

Don Juan de Oñate's Prosecution for
"Crimes and Excesses" in the Provinces of New Mexico, 1614

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In 1614, Juan de Oñate was convicted of a variety of “crimes and excesses” that occurred during his governorship of New Mexico. Although he was guilty of no worse crimes or excesses than previous conquistadores, Oñate was held to a higher standard than previous explorers because of Spain’s Order on New Discoveries of 1573, which declared that pacification should be carried out “charitably” and without force against the natives. However, the idealistic goals in the Order on New Discoveries contradicted the system of exploration that was already in place, in which explorers had to fund the expedition themselves. This required the explorer to balance the goals of recouping expenditures while “charitably” converting Indians to Christianity. The Franciscan Order was an important part of Spain’s attempt to put the Order on New Discoveries into action in the New World. The Franciscans were priests who took a vow of poverty and desired to convert people to Christianity, especially New World Indians. Franciscan friars had accompanied expeditions in the New World as early as Columbus’ second voyage; however, the Order on New Discoveries made friars in the New World more significant by stating that the primary purpose for expeditions was to convert natives. This meant that the friars accompanying any expedition in the New World after 1573, such as Oñate’s, would be considerably more important than previous friars had been.

The Spanish system for exploration of new lands, in which the explorer had to pay all associated costs, was contradictory to the official Spanish goal of peaceful and charitable conversion of the Indians, as set forth in the Order on New Discoveries. This contradiction put Oñate’s New Mexican expedition in a position to fail at one or the other of its goals, if not both. In his attempts to find and exploit the wealth of the land, as previous conquistadors had done, Oñate had the added task of keeping the friars satisfied

and able to convert natives as they saw fit. Although levying tribute payments upon the Indians was a standard practice for conquistadors in the New World, friars in Oñate's party harshly criticized him for doing so and complained to the viceroy and king about it. These complaints, as well as complaints from colonists who had deserted Oñate's colony, were paramount in Oñate's prosecution and conviction for crimes and misdeeds in New Mexico.

The Order on New Discoveries of 1573 was written by the Council of the Indies, which was created by the king of Spain in 1524 as an authoritative governing body for Spain's colonies in America. The Council governed the colonies in the name of the king and often created legislation regarding colonization. The Order represented an ongoing debate about how Indians should be treated in the New World. Spanish religious leaders such as Dominican priest Bartolomé de las Casas argued that the often-cruel behavior of previous conquistadors toward natives not only hindered their ability to convert natives in the future, but it also raised questions regarding the souls of the natives killed at conquistadors' hands.¹ If natives were killed prior to conversion, what would happen to their heathen souls? Thus, the Order of 1573 clearly explained that exploration in the New World should be carried out first by missionaries and that further expeditions must always have a religious envoy in their company, since the primary goal of exploration was the pacification and indoctrination of the Indians, "but in no way are they to be harmed, for all we seek is their welfare and their conversion."² In addition, the Order on New Discoveries also specifically mandated that the term "conquest" should not be

¹ Herbert Eugene Bolton and Thomas Marshall, *The Colonization of North America 1492-1783* (New York: MacMillan Company, 1920), 23.

² Order on New Discoveries of 1573.

used in reference to expeditions of discovery and colonization in the New World since this term “seemed to give license to strong-arm tactics” against the Indians.³

Few authors have taken Juan de Oñate as their specific subject, with the notable exceptions of renowned historian George Hammond who is credited with an extensive body of work on Oñate, and Marc Simmons’ more recent work *The Last Conquistador*. The majority of secondary sources regarding Spanish colonization and the North American “borderlands” accord Oñate only limited attention. As Simmons’ title suggests, Oñate is known as the “last conquistador.” The term reflects Spain’s continually evolving attitude regarding colonization in the New World in the sixteenth century. The “old” system of “conquistadors” was passing away and being replaced by a system that focused significantly more on religious purposes for colonization. Oñate’s situation warrants specific attention because it stands as an example of Spain’s attempt to reconcile paternalistic ideology and policy with real world occurrence and desire (as well as need) for wealth.

Historical perspectives on Spanish colonization have changed over time. Early authors in the field have generally treated Oñate’s prosecution only superficially, without much in-depth investigation of how his own actions or factors out of his control may have led to that situation. Conversely, the more modern the source, the more in-depth the analysis of the factors that led to Oñate’s prosecution and conviction. The following is an examination of how historical depictions of Spanish colonization in New Mexico have evolved over time. Spanning from 1921 to 1999, this historiography demonstrates how time has deepened historical understanding of Oñate and his New Mexican colony. It

³ Marc Simmons, *New Mexico* (New York: W.W. Norton & Company, 1977), 30.

focuses on how each author has portrayed Oñate in relation to his environment and those around him, in addition to each author's view on why Oñate failed in New Mexico.

Published in 1921, *The Spanish Borderlands* by Herbert Eugene Bolton is generally considered the founding document in the historical field of "borderlands" study.⁴ In it, Bolton tells of the Spanish "pioneers" who colonized North America from Florida to California, and much in-between. Although Bolton does address Oñate's prosecution, he does not discuss the factors or conditions that may have led to the situation. Bolton identifies a multiplicity of specific reasons that Oñate's New Mexican venture failed, but they all seem to relate to the relative lack of wealth in the colony. He explains that a dry season led to a shortage of food, which forced Oñate to take food from the Indians, "leaving them destitute."⁵ In addition, it seemed that no matter which direction Oñate explored, he never seemed to find the rumored wealth that was supposed to be all around. This reasoning seems to shift responsibility from Oñate as a leader, to the general conditions of the area, which were beyond his control.

It is unclear what specific primary sources Bolton used to research his book because he does not identify specific documents but only references two collections of documentary sources, one of which he compiled himself. For secondary sources, Bolton made extensive use of general histories of the southwest and New Mexico.

In "Spain's Investment in New Mexico under the Hapsburgs" (1944) Lansing Bloom argues that New Mexico was primarily considered a missionary field to the

⁴ Herbert Eugene Bolton, *The Spanish Borderlands: A Chronicle of Old Florida and the Southwest* (New Haven: Yale University Press, 1921).

⁵ Bolton, *Borderlands*, 175.

Spanish Crown and that Oñate was not supported enough to continue his work there.⁶

Although Bloom does not address Oñate's prosecution, he does argue that "with serious charges brought against him, with resources depleted and with no hope of assistance from viceroy or king, Don Juan at last was thoroughly disheartened" and resigned in 1607.⁷

Similar to Bolton's argument, Bloom's reasoning shifts any responsibility for the colony's failure away from Oñate himself by suggesting that perhaps Oñate could have continued his mission in New Mexico if the Crown had decided to support him more.

Interestingly, Bloom does not make use of any secondary sources. His argument is entirely supported by evidence from an array of primary source documents. Dominant among the list of primary sources are documents regarding the finances of Oñate and the Spanish Crown. In addition, reports by Spanish missionaries and letters written by Oñate are also featured.

In *The Spanish Borderlands Frontier, 1513-1821* (1970), John Francis Bannon provides a synthesis of Spanish colonization in North America similar to Bolton's, but with consideration of the growing library of work on the subject from 1921 to 1970.⁸ After fifty years, historians seem to view Oñate in much the same way that Bolton had, by addressing his prosecution only on the surface. Bannon argues that Oñate's failure in New Mexico was a product of unfortunate circumstances that did not reflect on Oñate himself. He states that Oñate faced Indians that were "wilder" than previous conquistadors had encountered and that the New Mexico colony and Oñate were victims

⁶ Lansing Bloom, "Spain's Investment in New Mexico under the Hapsburgs," *The Americas* 1, no. 1 (1944): 3-14.

⁷ Bloom, 8. By "serious charges" Bloom likely means the accusations from the colonists and friars who left New Mexico since official charges were not brought against Oñate until 1614.

⁸ John Francis Bannon, *Spanish Borderlands Frontier, 1513-1821* (New York: Holt, Rinehart and Winston, 1970).

of “bad press” by colonists who were dissatisfied and looking to justify their own bad behavior.⁹

The majority of the primary sources that Bannon used were travel accounts and diaries written by colonists and friars in New Mexico. Secondary sources included Bolton, general histories of the American southwest, current (at the time) journal articles, biographies of significant Spanish figures, and monographs regarding a wide range of subjects, such as the American “frontier” or the Anglo-Spanish rivalry.

Ramón Gutiérrez’s 1991 book, *When Jesus Came, the Corn Mothers Went Away* represents a shift in historiographic depictions of Oñate and his New Mexican colony.¹⁰ Gutiérrez approaches the subject with considerably more inclusion of Indian and female perspectives. In addition, Gutiérrez also recognizes how the 1573 Order on New Discoveries significantly increased the power of missionaries in the New World and he addresses how this increase in power affected Oñate’s colony and his prosecution. He states that, Franciscan friars were not only the impetus for colonization in New Mexico, but they were also “virtual lords of the land.”¹¹ The missionaries wanted exclusive control over the Indians and therefore they sought to discredit him. However much the Franciscans sought to discredit Oñate, Gutiérrez still attributes personal responsibility to Oñate for his failure in New Mexico. Most frequently, Gutiérrez discusses Oñate’s harsh behavior toward the Indians.

Gutiérrez uses many of the same primary sources as the aforementioned authors, such as official Spanish reports and missionary reports; however, he also uses an

⁹ Bannon, 38-39.

¹⁰ Ramón Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846* (Stanford, California: Stanford University Press, 1991).

¹¹ Gutiérrez, 46.

extensive amount of Indian primary sources, including my oral histories and archeological evidence. As secondary sources, Gutiérrez relies heavily on books and articles about the religion of both the Spaniards and the natives, in addition to sociological histories of the natives. He also uses Bloom's 1944 article and Bannon's 1970, *Spanish Borderlands Frontier*.

Published in 1992, *The Spanish Frontier in North America* by David Weber is an examination of three centuries of Spanish colonization beginning in 1513, with a focus on the interaction between Spanish and Indian cultures in North America.¹² When it comes to Oñate's failure in New Mexico, Weber explains that a number of interrelated factors were to blame. The fact the Oñate's party was delayed for two years before finally receiving the final go-ahead to travel to New Mexico in 1598, his insufficient resources coupled with the poverty of the land, and a fateful changing of personnel in the position of Viceroy of New Spain, all rank among the most pressing reasons for Oñate's failure, as identified by Weber.¹³ Weber identifies some of the same reasons for failure as Bolton, Bannon and Bloom; however, he attributes more personal responsibility to Oñate by identifying the specific actions Oñate took in New Mexico to warrant his prosecution. Although Weber does not directly link the increase in importance of missionaries after 1573, he does acknowledge the importance of the Order on New Discoveries.

For primary documents, Weber relied heavily on Spanish first-hand accounts by explorers and missionaries in North America, as well as official documents such as letters between government officials and official reports. As secondary sources, Weber uses general histories of the "Spanish Borderlands" such as Bolton and Bannon, as well as

¹² David J. Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992).

¹³ Weber, 81-87.

social histories regarding cultural perspectives of colonization, Indian policies, and social order.

Each author has either directly indicated or indirectly implied that they consider their histories to be “inclusive.” In a way, they are all correct; however, only if judged by the standards of their own time. Bolton especially, and to some extent Bloom and Bannon, each wrote during a period of intense Anglo-centricism. Therefore, they base their perspective of “inclusive” on the inclusion of the Spanish experience against the metanarrative of exclusive Anglo supremacy and colonization in North America. However, later writers wrote during a time that has been heavily influenced by post-modern incredulousness toward metanarratives. Thus, instead of presenting a grand story of the “heroes” of the age, authors such as Gutiérrez and Weber have a perspective of “inclusive” history that relies on the inclusion of people that older histories have neglected, specifically, the Indians that the Spanish encountered in North America. Each of their histories adhere to this perspective of inclusion and focus extensively on the relationship between the Spanish and the Indians, acknowledging the Indian perspective that saw the Spanish more as invaders than settlers and explorers. In addition, the later histories include a more in-depth analysis of Oñate’s actions in New Mexico

To a significant extent, the perspective that these writers have presented regarding Spanish colonization in North America relates to the period in which they wrote their arguments. Older sources, such as Bolton, Bloom and Bannon have a strong pro-Spanish outlook and do not generally consider Indian perspectives. They do not discuss the relationship between Oñate and the friars, and neither do they generally attribute much of Oñate’s situation to the Order on New Discoveries of 1573. For example, Bannon

mentions that Oñate employed “stern policies” toward the Indians but then he goes on to explain how those policies worked to keep the Indians from becoming a “unified foe” instead of discussing how the policies led to Oñate’s prosecution or even what the “stern policies” were.¹⁴

Viewed chronologically, each of these works represents a step in the evolution of “Borderlands” history. Accordingly, authors build upon the work of those who came before them. For the most part, the more current the source is, the more consideration of Oñate’s actions and relationships with missionaries. The increasingly modernized histories of Spanish colonization do not usually represent the complete dismissal of previous beliefs; instead, they add depth and breadth to the subject, however the possible contradiction between the Spanish system of colonization in the New World and the Order on New Discoveries of 1573 is not a prominent part of most of the historiography on the subject.

The aforementioned authors represent a substantial portion of the secondary source evaluation in this paper; however, this paper is based heavily on primary source evaluation. Set in the background of Spain’s changing ideological beliefs regarding colonization in the New World, this paper significantly relies on correspondence between a number of parties involved in the settlement of New Mexico, such as Oñate himself and Franciscan friars who accompanied the party; and those in positions power outside the colony, such as the Viceroy of New Spain and the King of Spain. In addition, official reports regarding New Mexican colonization such as those generated by the Council of the Indies and various inspectors who investigated Oñate’s readiness to carry out the expedition and later investigations of the charges made against him are also evaluated.

¹⁴ Bannon, 37-38.

Around 1579, by chance, an Indian slave being held in Santa Barbara told locals of a remote province to the north, besieged by a great river, with Indians who farmed, lived in houses, and possessed turquoise, which led the Spanish to believe that the Indians may possess other wealth. This news reached Fray Agustin Rodriguez, a Franciscan in San Bartolome. Excited by reports of advanced Indian populations in the north, he secured permission from the viceroy to launch an exploration, for religious purposes, which was in keeping with the Royal Order of 1573 that mandated that missionaries should be the first to explore an area and report on the Indians who lived there. A group of three friars, led by Rodriguez and nine volunteer soldiers set out June 1581, striking into the heart of the New Mexican territory.¹⁵ The friars were greatly encouraged by the Indians they found in New Mexico and believed that with the proper support, they would convert to Christianity.

In January 1582, the group decided to return to New Spain and report on what they had found. Fray Rodriguez and Father Francisco López decided to stay behind to begin the work of conversion. When the party arrived back in New Spain in May of the same year, the friars learned that the comrades they left behind had been killed by Indians.¹⁶ On the chance that the report had been in error, the Franciscan Order decided to send a rescue expedition to confirm the status of the two friars. A prosperous frontier rancher, Antonio de Espejo, “stepped forward and offered to accompany [the expedition] with fourteen soldiers and to pay all the expenses. . . Espejo couched his proposition on

¹⁵ Simmons, *New Mexico*, 28.

¹⁶ Marc Simmons, *The Last Conquistador: Juan de Oñate and the Settling of the Far Southwest* (University of Oklahoma Press, 1991), 53.

pious and patriotic terms” but his actions on the trip proved that prospecting for silver and gold was his true motive.¹⁷

The rescue expedition left in November 1582 and soon confirmed the deaths of the Friars; however, Espejo then commenced a far-ranging exploration that lasted for many more months. He searched for a fabled lake of gold and collected ore samples from the Arizona Mountains. Upon returning in October 1583, he and his fellow explorers wrote an account of their findings in which they claimed to have found large Indian populations and “eleven mine prospects, all having great veins of silver.”¹⁸ The report of large Indian populations further energized Franciscans while the reported wealth of the area excited would-be conquistadors and explorers. Subsequently, the King of Spain issued a cedula¹⁹ providing for the “conquest and pacification of this new land.”²⁰

At least half-a-dozen men requested permission to pacify New Mexico, among them Don Juan de Oñate. Based on a number of factors, Oñate was in a very good position to be selected by the Viceroy of New Spain. Oñate had very prestigious family connections. His family had inter-married with several prominent New World families; he was married to the granddaughter of conquistador Cortes, great-granddaughter of Montezuma. In addition, his father Cristobal de Oñate had been prominent among the

¹⁷ Simmons, *Conquistador*, 54.

¹⁸ Hernado Barrando and Phelipe de Escalante, “Brief and True Account of the Exploration of New Mexico, 1583,” in *Spanish Exploration in the Southwest, 1542-1706*, ed. Herbert Eugene Bolton (New York: Charles Scribner's Sons, 1916), 152.

¹⁹ Meaning a royal order or decree. In this instance, the term “cedula” is closer in definition to “authorization.”

²⁰ George Hammond, “Oñate’s Effort to Gain Political Autonomy for New Mexico,” *The Hispanic American Historical Review*, Vol. 32, No. 3 (1952), 321.

conquerors of Nueva Galicia and one of the founders of Zacatecas.²¹ Oñate worked with his father there and became very wealthy, which was a prerequisite for leading the expedition. Also of benefit to Oñate, Viceroy Luis de Velasco, who carried the burden of selecting who would win the New Mexico contract, was a friend of the family.²² Not surprisingly, Oñate was awarded the contract for an expedition to New Mexico in 1595.²³ However, just as his contract was ready to be signed, Oñate's family friend Viceroy Velasco was promoted to Viceroyalty of Peru and he was replaced by Gaspar de Zúñiga y Acevedo, Count of Monterrey. Viceroy Monterrey did not know the area and was extremely cautious (and slow) at making decisions. In addition, Monterrey did not have much faith in Oñate, judging his plans for New Mexico as grandiose.

The contract granting Oñate permission to enter and pacify New Mexico served a number of important functions. Perhaps most importantly, it was a contract between Oñate and the viceroy of New Spain that laid out Oñate's obligations and what rewards he could expect in return. In the contract, Oñate agreed that he would pay the costs of the expedition from his own fortune, as was required of any "conquistador" of the day. For his expenditures, he was granted extensive titles and privileges. Among his privileges, Oñate was granted the authority to distribute pueblos and vassals to his colonists as he saw fit, establish a royal treasury and name the royal officials, paying them from the

²¹ Don Juan de Oñate, "Letter Written by Don Juan de Oñate from New Mexico," in *Spanish Exploration in the Southwest, 1542-1706*, ed. Herbert Eugene Bolton (New York: Charles Scribner's Sons, 1916), 201. Zacatecas was founded in 1546 and the city contained some of the richest silver mines in all of the Americas. Along with Potosi, Bolivia, Zacatecas silver was one of the largest sources of funding for Spanish colonialism.

²² Simmons, *Conquistador*, 46-47. Viceroy Velasco had previously selected Oñate for the prestigious position of alcalde mayor of San Luis Potosi, even though Oñate had little to do with the actual discovery or founding of the city. Located 100 miles southeast of Zacatecas, silver was discovered there by Miguel Caldera but ". . . when it came time to establish formally a new Spanish municipality at San Luis Potosi, Velasco tapped Juan de Oñate to carry out that prestigious function."

²³ George Hammond, *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628* (Albuquerque: University of New Mexico Press, 1953), 9.

treasury. An important element of Oñate's contract is the inclusion of the term "conquest" even though it was explicitly forbidden in the Order on New Discoveries of 1573 because it gave explorers license to maltreat the natives. Both Oñate and Viceroy Velasco used the term "conquest" in reference to Oñate's expedition to New Mexico.²⁴ This is a clear example of the difference between legislation enacted in Spain, and put into action in the New World. If the term "conquest" seemed to give explorers license to abuse the natives as the Order stated, then Oñate had that supposed license as he left for New Mexico.

Oñate worked over the next year to obtain the multitude of supplies and two hundred men required to fulfill his contract. Because of indecision on the part of the king and Viceroy Monterrey, Oñate's party was delayed for nearly two years before receiving final approval to proceed into the New Mexican territory. During that time, Oñate was obligated to pay the salaries of the men he had gathered, in addition to paying to feed the entire group and thousands of animals. This was an incredible drain on Oñate's fortune and would become an issue later when his resources were exhausted and he begged for reinforcements from the viceroy and king.

Oñate's party included a number of Franciscans. This was necessary because the stated mission of the exploration was "the spreading of His holy Catholic faith, and the reduction and pacification of the natives of [New Mexico]."²⁵ Although Oñate certainly wanted to find wealth in New Mexico, at least to recoup the fortune he was spending in

²⁴ Juan de Oñate and Luis de Velasco, "Contract of Don Juan de Oñate for the Discovery and Conquest of New Mexico," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 42-57.

²⁵ Luis de Velasco, "Instructions to Don Juan de Onate, October 21, 1595," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 65.

the venture, the stated goal of his expedition was to convert Indians to Christianity. For this reason, the Franciscans were particularly an important part of Oñate's' mission, at least an important part of one of his goals. As it would turn out, they would be detrimental to his other goal, of finding and exploiting the wealth of the land.

Oñate's party finally got under way on February 7, 1598. He brought four hundred men; one hundred and thirty of those brought their families.²⁶ Eighty-three wagons and carts and a herd of more than 7000 head of stock accompanied the group as they traveled north along the Camino Real. Upon arriving at San Juan on August 18, 1598, preparations for winter began: assignment of apartments, "collecting of native blankets and robes for redistribution to the settlers, and levies made upon the Indians' foodstores, particularly dried buffalo and deer meat and corn."²⁷ However, shortly after their arrival, there was a "full-blown" mutiny by forty-five officers and soldiers, which consisted of more than one-third of the expedition's military force. They plotted to desert and return to New Spain. In his March 1599 report to Viceroy Monterrey on the matter, Oñate claims that the devil had incited the rebellion. The men:

who under pretext of not finding immediately whole plates of silver lying on the ground, and offended because I would not permit them to maltreat these natives, either in their persons or in their goods, became disgusted with the country, or to be more exact, with me . . . their intention was directed more to stealing slaves and clothing. . .²⁸

Marc Simmons even suggests that the majority of the mutineers "actually never believed New Mexico would yield any silver and had signed on fully intending to resort to slaving. . . illegal slaving expeditions were not uncommon along the northern border at this period

²⁶ Oñate, "Letter," 202.

²⁷ Simmons, *Conquistador*, 115.

²⁸ Oñate, "Letter," 214.

...²⁹ In any case, the mutiny served to undermine what little faith Monterrey had in Oñate.

Oñate identified the two captains who led the mutiny and sentenced them to death, however, the friars intervened, begging Oñate to have mercy, and he did. The mutineers were not punished. Three weeks later, September 12, 1598, four of his men stole horses and fled south. He sent two captains and some men to give chase and to execute them. Although it was perhaps a harsh sentence, Oñate faced an incredible dilemma after the escape. He governed a group of Spanish colonists and soldiers who were already showing serious signs of impatience less than a month after they arrived in New Mexico. Oñate's handling of this situation, his order to execute the deserters, was one of the charges he was prosecuted of in 1614.

Oñate sent one of his top officers, Gaspar Perez de Villagra, along with four other soldiers after the four men that fled. By the time they caught the men, they were very close to Santa Barbara so they decided to travel to that outpost to restock and send the first report to Viceroy Monterrey on the conditions of New Mexico. In that letter, "Villagra took pains to exaggerate in high terms the 'goodness, richness, and fertility' of the new land, and to claim for it a much larger Indian population than it actually possessed."³⁰ Simmons suggests that they reported these falsehoods to Monterrey in an attempt to "buy time," hoping they would in fact find the riches they described. The falsehoods Oñate reported got him in trouble later. During his trial he was convicted of lying to the king and viceroys. His conviction says, "Whereas the land in the provinces

²⁹ Simmons, *Conquistador*, 115.

³⁰ Simmons, *Conquistador*, 123.

of New Mexico . . . was really poor and sterile, [Oñate] informed his majesty and the viceroys of New Spain to the contrary.”³¹

This type of exaggeration or outright lying became a common characteristic of the news coming from New Mexico. In his first report on the conditions of New Mexico, Oñate claimed that, “[we] have acquired a possession so good that none other of his Majesty in these Indies excels it, judging it solely by what I have seen, by things told of in reliable reports, and by things almost a matter of experience, from having been seen by people in my camp and known by me at present.”³² Similar exaggerations were recorded in Captain Marcos Farfan’s testimony of the discovery of mines near Zuni, recorded in February 1599. He claimed that the mineral veins were “so long and wide that one-half of the people in New Spain could stake out claims in this land.”³³

In October 1598, Oñate took a group of soldiers and toured the surrounding Indian pueblos to receive their submission and search for mineral veins. He left his nephew Juan de Zaldivar in command of San Juan until another of Oñate’s officers, also his nephew, Vicente de Zaldivar returned from a buffalo hunt to take command. Upon his brother’s return, Juan de Zaldivar was supposed to bring forty men and meet Oñate’s group for an exploration of the South Sea. While traveling, Oñate’s group camped below the “famed mesa-top pueblo” at Acoma. Acoma spies had already been spying on the Spanish in San Juan and reported the information to the town. The Acoma split into two groups while deciding how to handle the Spanish, one favoring peace and one favoring

³¹ Juan Benitez Camacho, “Conviction of Oñate and his Captains, 1614,” in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 1112.

³² Oñate, “Letter,” 212.

³³ Juan Velarde, “Discovery of the Mines,” in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 413.

war. The faction favoring peace gained the upper hand and sent people to greet the Spaniards below their pueblo and invite them up. High atop the cliffs, the village of five hundred adobe apartments could only be accessed by a rather perilous climb via hand and foot holds. Oñate and a few men accepted the Acoma's invitation and climbed to the pueblo. An Indian in the service of the head of the Acoma's who favored war, took Oñate aside and led him to the roof of an underground ceremonial kiva "where a ladder protruded from an open hatchway that served as an entrance."³⁴ The Indian strongly urged him to go in and see an astounding treasure but Oñate got a funny feeling and left. It had likely been an ambush.

Before moving on, Oñate gathered the Acoma elders for his customary ceremony of submission, which likely meant little to the Indians. However, it *did* mean a lot to the Spanish who now claimed jurisdiction over the Acoma.³⁵ The group continued west where they were well received by the Zuni Indians, who lived just east of the modern New Mexico-Arizona border. While visiting the Moqui (Modern Hopi) who were very poor, Oñate remembered Espejo reporting valuable minerals in the area so he inquired about silver and other minerals, to which the Moqui Indians pointed southwest and told of Indians who painted their faces. Oñate sent out a small party to look for those Indians. They found the Cruzado Indians who were easily persuaded to take them to their mines in the Verde Valley. The men discovered silver in the mines and excitedly staked claims. In the meantime, a messenger reached Oñate from San Juan who reported that a great tragedy had occurred at Acoma.

³⁴ Simmons, *Conquistador*, 126.

³⁵ Juan Velarde, "Act of Obedience and Vassalage by the Indians of Acoma," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 356.

Juan de Zaldivar was leading thirty-one men to meet up with Oñate's group. They paused at the foot of Acoma and offered to trade with the Indians. By this time, the Acoma faction who favored war with the Spanish had gained control of the pueblo and they were able to separate the Spaniards and attack. Twelve died, including Oñate's nephew Juan de Zaldivar. After reaching the capital, Oñate formally requested that the friars consider the situation and report their decision regarding the justness of a war with the Acoma. On December 28, Oñate formally opened judicial proceedings, which lasted more than two weeks to decide what course to take against the Acoma. He took testimony from the survivors and the friars as to their opinions on the matter. The friars decided, "Oñate, the determined, possessed both the authority and sufficient cause to take such a step [war] for the purpose of attaining and preserving peace."³⁶ To the colonists, the Acoma's earlier "act of obedience and vassalage" to the Spanish Crown had brought them under Spanish law. After supposedly rejecting an offer of peace from the Spanish three times, the Acoma were defeated and brought back toward the capital.

The captured Acoma arrived at Santo Domingo, where Oñate had decided to put them on trial as a lesson to other Indian tribes.³⁷ The trial began the very day the Acoma arrived, February 9, 1599. Oñate appointed a defense attorney who petitioned the court for clemency since the accused were "uncivilized" and therefore lacked sufficient reason.³⁸ The trial lasted three days. Oñate called several Indians to explain why they attacked Zaldivar's group and then refused the peace offered after the attack. Many said

³⁶ Simmons, *Conquistador*, 138.

³⁷ Oñate was in a difficult position. There was a very real possibility that if the Acoma rebellion went unchecked, other tribes would follow suit to avoid tribute payments. The colonists were losing patience and they were scared by what had happened to their comrades at Acoma. Oñate thus faced the dilemma of responding harshly and sending a message to the other pueblos, or responding more reasonably and risking an uprising from other Indians or his own men.

³⁸ Simmons, *Conquistador*, 145.

they were working in their fields during the first attack. As to their refusal of peace, nearly everyone claimed that, “some wanted to surrender but some refused, and so they fought.”³⁹

At the end of the trial, Oñate pronounced the sentences. There were no death sentences; however, the punishments were nonetheless harsh. Males over 25 were to have one foot cut off and be condemned to twenty years of servitude. Males 12-25 received only twenty years servitude. Boys and girls under 12 were all declared “innocent” and given to friars for a Christian upbringing. Women over 12 received twenty years of servitude. Two Moquis Indians had been captured in the fight were sentenced to have their right hand cut off and be released to bear witness to the punishments.⁴⁰

The fact that Oñate requested an official position from the friars on the justness of war with the Acoma is significant because it is evidence of his attempt to act in accordance with the Order on New Discoveries of 1573. The Order forbid any kind of violence toward Indians except in very specific instances, such as when the Indians had previously submitted themselves to Spanish rule and then rebelled later. Oñate approached the friars to be sure his actions were justified by God’s law, as well as the king’s. Oñate’s attempt to validate his reaction to the Acoma by seeking the approval of the friars was ultimately unsuccessful, however. In 1614, it did not matter who had allegedly supported the action, Juan de Oñate bore sole responsibility as judge of the Acoma trial and leader of the colony for the harsh sentences he imposed on the Acoma.

³⁹ Juan Gutierrez Bocanegra and Don Juan de Oñate, “Trial of the Indians of Acoma, 1598,” in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 464-467.

⁴⁰ Gutierrez Bocanegra, 477.

He was convicted of mistreatment of the natives of Acoma based on the sentences he imposed after the trial.

Oñate realized he needed more people because his position in New Mexico was becoming more unstable by the day. To send out expeditions would leave the capital under protected. On March 2, he wrote the viceroy. The first half of his letter extols the potential wealth of the region talking of silver and pearls. The second half is a desperate appeal for help. He sent the letter with some of his most loyal men who would report very favorably to the viceroy, including Father Martinez. Upon reaching the viceregal Court, Martinez was replaced with Father Juan de Escalona. This replacement was fateful for Oñate. Martinez had been a member of the expedition since the beginning and he was a loyal and highly trusted official for Oñate. Escalona, on the other hand, did not have the camaraderie of shared hardship with Oñate and he would become Oñate's most vocal opponent, writing influential letters to both the viceroy and the king.

Meanwhile, Oñate and the remaining men continued to look for mineral deposits because the earlier discovered silver had been of poor quality, but there was still more trouble with the Indians. In early 1600, Oñate sent another group out to search for the South Sea. In preparation for the voyage, they went to the Jumano pueblos to collect a levy of provisions for the trip. Instead of handing over grain, the Jumano's handed over stones. The Spaniards left but sent word to Oñate who became irate at the Jumano's disrespect.⁴¹ He traveled to the pueblos with fifty armed men and demanded tribute of cotton blankets made by the Indians. The next day, as punishment, Oñate ordered a corner of the village set on fire and he had some of his men fire into a crowd of Indians from the rooftops. Five or six Jumano's died. Additionally, two who were identified as

⁴¹ Simmons, *Conquistador*, 150.

war leaders were hanged along with their interpreter. Around Christmas, the Jumano's retaliated, attacking a small party of Spanish colonists and killing two. The friars urged Oñate to take swift action to prevent a rebellion.⁴² Reinforcements from the viceroy arrived on Christmas Eve, buoying the Spaniards spirits and staving off unrest for the time being but the reinforcements were insufficient for the dire needs of the starving colony.

By early 1601, the group could focus on little more than not starving or freezing. Many of Oñate's men were running out of patience. One of which was Captain Pablo de Aguilar, who had committed crimes worthy of a death sentence twice before, both times having been shown mercy by Oñate. He apparently did something else, but *what* is not recorded, and Oñate came into his tent with a few men and personally stabbed him to death.⁴³ On another occasion around the same time, Captain Alonso de Sosa Albornoz requested permission to take his wife and children out of New Mexico because the area was too poor to support his family. Oñate said yes and then sent Albornoz out on a last excursion where he was stabbed to death by Zaldivar.⁴⁴ Oñate was charged and convicted of murder for these two men's deaths in 1614.

Oñate's behavior seemed to be getting more erratic since the incident with the Acoma. Meanwhile, Oñate continued to talk as if some big discovery were just around the corner. He went out on a large expedition in April 1601. Many of the people left behind in San Juan became restless and worried. They began holding meetings. The friars quickly joined in and supported desertion. The friars argued that it was the colonists' Christian duty to leave the colony and report to the viceroy and king about the

⁴² Simmons, *Conquistador*, 151.

⁴³ Simmons, *Conquistador*, 158.

⁴⁴ Simmons, *Conquistador*, 159.

injustices perpetrated by Oñate and some of his soldiers. In the report of that meeting, the contents of which were recorded and sent to the Viceroy, the friars reported that Oñate's soldiers left nothing for the Indians, not corn or other things of value. To induce the Indians to furnish corn, the soldiers had to torture Indian Chieftains and "these acts brought great discredit on [the Franciscan] teaching."⁴⁵

Oñate arrived back November 24 to discover that two-thirds of his colonists had deserted New Mexico. As he assessed it, the problem laid in the "near impossibility of finding a way to reward his men in their efforts to explore and settle the poor, isolated, cold, and unlovely kingdom of New Mexico. When colonists became convinced that no wealth was forthcoming, they escaped at the first opportunity."⁴⁶

Viceroy Monterrey was already beginning to wonder about Oñate's claims before he learned of the mass desertion. In a letter to the king in 1601, he confessed, "Although [Oñate] sends some papers . . . there is not much indication up to the present of wealth in the land."⁴⁷ However, when he received a letter from Fray Juan de Escalona at the end of 1601, Monterrey was in disbelief. Escalona boldly asserted that the news coming from New Mexico from "certain individuals" was not true. He begged the viceroy not to believe the rosy accounts. In fact, there was no silver to speak of in New Mexico and by refusing to sow community food plots, Oñate had used up years of Indian food surpluses.

⁴⁵ Francisco de Sosa Peñalosa, "Breaking Camp at San Gabriel," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 678.

⁴⁶ Simmons, *Conquistador*, 168.

⁴⁷ Gaspar de Zúñiga y Acevedo, "Viceroy to the King, August 2, 1601," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 670.

Escalona passionately argued that Oñate's forced tributes were great outrages against the Indians and "the wars waged against them [were] without rhyme or reason."⁴⁸

Escalona's startling news prompted Monterrey to write to the king in March of 1602. He reported that, "in view of the poverty of the land . . . [the colonists] must have been kept [in New Mexico] very much against their will."⁴⁹ Around the same time, the Council of the Indies also wrote to the king regarding Escalona's charges against Oñate. The Council was alarmed by the letters telling of "so many excesses, cruelties, and tyrannies by Don Juan de Oñate."⁵⁰ They recommended that the king send an investigator to New Mexico at once.⁵¹

As early as 1607 people were appointed to investigate the charges against Oñate, but each time they were dismissed before making much progress. The reasons seem to be related to Oñate's family connections. When it was clear that the viceroy or king would not be converting New Mexico into a royal colony, like Oñate wanted, and that indeed they would not even be sending reinforcements, Oñate sent his resignation to his family friend Viceroy Velasco, who had resumed the office of Viceroy in 1607. At the order of the king, Velasco accepted Oñate's resignation but ordered him to remain in New Mexico until further notice. The king and the Council of the Indies were considering bringing

⁴⁸ Juan de Escalona, "Fray Juan de Escalona to the Viceroy, October 1, 1601," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 693.

⁴⁹ Gaspar de Zúñiga y Acevedo, "Viceroy to the King, March 8, 1602," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 770.

⁵⁰ Valladolid (Endorsed by the Council), "Don Juan de Oñate's Excesses," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 972.

⁵¹ Francisco de Valverde y Mercado, "Investigation of Conditions in New Mexico, 1601," in *Don Juan de Oñate, Colonizer of New Mexico, 1595-1628*, ed. and trans. George P. Hammond and Agapito Rey (Albuquerque: University of New Mexico Press, 1953), 630. The Viceroy of Monterrey had actually sent someone to investigate Oñate and the condition of New Mexico in 1601 but the people interviewed did not know the answer to many questions, such as when asked about the reasoning behind Oñate's decisions. The account of the investigation seems unfruitful.

charges against Oñate for his crimes; however, they left the particular details up to the viceroy, who was not inclined to see Oñate investigated. In 1609, Oñate was permitted to leave New Mexico. He went back to his family’s mines in Zacatecas and worked to rebuild his fortune.

However, in 1612 the new viceroy, Diego Fernández de Córdoba, Marquis of Guadalcázar, was serious about prosecuting Oñate’s case in earnest. Oñate was called back to New Spain and arraigned on thirty charges regarding acts during his governorship. Crimes included:

Letting his nephew address him as “Your Majesty”	Acquitted
Living immorally with married and unmarried women	Acquitted
Unjustly hanging two Indians	Convicted
Excessive force against the Acoma	Convicted
Enjoying an inappropriate caricature of an official	Acquitted
Ill treatment and belittling of the clergy	Acquitted
Murdering Captains Pablo de Aguilar and Alonso de Sosa de Albornoz	Convicted
Ordering his captains to kill two deserters	Convicted
Lying to viceroys and king about the wealth of the land	Convicted

⁵²

Oñate was convicted of 12 charges, acquitted of eighteen, and sentenced to perpetual exile from New Mexico, four years exile from Mexico City and a fine of 6000 Castilian ducats. Since he had left New Mexico, Oñate was able to regain a sizable fortune in Zacatecas. Therefore, the fine imposed by the Viceroy was inconsequential.

The friars led the charge against Oñate because they claimed that his behavior encumbered their ability to convert natives to Christianity, however, in a way, the presence of his party allowed the friars to remain deep within Indian territory in safety. Without Oñate’s protection, there is a real possibility that Indians would have killed the

⁵² Juan Benitez Camacho, 1109-1113.

relatively small number of Franciscans who went to New Mexico, as they had killed fray Rodriguez and his party earlier. Therefore, it seems that at least at the beginning, the friars needed Oñate's presence. However, when his actions began to encroach on their ability to convert the natives, they became his vocal opponents. This sometimes-volatile relationship between the friars and Oñate represents the more general incompatibility of a system that required men to pay the entire cost of an expedition while at the same time mandating that his foremost goal be to convert the natives to Christianity.

The friars were interested in converting Indians to Christianity and the soldiers' behavior made this goal more difficult. The reality of life in New Mexico and Oñate's insufficient resources meant that the colonists had to rely on the natives for most of their needs. This was extremely hard on the natives who only produced enough food and supplies to sustain themselves. As the colonists food and supplies dwindled, Oñate's men resorted to taking food and blankets from the natives by force, sometimes employing torture or violence to do so. The friars begged Oñate to have pity on the suffering natives, "but the country [was] so wretched and poor, the governor was not able to affect any remedy."⁵³ The friars saw Oñate and his colonist as obstacles to their goal in New Mexico. As a remedy of the situation, they encouraged the mass desertion of New Mexico in 1601 and they encouraged the viceroy to investigate Oñate's management of the colony.

Oñate's declining wealth coupled with the poverty of the land in New Mexico created a situation that was conducive to violence against the natives. Insufficient food and supplies contributed to an overall atmosphere of desperation in New Mexico. Many soldiers despaired of not being able to feed and clothe their families. This led to violence

⁵³ Sosa Peñalosa, 680.

against the natives and robbery of native blankets and food. These conditions were primarily the result of the expedition being privately funded. Had the expedition been funded by the royal treasury of Spain, adequate supplies would not have been dependent on one man's fortune and the goal of conversion of the natives would not have been hindered by excessive tribute payments. If the expedition had uncovered no wealth in New Mexico to compensate for such royal expenditures, the king could have called a stop to the venture and ordered the colonists to return to New Spain. Oñate did not have the power to release the colonists from service or even to return to New Spain himself, without permission from viceroy or king.

In 1618, political circumstances in Spain were such that Oñate believed he could get his convictions pardoned by a new king. Owing to his good family connections and his rebuilt fortune, he was finally pardoned in 1623. Earlier explorers "such as Fernando Cortes and Francisco Pizarro achieved such stunning success and brought so much wealth to the royal treasury that the Spanish crown hesitated to reprimand them" no matter what misdeeds they may have committed.⁵⁴ Unfortunately for Oñate, he never found the wealth in New Mexico that may have persuaded the Crown to look the other way regarding his New World misdeeds and unlike these earlier conquistadors, specific legislation was in place to identify Oñate's actions as criminal, however, his eventual pardon is a testament to the fact that although he was convicted initially, wealth was still a powerful political force in Spain and the New World.

⁵⁴ Simmons, *Conquistador*, 4.

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