yglesia de dios nuestro mui santo padre Clemente
otavo y rreinando en España nuestro muy catholico rrey

[fol. 18r]

don Phelipe terçero por las dos soberanas potes-
tades, fue pedida a nuestra horden ynviase rreligiosos y mi-
nistros a esta nueva viña y conversion de las almas que en este
nuevo mundo se yva dilatando hazia la parte del norte
5 llamado el Nuevo Mexico, para lo qual nuestros padres, comi-
sario general y provinçial de la provinçia del Santo Evangelio
en virtud de santa ovediençia nos señalo, nombro y presento para
esta jornada ant'el ylustrissimo virrey de la Nueva España
por cuya mano fuimos en nombre de su magestad despachado, aviendonos
10 socorrido con muy larga y dadivosa mano de todo lo neçesario
para nuestro viaje, no faltando en cossa de las neçesarias que
a semexantes **alegaçias** y viajes la catolica magestad de nuestro rrey
y señor suele hordenar y disponer a los ministros evanjelicos
que por su mano son despachados, quedandonos en perpetua obligacion
15 mas que otros a hazer esta caussa, poniendo las vidas a todo aquello
que de rriesgos nos ofreçiesse por la honrra de dios y acreçen-
tamiento de su ssanta fee catolica y de nuestro rrey como sienpre
los rreligiosos de nuestra serafica horden an sustentado con
gloriosos triumphos de marterios. Pues prosiguiendo en esta jornada y
20 siendo este declarante de los segundos que fueron ynviados a la dicha
Nueva Mexico con xente que se invio de socorro, llegamos despues de haver
padesçido inmensos trabajos que en discurso de quatroçientas leguas
al passo y compas del carruaje(s) por despoblados y caminos yncultos qual
la piadossa consideraçion puede entender, fue dios servido en-
25 trasemos en el rreal y pueblo de sant Gabriel, donde hallamos
a el governador don Juan de Oñate y la demas gente de offiçiales a el
ynferiores que con toda fidelidad, animo y valor de verdaderos vasallos
avian conportado arriva de tres años de tantos y diversos trabajos quales
no hallamos haver padesçido y tolerado otra alguna naçion en
30 serviçio de su rrey y señor natural, no estando çercados de henemigos,
mar u otra persecucion forçossa que les compeliessse a no dexar el
puesto, pues estando en su livertad se ofreçieron con sus haziendas,
vidas y personas a servirle en esta impressa, no siendo vastantes
las calamidades y angustias que en todo el dicho tiempo avian padeçido
35 para faltar ni rretroçeder de su obligacion, no desamparando
el estandarte rreal con el rreçissimo ynvierno, desnudez, ambre
y mengua de todas las cosas temporales, lo qual no solo corria
por los varones de hedad y fuerças, mas aun las mugeres,
niños y de mayor hedad se **vian y deseavan** por ser la tierra
40 tan pobre, esteril y falta de todo lo neçesario para la vida
humana que sin gran detrimento y aserrima muerte de los naturales
de la dicha tierra no podian rredimir ni socorrer alguna parte de la
gran nesçe[s]idad que padesçian y porque seria cossa molesta
y discurso enfadosso expresar aqui este declarante lo que çerca

45 desto bio y entendio en los de nuestra naçion, saviendo tanvien que algunos dellos avian gastado tanta suma de hazienda que fuera poderosa para hazer otro nuevo descubrimiento como por otra bia se sabra, envestigandose la verdad desto y meritos de los dichos.

[fol. 18v]

Pues estando en este termino y aprieto las cossas y examinando las muertes, malos tratamientos y cassi tiranias y debastaciones que por los naturales de la tierra corrian y aviendonos ynformado de los rreligiosos que aca estavan y de
5 otras personas de experiençia, cursso y conçiençia, desseavamos grandemente fuesse enterado nuestro muy catolico rrey y su rreal consejo en su nombre por mano y horden de los rreligiosos para lo qual nos avian cargado su magestad la conçiençia al tiempo que nos despacho fue dios servido saliessen desta provinçia con zelo sancto y apostolico tres rre-
10 ligiosos saçerdotes de mucho exenplo, letras y meritos que haziendo aca poca o ninguna falta entendemos haver en el interin satisfecho y dada entera rrelaçion del estado y termino en que aca estavan las cosas a su magestad o a su audiençia o birrey de la Nueva España con lo qual nos paresçio haver cumplido a nuestra obligaçion, teniendo rrespeto
15 a las nesçe[s]idades mayores que a nuestro catolico rrey se le yvan ofreçiendo y los ynmensos gastos que de su rreal caxa cotidianamente tenia para suplir otros presidios y tenençias de mas obligaçion que al presente le hera esta y para que estando la demasiada costa en que esta tierra le podria echar, defraudandose como se an
20 defraudado por parte de los que no an avisado con rrectitud de verdad la poca neçesidad que en esta tierra a havido ni ay de que en ella se puede gastar mediante la esperiençia y lo hasta agora intentado / e visto, nos paresçio açertada la yda de los dichos rreligiosos y mucho mas la presente determinaçion que por todos o los mas desapassionadamente y con
25 animo cristiano y senzillo an escoxido, arvitrande diversas vezes con maduro consejo y deliveraçion, confiriendo e rreparando mucho en el zelo de la honrra de dios y de nuestro catolico rrey y entendiendo con clara y hevidente demonstraçion sin que en ellos yntervenga algun jenero de duda o rrespeto que umanamente
30 se puede obviar que nuestra asistençia en la dicha tierra a de ser para acavar y pereçer asi los nuestros como los naturales della y aunque hasta este punto hemos corrido y sustentado este canpo con mucho detrimento de las vidas y conçiençias, hera por tener algun posible los yndios de maiz aunque poco y dado
35 contra su voluntad, siendo violentados sienpre que se les pedia, de lo qual rresulto haver muerto algunos millares dellos pues no fue otro el prinçipio de la guerra que se les dio en Acoma [y] en los jumanas sin otros de que podra constar que en esta demanda murieron contra toda justificaçion

40 y piedad cristiana, no pudiendose obviar los daños que en ellos
se hazian con otro medio mas conuiniente que salir de sus tierras
y dexarlos en su livertad o pereciendo los nuestros faltando-
les el vastimento. Pues llegando esto a tanta extremidad que
como nos conste assi a los rreligiossos como a los demas particularmente
45 a este declarante, an peresçido y pereçen muchos de hambre por
haverles totalmente faltado en algunos pueblos el mantenemiento
y no ofreçerles la tierra de su coxecha algunos frutos o raizes
con que pueden suplir en semexantes hambres, comiendo carbon
molido y cañas de maiz molidas, aun no aguardando

[fol. 19r]

se haga la maçorca trayendo a este rreal algunas frutillas,
leña y otras cossas con que rrescatar algun maiz para no pereçer
del todo lo qual da fee este dicho declarante lo suelen bolver a sus casas
con mucho desconsuelo por no haver un grano de maiz que poder-
5 les dar en rrescate de lo que nos ofreçen y lo que no se puede dezir
sin muchas lagrimas del coraçon que algunos, huyendo de la hambre
y neçesidad, se an venido a favoreçer de los españoles y rreligiosos
entre los quales a visto este declarante pereçer una yndia que en-
trandosse en cassa de un vezino llamado Juan Lopez, pidiendo en el
10 modo que mexor podia la socorriessen como no acabarse de pereçer,
obligandose que si le davan de comer rresçiviria el sancto baptismo
ella y un hijo que traya de hedad y pareçer de a ocho años, anbos a dos
tan rrendidos los sujetos que no fue pusible alcançarle la virtud
de la mediçina y rregalo que se le hizo para que dexase de rrendir el
15 anima en manos deste dicho declarante, haviendo primero con mucha ffee
y devoçion rresçivido la agua del bautismo, todo lo qual fue publico e notorio
en este rreal y porque seria proçeder en infinito hazer discursso
de los subçesos que en horden desto a visto este declarante, solo rre-
fiere lo que a entendido de muchos y diversos testigos fidedignos que se
20 hallaron presentes a el casso aservisimo que rrefiere y hes que
yendo deste rreal de Sant Gabriel un capitan llamado Diego de Zubia
proveedor general deste rreal exercito por maiz a algunos pueblos algo
distantes y nunca cursados ni saqueados, entendiendo de hallar
alguna provision sin demasiada vexaçion, se bio tan apurado que
25 tuvo neçesidad para que el dicho rreal no pereçiesse aquella semana de
dar y poner a question de tormento a algunos yndios como de hecho
atormento con exquisito dolor y modo no de dizer a un yndio,
el qual vino a confessar de algun maiz que tenian enterrado
en hoyos y sepulturas en tan poca cantidad que apenas
30 se hallava una hanega donde mas avia, sacando otras algunas ollas
pequeñas, enbarradas las vocas como de licor preçiossimo
que en mas estiman un grano de maiz y por que en esto no pretende
el dicho declarante hazer ystoria ni articular las calamidades

que a visto, solo pretende con esta rrelacion breve y subsinta epilogar
35 su parecer, reduziendole y çifrandole a las rrazones rreferidas
pues estan fundadas en ley natural y divina las que ay para
obviar semexante ynconveniente y aunque pudiera dezir de otros
muchos daños, agravios y bexaçiones que estos dichos naturales an
rrecibido como al tiempo de rrecojer la rropa y mantas con que
40 nos hemos amparado y vestido en estas tierras a subçedido, me
pareçe satisfaçer con dezir que en tiempo de ynvierno quando las
jnclençias del çielo acuden tan de golpe que no hallamos, en
otras tierras pobladas y que se aviten, mayor rrigor, llegavan
algunos de los nuestros; con poca clemençia les quitavan las
45 mantas a las mugeres, dexandolas en carnes temblando
de frio, las quales, viendose desnudas y miserablemente
pasar, abraçandosse con sus niños, rrecogiendolos entre sus
braços les davan calor y amparavan sin hazer rresistençia
ninguna en qualquier agravio que se les hiziesse por ser jente
50 humillde y en las virtudes morales los mas vien ynpuestos
que hasta agora se an descubierto, pues entre ellos no se save de
mentira, hurto ni otro qualquier viçio repugnante a las

[fol. 19v]

buenas costumbres de la naturaleza como en otras naçiones.
Nos consta por todo lo qual segun el dictamen de la derecha
rrazon de la ley natural y divina halla este declarante ser negoçio
ymportantissimo a la honrra de dios y de su sancta yglessia
5 y credito de nuestro catolico rrey entre estas varvaras naçiones ser
justo y llegado a todos los derechos a todas las xentes como
a el evanjelico, atajar el odio que causamos entre estas naçiones
al evanjelio, teniendo nuestra santa fee catolica y profesion no
en la opinion, rreputaçion y credito que hes justo y presumiendo de
10 nuestro muy catolico rrey cuyo soberano ynperio por derecho
divino y umano hes en estas tierras y a quien perteneçe anpa-
rarles, paçificarles y inviarles ministros como su magestad a echo,
no ser tan cristiano, piadosso y favorable pues por mano de sus
vasallos rresçiven semexantes vejaçiones y nos consta por los
15 rrecados dados a don Juan de Oñate ser santo y bueno como por
todos los que se dan nos consta y estos en espeçial pues temiendo
algun castigo del çielo en vengança destas tan humilldes y vejados
yndios y hallado haver echo dios como nos consta por las divi-
nas escrituras muy grandes castigos en desagravio de menores ofen-
20 sas hemos tenido por conçejo saludable haviendo preçedido muchos
sufrajios, misas y prerrogativas al espiritu sancto con cuyo consejo
y saviduria la santa madre yglesia y sus fieles somos governa-
dos sin volver el rrostro a los travaxos, penalidades etçetera ofre-
çernos y parecer ant'el virrey de la Nueva España como fie-

25 les y ovedientes capellanes de la rreal corona, rreconosçiendo la
gran obligaçion en qu'estamos, nos ocupe y mande lo que mas inporte
a su rreal serviçio y esto no apartandonos un punto de su rreal estandarte
como a estas tierras venimos poniendo la vida si neçesario fuere
en tan santa enpresa, dexando a salvo el derecho que
30 podriamos tener y nuestra horden pedir a las almas que en
otro qualquier tiempo dios fuese servido descubrir quando llegue la
ora determinada por su divina saviduria en estas tierras. Y que
todo lo que dicho tiene hes la verdad y lo que passa de lo qual en
todo tiempo y lugar lo dara concluido en derecho si neçesario fuese.
35 So cargo de lo qual siendole leydo este su dicho y declaraçion por mi
el presente secretario, estando a todo presente el dicho teniente de
governador se afirmo e rratifico en ello y dixo ser la verdad
y lo que sentia segun dios y devia hazerse y lo firmo de su nonbre
juntamente con el dicho teniente de governador y dixo ser de hedad de tre-
40 ynta y dos años. Fray Lope Yzquierdo, Francisco de Sossa Peñalosa.
Ante mi don Luis de Velasco secretario. //

[MI] Testimonio.

E despues de lo sussodicho en este dicho dia, mes y año dicho y en el
convento deste dicho pueblo el dicho teniente de governador mando
llamar al rreverendo padre frai Gaston de Peralta para la dicha
45 averiguaçion, del qual por el dicho teniente de governador fue rresçivido
juramento en forma de derecho y el dicho padre frai Gaston lo
hizo en forma de derecho segun y de la manera de los demas en esta
caussa rreferidos, poniendo su mano en el lado derecho sobre
el avito de señor sant Françisco que tenia puesto y juro como yn-
50 digno saçerdote de dezir verdad en esta caussa segun dios y lo
que conbiene a esta rrepublica y tierra, conforme a lo qual dixo

[fol. 20r]

este declarante quel tiene notiçia que tiene dicho su dicho y de-
claraçion en esta caussa el padre frai Lope Yzquierdo, guar-
dian desta cassa de Sant Miguel, el qual pidio a el teniente de governador
le fuesse leído / e yo el presente secretario se lo ley de vervo ad ber-
5 bum y haviendolo oydo y entendido este declarante // dixo que
se conformava y conformo con su dicho de su padre frai Lope Yzquierdo
el qual y lo que tan santamente declara hes la verdad lo que
passa y save y dize si neçesario fuere este declarante porque
hes la verdad y lo que siente segun dios y su conçiençia y en
10 todo tiempo y lugar dixo este declarante que lo volveria a
dezir siendo tan justo y verdadero y lo que en esta tierra passa y
subçede en todo lo qual y en el dicho del dicho padre frai Lope Yzquierdo
se rremitia y rremitio y confesava como dicho tiene ser la verdad

y lo firmo de su nonbre juntamente con el dicho teniente de governador
15 y dixo ser de hedad de treinta años. Frai Gaston de Peralta (Sossa)
Frਾਂçisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

[MI] Testimonio.

E despues de lo sussodicho en el dicho conbento de San Gabriel
en el dicho dia, mes y año para la dicha averiguaçion
el dicho teniente de governador hizo parecer ante si al padre fray
20 Damian Escudero flaire lego de la horden del señor sant Frਾਂçisco,
del qual por el dicho teniente de governador fue rresçivido juramento en
forma de derecho por una señal de cruz que hizo con los dedos de su
mano derecha y por el bendito avito del señor sant Frਾਂçisco de dezir
25 verdad en todo lo que segun dios supiere que conviene al vien desta re-
publica y desta tierra y ansi lo haziendo, dixo qu'este declarante tiene
notiçia y save que an dicho su dicho y declaraçion en esta causa el padre
viçecomisario frai Frਾਂçisco de Sant Miguel y el padre frai Frਾਂçisco de Çamora
y el padre frai Lope Izquierdo y el padre frai Gaston de Peralta, los qua-
les dichos y declaraçiones pidio a el dicho teniente de governador le fue-
30 sen leidos. El dicho teniente de governador me mando a mi el presente secretario
se los leyesse e yo los ley al dicho padre frai Damian Escudero de vervo
ad verbum y aviendolos entendido y oido todos los quatro dichos y de-
claraçiones de los quatro rreligiosos, dixo qu'este declarante se rremitia
y rremitio a el dicho y declaraçion de los dichos sus padres y que en esta
35 caussa tienen declarado, lo qual hes la verdad y lo que passa y save desta
tierra y lo que conviene se haga para el bien y conservaçion desta tierra
y de todos los españoles y los naturales della, lo qual save este decla-
rante por haver estado en muchos pueblos desta tierra y todo lo
a visto por vista de ojos y le consta y que esto hes la verdad y lo que tie-
40 nen dicho los dichos quatro rreligiosos y lo que save para el juramento que
fecho tiene en todo lo qual se afirmo y rratifico y lo firmo de su nombre
y dixo ser de hedad de veinte y ocho a treynta años. Y lo firmo el dicho
teniente de governador. Frai Damian Escudero, Frਾਂçisco de Sossa Pe-
ñalossa. Ante mi don Luis de Velasco secretario.

45 E despues de lo sussodicho en el dicho pueblo y rreal de Sant Gabriel,
en siete dias del mes de setiembre de mill y seisçientos y un años,
para la dicha averiguaçion el dicho teniente de governador hizo parecer
ante si a el capitan Alonssso Sanchez Contador, juez ofiçial de la
rreal hazienda en estas provinçias, del qual por el dicho theniente
50 de governador fue rresçivido juramento en forma de derecho so cargo

[fol. 20v]

del qual prometio de dezir verdad en todo lo que supiere
y entendiere que conviene al serviçio de dios nuestro señor y de su magestad y

vien comun y de los naturales desta tierra y asi lo haziendo, dixo qu'este de-
clarante abra seis años poco mas o menos que salio de la Nueva España y villa
5 de Nombre de Dios con yntento y animo de serbir al rrey nuestro señor
en esta tierra para lo qual como hes publico e notorio ben-
dido todos sus vienes y hazienda que fueron una estança de lavor con
sus casas de vivienda y de ençerrar trigo en rrama con catorze cavallerias
de tierra y un molino de pan moler, por la qual hazienda le
10 davan mill pesos cada un año de renta y una estança de ganado mayor
que tenia en los llanos de Sanctiago de que tenia mill veçerros de hierro
con seis sitios todos juntos en los dichos llanos y la bendio este declarante
en quatro mill pesos y junto con todo lo demas, haziendo cuerpo de
mas de diez y seis mill pesos las haziendas que vendi, fue con intento
15 de haver visto el rreal estandarte enarvolado en la
çiudad de Çacatecas y con intento de servir al rrey nuestro señor como lo
an echo mis antepasados, sali de la dicha parte con mi cassa, muger
y dos hijas casadas, la una con el capitan don Luis de Velasco
y la otra con el capitan Diego Nuñez y asimismo con otras tres hijas
20 donzellas y dos hijos soldados hombres para servir en la dicha tierra
a su magestad, lo qual y el gasto que en esto hize salio todo de mis
haziendas, vendiendolas por la mitad menos de lo que valian
y despues de haver este declarante padesçido grandes e yn-
tolerables travaxos en el despacho desta jornada, vino marchan-
25 do en cuerpo del rreal exerçito donde lleugo a este pueblo y rreal
de Sant Gabriel despues de haver andado duzientas y sesenta leguas
a el passo de tanto carruaje como venia y este declarante truxo y des-
pues de haver estado este declarante quatro años poco mas o menos
en ella y haver acudido en el serviçio de su magestad en todas
30 las entradas o las mas que se an fecho para descubrir la tierra,
a hallado este declarante por verdad no tener ningun aprovechamiento
el rrey nuestro señor ni esperança que se sepa çierto que aya oro
ni plata en la tierra, por todo lo qual y por la grande esterilidad
que ay y a havido en la dicha tierra, a padeçido y padeçe mucha nese-
35 çidad su cassa y familia trayendolos desnudos a las ynclemençias del
rrior que en esta tierra ay de frios, helados y nieves y por el consiguiente
fuego infernal a su tiempo, en todo lo qual a pasado este declarante
hasta tanto que a venido a punto esta tierra que an faltado de presente
los vastimentos, porque a sido el año falto de temporal y rres-
40 pecto de lo que aqui tiene dicho y declarado este declarante y por pareçer-
le que no se puede sustentar en esta tierra, pide y suplica al dicho teniente
de governador que en nombre de su magestad, en pago de los serviçios y
gastos, travaxos e rriesgos de la vida y neçesidades que a padeçido
y padesçe le de liçençia para salirse de la tierra que solo se consenta
45 y a este declarante salir desnudo y con la extrema neseçidad que
tiene rreferido, de que son buenos testigos los rreligiosos del señor
sant Françisco que en esta caussa tienen declarado y salido que sea desta
tierra protesta presentarsse ant'el señor viç[e]rrey de la Nueva España

para pedir que le sean gratificados tan grandes servicios como a
50 echo a el rrey nuestro señor, saliendo desta tierra con solo el pellejo y
con la desnudez que tiene rreferido y que todo lo que dicho tiene hes
la verdad lo que passa y pide para el juramento que fecho tiene,
en el qual siendole leydo por mi el presente escrivano dixo que se
rratificava y rratifico y dixo ser de hedad de mas de çinquenta años
55 y lo firmo de su nombre juntamente con el dicho teniente de governador. Alonso Sanches,
Frañçisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

[fol. 21r]

[MI] Testimonio.

E despues de lo sussodicho en el dicho día, mes y año dicho
el dicho teniente de governador para la dicha averiguaçion hizo parecer
ante si a el capitan Diego de Çubia proveedor general deste rreal
exerçito, del qual por el dicho teniente de governador fue rrecivido jura-
5 mento y lo hizo por una señal de cruz que hizo con los dedos de su mano derecha
so cargo del qual prometio de dezir verdad en todo lo que supiere y entendiere
en este casso tocante al vien publico y serviçio de dios y de su magestad y anssi
lo haziendo, dixo que siendo este declarante vezino como hera de la
villa de Durango, gobernaçion de la Nueva Viscaya y estando al tiempo
10 y sazón que don Juan de Oñate llego a la provinçia de Sancta Varbola
con su rreal, este declarante estava en esta parte proveido por capitan
y alcalde maior de la dicha provinçia de Santa Barvora y en ella azendado
anssi de hazienda de lavor de pan coxer como de haziendas de ganado
mayor y menor, este declarante se despusso por trato que ubo este declarante
15 y el alferez rreal de la Nueva Mexico para qu' este declarante se casase con
su hija doña Juana de Trejo, el qual dicho casamiento tubo effeto y visto
este declarante quel alferez rreal y otras personas prinçipales venian dispuestas
a estas provinçias a servir a dios nuestro señor y a su magestad, movido del mismo
desseo se dispusso a vender sus haziendas por mucha cantidad de pesos me-
20 nos de lo que valian como fue vender y dar una estancia de vacas con
mas de mill y quin[i]entos vezeros de herradero y gran cantidad de
hiegoas y demas aparatos conbinientes a semexantes haziendas y una
estancia de lavor con seis cavallerias de tierra y sacas de agua y jente
de serviçio y cantidad de ganado menor y otros pertrechos, que vendido todo
25 por su justo preçio valia mas cantidad de doze mill ducados; todo esto
pusso en serviçio de su magestad para venir a servirle en esta jornada
demas de que para sustento de la dicha jornada metio en ella
duzientos quintales de harina, treinta hanegas de maiz, quin[i]entos
y sesenta caveças de ganado mayor bacuno, treçientas caveças de ganado
30 menor, doze caveças de puercos, treinta hiegoas. Con todo lo qual
y con su cassa y familia a estado en esta tierra de quatro años
a esta parte sirviendo al rrey nuestro señor y padesçiendo muchas
calamidades de frios y helados en los descubrimientos de

tierras que le a sido mandado. Y haviendo este declarante vistolo
35 todo y considerado quan poco serviçio se haze a dios en esta
tierra ni a su magestad del rrey nuestro señor y que si oviere en ella
esperanza de hazerle algun pequeño serviçio assistiera
como leal vasallo, no mirando a tantas neseçidades como
padesçe este declarante y su cassa y familia, pues todos los bienes
40 que aqui tiene declarados se le an consumido y llegado a punto qu'esta
a pique este rreal de pereçer de hambre y de que muramos todos a manos
destos yndios varvaros, biendonos tan ymposibilitados de armas, cavallos
y otras cosas y estar ya de todo punto acavados los vastimentos desta
tierra, porque los que los naturales della tenian todos se les an
45 acavado y mueren muchos dellos de hambre y vistas por este
declarante todas estas caussas y las mayores y mas graves que en
publico tienen protestado y firmado de sus nombres todos los padres
del señor sant Françisco que rresiden en esta tierra, pide y suplica
a el dicho teniente de governador se sirva en nombre de su magestad darle
50 liçençia para que pueda segun ley divina y humana buscar su rremedio
y rredimir tanta vejaçion, acudiendo como acudira a pedirlo ante
su magestad y ante su virrey de la Nueva España en su nombre, pues
no hes justo ni se permite qu'este declarante vea p[e]reçer este rreal
y su muger e hijos. Todo lo qual y qu'este declarante tiene dicho hes la
55 verdad lo que passa y save y su determinada voluntad para el
juramento que fecho tiene, en el qual siendole leydo por mi el presente

[fol. 21v]

secretario se affirmo y rratifico y siendo neçesario lo
dezia de nuevo. Y dixo ser de hedad de quarenta años poco mas o me-
nos y lo firmo de su nombre juntamente con el dicho teniente de governador.
Diego de Çubia, Françisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

[MI] Testimonio.

5 En este dicho dia mes y año dicho el dicho teniente de governador
para la dicha averiguaçion hizo pareçer ante si al capitan Vernave
de las Casas cavo que fue de las compañias que entraron en estas provincias
en el segundo socorro que vino a ellas, del qual por el dicho teniente del governador
fue rreçivido juramento y lo hizo por dios nuestro señor y por una señal
10 de cruz que hizo con los dedos de su mano derecha, so cargo del qual
prometio de dezir la verdad, lo que siente y passa en esta tierra en
lo que toca al serviçio de dios nuestro señor y de su magestad y vien comun
desta tierra. Y ansi lo haziendo, dixo que abra seis años poco mas o menos
qu'este declarante se despusso y avio para venir servir al rrey nuestro señor
15 a estas dichas provinçias, para lo qual gasto mucha suma de pesos y per-
trechos de guerra, esto con ocassion de haver visto enarvolado en la
çiuudad de Mexico el rreal estandarte y haviendo en este tiempo y des-

pacho de la jornada padescido mucho en la gran dilacion y despacho que en ella huvo en las minas y rreal del Caxco, governacion de la Nueva

20 Vizcaya, vino este declarante marchando en el rreal exercito siguiendo el estandarte rreal con animo de servir a dios y a su magestad como lo an echo sus passados y despues de haver estado en esta tierra çinco meses, hordeno el governador ynviar por socorro. Entre la qual jente que fue, fue uno este declarante, acudiendo en la Nueva

25 España en todos aconteçimientos al serviçio de su magestad en la qual parte fue electo por cavo del socorro que entro este año pasado de seisçientos. Y haviendo llegado con el dicho socorro vido este declarante tanta esterilidad en la tierra que le dio mucha compasion y aunque esto vido por vista de ojos siempre tuvo yntento de servir al rrey nuestro señor

30 en esta tierra, para lo qual tomo estado y se casso para estar con mas quietud en serviçio de dios y de su magestad. Y haviendo este declarante considerado y visto la mucha esterilidad de la tierra y que en quatro años que aqui se andan descubriendo descubrimientos no a visto que aya cossa de que su magestad y su rreal corona sea augmentada ni menos se pueda poblar

35 la tierra por careçer en ella todo lo que hes neçesario para pasar esta vida humana, porque los naturales estan muy faltos de vastimentos y tanto que a visto este declarante a muchos dellos en las orillas de los rrios y arroyos hazer unos oyos a manera de poçillos y ynchirlos de tomates mezclados con arena y tierra, la qual tienen de presente por sustento y comida por faltarles

40 como les falta el sustento y comida y haverselo quitado nosotros lo que tenían rrezagado de muchos años atras violentamente y sin su voluntad, haziendoles muchos malos tratamientos, obligandonos para ello el no ber pereçer a nuestras mugeres, hijos y familia de manera que la dicha tierra esta en este punto en tal extremo que rrespecto de lo dicho podriamos pe-

45 resçer todos anssi de hambre como a manos destes yndios barvaros que bien donos tan ymposibilitados de todo, segun y de la manera que nuestros padres de sant Françisco declararon este dicho dia en publico y tienen firmado de sus nombres, se nos atreven a tanto que cada dia nos ban matando los cavallos y ganado que nos a quedado para hazer lo proprio en nosotros. Y

50 visto esto este declarante pide y suplica a el dicho teniente de governador que pues todo esto le consta ser verdad me mande dar liçençia en nombre de su magestad para que salga desta tierra y pueda presentarme ante su magestad // y el señor visorrey de la Nueva España para pedirles se me hagan las merçedes que mis serviçios mereçieren pues e servido a su magestad libremente

55 y sin sueldo ni ofreçimiento. Y todo lo que dicho tiene hes la verdad lo que save y passa para el juramento que fecho tiene en el qual siendole leido por mi el presente secretario se afirmo y rratifico en ello y dixo ser de hedad

[fol. 22r]

de treinta y tres años y lo firmo de su nombre juntamente con el dicho teniente de governador. Vernave de las Casas, Françisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

[MI] Testimonio.

E despues de lo sussodicho en el pueblo de Sant Gabriel destas provinçias de la Nueva
5 Mexico en siete dias del mes de setiembre del dicho año, el dicho teniente de governador
para la dicha informaçion y averiguaçion hizo parecer ante si a el capitan Gregorio Çessar,
del qual por el dicho teniente de governador fue rreçivido juramento en forma de de-
recho y el lo hizo por dios nuestro señor y por una señal de cruz que hizo con
10 los dedos de su mano derecha, so cargo del qual prometio de dezir verdad en todo lo que
supiere
y entendiere que toca al servicio de su magestad y vien comun deste rreal y de la tierra
y assi lo haziendo dixo qu'este declarante estando en la çidad de Mexico se dispuso
con su cassa, muger, hijos y familia para benir servir a el rrey nuestro señor con
ocassion de haver visto enarvolado el rreal estandarte en la çidad de Mexico, para
15 lo qual vendio y mal barato todos sus vienes en mucho menos de lo que balian
y vino a este pueblo de Sant Gabriel donde a seguido siempre al governador en los descubri-
mientos de pueblos que se an echo, padesciendo grandes travaxos porque siempre
a visto este declarante ser esta tierra muy esteril y falta de todo lo que se requiere
para passar la vida humana, porque los naturales nos an contribuido en çerca de
20 quatro años que a qu'estamos en esta tierra con todos los bastimentos que tenian rreça-
gados de muchos años atras y a benido a tanto extremo que mueren muchos de los natu-
rales de hambre y estamos todos a pique de pereçer si de presente no buscamos nuestro
rremedio y acudir a rredimir nuestras vejaçiones y neseçidades segun este dicho dia
declararon en la junta general que se hizo en la yglessia deste dicho pueblo. Y conside-
25 rado este declarante todas estas cosas y otras muchas que deja de dezir, para no poder nos
sustentar la tierra, pide y suplica este declarante al dicho teniente de governador le de
liçençia para que baya a la Nueva España a pedir su justiçia en todo lo que oviere lugar,
pues sale tan neçesitado este declarante, su muger y siete hijos y familia y esta por
momentos aguardando el pereçer. Por todo lo qual le a movido el buscar su rremedio
30 pues dios y su magestad me tienen dado livertad para esto y mas, quien tan lealmente
a servido con su hazienda y aberse puesto en esta tierra hasta el ultimo fin. Y todo
lo que dicho tiene es la verdad, lo que passa y sabe para el juramento que fecho tiene,
en el qual siendole leído por mi el presente secretario se afirmo y rratifico y dixo
ser todo verdad y lo que passa y pide. Y lo firmo de su nombre juntamente con el dicho
35 teniente de governador y dixo ser de hedad de quarenta y çinco años. Gregorio Çessar,
Françisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

[MI] Auto.

En el pueblo de Sant Gabriel en nueve dias del mes de septiembre de mill y
seisçientos y un años, Françisco de Sossa Peñalossa, alferrez rreal y teniente de governador
y capitan general destas provinçias de la Nueva Mexico por el rrey nuestro señor, aviendo
40 visto las declaraciones fechas en esta caussa por parte de los rreverendos padres fray
Françisco de Sant Miguel viçecomisario y el padre frai Francisco de Çamora y el padre frai
Lope Yz-
quierdo y el padre frai Gaston de Peralta, por las quales da a entender conbenir salir desta
tierra la yglessia por las caussas que en sus declaraciones alegan y porque al serviçio

de dios nuestro señor y de su magestad conviene que por agora no salga la santa yglesia
45 deste dicho pueblo por tener çierto que se podian descubrir grandes rreynos y otras cosas
de que su magestad fuesse muy servido y estando como esta en estos descubrimientos
la tierra adentro en serviçio de su magestad don Juan de Oñate que hes el governador
y por otras causas muy legitimas que le mueben, mandava y mando se les notifique a
los sussodichos padres rreligiosos en nombre de dios y de la magestad del
50 rrey don Phelipe nuestro señor que por agora no se haga mutaçion ni se mude
deste puesto en que esta la sancta yglesia porque de hazerse anssi rresultaria mucho daño
e indiñaçion a la magestad de dios y de su magestad y no pudiendose hazer otra cossa
de lo que los dichos rreligiosos tienen hordenado y determinado, mando asimismo
se les notifique que ante todas cosas y primero que sea mudada deste pueblo la dicha
55 sancta yglesia se de aviso a la Audiencia Real de Mexico y al yllustrisimo
virrey de la Nueba España para que dandole quenta del estado en que estan las
cossas en esta tierra, se determine y mande lo que deste exerçito se deve hazer
pues todo se a de cumplir lo que mas conbiniere al rreal serviçio y de lo que rres-
pondieren los dichos rreligiosos mandava y mando se asiente por auto y testimonio
60 y ansi lo proveyo, mando y firmo Françisco de Sossa Peñalossa. Ante mi don Luis

[MI] Notificacion.

de Velasco secretario. En el dicho pueblo de Sant Gabriel en el dicho dia,

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mes y año yo el capitan don Luis de Velasco, secretario en esta governa-
çion de la Nueva Mexico, notifique el auto de arriva a los rreberemos
padres en el dicho auto contenidos de vervo ad bervum y aviendolo entendido
ansi el dicho frai Françisco de Sant Miguel, viçecomisario desta caussa como
5 por los demas dixeron que no obstante quel tenor del dicho auto hes ajeno del
yntento y buen fin que nos muebe a la mudança que se a sentido ay en nosotros,
pues ni dexamos la yglesia, siendo el cuerpo della con nuestro prelado y
caveça, ni quiera dios que cossa tan ajena de nuestros entendimientos se presuma
de nuestro avito como el hazer mudança ni huir el rostro a la rretissima y de-
10 recha yntençion con que la yglesia y nuestro muy catholico rrey nos ynviaron.
En demanda de lo qual estamos prestos de ofreçer las vidas y otras muchas que
tuvieramos, mas considerados los rrespetos y causas que hemos dado y da-
remos en descargo de nuestra justifiçacion ante quien con derecho devamos como
personas diputados al culto de dios, ministros evanjelicos apostolicos, siguiendo
15 las caveças que anbas rrepublicas a señalado su magestad y por ber el clamor
universal de los naturales y nuestros, siendo en conçiencia conpelidos dellos,
no dando prinçipio ni motibo a lo hasta agora hordenado sino deseando
el vien universal por las rrazones como dicho es rreferidas, a las qua-
les nos rremitimos. Por lo qual dezimos no tener que rresponder en el dicho auto
20 mas de por satisfazer en parte en algo y esto rrespondieron y lo firmaron fray
Françisco de Sant Miguel, frai Françisco de Zamora, frai Lope Ysquierdo, fray
Gaston de Peralta e yo el capitan don Luis de Velasco, secretario de governaçion,

presente fuy y ante mi se hizo la dicha notificación de que doy ffee. Ante mi don Luis de Velasco secretario. E yo el dicho don Luis de Velasco, capitán
25 por el rrey nuestro señor y secretario desta gobernaçion de la Nueva Mexico, presente fuy a lo que dicho es y fize sacar a la letra y se saco de mandamiento del dicho teniente de gobernador que aqui firmo su nombre. Lo qual ba çierto y berdadero y corregido con el original que queda en el archivo en poder del dicho teniente de gobernador, lo qual ba escrito en diez y nuebe ojas escritas en todo y en parte y mas una blanca que son biente.
30 Y fueron testigos al ver corregir y conçertar los alferezes Françisco de Aljezira Riquelme y Françisco Çadino, de que doi ffee Françisco de Sosa Peñalosa. Paso ante mi don Luis de Velasco secretario.

[MI] Pedimiento.

En el pueblo de Sant Gabriel destas provinçias de la Nueva Mexico, en ocho dias del mes de septiembre de mill y seisçientos y un años, ante Françisco de Sossa Peñalossa, alferez rreal teniente de gobernador y capitán general
35 por el rrey nuestro señor, la presentaron los contenidos y pidieron lo en ella contenido. El capitán Diego de Çubia, proveedor general deste exerçito y el capitán Gregorio Çesar y el capitán Vernave de las Casas y el capitán Alonso de Quessada y el capitán Antonio Conte de Herrera, el capitán Pedro Alonso Bayo, el alferez Christoval de Herrera dezimos que nosotros tenemos çiertas cosas
40 graves que pedir ante el tribunal de vuestra merced tocantes a el serviçio de dios y del rrey nuestro señor y del vien comun y porque hes justo que en todo se siga las leyes y derecho que sobre esto disponen y porque es justo que todo lo que se hiziere sea con su liçençia de vuestra merced y veneplaçito como persona qu'esta en nombre de su magestad, acudiendo nosotros en todo como leales servidores suyos por tanto / a vuestra merced pedimos y suplicamos
45 nos mande dar y de la dicha liçençia para pedir las cosas rreferidas pues son tocantes a el rreal serviçio pedidas por todo el cuerpo deste rreal y en todo pedimos justiçia, ymplorando el oficio de vuestra merced y para ello et cetera. Diego de Çuvia, Gregorio Çessar, Alonssso de Quesada, Bernave de las Casas, Antonio Conte de Herrera, Pedro Alonso Vayo, Xpistoval de Herrera.

50 Y vista la dicha petiçion por el dicho teniente de gobernador, dixo que atento que lo que en ella se pide dizen ser cosas tocantes a el serviçio de dios y de su magestad y vien comun dava y dio la dicha liçençia en nombre de su magestad para que los sussodichos libremente puedan pedir y demandar que para todo esto, y presto de oyr y servir al rrey nuestro señor, haziendo justiçia en todo. Y ansi lo mando y firmo y dio la dicha liçençia
55 como dicho es. Françisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

En el pueblo de Sant Gabriel destas probinçias de la Nueva Mexico, en ocho dias del mes de septiembre de mill y seisçientos y un años, ante Francisco de Sosa Peñalossa, alferez rreal, theniente de gobernador y capitán general por el rrey nuestro señor,
60 la presentaron los contenidos y pidieron lo en ella contenido y se leyo.

[fol. 23r]

[MI] Pedimiento del campo | junto.

El capitan y proveedor general Diego de Çuvia y el capitan Gregorio Çesar y el capitan Bernave de las Casas y el capitan Alonssso de Quessada y el capitan Antonio Conte de Herrera y el capitan Pedro Alonssso Bayo y el alferez Françisco Hernandez Guillen y el alferez Pedro Sanches de Amiero
5 y el alferez Juan Lopez Holguin y el alferez Xpistoval de Herrera y el alferez Françisco de Algezira Riquelme y el sarxento Hernan Martin y el caudillo Juan Bautista Ruano por nosotros y por lo que a cada uno de nos toca y en voz y en nombre de los demas alferez, sarxentos, ofiçiales y soldados que rresiden en este rreal exercito de Sant Gabriel en estas provinçias de la Nueva Mexico,
10 dezimos que haviendo llegado a nuestra notiçia el ardentissimo deseo quel sancto pontefiçe vicario de dios en la tierra y el cristianissimo rrey don Phelipe nuestro señor an tenido y tienen de que nuestra sancta ffee catholica se predique y plante en todos los rreinos y provinçias y se extirpen las ydolatrias y se alargue el alto y poderoso dios y la voz del evan-
15 jelio sueñe en todo el universso y nosotros con boluntad y animo de servir a dios y a su magestad en esta tierra y jornada como hasta aqui lo hemos echo, abra seis años que salimos de nuestras patrias y naturaleças con nuestras mugeres y hijos, criados, casas y familias y vendimos y mal baratamos nuestras haziendas para el dicho efeto en mas cantidad de duzientos mill ducados,
20 esto con ocasion de haver bisto enarvolado el rreal estandarte en las çiudades de Mexico y Çacatecas y asimismo traximos mucha maquina de pertrechos de guerra y otras cosas y despues de haver pasado grandes trabajos y calamidades en el despacho desta dicha jornada como es publico y notorio y a vuestra merced le consta,
ve-
nimos siguiendo el estandarte rreal asta este dicho pueblo, en el qual hemos
25 todos acudido a el rreal serviçio como leales servidores de nuestro rrey y señor natural, pasando muchos y exçesivos trabajos anssi en los descubrimientos de pueblos como en otras cossas, padesciendo exçesivos frios, nieves, heladas y neseçidades en tanto grado como vuestra merced be por bista de ojos, andan nuestras mugeres el dia de oy y nuestros hijos y familias desnudos
30 por haver estado en esta asistencia y jornada el tiempo que se a referido, sin que en todo el nos aya venido socorro de la Nueva España ni de otra parte ni perssona alguna(s) sino continuo despues que en esta tierra se entro haver padescido, aguardando si en este tiempo se descubria alguna cossa de que su magestad fuese servido y su rreal corona
35 aumentada, lo qual vemos çesa como asimismo a çesado la rreduzion de los naturales y para que rresçivan el santo hevanjelio segun pareçe por un pareçer que los rreligiosos del señor san Françisco qu'estan rrepartidos por estas probinçias dieron su fecha a primero de septiembre de seisçientos y uno, el qual siendo neçesario estamos presto de pre-
40 sentarlo siendo neçesario y biendo ansimismo que las neseçidades que padeçemos son tan exçesivas y dejado aparte la desnudez, havemos

venido ultimamente y llegado a tal extremo que de todo punto se a acavado
en esta tierra el bastimento segun avemos bisto, porque todos los que
los naturales tenian rreçagados de sus años se los avemos comido quitan-
45 doselos violentamente sin su voluntad y a benido a tanto extremo que
ba muriendo mucha jente de los naturales de hambre, comiendo tierra y desta
suerte todos estamos en el ultimo peligro pues hiendo el proveedor
general a buscar un poco de maiz para nuestro sustento fue neçesario para
hallarlo atormentar cruelmente a un yndio y assimismo estamos en este
50 rreal muy faltos de armas y cavallos por dexarnos el señor governador mui faltos
de todo, entrandose la tierra adentro por cuya ocasion y otras que dexamos de
rreferir a sido tanta la desverguença y atrivimiento de los naturales
que cada dia nos ban ynpositivilitando del poco ganado y cavallos que nos an
quedado, matandonoslos con yntento de hazer lo proprio en nosotros y este
55 se a visto y be con hevidençia pues nos an dado rrevatos en este rreal con
grande algazara para dar tiento al valor que es en nosotros y porque asimismo
tenemos entera notiçia que muchas personas estan determinadas de yrse

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a tierra de paz a rredimir su bejaçion y nesecidad y si esto se pone en
execuçion, llevandonos los pocos cavallos que tenemos y si se nos acavasse
un poco de trigo que nuestro mesiricordiosso dios fue servido de darnos este año, queda-
riamos a pereçer todos como se tiene por sin duda pereçiremos si dos meses mas
5 estamos detenidos y consideradas todas nuestras neçesidades y la ultima y
grave que es la de la hambre todos de mancomun y cada uno de por si y por el todo,
dezimos y protestamos que para la conserbaçion de nuestras vidas y de los na-
turales destas tierras nos avemos convenido y conçertado de pedir y suplicar a
vuestra merced como por la presente suplicamos y pedimos y si neçesario fuere con el devido
10 acatamiento hablando, rrequerimos una, dos y tres vezes y las que [de] derecho somos
obligados, nos mande dar liçençia y tenga por vien como este rreal exerçito
se apreste y baya marchando a la parte y lugar adonde con brevedad sepa
su magestad y el señor visorrey en su nombre la causa ligitima y motivo que se
tubo para hazer esta mudança y para salir deste puesto, que todos de-
15 zimos devaxo desta protestaçion que yremos juntos y congregados, hazien-
dole escolta a esta santa yglesia pues esta determinada voluntad a sido
anssi por el comun eclesiastico como por el secular, y asimismo dezimos
que yremos todos sujetos a vuestra merced, llevandole por nuestro superior y caveça
como lo es y que enviaremos nuestro procurador general para que en
20 nuestro nombre se ofrezca a el rreal serviçio que todos estamos prestos
y lo estaremos sienpre sin contradiccion alguna de asistir en la parte y lugar que
el rrey nuestro señor y el señor visorrei de la Nueva España mandasen,
procurando su magestad rremediar nuestra neseçidad, dandonos el acostamiento que
nuestras personas mereçen y nuestros grandes servicios an mereçido, ha-
25 ziondonos la merçed y merçedes que de tan cristianismo prinçipe se espera.
Y con este ofreçimiento que hazemos y por la caussa rreferida que nos a
obligado a dexar este sitio, yendo como vamos todos con zelo de hazer ma-

yores serviçios a su magestad como leales servidores suyos, quedara como pe-
dimos nuestro derecho a salvo para lo que aca dios fuere servido de descubrir sin
30 que se nos pueda rreputar el echo a mal casso, aviendo ydo sienpre con los
apises de derecho, del todo lo qual y de la caussa lijitima que nos a movido
de salir desta tierra se podra hazer la informacion vastante ansi con todos los rreli-
giosos como por todas las personas mas graves deste rreal, pues siendo por vuestra merced
lla-
mados todos nosotros y cada uno de por si los que por nosotros fueren presentados,
35 se declarara con juramento la hevidente verdad de manera que en todo tiempo quede
vuestra merced y quedemos todos por leales servidores de nuestro rrey y señor por
tanto a vuestra merced pedimos y suplicamos y si neçesario fuere devaxo del rrequerimiento
echo, volvemos a rrequerir haga y cumpla lo que por esta petiçion pedimos, pues e-
n ello se sirvira grandemente a dios nuestro señor y a su magestad y de no hazerlo protesta-
40 mos que sea a su culpa y cargo de vuestra merced qualquier daño, ynteres y menoscavo
que subçe-
diere en daños este rreal y de los naturales de la tierra y de querellarnos de vuestra merced
ante su magestad y ante quien y con derecho debamos como de persona que no puso
rremedio
en tanto aprieto como de presente esta este rreal de pereçer y de todo pedimos al presente
secretario nos lo de por testimonio y suplicamos que los testigos e informaçion si
45 neçesario fuere **hazer se exsaminen** por el tenor del interrogatorio que hazemos presen-
taçion y pedimos entero cumplimiento de justiçia para lo qual // Diego de Çubia,
Alonso Sanchez, Gregorio Çesar, Vernave de las Casas, Antonio Conte de Herrera,
Alonso de Quesada, Pedro Alonso Vayo, Vernave Venitez del Azevo, Françisco
de Villalba, Juan Lopez Holguin, Françisco de Aljezira Riquelme, Françisco Hernandez
50 Guillen, Pedro Sanchez de Amiero, Juan Bautista Ruano, Antonio Conte de Herrera,
Gonçalo Fernandez Benjumea, Françisco Hernandez Cordero, Pedro Lopez Caluo,
Juan de Bitoria, Simon Perez Bustillo, Gonçalo de la Vanda, Hernan Martin,
Cristoval Guillen de Quesada, Diego Diez, Juan de Salas, Juan de Lujan, Juan de Guzman,
Vartolome de Herrera, Gonçalo de la Carrera, Françisco Lopez, Manuel Ferrera de
55 Figueroa, Anton de Sariñana, Juan Vasquez Cavanillas, Alonso de la Vega, Francisco de
Olague, Alonso Martin, Alonso Martin Naranjo, Francisco Martin Ruiz, Françisco Cadino,
Juan Perez, Pedro Luzero, Valtasar de Monçon, Hernan Martin, Pedro de
los Reyes, Mateo Lopez, Diego Castellanos, Estevan Perez de Iransu, Hernan
Martin Gomez, Juan Guerra, Xpistoval de Herrera, Gonçalo Hernandez, Juan de Salas,
60 Jorje de la Vega, Juan Ruiz Fernandez, Juan Gil de Torivio Gil.

E vista por el dicho teniente de governador dixo que su merçed la oya y que la

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vera y provera en el casso lo que mas conviniere al serviçio del rrey nuestro señor
y ansi lo proveyo, mando e firmo. Françisco de Sossa Peñalossa. Ante mi don
Luis de Velasco secretario.

[MI] Autto.

En el pueblo de Sant Gabriel destas provinçias de la Nueva Mexico, en nueve
5 dias del mes de setiembre de mill seisçientos y un años, Francisco de Sossa Peñalossa,
alferez rreal teniente de governador y capitán general de las dichas provinçias por el rrey
nuestro señor, aviendo visto la petiçion, pedimento y rrecados presentados por parte
deste rreal exerçito, ofiçiales mayores, capitanes y soldados y demas jente de paz
y guerra y lo que por ella se pidio, dixo que atento que su merced esta en estas dichas
provinçias
10 en nombre de su magestad y no conbenir a su rreal serviçio que por agora aya mutacion
en cossa ninguna por lo que podria rresultar de descubrimientos de provinçias, minas
y otras cosas de que podria ser el rrey nuestro señor y su rreal corona aumentada, mandava
y mando se ponga perpetuo silençio en todo lo que por los dichos ofiçiales mayores y
menores, capitanes y soldados hes pedido y mando se les sea notificado este
15 auto publicamente estando junto todo el cuerpo del dicho exercito, lo qual hagan y cumplan
so pena de caer e incurrir en la indignidad y merçed de su magestad y ansi lo probeyo, mando
y firmo. Françisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

En el pueblo de Sant Gabriel destas dichas provinçias de la Nueva Mexico, en nueve
dias del mes de setiembre de mill seisçientos y un años, estando todo el cuerpo del rreal
20 exerçito de su magestad que rreside en este dicho pueblo, ofiçiales mayores, capita-
nes y soldados y demas jente de paz y guerra, me mando a mi el capitán don Luis de
Velasco secretario desta gobernaçion el dicho teniente de governador que leyese e no-
tificasse el auto de atras proveido por el dicho teniente de governador y en cumplimiento
de lo sussodicho y estando presente todo el dicho rreal exerçito, yo el presente secretario
25 ley e notifique el dicho auto de vervo ad berbum y aviendolo todos oydo y entendido en
presençia como dicho es del dicho teniente de governador, dixeron que lo oyan y rrespon-
derian a su tiempo y lugar y esto rrespondieron y lo firmo el dicho teniente de governador.
Francisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario. //

[MI] Poder.

En el pueblo de Sant Gabriel destas provinçias de la Nueva Mexico, en nueve dias
30 del mes de setiembre de mill y seisçientos y un años, estando presente y juntos todos
los ofiçiales mayores, capitanes y soldados e cuerpo de exerçito y aviendo acavado de
notificarle un auto proveido por el teniente de governador todos juntos y cada uno de por si
y como dicho es toda la mayor parte del exerçito, del qual tan solamente faltaron çinco
personas, dixeron que atento que oy dicho dia se les avia notificado un auto por el dicho
teniente
35 de governador y que para rresponder a el y a otros autos que fuere neçesario, podia cada
uno de por si hallarse presente y por tanto davan y dieron todo su poder cumplido quan
vastante de derecho se rrequiere y mas puede y deve valer a el capitán Antonio
Conte de Herrera para que en su nombre y rrepresentando la persona deste rreal exerçito
como comun del, pueda pareçer y parezca ant'el teniente de governador destas dichas
provinçias
40 y pueda pedir, demandar y rrequerir todo lo que pedido y demandado tenemos en nombre del
rrey

nuestro señor hasta feneçer y acavar la caussa que se trata y pedimiento tan justo y tocante al serviçio de su magestad y vien comun, que para todo le davan el dicho poder con libre y general administraçion y con rrelevaçion en forma de que doy ffee. Y no firmaron porque todos juntos a voces y gritos lo dijeron y estar convenidos de dar el dicho poder como
45 lo dieron. Doy ffee dello que assi passo. Don Luis de Velasco secretario.

En el pueblo de Sant Gabriel destas provinçias de la Nueva Mexico, en nueve dias del mes de setiembre de mill y seisçientos y un años, ante Francisco de Sossa Peñalossa, alferez rreal
teniente de governador y capitan general por el rrey nuestro señor, la presento el contenido en nombre del rreal exercito y pidio lo en ello contenido.

[MI] Peticion.

50 El capitan Antonio Conte de Herrera, uno de los quatro capitanes que su magestad elijio y nombro en la çiudad y corte de Mexico de la Nueva España para el socorro de aquestas provinçias de la Nueva Mexico, en voz y en nombre del rreal exercito que al presente asiste en es-
tas dichas provinçias y en birtud del poder que suyo tengo, digo que como a vuestra merced le consta
el dicho mi parte tiene presentado una petiçion, manifestando en ella muchas y mui graves
55 causas por donde conviene qu'el dicho exerçito salga de aqueste puesto y parte en que esta y se ponga en una parte comoda donde con brevedad se de aviso a el rrey nuestro señor de las causas
y rrazones quel dicho exerçito a tenido y tiene para salir de aquesta tierra, rrequirien- do a vuestra merced muchas y diversas vezes que en nombre de su magestad se haga, pues conbiene tanto
a su rreal serviçio y dejado aparte la informaçion tan vastante que vuestra merced tiene fecha con muchos
60 capitanes y con los rreligiosos del señor sant Francisco que asimismo asisten en estas dichas pro-
vinçias, estando como esta tan vastantemente provado no tener el rrey nuestro señor en esta tierra aprovechamiento alguno ni notiçia çierta de tenerlo y demas de todo

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esto estar con tan grande ofensa de dios, quitando el muy poco sustento y mantas que los naturales tienen para su menester y demas desto estar como esta el dicho exerçito tan falto de todas las cosas neçesarias ansse de armas, cavallos, mantenimientos y todo lo demas neçesario para conserbaçion de la vida
5 humana y assimismo por haver gastado todo este rreal exerçito tanta suma y cantidad de pesos de oro a su costa y minçion, siendo libres del dicho gasto y tan leales vasallos de nuestro rrey y señor natural como somos, pues tiene el dicho rreal exerçito mi parte protestado y si neçesario hes protesto de nuevo hir a servir en la parte y lugar donde se tenga por mas vien servido deste dicho exercito, a la qual dicha petiçion proveyo

10 un auto por el qual vuestra merced manda poner perpetuo silencio en lo por mi parte pedido y
que
este dicho rreal no salga deste dicho puesto, el qual dicho auto es muy contra todo derecho,
res-
peto de que si se dilata lo que es tanto ymportante, pereçera el dicho exercito y todos
los naturales de aquestas dichas provinçias y quando vuestra merced quisiese poner el rre-
medio que por el dicho mi parte se pide, no abra horden para ello por la falta del dicho
15 sustento, armas, cavallos y bueyes y los demas pertrechos neçesarios para el dicho
viaje y de la asistencia del dicho exerçito en estas dichas provinçias no viene ningun
provecho a la rreal corona ni se haze ningun serviçio a dios ni al rrey y por estar como esta
la maior parte de los soldados y capitanes determinados para salir dilatandose la
partida general de todos por no tener ningun sustento de trigo ni mayz ni de donde
20 poder rremediar su neseçidad, por lo qual y las demas causas y rrazones pedidas y
alegadas en la petiçion prinçipal por el dicho exerçito mi parte presentada, rrequiero a
vuestra merced
una, dos y tres vezes y las que de derecho puedo y devo, provea segun y como pedido tengo
pues todo es tan justo y de no lo prober y mandar asi hablando con el acatamiento que deva
apelo de vuestra merced para ante su magestad y para ante quien con derecho puedo y devo y
pido al presente
25 secretario me lo de por testimonio ynserto en el todo lo hasta en este punto echo y
autenticado,
firmado y autorizado segun su uso y costumbre en manera que haga ffee y pide jus-
tiçia y para ello etçetera. Antonio Conte de Herrera.

En el dicho pueblo de Sant Gabriel en los dichos dias, mes y año dichos, aviendo visto
esta petiçion por parte del rreal exerçito presentada, el dicho teniente de governador
30 dixo que la oye y que rrespondera y lo firmo. Francisco de Sosa Peñalosa. Ante mi don Luis
de Velasco secretario.

[MI] Autto.

En el pueblo de Sant Gabriel, en veinte y nueve dias del mes de septiembre de
mill y seisçientos y un años, Francisco de Sossa Peñalossa, alferez rreal y teniente de
governador
y capitan general destas provinçias de la Nueva Mexico, aviendo visto la determinacion
qu'este exerçito de su magestad y lo por ellos pedido y alegado y la informaçion y decla-
35 raçiones ante mi fechas assi por parte de los rreligiosos del señor sant Françisco que rre-
siden en estas dichas provinçias como por algunos capitanes y soldados que se rreçivie-
ron sus dichos y declaraçiones, // dixo que rremitia y rremitio esta caussa y la deter-
minaçion della a la rreal audiencia que rreside en la çiudad de Mexico y al ylustisimo
visorrey de la Nueva España que en ella rreside y ansi lo pronunçio, mando y firmo.
40 Françisco de Sossa Peñalossa. Ante mi don Luis de Velaso secretario.

E yo el dicho don Luis de Velasco, capitan por el rrey nuestro señor y secretario
en estas dichas provinçias de la Nueva Mexico presente fuy a lo que dicho es y fize sacar
a la letra y se saco de mandamiento del dicho teniente de governador que aqui firmo su

nombre, lo qual ba çierto y berdadero y corregido con el original que queda en el archi-
45 vo en poder del dicho teniente de governador, lo qual va escrito en siete fojas escritas en
todo y en parte con dos ojas que asimismo ban en blanco y fueron testigos al ver corregir
y conçertar el alferez Françisco Çadino y el alferez Francisco de Aljezira Riquelme.
De que doy ffee Francisco de Sossa Peñalossa. Ante mi don Luis de Velasco secretario.

[certificación]

Por mandado del señor conde de
50 Monterrey virrey desta
Nueva España saque de mi mano
el tanto de la informaçion

[fol. 25r]

y autos de atras escrito en diez
ojas con esta y queda de tanto en la
camara del dicho señor virrey
a que me rrefiero y como scrivano rreal lo signo
5 en testimonio de verdad [signo] Jaime Fernandes scrivano [rúbrica]
rreal.

[fol. 25v]

[en blanco]

Epílogo: dificultades de lectura

Se han encontrado soluciones para varias de las dificultades apuntadas en ediciones anteriores de este documento y se han suprimido las acotaciones correspondientes.

17v20-21

porque la yglesia **de uxó** de asistir nosotros los rreliossos en esta tierra

Significado aparente: ‘que la iglesia exima de asistir nosotros...’

18r11-13

no faltando en cossa de las neçesarias que | a semexantes **alegaçias** y viajes la catolica magestad de nuestro rrey | y señor suele hordenar y disponer a los ministros evanjelicos

Cfr. *legacia* ‘la embajada o recado que se envía’ (*Diccionario de autoridades*).

18r35-41

no desamparando | el estandarte rreal con el rreçissimo ynvierno, desnudez, ambre | y mengua de todas las cosas temporales, lo qual no solo corria | por los varones de hedad y fuerças, mas aun las mugeres, | niños y de mayor hedad **se vian y deseavan** por ser la tierra | 40 tan pobre, esteril y falta de todo lo neçesario para la vida| humana

John Polt ha encontrado en el *Diccionario de autoridades*, tomo 6, pág. 456:

Verse, y desearse. Phrase, con que se explica el cuidado, fatiga, ù afan, que cuesta el executar alguna cosa.

23v44-45

suplicamos que los testigos e informaçion si | 45 neçesario fuere **hazer** se exsaminen por el tenor del interrogatorio

El verbo “hazer” parece superfluo. John Polt sugiere que se entienda “hazer que se exsaminen”. Así se ha de entender el pasaje, pero no hace falta enmendar la transcripción.

Se agradecerían con toda sinceridad cualesquier sugerencias interpretativas que nos quisieran ofrecer los lectores de este documento; favor de comunicárselas a

jerry_r_craddock@berkeley.edu

revisión más reciente: 23 de agosto de 2013

**Archivo General de Indias. Audiencia de México, legajo 26, 48-E,
fols. 15r-25v**

[fol. 15r] *No. 48-E¹ New Mexico*

[fol. 15v] blank

[fol. 16r] *Decree of the governor of New Mexico and steps to relocate the troops*

In the village of San Gabriel on the 7th day of the month of September of the year 1601, Francisco de Sosa Peñalosa, the King's ensign, appointed lieutenant governor and lieutenant to the captain general by the King our lord, declared that it has come to his notice that many of the captains, officers, and soldiers of this army, along with all the worthy religious who reside in these provinces preaching the Holy Gospel, have on many different occasions held discussions and consultations on the desirability, for the service of Our Lord and of His Majesty, of this entire army's being mobilized and marching to where the King our lord and His Excellency the Viceroy of New Spain might be informed of such legitimate reasons as there may be for leaving this village.

And in order to examine and confirm the intentions of the religious of the Order of St. Francis, and with the concurrence of the greater part of the army, on this said day an assembly was held in the church of this said village, attended by the Reverend Father Fray Francisco de San Miguel, vice-commissary of these said provinces with full powers, and the Reverend Father Fray Francisco de Zamora, and the Reverend Father Fray Lope Izquierdo, and the Reverend Father Fray Gastón de Peralta, and Father Fray Damián Escudero, lay member of the said order, and likewise attended by the said lieutenant governor and all the personnel of the royal army, captains, ensigns, sergeants, and other higher and lower officers. And after the said religious had celebrated a mass dedicated to the Holy Spirit, all of the said assembly gathered by the high altar before the Blessed Sacrament, which was in a special locked chest on the high altar, to which assembly, after the said vice-commissary yielded to the Reverend Father Fray Lope Izquierdo, the latter stated and discussed many matters, explaining many different times that this entire army should relocate to where His Majesty might be informed of the many legitimate reasons for such a move.

And in order to learn and understand what these reasons were, and to take all steps necessary for the service of Our Lord and of His Majesty, [the lieutenant governor] would and did order that the necessary declarations be submitted, hearing the opinions both of the said religious, as the body of the Church, and of the captains, officers, and

¹ Italics indicate marginal text.

soldiers who were prepared to follow the said religious and Church, which he ordered to be done and carried out, and he signed his name.

[fol. 16v] Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

On this said day, month, and year the said lieutenant governor went to the Franciscan residence and monastery, where, the reverend fathers mentioned in the opening document of these proceedings being present, there appeared the Reverend Father Fray Francisco de San Miguel, vice-commissary of these said provinces, who was placed under oath as prescribed by law and in the manner customary with such religious and prelates, the said father placing his right hand on the right side of the habit of St. Francis that he was wearing. And he swore by the said habit and as a religious and an unworthy priest to testify truthfully concerning all that God and his conscience gave him to know and understand with regard to the common good and what should be done for the service of God and His Majesty in this country for its welfare and preservation.

Whereupon he declared that he knows, and it is true, that when we came to these provinces from pacified country it was to serve God and the King our lord. And this witness left Mexico about twenty years ago to come to these provinces, where he has always lived with the understanding and intention of dying in this country and not leaving it because of anything that might occur here or for fear of death. And from his coming here to the moment of his testimony, his conscience has always been troubled by seeing the wickedness inflicted on these natives, for he has seen that instead of coming to preach the word of God to them, there has been blasphemy against that word.

And this witness has begun to learn four native languages and has worked hard in them with the native Indians to convert them and draw them to the Holy Gospel; and he has always encountered extreme resistance on the part of the Indians because of the ill treatment inflicted on them by us, because they are not left with anything living or edible in their houses or any object of value, which is why the Indians run away. And this witness has seen many villages abandoned by all their inhabitants for fear of ill treatment.

And when he was prelate, he repeatedly told the governor to take pity on the affliction of these natives and not to tolerate so many thefts and injustices. And the country is so poor and wretched that the said governor has been and is unable to put a stop to it, because it has been necessary to torture the most important among them to make them deliver maize for our sustenance, and to hang and kill them to the same end. And when we find ourselves in the direst need of food, with the natives dying of hunger while they eat whatever rubbish they can find in the fields, and the twigs of trees, and dirt and coal and ashes, this witness knows that many of them have starved to death.

And the army has also gone hungry and still does, irremediably, because there is no dried maize in the whole country and the fields are in

the worst condition ever. And if there is any further delay, the natives and all those who are in this country will die of starvation, cold, and exposure. And this witness has given clothing to some Spaniards and given them many things for their succor when he saw their legitimate needs and the poverty of the land. And for many days he has been [fol. 17r] restraining many who wish to leave and abandon the country and take the few horses that the army currently has, which would cause all the innocent children and all the other people to perish, because this witness has seen and knows that the Indians are plotting against the Spaniards every day, waiting for the opportune time and seeing how few weapons the Spaniards have.

For all which reasons and many others that disturb his conscience, and because in these parts he cannot comply with the demands of his order because the country is so needy, lacking the requisites for Divine services, such as wax, wine, and ornaments, and help is so far away across empty country, this witness opines and declares that now that conditions are somewhat more favorable it makes sense to go to report to the King our lord and his viceroy and *audiencia*² and his prelates on all these things and others that will be revealed in any of these tribunals.

And his testimony is the truth, the facts, and what he knows and what calls for a remedy, by God and under the oath he has taken, which he reaffirmed and ratified when this his testimony and opinion was read to him by me, the present secretary. And he signed his name and stated his age to be about 70, and the said lieutenant governor signed.

Fray Francisco de San Miguel
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Testimony

On this said day, month, and year, the said lieutenant governor ordered the Reverend Father Fray Francisco de Zamora to be summoned; and when he was present and his prelate had given him permission in the presence of the present secretary, the said lieutenant governor placed him under oath as prescribed by law and in the manner customary with such religious. And he placed his hand on the habit of the Order of St. Francis and swore by it and as a religious and an unworthy priest to testify truthfully about all he may know and God and his conscience may give him to understand concerning the common weal of this country and the service of God and His Majesty.

And having done so, he stated that they all left the city of Mexico with the permission of their prelates and on orders of His Majesty and together came to these lands of New Mexico in order to bring the natives thereof to knowledge of Our Lord. And having served here more than three years, and having done all he could in keeping with God's will, he

² A tribunal or council.

has seen how little has been achieved among the natives, in part because they have not been as receptive to our teaching as we should wish in order to make greater efforts to teach them, and in part because all the people who came with us and those who came afterwards have, for their own sustenance and livelihood, inflicted the gravest offenses on the natives of the country by forcibly taking from them all the food that they had gathered over many years, until none was left for the sustenance of the said natives and their children, and by seizing the miserable clothing that they had for themselves and their wives and children, as well as many other objects from their houses, much to their resentment and chagrin, which has brought our teachings into great disrepute, as they say that if we Christians engage in such **[fol. 17v]** great offenses and violence, why should they become Christians? And this witness knows that they have been beaten and stabbed with swords and knives to take from them the things mentioned and what else they had left, besides the bad example given to the women by the frequently immoral treatment of them, for I know³ they have often been raped by the roadside.

And when this witness sees the many things that he has recounted here, and that the Holy Gospel is held in low esteem among these natives, as is the reputation of our King, all of which the poor Spaniards have often been unable to avoid because of the extreme lack of food and clothing that they have suffered on account of the barrenness of the country, which lacks food and clothing in the extreme, and especially now is so totally devastated that we shall certainly all die of hunger and exposure and at the hands of our enemies, it is my opinion that in the name of God and of our King, whom may God preserve for many years, and of his governor, this entire army should relocate so that we should not all perish, and especially the women and innocent children who accompany it.

And so I say and this witness said⁴ that God and his conscience moved him to hold this view, so that the Church [should release] us religious from serving in this country and the word of God not fall into greater discredit, and so that His Majesty should not be deceived as he has been until now, and that our prelates and His Majesty may know our sound reasons for leaving this place; and that from whatever place be decided on, this be done: to inform the viceroy and the audiencia resident in the city of Mexico, in the name of the Church and the army, so that they may know that we are waiting there to carry out whatever orders His Majesty may send us, because this witness and all those who have left this headquarters are ready to obey him fully in every way, as until now we have done in the service of God and His Majesty.

And what this witness has testified is the truth and the facts and what in God's name should be done, and he again affirms it to be true under the oath he has taken, which he reaffirmed and ratified when it was read to him by the present secretary. And he said he is 70 years old and signed his name along with the said lieutenant governor.

³ On various occasions the secretary or scribe transcribes the first-person statement of the witness.

⁴ The scribe corrects his lapse into the first person.

Fray Francisco de Zamora
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Testimony

And after the above, on the said day, month, and year, the said lieutenant governor, for purposes of the said investigation, asked that the Reverend Father Fray Lope Izquierdo, guardian of this monastery, be summoned. And when he was present he was placed under oath by the said King's ensign as prescribed by law and in the manner employed with the other religious who have previously testified in this matter, under which oath he promised to testify truthfully about all that God and his conscience may give him to know concerning the common weal of this country and the service of God and His Majesty.

And so doing, he declared the following, this witness stating that it is a fact that in the year 1600, on 2 March, when His Holiness Clement VIII governed God's Church and our most Catholic King Philip III reigned in Spain, [fol. 18r] our order was asked by both of these sovereigns to send religious and ministers to this new vineyard for the conversion of souls that was extending northward in this New World to what is called New Mexico, for which purpose our commissary general and provincial of the Holy Gospel chose and named us, under our vows of obedience, and presented us for this expedition to His Excellency the Viceroy of New Spain, by whom we were sent in the name of His Majesty after he had most generously supplied us with everything needed for our journey, not omitting anything necessary that His Catholic Majesty the King our lord generally provides and grants to the missionaries sent by his authority on such missions and voyages, whereby we remained eternally obligated, more than any others, to devote ourselves to this cause, exposing our lives to whatever risks it might entail, for the honor of God and the spreading of his holy Catholic faith and the honor of our King, as the religious of our Seraphic order have always done, gloriously triumphing in martyrdom.

And as we proceeded on this journey—and this witness was among the second group sent to the said New Mexico with the troops sent as reinforcements—and arrived after having undergone such immense travails as a sympathetic imagination may conceive, traveling at the pace of carriages over 400 leagues of empty country and rudimentary roads, God was pleased that we should reach the headquarters and village of San Gabriel, where we found Governor Don Juan de Oñate and the officers under his command, who with the fidelity, vigor, and courage of true vassals had for more than three years borne hardships so varied and numerous that no other nation can be found to have undergone and withstood them in the service of its King and natural lord, when not surrounded by enemies, by the sea, or by any other difficulty that would compel them not to abandon their headquarters, for they freely offered their lives, persons, and fortunes to serve him in this enterprise, the calamities and miseries they had suffered in all the said time failing to

make them disregard or neglect their duty or abandon the royal standard in the face of the harshest winter, exposure, hunger, and lack of all earthly goods, which affected not only strong grown men, but also women, children, and old people, who were struggling because the land was so poor, barren, and lacking in everything necessary for human life that without great suffering and even cruel death for the natives of the said land, they could not lessen or relieve any part of the great need in which they lived. And it would be distressing and tiresome for this witness here to recount what he saw and heard concerning this with reference to our compatriots, knowing also that some of them had spent such fortunes that they would suffice to make another new discovery, as will be seen from another source if the truth of all this and the merits of the aforesaid are investigated.

[fol. 18v] And as matters were in this difficult state and we saw the killing, ill treatment, and what almost amounted to tyranny and devastation inflicted on the natives of this country, and having consulted the religious who were here and other experienced and conscientious persons, we strongly wished our most Catholic King, and in his name his royal council, to be informed through the efforts and authority of the religious, which burden His Majesty had laid on our consciences when he sent us. [Then] it pleased God that three religious, very learned and worthy priests of high reputation, left this province moved by holy apostolic zeal. And as there was little or no need for them here, we understand that in the interim they have explained and fully related the state and condition in which things were here to His Majesty or to his audiencia or the Viceroy of New Spain, which seemed to us to have satisfied our obligation, considering the greater needs that pressed on our Catholic King and the immense expenditures from his royal treasury made daily for the support of other garrisons and possessions that need it more than at present does this one, and the excessive costs that this country might occasion—fraudulently, because of those who have not truthfully reported the little need for expense that there has been and is in this country—to judge by experience and what has been tried and seen until now.

It seemed to us right for the said religious to go, and far more right the present dispassionate decision taken by all or most in a simple and Christian spirit, after repeated mature counsel and deliberation and discussion, mindful of our zeal for the honor of God and our Catholic King, and seeing quite clearly and evidently, without the slightest doubt or any possible objection, that our service in this country will result in the death and destruction both of our people and of the natives.

And although until now we have worked and maintained this field at the cost of our lives and consciences, we did so because the Indians had some reserves of maize, although these were small and surrendered against their will, each request being accompanied by violence against them, which resulted in the deaths of several thousands of them, because this was the origin of the war against them in Acoma and among the Jumanos, along with others that could be mentioned, for in this operation they died unjustly and in violation of Christian charity, there

being no better way to avoid the harm done to them than by leaving their country and respecting their freedom, or by our people perishing from lack of food.

And when this state of affairs became as dire as both the religious and others, and particularly this witness, know, many have died and continue to die of hunger because in some villages they have been left with no food at all and there are no crops or roots in their fields to aid them in such famine, and they eat ground charcoal and ground stalks of maize without waiting [**fol. 19r**] for the ear to form, and bring some little fruits, firewood, and other things to this headquarters to trade for some maize so as not wholly to perish, to all of which this witness attests. And they usually return home most disconsolate because there is not a single kernel of maize to give them in exchange for what they bring us. And some, it cannot be said without heartfelt sorrow, have come to escape need and hunger by seeking the protection of the Spaniards and the religious. And this witness saw one of them perish, an Indian woman who came to the house of a citizen named Juan López asking as best she could for help to keep her from perishing altogether, promising that if she was fed, she and a child she had with her, seeming to be about eight years old, would receive holy baptism; but both were so exhausted that the medication and good treatment given to them were unable to prevent her giving up her soul in the hands of this witness, having first with great faith and devotion received the baptismal water, all of which was common knowledge at this headquarters.

And since there would be no end to speaking of the events that this witness has seen relating to this matter, he limits himself to mentioning what he has learned from many and diverse trustworthy informants who witnessed the following most distressing case, that when an officer named Diego de Zubia, quartermaster general of this royal army, set out from this headquarters of San Gabriel for some villages that lay at some distance and had never been frequented or sacked, searching for maize and expecting to find some provisions without too much difficulty, he found himself in such straits that in order to save the said headquarters from perishing that week he was forced to torture some Indians, as in effect he tortured one Indian with extreme pain and unspeakable methods, which Indian eventually confessed that they had some maize buried in holes in the ground and in graves, so little that the largest store barely came to a bushel, and in addition in some small earthen vessels, sealed with mud as though they contained the most precious liquor, because they value a kernel of maize more highly than that.

And because the said witness does not aim to recount or detail the calamities he has seen, with this brief and succinct account he intends only to conclude his opinion, reducing and condensing it to the foregoing reasons, as those for doing away with such difficulties are based in natural and Divine law. And although he could testify to much other harm, offense, and vexation inflicted on the said natives, such as has occurred when we gathered the clothing and blankets with which we have clothed and succored ourselves in these lands, it seems to me enough to say that when the rigors of winter set in so suddenly that none

greater are found in any inhabited country, some of our men would come and pitilessly seize the blankets of the women, leaving them naked to shiver with cold, and they, though naked and in a wretched condition, would embrace their children, sheltering and warming them in their arms, without offering the least resistance to any offense made against them, for they are humble people and better instructed in moral virtues than any other yet discovered, for among them lies, theft, or any other vice repugnant to [fol. 19v] natural morality are unknown, unlike in other nations.

All of which clearly leads this witness, guided by right reason in natural and Divine law, to find it most important for the honor of God and His Holy Church and the reputation of our Catholic King among these barbarous nations, just, and in keeping with the law of all nations and that of the Gospel, to put a stop to the hatred for the Gospel that we cause among these nations, so that they do not esteem our holy Catholic faith and creed as they should, and think that our most Catholic King, who by Divine and human right holds sovereign authority over these lands and whose duty it is to protect and pacify them and send them ministers, as His Majesty has done, is less than Christian, compassionate, and kind, since they receive such harassment at the hands of his vassals. And the reports given to Don Juan de Oñate, and all reports, but these especially so, show us that this is the right and proper thing to do, for fearing that Heaven will avenge these humble and afflicted Indians and knowing that, as we see in Holy Scripture, God has inflicted very severe punishment for lesser offenses, we have, after many prayers, masses, and entreaties to the Holy Spirit, by Whose advice and wisdom our Holy Mother Church and we the faithful are governed, and without regard for our travails, afflictions, etc., deemed it advisable to appear before the Viceroy of New Spain as faithful and obedient chaplains of the Crown, and, recognizing the great obligation under which we are, present ourselves to be employed and commanded as best suits the service of the King. And in so doing we do not for a moment abandon the royal standard under which we came to these lands risking our lives, should that be necessary, in so holy an enterprise, and reserving the right that we might have, and our order might claim, to the souls that God might be pleased to make known when the time determined by His holy wisdom comes for these lands.

And all his testimony is the truth and the facts, which he is ready to maintain at any time and place, should that be necessary. Under which obligation, when this his testimony and declaration was read to him by me, the present secretary, and always in the presence of the said lieutenant governor, he reaffirmed and ratified it and stated that it is the truth and what God gives him to believe and what ought to be done. And he signed his name along with the said lieutenant governor, and he said that he is 32 years old.

Fray Lope Izquierdo
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Testimony

And after the foregoing, on this said day, month, and year and in the monastery of this said village, the said lieutenant governor had the Reverend Father Fray Gastón de Peralta summoned for purposes of the said investigation and placed him under oath as prescribed by law; and the said Father Fray Gastón took the oath as prescribed by law in the manner followed by the others in this case, placing his hand on the right side of the habit of St. Francis that he was wearing. And he swore as an unworthy priest to testify truthfully in this case as God may give him to understand and for the good of this country and commonwealth, in keeping with which this witness declared [fol. 20r] that he knows that Father Fray Lope Izquierdo, guardian of this monastery of San Miguel, has given his testimony in this case, which he asked the lieutenant governor to have read to him. And I, the present secretary, read it to him word for word. And having heard and understood it, this witness said that he would and did agree with the testimony of Father Fray Lope Izquierdo, whose saintly declaration is the truth and the facts and what he knows. And this witness declares that if need be, because it is the truth and what God and his conscience lead him to believe, he would reiterate it at any time and place, since it is so just and true and is what is happening and occurring in this country, for all of which he would and did refer to the testimony of the said Father Fray Lope Izquierdo.

And he asserted the said testimony to be the truth. And he signed his name along with the said lieutenant governor and said that he is 30 years old.

Fray Gastón de Peralta
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Testimony

And after the foregoing, in the said monastery of San Gabriel on the said day, month, and year, for purposes of the said investigation, the said lieutenant governor caused to appear before him Father Fray Damián Escudero, a lay brother of the order of St. Francis, who as prescribed by law swore to the said lieutenant governor, by a sign of the cross that he made with the fingers of his right hand and by the blessed habit of St. Francis, to tell the truth in all things as God may show him to be for the good of this country and commonwealth.

And so doing, this witness stated that he knows that Father Vice Commissary Fray Francisco de San Miguel and Father Fray Francisco de Zamora and Father Fray Lope Izquierdo and Father Fray Gastón de Peralta have testified in this case, which testimony he asked the said lieutenant governor to have read to him. The said lieutenant governor ordered me, the present secretary, to read it to him, and I read it to the said Father Fray Damián Escudero word for word. And having heard and

understood the four declarations of the four religious, this witness said that he would and did refer to the said testimony of the said fathers and what they have testified in this case, which is the truth and the facts and what he knows about this country and what ought to be done for the good and preservation of this country and of all the Spaniards and of its natives, which this witness knows because he has been in many villages of this country and he knows and has seen it all with his own eyes.

And this is the truth and what the said four religious have testified and what he knows under the oath he has taken, all of which he reaffirmed and ratified. And he signed his name and said that he is between 28 and 30 years old. And the said lieutenant governor signed.

Fray Damián Escudero
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

And⁵ after the foregoing, in the said village and headquarters of San Gabriel, on the 7th day of the month of September of the year 1601, for purposes of the said investigation, the said lieutenant governor caused to appear before him Captain Alonso Sánchez Contador, comptroller of the royal treasury⁶ in these provinces, who was placed under oath by the said lieutenant governor as prescribed by law, under [fol. 20v] which oath he promised to testify truthfully concerning whatever he may know and understand conducive to the service of Our Lord and of His Majesty and the public weal and [that of] the natives of this country.

And so doing, he stated that this witness left New Spain and the town of Nombre de Dios some six years ago with the aim and intention of serving the King our lord in this country, for which purpose, as is public knowledge, he sold all his goods and property, which were a farm with its dwellings and storehouses for unmilled grain, with nearly 500 acres⁷ of land and a flour mill, which property yielded him a yearly income of a thousand pesos, and a cattle ranch that he had on the plains of Santiago, where he had a thousand branded calves on the said plains at six contiguous locations, and this witness sold it for 4,000 pesos and joined this sum with the rest, the property that I sold coming to over 16,000 pesos. I did this because I saw the royal standard raised in Zacatecas, and I wished to serve the King our lord as did my forefathers. I left the said place with my household, my wife, and two daughters, one married to Captain Don Luis de Velasco and the other to Captain Diego Núñez, and also with three unmarried daughters and two sons who were soldiers. I did this to serve His Majesty in the said country; and all of it and the expenses it caused me I paid from my property, selling it for half of what it was worth.

⁵ The scribe omits the marginal notation *Testimony*.

⁶ *juez oficial de la real hacienda*.

⁷ *catorze cavallerías*. One *caballería* is equivalent to about 33.5 acres.

And after this witness had undergone great and intolerable travails on the journey, he marched with the royal army and reached this village and headquarters of San Gabriel after having traveled for 270 leagues at the pace of all the carriages that were coming and that he brought with him. And after this witness had been in this country about four years and in His Majesty's service had taken part in all or most of the expeditions made to explore it, this witness has found it to be a fact that the King our lord has gained nothing from it and that there is no sure hope of finding gold or silver in this country.

For all of which reasons, and because of the great barrenness that has existed and exists in the said country, his household and family have been and are in great need, exposed defenseless to the harsh cold, snow, and freezing weather found here and to the infernal heat at other times, all of which this witness has borne until this country has now reached the point at which there is no sustenance, because there has been no rain this year.

And in view of what this witness has here testified and declared, and because he believes that he cannot support himself in this country, he asks and entreats the said lieutenant governor that in His Majesty's name and in return for the services and expenses, hardships and need and risk to his life that he has undergone and undergoes, he give him permission to depart, destitute and in the extreme need that he has mentioned, which is well witnessed by the religious of St. Francis who have testified in this case. And he declares that after leaving this country he will present himself before the Lord Viceroy of New Spain to request indemnification for the great service he has rendered the King our lord, leaving this country with nothing but his skin and the indigence that he has mentioned.

And all his testimony is the truth and the facts and what he requests, under the oath he has taken, which he said that he would and did ratify when it was read to him by me, the present secretary. And he said that he is over 50 years old, and he signed his name along with the said lieutenant governor.

Alonso Sánchez
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

[fol. 21r] *Testimony*

And after the aforesaid, on the said day, month, and year, the said lieutenant governor, for purposes of the said investigation, caused to appear before him Captain Diego de Zubia, quartermaster general of this royal army, who was placed under oath by the said lieutenant governor; and he swore by a sign of the cross that he made with the fingers of his right hand, under which oath he promised to testify truthfully to whatever he may know and understand in this case relating to the public weal and the service of God and of His Majesty.

And so doing, he declared that when this witness was a resident of the town of Durango in New Biscay and present when Don Juan de Oñate came to the province of Santa Bárbara with his army, this witness there held the position of captain and mayor of the said province of Santa Bárbara and there held property, both in wheat fields and in pasture for cattle and sheep.⁸ This witness made an agreement to marry the daughter of the King's ensign of New Mexico, Doña Juana de Trejo, and this marriage took place. And when this witness saw that the King's ensign and other important persons were coming to these provinces ready to serve Our Lord and His Majesty, he was moved by the same desire and prepared to sell his properties for many pesos less than what they were worth, such as selling a cattle ranch with more than 1,500 branded calves and many mares and the equipment appropriate for such ranches, and a 200-acre farm with water⁹ and hands and a number of sheep and goats, all of which at a fair price was worth more than 12,000 ducats. All of this he devoted to His Majesty's service so as to come to serve him on this expedition, in addition to which he invested in it 200 hundredweight of flour, 30 *fanegas*¹⁰ of maize, 570 head of cattle, 300 head of sheep, 12 swine, and 30 mares.

With all this and with his household and family he has been in this country for four years in the service of the King our lord, suffering freezing cold during the explorations on which he has been sent. And having seen it all, and considering how little service is done in this country to God or to His Majesty the King our lord, if there were any hope of rendering him some small service here he would serve like a loyal vassal, without concern for the great privations suffered by this witness and his household and family, for all the property he has here declared has been used up and this army is on the verge of perishing of hunger and all of us dying at the hands of these savage Indians when we suffer such scarcity of arms, horses, and other things, with this country's supplies wholly exhausted, because what the natives had has run out and many of them die of starvation—and when this witness sees all these reasons and the greater and weightier ones publicly declared and signed by all the Franciscan fathers residing in this country, he asks and beseeches the said lieutenant governor that he be pleased in His Majesty's name to give him permission to seek a remedy and relief from such hardship, in keeping with the law of God and man, presenting himself, as he intends to do, before His Majesty and, in his name, before his Viceroy of New Spain, for it is neither just nor permissible that this witness should see this army and his wife and children perish.

All of which and his testimony is the truth, the facts, and his firm will under the oath he has taken, which, when it was read to him by me, the present [fol. 21v] secretary, he reaffirmed and ratified, and if need be

⁸ *ganado mayor y menor*: The former could also include horses; the latter, goats.

⁹ *sacas de agua*, possibly a scribal error for *acequias* 'irrigation ditches,' though in that case *de agua* would seem to be superfluous.

¹⁰ The *fanega* is about 1.6 bushels. The ms. writes *anega*.

he would declare it anew. And he said that he is about 40 years old, and he signed his name along with the said lieutenant governor.

Diego de Zubia
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Testimony

On this said day, month, and year the said lieutenant governor, for purposes of the said investigation, caused to appear before him Captain Bernabé de las Casas, who commanded the troops that entered these provinces as a second reinforcement, who was placed under oath by the said lieutenant governor; and he swore by God and a sign of the cross that he made with the fingers of his right hand, under which oath he promised to testify truthfully concerning his opinions and events in this country regarding the service of Our Lord and of His Majesty and the public weal of this country.

And so doing, he declared that some six years ago this witness arranged and prepared to come to serve the King our lord in these said provinces, for which purpose he employed much military equipment and money; and he did this on seeing the royal standard raised in the city of Mexico. And after great sufferings during this time of preparation for the expedition, due to the lengthy preparations and delays that took place at the mines and fort of El Casco in New Biscay, this witness marched on in the royal army following the royal standard with the intention of serving God and His Majesty as did his forefathers.

And after being in this country for five months, the governor gave the order to send for reinforcements, and this witness was among those sent for this purpose; and while in New Spain, he took part in every aspect of His Majesty's service, and there he was chosen to command the reinforcements that came last year, in 1600.

And upon arriving with the said reinforcements, this witness saw such barrenness in the land that he was moved to great compassion; and although he saw this with his own eyes, he always intended to serve the King our lord in this country, for which purpose he married so that he might more tranquilly serve God and His Majesty. And when this witness had seen and considered the great barrenness of the land, and that he has not seen any benefit to His Majesty and his royal crown from the four years of exploration here, or that this country can be settled, because it lacks everything necessary for human life, because the natives lack sustenance, so much so that this witness has seen many of them on the banks of the rivers and creeks making holes like little wells and filling them with tomatoes mixed with sand and dirt, which is their sustenance and food at this time, because they lack sustenance and food and we violently and against their will took from them what they had stored up over many years and subjected them to much ill treatment, forced to do so in order not to see our wives, children, and household perish, so that the said country is now in so dire a state that with regard

to the aforesaid we might all perish, both of hunger and at the hands of these savage Indians, who, seeing us so totally helpless, as our Franciscan fathers have today publicly testified and signed with their names, have been so emboldened that every day they kill such horses and cattle as we have left, so as to kill us, too.¹¹

And in view of this, this witness asks and beseeches the said lieutenant governor that, since he knows all of this to be true, he order that I receive permission in His Majesty's name to leave this country and present myself before His Majesty and the Lord Viceroy of New Spain to request such reward as my services may merit, for I have served His Majesty freely and for no wages or promise of recompense.

And all his testimony is the truth and the facts and what he knows under the oath he has taken, which, when read to him by me, the present secretary, he reaffirmed and ratified. And he declared that he is [fol. 22r] 33 years old, and he signed his name along with the said lieutenant governor.

Bernabé de las Casas
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Testimony

And after the aforesaid, in the village of San Gabriel in these provinces of New Mexico, on the 7th day of the month of September of the said year, the said lieutenant governor, for purposes of the said inquiry and investigation, caused to appear before him Captain Gregorio César, who was placed under oath by the said lieutenant governor as prescribed by law; and he swore by Our Lord and a sign of the cross that he made with the fingers of his right hand, under which oath he promised to testify truthfully concerning all that he may know and understand regarding His Majesty's service and the welfare of this army and of the country.

And so doing, he declared that when this witness was in the city of Mexico he determined to come with his household, wife, children, and family to serve the King our lord, having seen the royal standard raised in the city of Mexico, for which purpose he sold all his goods at bargain prices for much less than they were worth and came to this village of San Gabriel, where he has always followed the governor in such explorations of villages as have been carried out, suffering great hardships, because this witness has always seen that this country is very barren and lacks everything needed for human life, because in the four years that we have been here the natives have helped us with all the supplies that they had stored up for many years, and the situation has become so dire that many of the natives die of starvation and we are all on the verge of perishing if we do not seek a remedy and try to relieve our hardships and

¹¹ A coherent syntax is not always a feature of these statements.

needs, as was declared this day in the general assembly held in the church of this said village.

And when this witness considers all these things and many others that he refrains from mentioning that make it impossible for this country to support us, this witness asks and beseeches the said lieutenant governor to give him permission to go to New Spain to claim such rights as he may have, for this witness, his wife and seven children and his household are in such need and expect to perish at any moment. All of which has moved him to seek a remedy, for God and His Majesty have given me liberty for this and for more, as one who has so loyally served with all his possessions and has held out in this country to the end.

And all his testimony is the truth, the facts, and what he knows under the oath he has taken, which, when read to him by me, the present secretary, he reaffirmed and ratified, and he declared [his testimony] to be wholly true and factual and to be what he is requesting. And he signed his name along with the said lieutenant governor, and he said he is 45 years old.

Gregorio César
Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Decree

In the village of San Gabriel, on the 9th day of the month of September of the year 1601, Francisco de Sosa Peñalosa, the King's ensign, appointed lieutenant governor and lieutenant to the captain general by the King our lord, having examined the testimony given in this case by the Reverend Father Fray Francisco de San Miguel, vice commissary, and Father Fray Francisco de Zamora and Father Fray Lope Izquierdo and Father Fray Gastón de Peralta, which indicates that, for the reasons given in their testimony, the Church should leave this country; and because it is conducive to the service of Our Lord and of His Majesty that for now the Holy Church should not leave this said village, as he is convinced that great kingdoms and other things greatly benefiting His Majesty may be discovered; and since Don Juan de Oñate, who is the governor, is now engaged farther inland in such exploration in His Majesty's service, and also for other very legitimate reasons, would and did order that the aforesaid fathers be notified in the name of God and of His Majesty King Philip our lord that for the time being no change be made and there be no move from this village where the Holy Church now is, because doing so would cause great damage and offense to the majesty of God and to His Majesty.

And should it be impossible to do other than what the said religious have disposed and decided, he likewise ordered that before anything else and before the said Holy Church be moved from this village, the royal audiencia of Mexico and His Excellency the Viceroy of New Spain be notified, so that, once informed of the state of affairs in

this country, they may decide and order what is to be done with this army, for everything should be done as best suits the King's service.

And he would and did order that what the said religious might reply be recorded as official testimony. And thus he determined and ordered, and he signed.

Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Notification

In the said village of San Gabriel, on the said day, [fol. 22v] month, and year, I, Captain Don Luis de Velasco, secretary in this jurisdiction of New Mexico, communicated the above decree word for word to the reverend fathers mentioned in the said decree. And having heard it, both the said Fray Francisco de San Miguel, vice commissary in this case, and the others declared that although the contents of the said decree are contrary to the aim and good purpose that motivate the change observed in us, for we do not abandon the Church, since we and our prelate and head are its body, and God forbid that something should be attributed to our habit so alien to our minds as to make a change or evade the good intentions with which the Church and our Catholic King sent us here, for which we are ready to sacrifice our lives many times over; yet in view of the considerations and reasons that we have given and shall give in our defense before those to whom by law we must answer as persons devoted to the service of God, and missionaries, following the heads whom His Majesty has appointed for Church and state,¹² and seeing the universal complaint of the natives and of our people, which compels our consciences, without justifying what has heretofore been ordained, but desirous of the common good for the reasons stated, to which we refer, we state that we have no reply to the said decree other than to offer a partial explanation.

And this was the reply signed by Fray Francisco de San Miguel, Fray Francisco de Zamora, Fray Lope Izquierdo, Fray Gastón de Peralta. And I, Captain Luis de Velasco, secretary of state, was present, and before me the said notification was given, to which I attest. Before me, Don Luis de Velasco, secretary.

And I, the said Don Luis de Velasco, captain commissioned by the King our lord and secretary of state of New Mexico, was present during the above testimony and had an exact copy thereof made by order of the said lieutenant governor, who here signed his name. And this is a true and exact copy of the original, which is in the files of the said lieutenant governor and which consists of 19 sheets wholly or partially written upon and one blank sheet, for a total of twenty. And the comparison and correction were witnessed by Ensigns Francisco de Algecira Riquelme

¹² *siguiendo las caveças que anbas rrepublicas a señalado su magestad*: I suspect that the scribe has omitted an *a* before *anbas* and that the two "republics" or commonwealths are the ecclesiastical and the secular.

and Francisco Zadino. Attest, Francisco de Sosa Peñalosa. Done before me, Don Luis de Velasco, secretary

Petition

Presented by those named therein before Francisco de Sosa Peñalosa, King's ensign, appointed lieutenant governor and lieutenant to the captain general by the King our lord, in the village of San Gabriel in these provinces of New Mexico, on the 8th day of the month of September of the year 1601, to request what is stated therein.

We, Captain Diego de Zubia, quartermaster general of this army, and Captain Gregorio César, and Captain Bernabé de las Casas, and Captain Alonso de Quesada, and Captain Antonio Conte de Herrera, Captain Pedro Alonso Bayo, Ensign Cristóbal de Herrera, declare that we have certain grave matters to submit to your judgment concerning the service of God and the King our lord and the common good. And because it is right to obey the applicable laws in all things, and because it is right that any action that might be taken be taken with your permission and approval as the person representing His Majesty, we, acting in all things as the King's loyal servants, therefore ask and beseech you to grant us, and order us granted, permission to raise the matters aforesaid, because they concern the King's service, and they are presented by this entire army. And in all things we seek justice, imploring you to intervene, and for this purpose ...¹³

Diego de Zubia
Gregorio César
Alonso de Quesada
Bernabé de las Casas
Antonio Conte de Herrera
Pedro Alonso Bayo
Cristóbal de Herrera

And after examining the said petition, the said lieutenant governor declared that since they say that what is requested therein are matters concerning the service of God and His Majesty and the common good, he would and did grant the said permission in His Majesty's name so that the aforesaid might freely present their requests and claims for these purposes, and [that he was] ready to hear them and to serve the King our lord, dispensing justice in all things. And thus he ordered, and he signed and gave the said permission, as stated.

Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

In the village of San Gabriel in these provinces of New Mexico, on the 8th day of the month of September of the year 1601, before Francisco

¹³ Here a legal formula seems to be truncated.

de Sosa Peñalosa, King's ensign, appointed lieutenant governor and lieutenant to the captain general by the King our lord, [this petition] was presented by those named therein to request what is stated therein, and it was read.

[fol. 23r] *Petition from the entire army*

We, Quartermaster General Captain Diego de Zubia and Captain Gregorio César and Captain Bernabé de las Casas and Captain Alonso de Quesada and Captain Antonio Conte de Herrera and Captain Pedro Alonso Bayo and Ensign Francisco Hernández Guillén and Ensign Pedro Sánchez de Amiero and Ensign Juan López Holguín and Ensign Cristóbal de Herrera and Ensign Francisco de Algecira Riquelme and Sergeant Hernán Martín and the commander¹⁴ Juan Bautista Ruano, on our behalf and on behalf of each one of us, and in the name of the other ensigns, sergeants, officers, and soldiers who serve with this royal army at San Gabriel in these provinces of New Mexico, declare that having been informed of the ardent desire, past and present, of the Holy Pontiff, God's vicar on earth, and the Most Christian King Philip our lord that our holy Catholic faith be preached and established in every kingdom and province, and that idolatry be eradicated and [the rule of] our high and mighty God be extended and the voice of the Gospel be heard throughout the universe, and being ready and eager to serve God and His Majesty in this country and on this expedition as until now we have done, we left our homes and residences some six years ago with our wives and children, servants, and households, and for this purpose we sold our properties, worth over 200,000 ducats, for less than their value; and this we did after seeing the royal standard raised in the cities of Mexico and Zacatecas. And we also brought a great many instruments of war and other things.

And after undergoing great hardships and calamities in the course of the said expedition, as is public knowledge and known to you, we followed the royal standard as far as this said village, where we have all loyally served our King and natural lord, suffering many, and excessive, hardships, both in the exploration of villages and in other things, suffering excessive cold, snow, frost, and such need as you can see with your own eyes, [and] now our wives and children and households go bare because we have served at this post and on this expedition for the length of time stated, during which we have received no succor from New Spain or anywhere or anyone else, but have continuously, since coming to this country, suffered in the hope of discovering something of use to His Majesty and for the increase of his power.

And we see that this effort has ceased, as has the pacification of the natives and [the effort to make them] receive the Holy Gospel, as is seen in a statement issued by the religious of St. Francis stationed throughout these provinces, dated 1 September 1601, which we are prepared to submit if needed. And seeing also that we suffer excessive

¹⁴ *caudillo*.

need and that apart from the lack of clothing we have come to the point that all food supplies have been exhausted in this country, because all that the natives had stored over the years we have eaten up after violently seizing it from them against their will, and it has reached the point that many of the natives are starving to death, eating dirt, and thus all of us are in extreme danger, for when the quartermaster general set out to find a little maize for our sustenance, it was necessary cruelly to torture an Indian in order to find some; and at this headquarters we also lack horses and weapons, because the governor left us very short of everything when he set out farther inland, for which reason and others that we leave untold, the natives have become so bold and brazen that every day they make further inroads on the few horses and cattle we have left, killing them with the aim of doing the same to us. And this has been and is perfectly evident, because they have fallen on this headquarters with much shouting and uproar to test our valor. And we also are fully informed that many persons are determined to go [fol. 23v] to pacified country to find relief from their troubles and need; and if this is carried out and the few horses we have left are taken away, and if the bit of wheat that our merciful Lord was pleased to give us this year should run out, we should all be left to perish, as we shall no doubt perish if we stop here another two months.

And in view of all our needs, the last and greatest of which is hunger, we jointly and severally state and declare that for the preservation of our lives and those of the natives of this country, we have joined and agreed to ask and beseech you, as by these presents we do ask and beseech, and if need be, speaking with due respect, we demand once, twice, and thrice and as often as the law may require, that you see fit and order that we be given permission for this royal army to prepare and march to a place and location where His Majesty and the Lord Viceroy in his name may promptly learn the legitimate cause and reason we had for this move and for leaving this headquarters, for we all state in this declaration that we shall go together and united, escorting this holy Church,¹⁵ for this decision has been taken by the ecclesiastical community as well as by the secular.

And we also state that we shall all go under your orders, taking you as our superior and chief, which you are, and that we shall send our agent in our name to offer us to the King's service, for all of us are and always shall be, without exception, ready to serve in the place and location that the King our lord and the Lord Viceroy of New Spain may command, if His Majesty tries to succor our need, giving us the stipend that we deserve and to which our great services have entitled us, granting us the favors to be expected from so Christian a prince.

And with this our offer and for the reason stated that has forced us to leave this place, all of us eager to do greater service to His Majesty as his loyal servants, our rights to whatever God may wish to reveal here will remain intact and we shall not be brought into disrepute by our actions, since we have always scrupulously obeyed the law.

¹⁵ That is, the friars.

All of which, and the legitimate reason that moves us to leave this country, can be sufficiently investigated by consulting both the religious and all the most reputable persons of this army, for if you should summon all of us and each of those whom we may present, the clear truth will appear under oath so that at all times you and all of us may be seen as loyal servants of our King and lord.

We therefore ask and beseech you, and if necessary again demand as stated, that you do and carry out what we ask in this petition, for doing so will greatly serve Our Lord and His Majesty. And if you do not do this we declare that you will be responsible and to blame for any harm, [loss of] benefit, and damage that may befall this army and the natives of the country, and for our lodging a complaint against you before His Majesty and any other person before whom we lawfully should do so, as a person who did not take remedial action when faced by the danger of perishing in which this army now finds itself.

And we ask the present secretary to give all this to us as [our] testimony, and we request that if necessary the witnesses and reports be examined in accordance with the interrogatory that we present, and we request full execution of justice, for which purpose ...

Diego de Zubia, Alonso Sánchez, Gregorio César, Bernabé de las Casas, Antonio Conte de Herrera, Alonso de Quesada, Pedro Alonso Bayo, Bernabé Benítez del Acebo, Francisco de Villalba, Juan López Holguín, Francisco de Algecira Riquelme, Francisco Hernández Guillén, Pedro Sánchez de Amiero, Juan Bautista Ruano, Antonio Conte de Herrera [again], Gonzalo Fernández Benjumia, Francisco Hernández Cordero, Pedro López Calvo, Juan de Vitoria, Simón Pérez Bustillo, Gonzalo de la Banda, Hernán Martín, Cristóbal Guillén de Quesada, Diego Díez, Juan de Salas, Juan de Luján, Juan de Guzmán, Bartolomé de Herrera, Gonzalo de la Carrera, Francisco López, Manuel Ferrera de Figueroa, Antón de Sariñana, Juan Vásquez Cavanillas, Alonso de la Vega, Francisco de Olague, Alonso Martín, Alonso Martín Naranjo, Francisco Martín Ruiz, Francisco Zadino, Juan Pérez, Pedro Lucero, Baltasar de Monzón, Hernán Martín [again], Pedro de los Reyes, Mateo López, Diego Castellanos, Esteban Pérez de Iranzu, Hernán Martín Gómez, Juan Guerra, Cristóbal de Herrera, Gonzalo Hernández, Juan de Salas, Jorge de la Vega, Juan Ruiz Fernández, Juan Gil de Toribio Gil.

And having seen it, the said lieutenant governor stated that he received it and will examine it and **[fol. 24r]** will determine in this case what might best advance the service of the King our lord, and thus he determined, ordered, and signed.

Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Decree

In the village of San Gabriel in these provinces of New Mexico, on the 9th day of the month of September of the year 1601, Francisco de

Sosa Peñalosa, the King's ensign, appointed lieutenant governor and lieutenant to the captain general of the said provinces by the King our lord, having examined the petition, request, and arguments presented by this royal army, its principal officers, captains, and soldiers, and other persons both civil and military, and [also having examined] what is requested therein, stated that since he is in these said provinces in the name of His Majesty, and since, because of what might come of the discovery of provinces, mines, and other things that might increase the power of the King our lord and of his royal crown, for the time being it is not conducive to the King's service that there be any alteration in anything, he would and did command that perpetual silence be imposed on all that the said higher and lower officers, captains, and soldiers are requesting.

And he ordered that this decree be communicated to them publicly in an assembly of the entire army, which they shall do and carry out under penalty of falling under and incurring His Majesty's displeasure and [losing his] favor. And thus he determined, ordered, and signed.

Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

In the village of San Gabriel of these said provinces of New Mexico, on the 9th day of the month of September of the year 1601, in the presence of the entire army of His Majesty stationed in this said village, principal officers, captains, soldiers, and other persons both civil and military, the said lieutenant governor ordered me, Captain Don Luis de Velasco, secretary of state, to read and communicate the above decree issued by the said lieutenant governor; and in compliance with the above and in the presence of the entire said royal army, I, the present secretary, read and communicated the said decree word for word. And when all had heard and understood it in the presence, as stated, of the said lieutenant governor, they declared that they had heard it and would reply at the proper time and place. And this was their reply, and the said lieutenant governor signed.

Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Power of attorney

In the village of San Gabriel in these provinces of New Mexico, on the 9th day of the month of September of the year 1601, all the principal officers, captains, and soldiers and troops being present and assembled, and on communication of a decree issued by the lieutenant governor, they all, jointly and severally, constituting, as stated, the majority of the troops, only five of whom were absent, stated that since they had this day been advised of a decree by the said lieutenant governor, and since, to reply to it and to such other decrees as might be necessary, they could

[not] all be individually present, they would and did grant full power of attorney, as ample as the law requires and as may and shall be to their benefit, to Captain Antonio Conte de Herrera, so that in their name and in representation of the totality of this royal army, he might and should appear before the lieutenant governor of these said provinces and might request, ask for, and demand all that we have requested and demanded in the name of the King our lord until the termination and conclusion of the present case and of so just a petition concerning the service of His Majesty and the common good, and that they granted him the said power of attorney to be freely and generally exercised, with the required immunity, to which I attest.

And they did not sign, because they all said this shouting loudly, and that they were agreed to grant the said power of attorney as they did. I certify that this is how it occurred.

Don Luis de Velasco, secretary

Petition

I, Captain Antonio Conte de Herrera, one of the four captains whom His Majesty chose and appointed in the city and court of Mexico as reinforcements for these provinces of New Mexico, in the name of the royal army at present serving in these said provinces and in virtue of the power of attorney granted me by it, do declare that, as you know, the said party whom I represent has submitted a petition that presents the many serious reasons that make it advisable for the said army to leave this headquarters and place, and locate in a convenient place where the King our lord may be promptly informed of the causes and reasons that the said army has had and has for leaving this country, repeatedly demanding of you that this be done in His Majesty's name, it being so conducive to his service, besides the abundant information that you have gathered from many officers and from the religious of St. Francis who also serve in these said provinces, which so abundantly proves that the King our lord derives no benefit whatsoever from this country and has no reliable expectation of doing so, in addition [fol. 24v] to which, the army's presence here is gravely offensive to God, as it takes away the scanty food and the blankets that the natives have for their needs, besides which the said army is so lacking in all necessary things, weapons, horses, sustenance, and everything else needed for the preservation of human life, and also because all of this royal army has spent so many gold pesos of its own funds and is now quit of this expenditure¹⁶ as the loyal vassals of our King and natural lord that we are, for the said royal army that I represent has declared, and if need be I declare anew, that it will go to serve wherever its services may be most useful.

To which petition you replied with a decree in which you order perpetual silence concerning what the army has requested, and that this

¹⁶ *siendo libres del dicho gasto*: possibly, 'undertaking the said expense freely.'

said army should not leave this headquarters, which decree is in violation of all law, since delaying so important a matter will cause the said army and all the natives of these said provinces to perish; and if you should then wish to effect the remedy requested by the army, this will be impossible for lack of the said food, weapons, horses, and oxen and the other equipment necessary for the said voyage.

And the said army's service in these said provinces produces no benefit for the King's crown and does no service to God or the King; and most of the soldiers and officers are determined to leave, the general departure of all being delayed by their not having any wheat or maize or any way of meeting their need.

Wherefore, and for the other causes and reasons presented in its main petition by the army I represent, I demand of you once, twice, thrice, and as often as the law permits and requires, that you issue orders in keeping with my request, which is just. And if you should not so order and command, speaking with all due respect, I appeal from you to His Majesty and to whomever the law permits and requires.

And I ask the present secretary to give me witness thereof with the inclusion of everything done and confirmed heretofore, signing and confirming it as is his custom so as to attest. And I ask for justice, for which purpose...

Antonio Conte de Herrera

In the said village of San Gabriel, on the said day, month, and year, having examined this petition presented on behalf of the royal army, the said lieutenant governor stated that he has heard it and that he will reply. And he signed.

Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

Decree

In the village of San Gabriel, on the 29th day of the month of September of the year 1601, Francisco de Sosa Peñalosa, King's ensign, lieutenant governor, and lieutenant to the captain general of these provinces of New Mexico, having examined the decision of this His Majesty's army and what they request and argue, and the reports and declarations made before me by the religious of St. Francis who reside in these said provinces, as well as by some officers and soldiers whose testimony and declarations have been received, declared that he would and did refer this case and the decision therein to the royal audiencia residing in the city of Mexico and to His Excellency the Viceroy of New Spain there residing. And thus he declared, ordered, and signed.

Francisco de Sosa Peñalosa
Before me, Don Luis de Velasco, secretary

And I, the said Don Luis de Velasco, captain commissioned by the King our lord and secretary in these said provinces of New Mexico, was present during the above and had an exact copy thereof made by order of the said lieutenant governor, who here signed his name. And this is a true and exact copy of the original, which is in the files of the said lieutenant governor and which consists of seven sheets wholly or partially written upon and two blank sheets. And the comparison and correction were witnessed by Ensign Francisco Zadino and Ensign Francisco de Algecira Riquelme.

Attest, Francisco de Sosa Peñalosa
Done before me, Don Luis de Velasco, secretary

By order of the Conde de Monterrey, viceroy of this New Spain, I personally copied the investigation [fol. 25r] and documents written above on ten leaves, including this one, and filed as a copy, to which I refer, in the offices of the said viceroy. And as royal notary I here place my sign. [notary's sign]

Jaime Fernández, royal notary [rubric]

[fol. 25v] blank