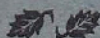


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# The First Decade of the Inquisition in New Mexico

By FRANCE V. SCHOLES



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## THE FIRST DECADE OF THE INQUISITION IN NEW MEXICO

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### A. ESTABLISHING THE JURISDICTION OF THE INQUISITION IN NEW MEXICO

**D**URING the first quarter of the seventeenth century an evil tradition of rivalry and controversy between Church and State was created which troubled the history of New Mexico during the entire period of Spanish domination. In the seventeenth century this rivalry was the warp on which was woven the political history of the province. During the years 1639-1641 it nearly resulted in civil war. From 1659 to 1664 it caused such factional bitterness that the colony never fully recovered, and the events of these years were a factor in the general decline of the province prior to the Pueblo Revolt of 1680. During the eighteenth century there were frequent controversies between the civil and ecclesiastical jurisdictions, but the results were not so disastrous as those of the preceding century.

The beginnings of embittered relations between the clergy and the civil authorities may be traced to the desertion of the colony by many of the soldiers and friars in 1601. A considerable number of the colonists had been sadly disappointed by the failure to discover easily exploitable wealth in New Mexico, and had been discontented from the beginning. Oñate's arbitrary actions had fanned these flames of discontent. In 1601, when Oñate was absent from San Gabriel, the malcontents decided to desert. Although there appears to be no evidence that the Franciscan missionaries were leaders in this movement prior to 1601, yet when the plans to desert were openly discussed most of the friars were in agreement with the discontented soldiers. In sermons and in private conversations

they urged the necessity of returning to New Spain, and even the Father Commissary, Friar Juan de Escalona, was in sympathy with them. Like the soldiers they condemned Oñate's conduct of the colony, and most of them left with the deserting soldiers. Although this incident cannot be considered a true Church-State controversy, yet the friars by word and deed assumed the rôle that they were always to play: the rôle of defenders of the Indians against abuse and oppression and of active critics of arbitrary government.<sup>1</sup>

The first violent breach of relations between Church and State occurred during the administration of Governor Pedro de Peralta (1610-1614). Friar Isidro Ordoñez, who was prelate in charge of the missions, engaged in a long quarrel with Peralta, a quarrel characterized by incidents which scandalized the struggling colony and split it into two factions. In 1613 Ordoñez falsely alleged authority from the Inquisition and procured the arrest and imprisonment of the governor. After several months Peralta was finally released when his successor, Admiral Bernardino de Ceballos, arrived in the spring of 1614<sup>2</sup>. At first Ceballos maintained a friendly co-operation with the clergy, but within a year difficulties arose which apparently continued to disturb the relations of the two jurisdictions, civil and ecclesiastical, during the remainder of his term of office. In 1617 he aroused the wrath of the friars by refusing to aid in the execution of an ecclesiastical sentence, and it appears that the friars punished him by declaring him excommunicate and forcing him to do public penance.<sup>3</sup>

1. For the details, see G. P. Hammond, *Don Juan de Oñate and the Founding of New Mexico* (Santa Fé, 1927), *passim*.

2. The most important source for the Peralta incident is: *Relacion Verdadera q el p<sup>o</sup> predicador fro. Fran<sup>co</sup> Perez guerta de la orden de S<sup>t</sup> Fran<sup>co</sup> guardian del conuento de galisteo hizo al R<sup>mo</sup> Comiss<sup>o</sup> Gen<sup>l</sup> de la dha orden de la nueba esp<sup>a</sup> de las cosas succedidas en el nuebo Mex<sup>co</sup> por los encuentros que tubieron don Pedro de Peralta g<sup>or</sup> de la dha prou<sup>a</sup> y fr. ysidro ordoñez Comiss<sup>o</sup> de los frailes de la dha orden de S<sup>t</sup> Fr<sup>co</sup> q residen en ella*. Archivo General y Público, Mexico (to be cited hereafter as A. G. M.), Inquisición, Tomo 316.

3. This incident is described in *Diferentes Autos de molestias Hechos a los vez<sup>os</sup> de la nu<sup>a</sup> mex<sup>co</sup> Por los Religiosos y la soberania Conque Vsen Juri<sup>on</sup>*. A. G. M. Provincias Internas, Tomo 34, Exp. 1.

These events created a definite hostility between the two jurisdictions, civil and ecclesiastical, and the feeling of bitterness was carried over into the administration of Ceballos' successor, Juan de Eulate (1618-1625). Eulate was an arrogant, outspoken person, self confident, and inspired by a lofty opinion of his position as the king's representative, so that it is not surprising that he rapidly became involved in differences with the Church. The friars denounced him on numerous charges: (1) that he denied that the Father Custodian possessed any jurisdiction over laymen; (2) that he professed a willingness to arrest and judge clergy, even execute them; (3) that he expressed contempt for ecclesiastical censures; (4) that he was guilty of heretical statements concerning the Trinity and priestly celibacy; (5) that he refused to co-operate in the missionary program; (6) that he subjected the Indians to abuse and exploitation; (7) that he was guilty of personal immorality. The leader of the Church in this new controversy between the two jurisdictions was the able Friar Estéban de Perea, founder of the Sandía mission and since 1617 the custodian of the entire province.<sup>4</sup>

Both factions sent circumstantial reports to the viceroy concerning the state of affairs in New Mexico, and after due

4. The sources for the Eulate controversy are:

(a) Declarations, letters, and decrees, 1621-1625, concerning the differences between Gov. Juan de Eulate and the New Mexican friars. A. G. M., Inquisición, Tomo 356, ff. 257-317. These papers consist of more than thirty sworn declarations made by friars and laymen of the province. Some of them were made in 1621 after Perea had publicly denounced certain heresies and errors current in New Mexico. The others were made in 1626 after Friar Alonso de Benavides, the first commissary of the Inquisition, had arrived. The 1621 declarations were made mostly by friars and are the most important of the entire series. Those made in 1626 were mostly by laymen or were ratifications of testimony given by the friars in 1621. In most cases the lay declarations merely confirm certain points in the friar declarations. This set of papers will be cited as Declarations, letters, and decrees.

(b) Letters of Friar Estéban de Perea and other friars of New Mexico, 1622. A. G. M., Inquisición, Tomo 486, ff. 45-51. These documents consist in part of letters and petitions written by Perea to his successor, Friar Miguel de Chavarría, or to the Holy Office, and in part of a sort of "round robin" request for the appointment of an agent, or commissary, of the Inquisition for New Mexico. To be cited as Letters of Perea.

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consideration the viceroy in 1621 despatched two orders, one to Perea and one to Eulate, in which he attempted to define the respective authority of the Church and the State in New Mexico and establish peace between them.<sup>5</sup> But these instructions failed to create the harmony which the viceroy had hoped for, and in 1622 Perea, who was thoroughly convinced that drastic measures were necessary, made an appeal to the tribunal of the Holy Office of the Inquisition in Mexico City.<sup>6</sup>

This appeal had the desired effect. Friar Alonso de Benavides, who had had long experience in affairs of the Holy Office, was appointed local commissary or agent of the Inquisition in New Mexico. About the same time Benavides was also elected custodian of the New Mexico missions, so that it is reasonable to assume that his double election was due to co-operation between the Franciscan Order and the Holy Office. After considerable delay Benavides finally set out for New Mexico in the spring of 1625, accompanied by a band of new friar recruits and by a new governor, Felipe de Sotelo Osorio. The caravan reached New Mexico in December, 1625, and on January 24, 1626, Benavides was formally received in Santa Fé as prelate and commissary of the Holy Office. On the following day, January 25, the first edict of the faith was read in the Santa Fé church in the presence of the new governor and the assembled citizens.<sup>7</sup>

Perea's moment had arrived. The appointment of a commissary of the Inquisition for New Mexico had been due, in considerable measure, to his long struggle against heresy and error. For years he had waited for this triumphant moment, and it was fitting that he should have been the first person to make formal declarations before Father Benavides. On January 26, the day following the reading of the

5. The order sent to Perea has been published in English translation by L. B. Bloom in *NEW MEX. HIST. REV.*, (1930), 238-298. The order to Eulate has also been published by Bloom in *New Mex. Hist. Rev.*, III (1923), 357-380.

6. Letters of Perea.

7. The documents on the reading of the edict of the faith are in *Declarations, letters, and decrees*. A. G. M., Inquisición, Tomo 356, ff. 291, 292.

edict, he made a long statement in which he reviewed the history of the past few years. He also presented a decree against heresy which he had published on August 18, 1621, and the sworn statements of friars made at that time, which he had held in safe keeping ever since.<sup>8</sup>

During the succeeding six months Benavides busily gathered evidence. More than thirty persons, friars and laymen, made declarations, some of them coming freely to offer information, others being summoned. In these declarations the old charges against Eulate were revived and supported by a greater weight of evidence. At the same time denunciations of certain private individuals, citizens and wives of citizens of Santa Fé, were also made. The most interesting of these dealt with the current practice of superstition and the use of love potions and philters. (See section E). Just at the end of the summer denunciations were made concerning certain statements of the new governor, Sotelo Osorio, which were potentially serious, but did not result in any difficulties. (See section B).

Early in September the caravan was ready to return to New Spain. Letters from Benavides transmitting all of the sworn declarations were sent to the Holy Office. Eulate, the retiring governor, and Father Perea, who was going to report in person to his superior prelates in Mexico City concerning the New Mexico situation, were members of the party. Perea was triumphant, and he probably looked forward with certainty to the arrest and trial of Eulate by the Inquisition on the arrival of the caravan in Mexico City. Eulate had lost none of his old fire and petulance, and one of his last acts within the jurisdiction of New Mexico was to affirm an old boast that the king was his chieftain and that he would serve him even against the pope.<sup>9</sup>

8. Declaration of Friar Estéban de Perea, January 26, 1626. Declarations, letters, and decrees.

9. Even up to the point of leaving New Mexico Perea and Eulate kept up the quarrel. At Alamillo, while waiting for the caravan to form, a group of friars and citizens, including Eulate and Perea, got into a discussion of the authority of the



There is no record that Eulate was tried by the Inquisition. But he did not escape all punishment, for soon after his arrival in Mexico City he was arrested and tried by the civil authorities on the charge of having used sixteen of the king's wagons to bring cargo from New Mexico free of freight and of having brought Indians to be sold as slaves. The trial record has not been found, but it appears that Eulate was fined and ordered to pay the expenses of sending the Indians back to New Mexico in the first mission caravan.<sup>10</sup>

Meantime Perea was telling his story to his superior prelates and to the Holy Office. It must have been a convincing story, for at the next election of a custodian, on September 25, 1627, he was re-elected to succeed Benavides, whose term was expiring.<sup>11</sup> The Holy Office would probably have appointed him its agent, but first it had to have the formal proof of his genealogy and *limpieza de sangre*. Perea was a native of Spain, so the Suprema was requested to furnish the necessary information. The reports were not received prior to Perea's departure for New Mexico in September, 1628, so that his appointment under the Inquisition was delayed until 1630. In 1629 the old warrior was back in New Mexico urging onward the expansion of the missions. His triumph was complete.

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10. On May 5 Juan de Vertis posted bond for Eulate who had been arrested and confined to his house. On June 2 Vertis and a certain Ladrón de Peralta gave bond to guarantee fulfillment of sentence, the details of which were not stated, and the return of the Indians to New Mexico. A. G. M., Reales Cédulas y Órdenes, Duplicados. Tomo 8, ff. 34, 35.

11. Custodios de Nuevo México. Biblioteca Nacional, Mexico, Legajo Series, Leg. 9, doc. 8.

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custodian to punish a governor for cause. Perea defended such authority, saying, "spiritualis homo iudicabat omnia." Eulate immediately denied such complete authority in the prelate, and the two of them launched forth into a lively exchange of argument in which Eulate stated that he would do whatever the king ordered, even if ordered to do what Bourbon had done. (Eulate was referring to the sack of Rome by the troops of the Duke of Bourbon in 1527.) In reply to these remarks Perea said: "It appears, Your Lordship, that these words are heretical propositions." Benavides to the Holy Office. Senecú, Sept. 8, 1628, and enclosure. Declarations, letters, and decrees.

## B. GOVERNOR SOTELO OSORIO AND HIS COMMUNITY

The establishment of the authority of the Inquisition in New Mexico in 1626 was the direct result of the long and bitter quarrel between Eulate and Perea. It was expected that the Inquisition would become a powerful weapon in the hands of the Church in dealing with hostile civil authorities, and Benavides did use his authority as the local representative to build up the case against Eulate in the spring and summer of 1626. But during the succeeding years there were only two or three instances in which the Inquisition was used as a means of investigating or denouncing the conduct of civil officers, and none of these were of any consequence. Most of the existing documentary records of the investigations carried on by Benavides and Perea during the years 1626-1634 are valuable, not in relation to the major issue between the civil and ecclesiastical jurisdictions, but for the evidence they contain concerning social conditions in New Mexico during those years. The life of the non-aboriginal community is laid bare in some of its most sordid aspects. This essay will deal, therefore, mostly with the character of provincial life and society as revealed in the investigations of Benavides and Perea as agents of the Holy Office.

During the period prior to the return of Perea as custodian in 1629, Benavides used his authority as local representative of the Inquisition sparingly. It was not because he had no personal interest in the problems of heresy and error, for his earlier career in Española and New Spain disproves that, but he was so busy with the details of mission business that he had little time left for anything else. During the summer of 1626 certain persons gave evidence concerning the local practices of superstition, but he made no effort to investigate them, and it was left to Perea to do so years later. The existing evidence indicates that Benavides examined only ten witnesses between the autumn of 1626 and the spring of 1629, and that seven of these probably made their declarations of their own free will. Although most

of these declarations deal with the conduct of Governor Sotelo Osorio and indicate that some of his statements and actions were hostile to the Church, they are also interesting for the information they contain concerning certain incidents of Santa Fé life in those early days.

The evidence in the Inquisition papers portrays Governor Sotelo Osorio as a braggart who had little sense of humor and an exaggerated opinion of his own importance. These qualities quickly made him unpopular with many of the soldier-citizens of Santa Fé, rough and ready frontiersmen, who were quick to resent any attitude of superiority on the part of others. The ten witnesses who testified before Benavides in 1627 and 1628 were, with one exception, soldiers of the villa, members of those leading families that were already beginning to achieve some local importance and to monopolize the few honors and local offices that the government of the province and the villa afforded. Some of the incidents which they related seem now to have come out of comic opera, but they show how trivial matters roused the passions of these rough men, proud and sensitive of their privileges. Minor incidents took on major importance, and rumor traveled speedily from house to house. They indicate also how the events of the preceding years and the establishment of the authority of the Holy Office in New Mexico had made them over-suspicious and ready to suspect word or deed that seemed to hint of error and heresy. A resumé of the evidence follows.<sup>12</sup>

1. On a certain winter evening late in 1627 the governor and some of the soldier-citizens of Santa Fé were gambling at the home of Alférez Diego de Montoya. During the course of the play the governor took exception to certain

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12. The evidence here summarized is found mostly in Declarations concerning the conduct of Gov. Felipe de Sotelo Osorio, 1627-1628. A. G. M., Inquisition, Tomo 163, Exp. 1. This set of papers contains the sworn declarations of eight witnesses who testified before Benavides at that time. (The other two witnesses of the ten who testified during these years, prior to the return of Perea, gave testimony concerning matters of an entirely different nature and will be considered later.) Notes are used only in case the statements in the text are based on materials other than these papers listed here.

acts or words of Captain Alonso Baca. Word followed word. The governor finally warned Baca not to get too churlish, and boasted that he was accustomed to fighting. Had he not quarreled with all the bravest men of Spain? More than that, he was ready to "contend" with the saints if opportunity offered, with St. George, St. Dionisius, St. Leo, St. Damian, even with St. Peter and St. Paul! Finally, with an oath, he jumped to his feet, drew his sword half out of its scabbard, kicked over the candles and gambling table, and stalked out of the house. All to the great scandal of those present!

2. On another occasion—this time in the Casa Real—the governor made similar remarks, boasting that he was even more valiant than St. George and St. Dionisius.

3. One Sunday in June, 1628, the governor arrived late at mass, and took his place just as the Sanctus bell was being rung. After mass, with the citizenry assembled in the church yard, he began to upbraid some of the soldiers for lack of courtesy in not rising when he had entered the church. Capt. Pedro Lucero de Godoy, thinking that these remarks were directed at him, tried to explain, saying that he could not rise during the Sanctus. To which the governor, enraged, replied: "I swore to Christ the other day that you (people) must rise even if they are elevating the Host!" As a result of these shocking remarks "the land is so scandalized . . . that it talks about nothing else." "He must be a heretic, since he demands that people leave off adoring God in order to adore him."

4. Of more fundamental importance were the reports of certain incidents illustrating Sotelo's attitude toward the clergy and ecclesiastical privilege and immunity. During the summer of 1626 testimony had been received concerning the instructions that Sotelo had given a soldier who had been ordered to capture a certain fugitive mulatto servant. The soldier had asked what he should do if the servant fled to the asylum of a church, and Sotelo was reputed to have

ordered that he should be seized even if clinging to the crucifix itself." Nothing appears to have come of this early incident, although Benavides did report it in a special letter to the Holy Office, and cited it as an example of lack of respect for the Church and its immunities.<sup>14</sup> Then in 1627-1628 other incidents occurred which once again created the possibility of controversy. It was reported that in a discussion concerning the right of asylum in churches, the governor had declared, "with depreciation of ecclesiastical censures, that a mere church meant nothing to him"; and that later, during the same discussion, he had "sworn to Christ that he had rather deal with the Devil in hell than with those of the habit" (the friars). There was some friction concerning certain powder houses and fortifications that Sotelo had ordered built, for the friars asserted that the church and convent would be menaced by the proximity of these strongholds. Sotelo, on his part, was said to have boasted that for cause he would turn the guns on the church and convent and demolish them.<sup>15</sup> It was also reported that he seldom went to mass, and that he had made fun of excommunications by saying that if he were excommunicated he would force absolution within two hours. And another witness stated that Sotelo had described an incident that had oc-

13. Declaration of Diego de Santa Cruz, August 8, 1626. Declarations, letters, and decrees.

14. "Despues de auer cerrado el Pliego se ofrecio la causa que ua con esta contra el gou<sup>or</sup> que al presente es Don Felipe Sotelo osorio; siento que pide muy grande Remedio el poco caso que en es (sie) tierra se tiene de las cosas de la iglesia y sus inmunidades, por lo que los gobernadores, an introducido no auer otra autoridad juridica sobre la suya aunque sea en lo eclesiastico, la diu<sup>a</sup> magestad concede a Va<sup>a</sup> su diu<sup>a</sup> gracia y espiritu para ampara de su sancta fe." Benavides to the Holy Office, August 5, 1626. *Ibid.*

15. "A Don Phelipe Sotelo Osorio le Capitularon gravemente porque solo hizo dos torreones o Cubos para segurar la polbora para la defensa de la Villa. . ." Gov. Antonio de Otermín to the viceroy, San Lorenzo, April 5, 1632. Testimonio de los autos fechos sobre la entrada . . . de la Provincia de Nuevm Mexico. Archivo General de Indias, Guadalajara 138. ". . . Gaspar de arratia . . . dixo que por descargo de su conciencia declaraua en este S<sup>o</sup> tribunal como por el mes de mayo passado estando este declarante en la uilla de S<sup>ta</sup> fe en casa de Capu<sup>n</sup> lope Romero y con Sevastian gonçales y jeronimo moran uesinos desta uilla de S<sup>ta</sup> fe estaua alli tambien don felipe de sotelo osorio, gou<sup>or</sup> actual que es destas prouias el qual tratando acerca de un fuerte que estaua hasiendo dixo que ya ueia que el dicho estaua en perjuisio del de la iglesia por estar tan arrimada a ella y tambien por no ser el sitio apropiado

curred in Mexico, when a certain governor, finding that his soldiers were friends of the friars, had executed the soldiers and had packed off the friars, including a Commissary of the Holy Office, to another part of New Spain. Moral: let the soldiers of New Mexico be on his side!

5. There were also the usual rumors of moral laxness, for a certain friar informed another friar that an Indian woman had confessed carnal relations with the governor, and the second friar reported this information to Father Benavides.

6. It was said to be known publicly that Sotelo had sent one of his agents to the pueblo of San Juan to bring an Indian woman versed in magic and black art to Santa Fé to try to save the life of a soldier who had been bewitched.<sup>16</sup>

In short, Sotelo was profane, blasphemous, lacking in respect for the clergy and the mass, immoral, and suspect in the faith! But Father Benavides does not appear to have taken these charges very seriously, or to have been active in investigating them. Only three witnesses seem to have been formally summoned; the others made their sworn declarations of their own accord. The reader of this testimony quickly senses an atmosphere of personal animosity that may have inspired it, and it may be doubted whether the soldiers were religious zealots who had been shocked by Sotelo's profanity and lack of respect for the cloth. Sotelo

16. This bewitched soldier was Juan Diego Bellido whose case is described in Section E.

de la defensa de la villa por estar en cubierto con el dicho con<sup>to</sup> y iglesia acerca de lo qual corria pleyto conmigo, pero que el no lo havia sino por salirse con la suya y que se entendiera la mano poderosa que tenia y que el se estendiera con los frailes y que si le descomulgassen que el haria que lo absoluiere dentro de dos horas menospreciando las censuras y que a el que no sola atreuerian los frailes y que si se le atreuiessen que el haria que lo absoluiessen y dixo q'n aquella ocasion muchas razones en descredito de los religiosos ministros desta iglesia de que quedaron todos escandalizados por tener a los religiosos por sieruos de dios y en otra ocasion le oyo desir este declarante que en ofreciendose ocasion auia de derribar y arrasar con el fuerte la iglesia y con<sup>to</sup> y quanto auia dentro y que si se enojaba que a frailes y todo auia de matar." Declaration of Gaspar de Arratia, July 2, 1628. Declarations concerning the conduct of Gov. Felipe de Sotelo Osorio, 1627-1628. A. G. M., Inquisition Tomo 868, Exp. 1.

had insulted them and hurt their pride, and denunciation of his foibles was a means of retaliation.<sup>17</sup> Perhaps Benavides realized this and did not press the case on that account. The investigation was apparently in abeyance when Father Perea returned in the spring of 1629, and there is no evidence that the charges ever resulted in formal trial of Sotelo by the Inquisition. The chief interest in these declarations consists of the glimpses of Santa Fé life which they unconsciously reflect and preserve for us although three centuries have passed by.

### C. A CASE OF BIGAMY

With the arrival of Father Perea and his band of thirty friars in the spring of 1629, Benavides was relieved of his custodianship. He remained in the province until the following autumn, when the supply caravan departed on the return journey to New Spain, and during the intervening months he assisted Perea in getting under way the new missionary projects made possible by such a large addition to the corps of friars. He continued, also, to exercise the functions of local representative of the Inquisition, for Perea did not receive his appointment under the Inquisition until about the end of 1630, or early in 1631. During the summer of 1629 two men denounced themselves before Benavides on charges which made positive action by the Holy Office necessary. He took the men with him to Mexico when the caravan departed in the autumn, and in March, 1630, they came up for trial by the Tribunal of the Inquisition in Mexico City.

The first case involved a certain Diego de Vera Perdomo, native of Laguna in the Isle of Teneriffe.<sup>18</sup> From

17. Otermín in his letter to the viceroy, April 5, 1682, (see note 15 *supra*) stated that Sotelo aroused resentment because he punished thieves and those guilty of immorality. "y por auer obrado justicia en azotar ladrones sacandolos con los hurtos al pescuezo castigar amancebamientos y otros pecados publicos y le consumieron su hazienda y lo pusieron en estremo de llevar en persona su caballo de diestro a darle agua al Rio."

18. Pleito y Causa Criminal contra Diego de Vera Perdomo, natural de la Isla de Teneriffe. Denunciase el Mismo por casado dos veces. 1629-1630. A. G. N., Inquisición, Tomo 495, ff. 89-103.

Teneriffe Vera moved to the Isle of Canary where he married and became the father of two sons. Leaving his family behind in the Canaries, he later migrated to New Spain in search of fortune and made his way finally to New Mexico. There he married a second time without knowing whether his first wife was living or dead, and two sons blessed this second marriage. But after several years his conscience got the better of him, and on July 19, 1629, he appeared before Father Benavides and denounced himself as a bigamist. Benavides induced Vera to accompany him to Mexico City in order to present himself before the Holy Office, and on March 30, 1630, Vera appeared before that tribunal and stated his case. He threw himself on the mercy of the court, promised not to return to New Mexico, and asked permission to return to the Canaries in order to determine whether his first wife was still living. At the same time Benavides presented a certificate in Vera's behalf in which he stated that Vera and his wife in Santa Fé had always lived good Christian lives and had set a good example to the Indians of their encomienda.

The case was clear. The tribunal acted promptly, found Vera guilty of bigamy, and in formal sentence forbade him to return to his second wife, under pain of major excommunication and two hundred lashes. The case record closes with a petition, written in Benavides' handwriting, but signed by Vera, in which Vera begged permission to leave for Spain in the company of Benavides in order to go to the Canaries in search of his first wife. Three years later Father Perea wrote to the Holy Office asking for information concerning the disposition of the case, for the wife in Santa Fé was still in ignorance concerning the fate of her husband and the status of her marriage!<sup>19</sup>

19. "... de aqui lleno el p<sup>o</sup> fr. Al<sup>o</sup> de benavides un soldado llamado diego de vera, natural de la canaria y con un secreto publico se dice q. por casado dos veces y no a avido mas nuevas de el y la pobre muger me a ynportunado lo auise si es asi que es cuando dos veces y ella es libre para poder deponer de si, o no, suplico a V. M<sup>o</sup> si es posible se me auise dello pa q. la desengañe o lo que en esto mas fuere seruido o lo que conbiene hacerse." Perea to the Holy Office, December 6, 1633. Del Comiss<sup>o</sup> del nuevo Mex<sup>o</sup> con una ynformon contra Joan Anton Mulato Por casado dos veces. A. G. M., Inquisición, Tomo 380.



## D. A PACT WITH THE DEVIL

The second case is more interesting. It concerned one Luis de Rivera, a cow puncher in the cattle country of the province of New Biscay.<sup>20</sup> In 1628 he was employed as a muleteer in the caravan that brought Father Perea and his thirty friars to New Mexico. On July 22 and 23, 1629, two friars who had arrived with Perea denounced Rivera to Father Benavides and accused him of a pact with the Devil. Coincident with the denunciation of the friars, Rivera appeared of his own volition and denounced himself. A fourth witness, one of the majordomos of the caravan, was later summoned by the tribunal of the Inquisition in Mexico City. The details of the case, as stated in these four depositions and as related to the tribunal by Rivera during the course of his trial, are most interesting and present a curious sidelight on the frontier life of New Spain in those days.

Rivera was born in Seville, and as a boy he had been in the service of an Inquisitor of Seville. At the age of thirteen he went to Mexico in the company of a Governor of New Biscay, and during the succeeding ten years he worked as a cowman in that province. During his first year in this new home, while still a mere youth of thirteen or fourteen, he had been subjected to influences which had an evil effect on his subsequent life and conduct. In the first place, an Indian initiated him into the practice of superstition by giving him an herb which, if used on the occasion of a day's fasting, was said to have the power of attracting to its possessor women with whom the possessor desired carnal relations. Rivera accepted the herb, but a few days later threw it away, "seeing that it had no effect." During the same year he met a negro slave who introduced him into the

20. Pleito criminal a Luis de Rivera, por tener pacto con el demonio, y haberle ofrecido el alma en una cedula que hizo con su sangre. 1629-1630. A. G. M., Inquisición, Tomo 366. The entire description of this case in the text above is derived from this document which contains the complete trial record. I have not thought it necessary, therefore, to use notes except in one or two instances, and then only for purpose of explanation.

lore of demonology. The negro, like many cowmen on the frontier, believed that the Devil was a potent factor in their lives, and that with his favor they could the more easily round up cattle, come off successful in a bull fight, or even catch a mustang on foot. For this reason many of them, including the negro, had a figure of the Devil stamped (tattooed?) on the sole of the foot. The negro also possessed a book of a few pages in which he had painted rude pictures of demons. He offered to sell it to Rivera, assuring him that if he would draw blood from his nose, and with the blood sign his name at the bottom of one of these rude pictures, making a pact with the Devil and offering him his soul, the Devil would always aid him. Rivera, child that he was, paid the price (a peso and a half) and, drawing his blood, signed the document. For a week or so he kept the book, keeping it with him during the day and under his pillow at night, but he soon began to fear that his action might involve some sin, and finally tore up the book. He feared to confess his acts, however, so the secret was sealed within his breast for years.

During the succeeding years Rivera gradually grew lax in the practice of his religion. He seldom went to mass, and he let years pass by without communing. He became addicted to oaths, and on one occasion denied God altogether. Moreover, during these years his secret weighed heavily on his conscience, and although he never called upon the Devil nor talked with him, the Devil tormented his soul! Finally, in 1628 he hired out as a muleteer in the New Mexico supply caravan. On the way northward in the valley of Santa Bárbara the mules and cattle stampeded, resulting in considerable loss. Rumor flew from mouth to mouth. Only the presence of an excommunicate or of the Devil himself could have caused the stampede! Poor Rivera! His self control was shattered in the face of such rumors, and he confessed his secret to one of the friars.

Such was the situation when the caravan arrived in New Mexico in 1629. Two friars who knew some of the

facts in the case denounced Rivera to Father Benavides. One of them accused him of actually speaking and conversing with the Devil, and the other even testified that Rivera had confessed that he had more than once called upon the Devil for aid, especially in rounding up cattle. At the same time Rivera denounced himself. Benavides induced him to return to Mexico with the caravan in order to appear before the Inquisition and beg mercy of that tribunal. Then for some reason before the caravan reached Mexico City, Benavides ordered Rivera's arrest, so the poor fellow was already in irons when he arrived. He was delivered to the Inquisition on March 13, 1630, and confined in its jail. A few days later he was transferred to the public jail of the city.

The progress of the trial was fairly rapid, for Rivera had already confessed his guilt. The details of the trial are interesting mostly because of the efforts of the examining attorneys to magnify the guilt of the defendant by means of fine spun distinctions and by reading into Rivera's confessed actions interpretations and intentions which they did not warrant.

The first audience before the Inquisition was on March 20, 1630. The regular procedure of a first audience was followed, and Rivera was required to give statements concerning his ancestry, his education, his religious training, and a brief story of his life. At the end of the audience he was given the first admonition in the usual form. He was told that it was not the custom of the Holy Office to arrest persons without sufficient information and cause, and that he should search his conscience and truthfully state any acts or words of which he might feel guilty. In Rivera's case this was a mere formality, for he had already confessed. The second and third admonitions were given on March 21 and June 12 respectively.

During these audiences the examiners propounded questions cleverly phrased in order to make Rivera's guilt appear as serious as possible. For example, he was asked whether he believed that the herb which he had received from the

Indian had power *in itself* to accomplish the pretended end, or if it was by means of an intervening pact with the Devil. To which Rivera cleverly, probably honestly, replied that when the incident occurred he was a mere youth of thirteen or fourteen, ignorant of the world and such matters. He was asked also with what spirit or intent he had made his bargain with the Devil. Was it with the thought of regarding him more powerful than God, and, in making the agreement, did he consciously cut himself off from need of and belief in the Catholic Church and its ministers? Again he answered skillfully, for, although he admitted that the negro had deceived him, he also insisted that he had made the pact with a full understanding that God was all-powerful and that the Devil was his creature. He had in no manner cut himself off from the Church. On the contrary, even during the time when the book was in his possession, he had continued to commend himself to the Virgin, and to repeat the *Pater Noster* and *Ave Maria* before going to bed!

Formal accusation was presented by the attorney on June 12, and on the same day Rivera replied to the charges article by article. The accusation reviewed the essential facts concerning the possession of the herb received from the Indian and the bloodpact with the Devil. By these acts, so the accusation declared, Rivera had cut himself off from the Church and had become guilty of apostasy, for his very acts declared and made manifest his evil intent and indicated that he was "truly apostate from our Holy Catholic Faith, giving over to the Devil his soul, redeemed with the blood of Our Saviour and Redeemer, Jesus Christ; adoring him (the Devil) and regarding him more powerful than God. . . . attributing to him and giving to him *de facto* the adoration and worship owed to God alone." He had become the servant and slave of the Devil, having, on two or three occasions, denied God and the saints. The accusation closed with a petition by the attorney asking the Inquisitor to declare the charges proved and Rivera relaxed to the secular arm. He also asked that, in case the charges were not declared to

have been proved, Rivera should be put to torment until he confessed the truth.

In his replies to the articles of the accusation Rivera once more admitted the truth of the general charges, but he denied, as he had already done, that by his acts he had knowingly and wilfully cut himself off from the Church. His acts had been the results of ignorance, not of conscious intent to sin. He threw himself on the mercy of the court and offered to submit to such acts of penance as it might prescribe.

On the same day that the accusation was presented the tribunal appointed an attorney to defend and advise Rivera during the remainder of the trial. On the following day a resumé of evidence given by the three witnesses (the two friars and the majordomo of the caravan) was read, and Rivera replied to their accusations one by one.<sup>21</sup> The only point of importance in this phase of the process was Rivera's denial of the statements made by the two friars that he had actually talked with the Devil and called upon him for aid.

A pause of a few weeks now occurred in the trial during which the judges studied the evidence. There was no doubt that Rivera had been guilty of acts of superstition. The crucial point was Rivera's purpose and intent. Had he regarded the Devil more powerful than God? Had he deliberately cut himself off from the Church? On July 9 the board of qualifiers (*calificadores*), having examined the evidence, gave their opinion and probably saved Rivera from

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21. The "publication of the witnesses" was part of the normal procedure of any trial before the tribunal. Defendants were kept in ignorance of the exact nature of the evidence against them, not only until after their arrest and imprisonment, but also until after the preliminary audiences, the presentation of the accusation or indictment, and the taking of the defendant's replies thereto. Then, finally, occurred the "publication of the witnesses," that is, the reading to the defendant of a resumé of the declaration of each of the witnesses. Even then the names of the witnesses were not revealed, although the defendant was often able to identify them by the character of the evidence. Following the reading of the evidence the defendant had an opportunity to deny or affirm the charges and to make such comments as he wished. This usually revealed no important details, for the defendant had already answered the most important charges in the answers to the indictment.

severe punishment.<sup>22</sup> The board agreed (1) that the denial of God was heretical blasphemy; (2) that the use of the herb could be suspected of heresy; (3) that signing in the little book was an implicit pact with the Devil. But it also stated that these acts did not necessarily imply that Rivera had cut himself off from the faith or that he believed the Devil more powerful than God. On the contrary, the qualifiers agreed with Rivera's own defense that it was possible for him to ask the aid of the Devil and at the same time preserve a true belief in God; for "although it was a very grave and suspect sin in the matter of the faith, yet it does not immediately follow that he denied the faith, especially because his tender age could not give him full appreciation (of his act)."

The opinion of the qualifying board cleared the question of its uncertainties, and the court proceeded to pass sentence. On July 19 the panel of the Inquisition voted, found Rivera guilty, and drew up formal sentence which was pronounced the same day. It found him guilty of heresy and apostasy, of having made an implicit pact with the Devil, of having denied God twice, of having sworn many times in anger, and "of other crimes." These actions constituted grave offenses against the faith, worthy of severe punishment; but the court, "for just causes," moderated the punishment and decreed as follows: (1) that Rivera should abjure his errors; (2) that for two months he should be confined to the Jesuit convent (the Casa Profesa) in Mexico City, and that during that time he should duly confess his sins; (3) that, under pain of being punished more severely,

22. The *calificadores* were a board of selected theologians and jurists who advised the tribunal on articles of faith and canon law. Ordinarily they were summoned prior to the arrest of the accused party for the purpose of advising the tribunal whether the charges and propositions contained in the evidence already received by the tribunal would, if proved legally, constitute actual heresy or some violation or denial of the faith and practice of the Church. If the board advised that the charges and propositions were heretical or otherwise dangerous, the tribunal would then order the arrest and imprisonment of the accused person. In the case of Rivera this normal procedure was not followed because Benavides brought Rivera to New Mexico before presenting the evidence. The board gave its opinion after the arrest and accusation, but before sentence.