Caudillo Justice: Intercultural Conflict and Social Change in Santa Fe, New Mexico, 1837-1853.

Dissertation

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By

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ABSTRACT

This project is the story of the Hispanos in New Mexico who were caught within the maelstrom of American colonization, of complex peoples with their own power structures who occupied a space in the path of a burgeoning empire. More specifically, this is the tale of how an ethnically distinct, religiously different, and politically and economically savvy people endured the process of American colonization. My focus is 1837 to 1853, and I examine the relationship between Hispanics and incoming immigrants; first from Mexico and later from the United States. I seek to challenge previously held notions about how the process of territorialization played out in Santa Fe County and New Mexico more broadly during both the Mexican and American periods. I argue that the New Mexican “elites” were in actuality Mexican caudillos: local strongmen who utilized their vast kinship networks and wealth to dictate regional policy – providing protection to the local population when it was in their best interest, exploiting and intimidating them when it was not.

My approach considers multiple variables, such as class, race, economy, criminality, resistance, and accommodation, as well as how each of these variables influenced the strategies and actions of multiple social groups – New Mexican landholders, poor vecinos, Anglo settlers, and the territorial authorities in Santa Fe County. I utilize quantitative methodologies to analyze
the criminal court documents and census data from Santa Fe County. At the same time, I use qualitative sources, such as written and oral historical testimonies, to examine the intersection between class and race in Santa Fe County and New Mexico more broadly. I focus on both the Mexican and early American territorial periods and seek to decipher how territorialization played out along class and ethnic lines among a heterogeneous society experiencing regime change. By centering my study on the vecinos in relation to the New Mexican caudillos and the assortment of recently arrived Anglo settlers, I move away from focusing too heavily on elites, empires, flags, politicians, and soldiers. Instead, my enquiry is concerned with the community itself and how the process of territorialization impacted the majority of New Mexico’s population.
DEDICATION

For my ancestors and the other families of New Mexico, who found themselves in the path of an empire
ACKNOWLEDGMENTS

I am indebted to my advisor, Randolph Roth, for his intellectual guidance and support during my career at The Ohio State University. He influenced my intellectual development, acted as my advisor, and taught me what it meant to be a historian. In addition, I benefitted from the mentorship of Kenneth Andrien, who supported me personally and professionally during my many years at Ohio State. Without his friendship and support, this project would not have been possible. I am also indebted to John F. Guilmartin, a fellow Southwesterner, a true American hero, and one of the great gentlemen of the profession. His unwavering support during my career made me feel at home when I was so far away.

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I am grateful to the State of New Mexico and all of my friends in Santa Fe and Albuquerque. To Samuel Sisneros, for his guidance in the archives and for our long discussions about what it means to be *Nuevo Mexicano*. To Tomas Jeahn of the Fray Angélico Chávez Library, a master of the archives in New Mexico and a very dear friend. His knowledge is reflected in these pages. To Estevan Rael Galvez, of the Office of the State Historian at New Mexico Center and Archive, who was a major source of intellectual and personal support. I was supported by funding from The Graduate School at The Ohio State University, the Department of History, and The American Folklore Society. I am appreciative of *¿Que Pasa, OSU?* and the support they gave me in my final years at Ohio State, specifically Yolanda Zepeda, Normando Caban, and Dr. Jose Villa.

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Fields of Study

Major Field: History
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INTRODUCTION

Mustering his servants and gathering several wagonloads of cedar pickets, Manuel Chaves ordered the construction of a fence to block the Catholic Church from claiming the western boundary of his vast property. Chaves was never one to be intimidated and he did not fetter even when he scuffled with ecclesiastical authorities. When the priest from Guadalupe Chapel in Santa Fe, New Mexico encroached upon his land, Chaves retaliated. He constructed a large, unsightly barrier as close to the chapel as possible. The frustrated cleric admonished Chaves and complained to Bishop Jean Baptiste Lamy, who summoned Chaves and threatened excommunication if the obstruction was not dismantled immediately:

“You have encroached upon lands of the Church,” thundered the Bishop.
“I have fenced what is legally mine,” retorted Manuel.
“You will remove the offending barrier.”
“I will not!”
“You will comply under pain of excommunication.”

And a final burst from Manuel, “The fence remains, and you will not excommunicate me. It would break my poor wife’s heart.” And he stalked from the interview.¹

Lamy was determined to make an example of Chaves, so he completed orders for his excommunication and had them delivered to the Guadalupe Chapel for pronunciation. Rumors of the confrontation circulated before the Sunday sermon, which began peacefully enough but was interrupted when Chaves, a friend, and two

vecino\textsuperscript{2} servants entered the chapel. Armed with rifles, the members of the Chaves faction followed him down the center aisle and seated themselves in the Chaves family pew. Each sat attentively. Their rifles rested across their laps as they waited for the pronouncement; but when the priest unfurled his orders, the sound of Manuel Chaves cocking the hammer of his rifle echoed past the podium, a warning that discouraged the ecclesiastic from performing his duty and ended the threats of excommunication.\textsuperscript{3}

This memory of resistance survived 110 years through oral tradition before it found its way into publication in 1973, when Marc Simmons, who learned it from Consuelo Chaves Summers, shared it in his book \textit{The Little Lion of the Southwest}.\textsuperscript{4} Most would expect this confrontation occurred in the Mexican period because it featured a prominent landholding \textit{Mexicano} and his henchmen brandishing firearms to intimidate a local cleric. The fact that Chaves and his men threatened Lamy in Santa Fe, New Mexico in 1858 – after more than a decade of American suzerainty – is more unexpected. However, Mexican strongmen and their allies continued to function outside of the law well after the Americans arrived.

\textsuperscript{2} I use the Spanish \textit{vecino} to describe the poor working population in New Mexico and I include those indebted in servitude in this definition. \textit{Vecino} is a legal term that translates to citizen, and I have chosen to use it in order to differentiate between Hispano \textit{caudillos} and poorer Hispanics. I sometimes refer to them as \textit{pobres}, meaning the poor. I am aware that many servants did not have citizenship, but I included them because they we also subjected to the whims of the local strongmen. Economically, I categorize anyone with less than 100 dollars in assets into the \textit{vecino} population. The requirements for citizenship in New Mexico were lax, and with exception of Native American servants, those who I declare \textit{vecinos} are indeed citizens. I have chosen to use this term in an effort stress an economic condition, rather than ethnicity. Mexicanists would argue that the term \textit{campesino} is more applicable, and it should be noted that I agree that many in this category were \textit{campesinos}. However, I do not include Native Americans in this category.

\textsuperscript{3} Simmons, \textit{The Little Lion of the Southwest}, 120.

\textsuperscript{4} There is evidence that this incident did indeed occur. See: Fray Angélico Chávez and Thomas E. Chávez, \textit{Wake for a Fat Vicar: Father Juan Felipe Ortiz, Archbishop Lamy, and the New Mexican Catholic Church in the Middle of the Nineteenth Century} (Albuquerque: LPD Press, 2004), 151.
Historians tend to deal with this incident by situating Chaves within the context of a lawless west brimming with heroes and villains; indeed, the story of Manuel Chaves bringing his guns into the church seems to dovetails nicely with the lore of a *wild west* or the romantic epics of Hispano resistance to American authority. Scholars have used this incident in both ways: Simmons celebrated the individual strength of Manuel Chaves, while Fray Angélico Chávez recounted the dispute to illustrate the abuses of power that accompanied what he termed the *ecclesiastical colonialism* of New Mexico.\(^5\)

However, this story of resistance, like New Mexican society itself, is more complex. It should not be viewed as an anomaly, but instead as an indicator of the powerful position that Manuel Chaves and other New Mexican strongmen occupied in New Mexican society during the early years of American consolidation. It should also be seen as indicative of the unity that arose between strongmen like Chaves and their *vecino* allies when they felt threatened by outside forces. Rather than being an isolated occurrence, it exemplifies the bold actions that Hispanics were willing to take against outsiders and demonstrates the willingness of poorer *vecinos* to support these bold actions. The majority of landholding Hispanics did not care that the flag had changed in the plaza, but when their autonomy was jeopardized they took to their horses and rallied the *vecinos*. Violence and unrest followed.

*Project Overview*

This project is the story of many cultures caught within the maelstrom of colonization, of complex peoples with their own power structures who occupied a space

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\(^5\) It should be noted that I use accent marks as they appear in the records. Thus, I accent Fray Angélico Chávez’s name but not Manuel Chaves. This occurs throughout the text, meaning while some are designated José, others are spelled Jose. For Fray Angélico Chávez’s account, see: Chávez, *Wake for a Fat Vicar*, 151.
in the path of a burgeoning empire. More specifically, this is the tale of how an ethnically distinct, religiously different, and politically and economically savvy people endured the process of American colonization. My focus is 1837 to 1853, and I examine the relationship between Hispanos and incoming immigrants; first from Mexico and later from the United States. During the Mexican period, I focus on the relationships between Hispanics, Mexican officials, and newly arrived Anglo traders. During the American period, I focus on the relationships between Hispanics, old Anglo settlers, and new Anglo immigrants who sought to control them through political, economic, and military coercion. I contend that the 1837 Chimayo Rebellion was a nativist movement, which was a response to the imposition of Mexican political authority in New Mexico. The reaction of the New Mexican people ushered in an age of caudillismo in New Mexico; my findings reveal that this Mexican style social structure, which featured wealthy landholders and a large vecino population, preserved the local power structure even after the United States assumed political control. The American attempts to alter this power structure resulted in the Taos Rebellion of 1847, which was another nativist movement that erupted for similar reasons. Americans ruled more passively after the Taos Rebellion and new settlers and American authorities actively mimicked and ultimately codified a power system that dovetailed with the traditional Mexican caudillo system. Under the new system the vecinos continued to eek out a meager existence. They faced hard justice from the Anglo judges and territorial juries in the courts, which convicted and punished

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6 By Hispanics I mean those with varying degrees of Hispanic ancestry who have been living in New Mexico for at least a generation, as opposed to the Native Peoples of New Mexico or recently arrived immigrants.

7 During Mexican and United States a small stream of Europeans also immigrated to New Mexico. Their experiences will also be analyzed as part of this project.
them along racial lines. Wealthy Hispanos in Santa Fe County and their Anglo allies reaped the benefits of the new system, while the vecinos lost access to public lands and were plunged deeper into poverty.

The story of Manuel Chaves demonstrates the power that he and other local strongmen continued to wield over the vecinos during American territorialization. These large landholding New Mexicans have been called many names by scholars, including elites, patrones, and ricos. Indeed, all of these labels can be applied to them because they accurately describe certain portions of this landholding class, but none of them have proven all encompassing. For example, the term elite suggests a class distinction and, as this study will reveal, New Mexico was indeed a society organized by class. The term is problematic however, because it suggests nobility and entitlement while serving to validate the disproportionate accumulation of wealth enjoyed by those born to the landholding class. In addition New Mexican landholders were sometimes hands-on workers, something the term elites – much like patrones and ricos – does not imply. Patrones suggests a connection between the landowners and vecinos based on the exchange of respect and loyalty for subsistence and protection. The patron, one historian noted, “Was responsible for the political, economic, and social well-being of his people.” The term patrones has some applicability but it is also flawed, because it only represents one aspect of the relationship between landholders and vecinos. Additionally, it presupposes that the landholders recognized their paternal obligations on moral grounds, rather than selfish ones, and creates the illusion of an almost familial

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relationship that simply did not exist. This became especially evident during the early years of American territorialization, when the landholders allowed Anglo authorities to brutalize the local vecinos to further their interests. The term ricos – meaning rich or wealthy – implies the same landholding status but it only acknowledges the economic component and ignores the social activity that came with being a patron. More specifically, the problem with ricos is that it fails to encompass the active political, military, and social agendas that the New Mexican landholders often maintained. Therefore none of these terms, which are the most commonly used by scholars of New Mexican history, adequately describe the diverse activities and complex social relationships that New Mexican landholders participated in.

Considering the limitations of these other terms, the New Mexican landholders might be better situated under the rubric of caudillismo. For this study I define caudillismo as a highly regionalized system of power based on large landholding strongmen who maintained their authority by utilizing vast kinship networks and wealth to dictate policy – providing protection to the local population when it was in their best interest, exploiting and intimidating them when it was not. The pivotal component of this definition is the removal of the landholders from associations with the false pretenses of nobility and courtliness. These were caudillos, and their extended families benefitted from their power. Some caudillos acted nobly while others behaved more cruelly, but ultimately caudillos acted in the manner that best served their own personal interests. Their agendas varied. Some caudillos wanted wealth, while others sought status through political or military ends. Most importantly the caudillos of New Mexico were willing to
fight for their personal interests, be it through force of arms, or political guile, or their influence on the judicial system.

The New Mexican caudillos and their agendas impacted the world in which the vecinos lived, but the vecinos were not without agency. The New Mexican caudillos leaned heavily on the vecinos whenever they found themselves threatened during both the Mexican period and the early years of American colonization. The caudillos were positioned to influence the local vecinos, who depended on them for both subsistence and protection against Native American attacks. However, in return the caudillos depended on the vecinos for labor and to fill the ranks of their militias. Their relationship with the vecinos can be described as synergetic at times, although for the most part the caudillos behaved like despots when they could. They ruled over the land and on occasion behaved generously, but only because they needed vecino labor and loyalty.

The vecinos remained loyal to the New Mexican caudillos because they believed that the local strongmen provided them with their best chance for survival. They suffered classism and racism at the hands of the caudillos; after 1846, they endured racism from Anglo authorities and newly arrived settlers. However, they had lived alongside the New Mexican caudillos for generations, and they believed that the local strongmen would protect them and preserve their way of life. The vecinos were accustomed to struggle and they believed that community loyalty was the path to survival. The caudillos were part of their community and they provided protection from foreign incursions and relief in times of dearth. With their parochial foundation, vecinos suffered the increasing disparity of wealth in Santa Fe County without revolting. When things proved too difficult, the vecinos simple left.
Employing the term *caudillismo*, this study will show that in the early years of territorialization the caudillos of New Mexico used *vecinos* to maintain their regional power and that Anglo authorities were only able to stabilize New Mexican society and gain access to the New Mexican economy by appealing to the personal interests of these local strongmen. In studies of Latin American history, *caudillismo* has been successfully used to describe landholders in Mexico and beyond, but rarely has it been associated with New Mexico. The term has been avoided for several reasons, including the propensity to consider New Mexico as too far from Mexico City to share its power structures; the confusion over how the term *caudillismo* should be employed; and the tendency of scholars to focus too intensely on race and to ignore class structures in New Mexico, which this study will show was an equally important characteristic of the New Mexican community during both the Mexican and American territorial periods.

First, scholars have long overestimated the uniqueness of New Mexico, specifically by overemphasizing the physical distance of New Mexico from Mexico City. The misperception that there is something unique about a Mexican state being distant, impoverished, and surrounded by hostile Native Americans appears in the oldest

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9 Though there may be others, sociologist Thomas D. Hall is the only scholar I have located who has associated *caudillismo* with New Mexico. Hall links the so-called New Mexican elites and caudillos but does so only thrice, more often using the term elites to define the landholding New Mexicans. See: Thomas D. Hall, *Social Change in the Southwest, 1350-1880* (Lawrence: University Press of Kansas, 1989), 184, 191, 213.

10 David Weber, who was primarily trained as a Latin Americanist, is one of many notable exceptions to this statement.

records and was widely believed by Hispanos in their own time. During the Departmental Assembly of 1846, Donaciano Vigil proclaimed, “The location of our country surrounded on all sides by heathen Indians that harass us most of the time, the extreme poverty of most of our citizens, and the scarcity and irregularity of income that can be relied on when most urgently needed, reduces New Mexicans to a life of hardship that I believe no other department of the Republic experiences in the same degree.” The source of this misperception among historians seems to be their literalist readings of statements such as that of Donaciano Vigil, who was politically savvy and therefore not always forthright.

In reality, the evidence indicates that a tenuous existence was normative in many Mexican states, where the lack of infrastructure and poor roads made the journey to Mexico City equally as challenging for Oaxacans as it was for New Mexicans. Francois Chevalier argued that these factors contributed to the continued localization of power, “In Mexico this was reinforced by the renewed incursions of nomadic Indians and by the climate of insecurity which existed in the whole country.” Thus, the features of Mexico, including high mountains, vast deserts, and resistant Indigenous Peoples meant that the people of Sonora, Sinaloa, Chihuahua, and Yucatan confronted many of the same challenges that the Hispanos in New Mexico did.

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12 I use the term Mexican state with the intention of encompassing Mexican states, departments, and territories.
13 A complete transcription of Vigil’s speech is contained in: Lecompte, Rebellion in Rio Arriba, 83-89.
14 For a discussion of Donaciano Vigil, see: Chapter 1, The Chimayo Rebellion of 1837.
Second, there are two fundamental misunderstandings about the term *caudillismo*: first that it is inherently negative and second that it is an exclusively national phenomenon. Firstly, the negative connotation of the word caudillo has impacted the application of the term in New Mexican history. In the Hispanic world, the term caudillo has come to be associated with violence, greed, and oppression: it can be said that the word caudillo is to Hispanic peoples as the term slaveholder is to Anglo Americans.\(^{17}\) Considering that many Hispanic scholars of New Mexican history have strong family connections that extend back to the Juan de Oñate expedition, it is not surprising that there is reluctance to associate *caudillismo* with New Mexico. For such scholars, writing about New Mexican history is an intensely personal venture, and to label the New Mexican “elites” as caudillos is to label themselves the descendants of caudillos.

It must be remembered that throughout Mexico caudillos arose as much out of necessity as from self-interest. Francisco Jose Moreno reminds us that at its origins, “Caudillismo was an effort to fill the vacuum left by the removal of the symbol of institutional authoritism (sic) [i.e., the king].”\(^{18}\) The Mexican Revolution recreated this scenario in Mexico, producing both a political and ecclesiastical shortfall. For example, in New Mexico, two Spanish born Franciscans were ordered to depart the territory, leaving an already depleted clergy even more shorthanded.\(^{19}\) To fill this void, caudillos sent their own family members to Durango, Mexico to study; they returned and became

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\(^{17}\) I use the term Hispanic to indicate peoples with a common - albeit most distant and with significantly varying degrees - Spanish ancestry.


some of the most well-known padres in New Mexico. As national obligations eased, power continued to localize in all parts of Mexico just as it had in Santa Fe, a propensity that was exacerbated by the diverse and factional nature of the Mexican nation. With a weakening central government, vecinos had no alternative but to subjugate themselves to local strongmen in exchange for subsistence and protection, cementing the unequal relationship that makes caudillismo such a negative term among Hispanics today.\textsuperscript{20}

Secondly, too often when scholars think of caudillismo they focus only on individual national caudillos, such as Antonio Lopez de Santa Anna.\textsuperscript{21} In concluding that caudillos should be defined exclusively as those who utilize military force to pursue a national agenda, such scholars overlook the abundance of regional caudillos who reside in smaller communities. Many historians have altered the word caudillo to account for regional caudillos and have interjected the term caciques into the discussion; these they define as community based strongmen with a limited range of power.\textsuperscript{22} Caciques were distinguished by their regional orientation. They wanted to maintain the status quo and often led peasants in revolt when their traditional systems of power were endangered.\textsuperscript{23} Historians such as John Lynch have challenged the necessity of terms like caciques, noting that while the scope of influence may vary, the institution of power and the


\textsuperscript{21} Lynch, \textit{Caudillos in Spanish America}, 335.

\textsuperscript{22} Cacique is an Arawak word meaning chief, which the Spanish incorporated and introduced in Mexico and Peru. See: Hamill, \textit{Caudillos}, 10; Lynch, \textit{Caudillos in Spanish American}, 6.

mechanism that allows for the application of this power are identical for both definitions of caudillismo. 24

Still the one key difference between caudillos and caciques is that caciques derive their power primarily from kinship networks rather than from military power; because their power is derived from kinship, caciquesmo is also limited by familial obligations. 25

With this in mind, I utilize the term caudillo to encompass both caudillos and caciques. Although I recognize the differences between the two types of caudillos, I consider both national and regional caudillos to be part of the same power structure, a group that furthered their own interests at the expense of the vecinos. I often refer to the New Mexican caudillos as local strongmen. As a rule, when writing of New Mexican caudillos, my intention is to evoke community based caudillos and not those with national agendas.

Community caudillos were by some good measure the most common type. As Brian Loveman and Thomas Davies noted, “In contrast to the professional soldier, most caudillos were committed only to a locality or a region.” 26 The majority of caudillos were not interested in larger political movements, though they were quick to utilize force as the basis of their rule when it was possible. When outsiders threatened their personal interests local caudillos often contextualized their actions as pivotal for the good of the nation, but their foremost concerns remained their own regional interests. This is not to say that New Mexico did not have a superpatron or to imply there was not a hierarchy

24 Lynch, Caudillos in Spanish America, 6.

25 I am indebted to William B. Taylor for calling my attention to this important distinction.

among community caudillos, for we will see that in many ways Manuel Armijo fit the mold of a *caudillo supremo*; but even Armijo’s power proved to be limited in New Mexico. If Armijo had national ambitions they never matured.27

Finally, scholars of New Mexico commonly view New Mexican history through the lens of race and downplayed the significance of the local hierarchy. The overemphasis on race is especially true among Chicano historians, whose research agendas focus primarily on race and gender.28 Scholars who do utilize class in their analysis of New Mexico often fail to do so critically, and instead romanticize the accomplishments of so-called New Mexican elites.29 The overemphasis on race is problematic because it obfuscates the fact that Anglos were not solely responsible for displacing *vecinos* in the territorial periods; in fact the Hispano strongmen were prime agents in the movement to dispossess poor *vecinos* from their community-held lands.30 After the American army arrived the New Mexican caudillos needed *vecinos* more for labor and less to fill the ranks of the militia and as a result they abandoned the *vecinos* to the whims of violent Anglo settlers and the territorial courts. As we shall see, they did not protect the *vecinos* from violence, prosecution, and excessive punishment. Therefore,

27 Hamill, *Caudillos*, 11.


29 For example, see: Lynn I. Perrigo, *Hispanos: Historic Leaders in New Mexico* (Santa Fe: Sunstone Press, 1985); also see Gonzales, *The Hispanic Elite of the Southwest*; Vigil, *Los Patrones*; Lecompte, *Rebellion in Rio Arriba*.

one cannot speak of Hispanics in monolithic racial terms, but must instead recognize that
the class divisions among Hispanics meant that the New Mexican caudillos had more in
common with American traders, public officials, and military officers then they did with
the vecinos. All these parties acted in ways that best furthered their interests at the
expense of the pobres.

In arriving to the realization that New Mexico was also a class based society, we
depart from the romantic resistance epics of a victimized race and reveal a more nuanced
understanding of the agency Hispanics continued to exercise during American
territorialization; through the lens of caudillismo, we begin to understand how the local
strongmen impacted the political, military, economic, and social aspects of New Mexican
society during both territorial periods. Politically, the New Mexican caudillos remained
uninterrupted in their participation.31 During the Mexican territorial period, the caudillos
dominated the political landscape, with the Ortiz, Chávez, Otero, and Armijo clans
dictating the direction of local affairs in concert.32 During the period of American
territorialization, new political positions were filled by a combination of New Mexican
caudillos and their old Anglo trading partners, many of whom had either married into the
landholding families or had participated in joint ventures with them.33 The territorial
legislature was dominated by local strongmen, who passed policies that demonstrated
their continued power in New Mexico. In addition, many of the padres, who were
themselves from caudillo families, actively participated in politics. This was especially

31 William G. Ritch, New Mexico Blue Book, 1882 (Albuquerque: University of New Mexico

32 See: Vigil, Los Patrones, Gonzales, The Hispanic Elite of the Southwest; Perrigo, Hispanos.

33 Susan Calafate Boyle, Los Capitalistas: Hispanic Merchants and the Santa Fe Trade
(Albuquerque: University of New Mexico Press, 1997), see chapters 5-7.
true after Santa Fe was removed from the Archdiocese of Durango and resituated into the Archdiocese of Baltimore in 1850. When the Church disenfranchised Hispano padres, they turned to politics in order to have a voice in local affairs. This Hispanics dominated the elected positions, while long-time Anglo residents controlled the appointed positions. The Hispanics continued to dominate elected positions after 1853, when long-time Anglo residents lost their positions to federal appointees. As to the new Anglo settlers, they did not fare well in elections, because for the vecinos it was better to vote for Hispanics than extranjeros.

Militarily, the caudillos were actively involved in the fight against the Navajo, Apache, and Ute peoples, who were prone to raiding throughout Mexico. During the Mexican period, the Hispanics forged treaties with the Comanche and the Pueblos followed, but for the most part they remained at war with the Navajo, Apache, and Ute. In New Mexico these natives committed so-called “Indian depredations,” but they were hardly unprovoked, because the caudillos and vecinos had monopolized precious resources, such as water, food, and the weapons necessary for protection in this politically tense period. The New Mexican landscape did not have the resources to

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34 After his anointment in Santa Fe, Bishop Jean Baptiste Lamy set out on a campaign to remove what he viewed as the corruption within the church, but in actuality he targeted the Hispano padres. Of the various types of colonization that New Mexicans experienced, the ecclesiastical was the only one that displaced Hispano landholders from power. See: Chávez, *Wake for a Fat Vicar*; Chávez, *But Time and Chance*.

35 Extranjeros is a common term among Latin Americanists that literally translates to mean strangers.


support the Native Peoples and the Hispano colonizers, who had established their settlements on lands traditionally utilized by the Pueblo, Apache, and Navajo peoples. When the Hispanos came these Native Peoples armed themselves and commenced raids against the Hispano settlements. Natives traded stolen goods for food, supplies, and firearms to be used in future raids.

Since it proved impossible to completely rebuff Navajo, Apache, and Ute incursions, the primary role of the caudillos as a military unit was to retaliate against hostile Natives and the vecinos were central in this effort. As John Lynch writes, “A caudillo would ride out from his hacienda at the head of an armed band, his followers bound to him by personal ties of dominance and submission and by a common desire to obtain power and wealth by force of arms.” Caudillos used counter raids as an opportunity to take both goods and prisoners, who were then subjugated as servants to New Mexican caudillos; vecinos joined them in order to exact a measure of revenge. In this way, New Mexican caudillos increased their own holdings while further promoting the perception that they were the defenders of the vecinos.

Economically, caudillos actively sought ways to translate their landholdings into various forms of wealth, including household wares, liquid capital, and luxury goods. Initially, landholders developed their ranches and produced goods that were intended for

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40 The practice of trading firearms with Natives was forbidden by officials in Chihuahua, whose traders were being harassed by armed Natives, see: Weber, *The Mexican Frontier*, 97.


trade. The local strongmen benefitted when Spain enacted the Bourbon Reforms, which exempted Hispanics from taxes and aimed to spur industry in New Mexico. Following independence from Spain, Mexico loosened trade regulations and New Mexicans branched out, trading sheep in the south and west and other goods to the north, east, and south. These Hispanics proved more enterprising than early scholars had assumed, forging paths to markets in California, Chihuahua, and Missouri. New Mexican caudillos formed trade partnerships with newly arrived Anglo immigrants, who began settling in Santa Fe as early as the 1820s, and these early partnerships ultimately provided inroads into the American market.

While vecinos hauled nuts, hides, and small goods down the royal road to Chihuahua, the caudillos used vecino labor to move massive herds of sheep, consigned goods, and other items they had received from American traders. As Susan Boyle notes, the sheep trading families dominated the sale of all foreign merchandise: “Five families (Armijo, Chávez, Otero, Perea, and Yrizarri) owned 81.68 percent (148,248 pesos) of the 181,492 pesos worth of foreign goods listed in the guías.” The majority of New Mexican caudillos involved in the sheep trade lived in the Rio Abajo, and they proved most enterprising. With their profits the New Mexican caudillos often expanded their operations by purchasing more land, hiring more vecinos, breeding more sheep, and

43 John O. Baxter, Los Carneradas: Sheep Trade in New Mexico, 1700-1860 (Albuquerque: University of New Mexico Press, 1987), 89-110; also see: Boyle, Los Capitalistas, 57-72.

44 Boyle, Los Capitalistas, 28-29.

45 Boyle, Los Capitalistas, 35-36.

46 The value of these guías - which acted as both passports and packing lists - is presumably for 1843. See: Boyle, Los Capitalistas, 43
eventually expanding their trade connections. Ultimately, the caudillos of southern New Mexico became great sheep barons.⁴⁷

New Mexican caudillos continued their entrepreneurial tradition well into the American territorial period, increasing their holdings and benefitting from their relationships with Anglo immigrants. Maurillo Vigil writes, “In 1850 there were approximately 380,000 head of sheep; thirty years later the number was about four million.” Reportedly three million of these sheep were owned by a mere twenty families, of which roughly two million, two hundred fifty thousand still belonged to Hispanos in 1880.⁴⁸ Individual families such as the Armijos continued to prosper as well: “Fifteen Armijos were listed in the 1860 census. Their reported assets ($458,500) were the largest for any family.”⁴⁹ As we shall see, the New Mexican caudillos continued to increase their holdings at the expense of the vecinos during the American territorial period, especially in Santa Fe County.

Socially, Hispanos continued to rely on their family connections for partnerships and support in times of need. Interrelations among caudillo families were intricate and when challenges arose, Hugh Hamill writes, “The men whom caudillos call upon first will naturally be their relatives, because the ties of blood are the surest and the strongest.”⁵⁰ In 1837 when Manuel Armijo rode north from the Rio Abajo to take power after the Chimayo Rebellion, he did so with numerous members of his own extended

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⁴⁹ Boyle, *Los Capitalistas*, 94.

⁵⁰ Hamill, *Caudillos*, 35.
family: second in command was the man who had nominated him to lead the expedition, his cousin Mariano Chávez, and riding with them was a young Manuel Chaves, nephew to Mariano Chávez and second cousin of Manuel Armijo. Together with their vecinos they quelled a rebellion against the Mexican centralist movement that they themselves had fomented. Kinship networks protected caudillo family members, and they stuck by one another even when their kin went awry of the law. This remained true during the American period as well, and if Anglo immigrants wanted access to New Mexican markets, it behooved them to cooperate and respect these kinship networks.

Social relations first grew through family, and this was the basis of the New Mexican social hierarchy. Importantly, these connections then grew by extension through family friends and their associates, which became the basis of the trade relationships that increased the caudillo economic position. As Lynch explains, “Individual alliances grew into a pyramid as patrons in turn become clients to more powerful men in order to gain access to resources they did not directly control, until they all became subject to a superpatron.” Lynch contends that this bond was an essential mechanism of the caudillo system, a relationship defined by the informal exchange of resources and favors between two parties of unequal status. Additionally these relationships were important because they allowed the New Mexican landholders to

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51 Simmons, *The Little Lion of the Southwest*, 50-51.

52 Several members of the caudillo class were known to be plotting against the recently arrived American officials, but all avoided prosecution after signing an oath of loyalty. It is likely their family connections saved their lives. See: James A. Crutchfield, *Tragedy At Taos: The Revolt of 1847* (Plano: Republic of Texas Press, 1995), 98.


move beyond trade partnerships with kin, which meant that the caudillos could conduct business without being constrained by familial obligations. At the bottom remained the hard work of the vecino, which continued to be the foundation for caudillo prosperity.

In these ways, the caudillos of New Mexico were politically, militarily, economically, and socially entrenched when Americans arrived in 1846, and they remained so throughout the territorial period. Within this context, the 1858 story of Manuel Chaves and his intimidation tactics is more understandable: Chaves could threaten a local cleric because he was a caudillo, a respected and connected member of New Mexico’s ruling class who was protected by his kinship network and supported by his vecino followers; Lamy was just some extranjero gringo from France who had threatened Chaves’ land.

Manuel Chaves proved to be a true hombre macho, a dashing hero on horseback who performed heroic feats and, “whose power was derived from physical force and virility.” During the period of American territorialization his reputation blossomed as an “Indian fighter” and stories circulated about his unrivaled marksmanship and incredible feats of endurance. Chaves was like others in Latin America who, “First emerged as a local hero, the strong man of his region, whose authority derived from ownership of land, access to men and resources, and achievements that impressed for their value and valor.” All of these narrative elements are present in the story of

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55 Hamill, Caudillos, 31.

56 Simmons, The Little Lion of the Southwest, 36-43.

57 Lynch, Caudillos in Spanish America, 4.
Chaves’ dispute with Lamy, from his confrontation in Lamy’s chambers to his dramatic entrance into the Church, Chaves’ story encompasses New Mexican caudillismo.

The Americans were confronted by this powerful social structure, and General Stephen Watts Kearny recognized the importance of catering to the local strongmen. When Kearny commissioned his men to write legal code, he stressed the importance of continuity. He wanted to facilitate a peaceful transition and he hoped the military government would be accepted by the local power structure.\(^{58}\) As a result, the Kearny Code was partially drawn from local Mexican legal custom. Still, even if the American military challenged the legal, political, and social structure in New Mexico, “A caudillo could rule with or without a constitution; his authority and legitimacy were personal and did not depend on formal institutions.”\(^{59}\) Thus the New Mexican caudillos continued to dominate the region without fearing repercussions, much as they had for the majority of the Mexican period. There were no consequences for Chaves and his men, no condemnations of their characters, and no one impugned their sacrilegious behavior.\(^{60}\) Instead, Manuel Chaves continued to enjoy a favorable reputation among New Mexicans and American territorial authorities alike, because in reality little had fundamentally changed under American rule.\(^{61}\) Caudillos continued to prosper, American authorities cashed in, and the vecinos continued to be impoverished.

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\(^{59}\) Lynch, *Caudillos in Spanish America*, 3.

\(^{60}\) Because Lamy had removed many of the native New Mexican clergy members and replaced them with French immigrants, the new clergy did not benefit from the protection of the caudillo class. See: Chávez, *Wake for a Fat Vicar*, 151.
Approach and Methodology

My approach considers multiple variables, such as class, race, economy, criminality, resistance, and accommodation, as well as how each of these variables influenced the strategies and actions of multiple social groups – New Mexican landholders, poor vecinos, Anglo settlers, and the territorial authorities in Santa Fe County. Utilizing criminal court documents, census data, and both written and oral historical testimonies, this project examines the intersection between class and race in Santa Fe County, New Mexico. Focusing on both the Mexican and early American territorial periods, I seek to decipher how territorialization played out along class and ethnic lines among a heterogeneous society experiencing regime change. By centering my study on the vecinos in relation to the New Mexican caudillos and the assortment of recently arrived Anglo settlers, I move away from focusing too heavily on elites, empires, flags, politicians, and soldiers. Instead, my enquiry is concerned with the community itself and how the process of territorialization impacted the majority of New Mexico’s population. Thus when individuals are highlighted in this study, their stories are meant to be representative of patterns in New Mexican society, rather than examples of exceptional persons.

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61 Chaves was prominent and well regarded citizen who was commissioned Lt. Colonel of the New Mexico Volunteer Militia. See: Simmons, The Little Lion of the Southwest, 175-197.

62 For criminal court records, see: New Mexico State Records Center and Archives, Mexican Archives of New Mexico, 1821-1846 (Santa Fe: New Mexico State Records Center and Archives, 1969), hereafter designated MANM; New Mexico State Records Center and Archives, Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951, Box 1-3, hereafter designated TRNMSF; For census data, see: 1850 and 1860 U.S. Federal Censuses; For the historical testimonies: These are combed from the New Mexico State Records Center and Archives, the Fray Angélico Chávez Library, and from numerous secondary sources. Please see individual citations for each narrative that is referenced in this study.
I have chosen to focus on Santa Fe County because it served as the political center, economic hub, and a microcosm of the *vecino* experience in New Mexico. Santa Fe is situated between what has long been recognized as the two distinct regions of New Mexico: the *Rio Arriba* in the north and the *Rio Abajo* in the south. The *Rio Arriba* was home to small farmers, merchants, *vecinos*, and numerous settlements of Christianized Native Americans. During the Mexican period Anglo traders were allowed to settle in the *Rio Arriba* because Hispanics hoped an Anglo presence would serve as a buffer zone between the United States and New Mexico; Hispanics also hoped that the Anglo traders would become targets for hostile nomadic Natives and provide a buffer between Hispanics in the south and the hostile natives of the north. Meanwhile, the *Rio Abajo* was dominated by the caudillos: large landholders who used both *vecinos* as laborers and servants to cultivate crops and raise sheep, which they then traded for valuable goods and monies. The landholding ranchers of the *Rio Abajo* tapped into the extensive trade networks to the south and west more so than did those of the *Rio Arriba*; they traded goods as far as Chihuahua in the south and California in the west. Santa Fe was situated between the *Rio Arriba* and *Rio Abajo* and it served as the seat of government and contained a mixture of people from both the *Rio Arriba* and *Rio Abajo*; because people from both regions lived in Santa Fe, studying it provides us with access points into the cultures of both major regions of New Mexico.

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63 Rio Arriba meaning upriver, Rio Abajo meaning downriver. Janet Lecompte notes that though Santa Fe was technically part of the Rio Arriba, it was in reality neutral. See: Lecompte, *Rebellion in Rio Arriba*, 4.

64 Lecompte, *Rebellion in Rio Arriba*, 4-5.


66 Boyle, *Los Capitalistas*, xii-xv.
Another reason for choosing Santa Fe is that the records for Santa Fe County are the most intact of any region in New Mexico, especially for the period of Mexican rule. Of the 160 surviving criminal court cases from the Mexican period, 127 are from Santa Fe County. Because this data is intact in both the Mexican and American eras, these records allow us to test one of the major hypotheses of this project: that the New Mexican caudillo style of justice disproportionately victimized the vecinos during American territorialization. From the county court documents we find extensive data that reveals the daily trials and tensions that existed among vecinos, New Mexican caudillos, and Anglo settlers across the imagined boundary of regime change. For example, since Anglos had settled in Santa Fe during the Mexican period, we are better equipped to track Anglo immigrant crime in Santa Fe County then in any other part of New Mexico. These records indicate that though Santa Fe was home to a few Anglo immigrants in the Mexican period, it was not until after their numbers increased during American territorialization that Anglo settlers became aggressive. More specifically, it was not until poorer Americans came to Santa Fe that violence and homicide became commonplace among Anglos.

My analysis of the social change in New Mexico centers on the criminal court documents for Santa Fe County from 1837-53. In addition to reading and analyzing individual cases, I utilize quantitative methods to decipher patterns in the ways that people committed crime in Santa Fe County. Specifically, I quantify the types of crime committed by both Hispanos and recently arrived Anglo settlers, the frequency of guilty verdicts in relation to class and ethnicity, and the types of punishment given to those

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67 See: MANM.
found guilty. The vast majority of these cases feature vecino defendants being prosecuted by Anglo and Hispano judges; when the defendants are Anglo they are either soldiers or recently arrived immigrants. Therefore the data from these court documents illuminate patterns of crime in the vecino community and provide insight into how the wealthy Anglo and Hispano officials adjudicated their cases. To accomplish this, I have transcribed all surviving court documents from Santa Fe County and converted them into statistical data, which I then transformed into raw numbers and finally into rates per hundred thousand. This conversion has revealed important trends in Santa Fe County, such as homicide rates, assault rates, and larceny rates across both class and cultural lines and this has allowed me to contextualize crime in New Mexico in relation to crime in other parts of the United States.

In addition I have utilized the data contained in both the 1850 and 1860 United States Federal Censuses. Utilizing quantitative methods once more, I have transformed important parts of the census – such as property owned – into data that can be sorted. In doing so, I have revealed surprising trends in land distribution, the distribution of wealth, and disparities between different landholding ethnic groups. Additionally, sorting the census has revealed the types of occupations New Mexican caudillos, vecinos, Anglo Americans, and Anglo Europeans were statistically engaged in. Through these occupations, we see the social stratification of New Mexican society at the intersection of both class and race. Thus, comparing the occupations of these groups provides insight into the livelihoods of both Hispanics and Anglo immigrants in Santa Fe County.

The historical testimonies that I have gathered for this project come from a wide array of sources, including the Santa Fe County Court Records, personal journals,
newspapers, oral history interviews conducted by earlier historians, and anecdotes contained in the works of other historians. All stories were read through a critical lens that is mindful of the motives of the storyteller and their purpose in recounting it. In engaging these materials, I was primarily concerned with understanding the context of each narrative and how it was situated within my quantitative understanding of New Mexico. In order to test my hypotheses I actively sought narratives that contradicted my data, but found that I was able to reconcile the discrepancies between my work and the surviving documents and oral traditions.

For example – in recalling the tale of Manuel Chaves – it was clear that Chaves and his actions were not extraordinary and unique, but rather that they were the logical byproduct of the social forces in his society. Revisiting the story, we realize that his conflict with Lamy was representative of larger troubles between the Hispano landholders and those colonizers who attempted to wrestle power from them.\(^6^8\) We also recognize that his actions were representative of the powerful position that Chaves and other caudillos continued to occupy within New Mexican society. Chaves possessed land, guns, and influence among the vecinos; American colonization did not change that.

Situating the story in this manner, Chaves and Lamy seem less like outliers or exceptional persons in their society. Instead, their story provides us with a window into a society in the midst of regime change, the actors themselves being directed by social forces rather than by their own designs. In viewing Chaves in this way, we begin to illuminate the true significance of Manuel Chaves’ story, as well as the other historical testimonies we will be examining: they provide insight into the key social relationships

\(^{68}\) Chávez, *Wake for a Fat Vicar*, 150-152.
and conflicts between members of New Mexican society along and across class and ethnic lines. By taking this approach with all the historical narratives in this project, I have sought to move beyond the type of history that focuses on individuals and instead to stress the context and community within which these colorful characters were acting.

By and large, I allowed the data that I mined from primary documents to dictate the course of this study; I ignored the early narratives of Ralph Emerson Twitchell, Benjamin Read, and many other Anglo scholars until I completed my quantitative study. I took this approach because for too long Anglo scholars have dictated what historical moments and aspects of history were most important in New Mexico. Anglos penned the early books, printed the newspapers, and wrote home about the problems in New Mexico, but they did so in relation to what was most important to their interests. They ignored the agenda of the caudillo and the plight of the vecino and reduced New Mexico to a political battleground controlled by Anglos in a two party system. By utilizing quantitative analysis before reading these Anglo narratives, I have sought to remove their biases from New Mexican history. In doing so, I have allowed the data to speak for what mattered most to the local strongmen and the vecinos, rather than the Anglo settlers and their chroniclers.

**Outline of Chapters and Conclusions**

In Chapter 1, I argue that the Spanish colonial legacy of New Mexico allowed regional strongmen to subjugate the New Mexican vecinos, who were forced to obey local strongmen in order to survive. More specifically, this chapter highlights how the hierarchical social structure in New Mexico developed during the Mexican period and documents how the Hispanos first solidified this structure during the Chimayo Rebellion.
of 1837 and later defended it during the Taos Rebellion of 1847. Entitled The Rise of the New Mexican Caudillos and the Burden of the Vecinos, this chapter argues that power in New Mexico during the latter part of the Mexican period rested in the large landholding strongmen who used kinship networks and wealth to dictate policy, to provide protection, and to exploit and intimidate the vecino population in order to maintain their authority. The vecino population was numerous, but the dearth of resources in New Mexico made cooperating with the landholders a reality of daily life. For the vecinos the choice was simple: they chose to support the caudillos that provided subsistence, over both the Mexican and American authorities that brought uncertainty.

Featuring an extensive analysis of Manuel Armijo (who had declared himself Jefe Político y Militar in the wake of the 1837 Chimayo Rebellion) and the other Hispano landholders, this chapter recounts how the opportunistic caudillos in New Mexico manipulated the vecinos into supporting them as they solidified their political control in New Mexico. The existing scholarship on the Chimayo Rebellion classifies it as a rebellion of the lower classes, but my research reveals that it was a rebellion endorsed across class lines.\(^69\) I conclude that vecinos fought the Mexican centralization effort because the local strongmen convinced them that the Mexican officials were a direct threat to their survival. I conclude that the same pattern emerged during the Taos Rebellion of 1847, when the local strongmen convinced the vecinos that the American rule would result in their demise. For vecinos, local strongmen were a proven commodity: they could provide food during drought and a degree of protection against Indian depredations. In an unstable time, the vecinos chose survival.

\(^{69}\) See: Lecompte, Rebellion in the Rio Arriba.

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Chapters 2 and 3 are dedicated to the experiences of the vecino community as New Mexico transitioned into an American territory; they highlight the cooperation between the landholding Hispanics and the American authorities to show how the compromises they made affected the vecinos in their everyday lives. Chapter 2 is entitled *Vecino Crime and the Process of Territorialization* and demonstrates that local strongmen were able to increase their landholdings after the first thirteen years of Americans rule, which led to an increase in vecino larceny. I argue that the vecinos were affected by the process of territorialization on multiple fronts: it changed their lives legally, spiritually, and economically. Legally the vecinos faced laws that mirrored the code they were accustomed to, but the appointment of Anglo judges and the cooperation of territorial jurors put vecinos at the mercy of the courts. Spiritually the vecinos watched as French clergymen displaced their Hispano spiritual leaders. Economically the vecinos lost access to public lands, which were acquired by local strongmen and their business partners. I conclude that the local strongmen increasingly shunned their responsibilities to the vecinos and left them to fend for themselves against the courts, the church, and the threat of starvation.

In the second part of this chapter 2 argue that the vecinos and new Anglo settlers resorted to larceny because they were denied access to land. The New Mexican caudillos and their Anglo allies continued to increase their holdings at the expense of the vecinos; they also refused to allow Anglo settlers to access wealth. Larceny was the most frequently committed crime in Santa Fe County: Hispanics were driven to steal by poverty and they usually targeted necessities; while Anglos were driven to steal by their
desire for material gain and they targeted high dollar items. The territorial authorities came down hard on culprits, but larceny rates continued to increase through 1853.

Chapter 3 is entitled *Between a Rock and a Gun* and utilizes data from the criminal court records at the New Mexico State Records Center and Archives from 1837-53 to illuminate the stability of the Hispano community – as well as the instability brought by recently arrived American immigrants. The first part of this chapter demonstrates that the *politicos* – meaning the local strongmen who participated in politics – held a decided majority in the territorial legislature and they used their political power to further their personal agendas and business interests. In the process they alienated Anglo settlers, who responded with violence: recently arrived American settlers were ten times more likely to commit homicide than were members of the vecino community.70 I contend that these new Anglo immigrants were vying for wealth, but the New Mexican landholders and local Anglo officials walled them out. I conclude that because recently arrived Anglo settlers did not feel represented by the local authorities, they responded with violence and acts of open civil disobedience.

This chapter also focuses on how violence committed by vecinos manifested itself differently than did those attacks conducted by Anglo immigrants. By examining individual homicides and assaults, a pattern emerges in the way poor New Mexicans and poor Anglo settlers carried out their attacks: vecino murders usually involved weapons that revealed little premeditation, such as rocks, boards, and kitchen utensils, while Anglo settler homicides used guns and demonstrated a clear intention to kill. I conclude that

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70 New Mexico State Records Center and Archives, *Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951*, Box 1-3. The homicide rate for the Nuevo Mexicano community was 23.3 per 100,000 per year, which is a relatively normal rate. The Anglo settler homicide rate was 221.9 per 100,000 per year, making them ten times more likely to commit homicide.
Anglo immigrants were more likely to take the law into their own hands because they did not trust the local government; because little changed for the vecinos, they remained less prone to violence.

In Chapter 4 I argue that New Mexican strongmen used their power in the legislature to exercise indirect control of the legal system; at the same time, they allowed Anglo judges and territorial juries to mete out justice along racial lines. Together, the local strongmen and the courts applied justice in manner indicative of a colonial society. Entitled *Pain for the Vecino, Pay for the Anglo*, this chapter illuminates how the new judicial apparatus and jury system resulted in both higher conviction rates and harsher punishments for the vecinos than it did for their Anglo counterparts. My analysis of jury verdicts reveals that the conviction rate for vecino defendants reached seventy-three percent, while Anglos were convicted roughly fifty percent of the time. For vecinos, punishments included public lashings, extended jail sentences, and sale into indentured servitude, while Anglos received short jail terms and fines for their transgressions.

The politicos, Anglo judges, and territorial jurors oversaw a system that convicted vecinos at the same rates as blacks in the slave courts of colonial slaveholding societies and free blacks and slaves in the county courts of the South. The vecinos also faced some of the punishments that slaves and free blacks faced, including lashes and indentured servitude. At the same time, local strongmen were never indicted and Anglos in Santa Fe County enjoyed the same white privilege that Anglos in the South were afforded. As a result, sixty percent of convicted vecinos were sentenced to long terms jail, and of those twenty-seven percent were also lashed, while Anglos were most often sentenced to short
terms in jail for the same crimes.\footnote{New Mexico State Records Center and Archives, \textit{Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951}, Box 1-3.} I contend that the \textit{politico’s} willingness to support a system that chastised the bodies of \textit{vecinos} symbolized their continuation of the old power relationships between the government and the people in New Mexico.\footnote{Michael Foucault, \textit{Discipline and Punish: The Birth of the Prison} (New York, New York: Vintage Books, 1995), 7-9.} While New Mexican caudillos and Anglo settlers prospered, \textit{vecinos} continued to suffer from poverty; when \textit{vecinos} resorted to thievery they paid a high price, but since they were accustomed to caudillo justice it was a price they accepted.

This study serves as a response to the countless scholars who have portrayed the course of territorialization in New Mexico as an unabated dispossession of New Mexican lands; a process that they hold separated Hispanics and Native Americans alike from the territory they had inhabited for hundreds of years. Focusing too much on race these scholars have, perhaps unintentionally, crafted their very own New Mexican declension model featuring Anglo Americans cheating, stealing, and swindling helpless New Mexicans who resorted to various forms of passive resistance while their possessions slipped through their fingers. Ignoring the significant role played by large landholding Hispanics in displacing the \textit{vecinos} from their lands, these historians have made victims of all Hispanics.

It is impossible to think of a people alike Manuel Chaves – who risked excommunication and threatened to shoot a priest over but a sliver of his land – and his fellow strongmen allowing American authorities to pilfer land from them. It is equally a folly to believe that the caudillos in New Mexico allowed the public lands that belonged
to the *vecinos* to be claimed by Anglo immigrants without securing the lion’s share for themselves. As this study will demonstrate, the New Mexican caudillos were economically and politically savvy people; the *vecinos* were pragmatic ones. The New Mexican caudillos were seasoned veterans of centuries of conflict with the Pueblo, Navajo, Apache, and Ute and they had horses, guns, and more *vecino* support than any American authority could muster. When the Americans tried to control New Mexico, they even had support from the Puebloans. Likewise, the *vecinos* supported the caudillos when the caudillo system was threatened. When the local strongmen fomented unrest, the *vecinos* took up arms and the power these Hispanics wielded together made New Mexico a veritable Hispano bastion.

Santa Fe County remained decidedly Hispano after the Americans arrived: the Hispano population increased during the first thirteen years of territorialization, while the Anglo population dwindled. In 1850 the Hispanic population in Santa Fe County was 6683 and by 1860 that number increased to 7384; at the same time, the Anglo population declined by thirty-six percent, from 803 in 1850 to 511 in 1860. The Hispanics gave birth to 2282 children between 1850 and 1860, while Anglos gave birth to 48. The Hispanics were settled and rooted, while most Anglos who came to Santa Fe soon drifted away. In short, Americans did not have the power to do what many historians have contended they did.  

After 1847, the New Mexican caudillos, who had maneuvered their way into power in 1837, now worked alongside older Anglo immigrants to acquire property and increase their influence. They forged relationships with new Anglo settlers when it suited

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73 The formatting and submission guidelines for dissertations stipulate that tables cannot appear as part of the introduction. For this data, see table 3.5 in chapter 3.
them, and ignored them when it did not. Thus, it should not be surprising that while the number of small landholding New Mexicans was declining during the early years of territorial consolidation, the aggregate property held by Hispanos was actually increasing.

As this study will demonstrate, what was happening in New Mexico in regards to property was not a byproduct of racial domination, but was instead a consequence of a society undergoing a further concentration of wealth.

By recognizing the existence of this caudillo power we advance our understanding of a more complex New Mexican society, where class and race are interwoven in an intricate braid. To that end, this project introduces data that highlights the social dynamics of New Mexico through a combination of quantitative and qualitative analysis. In doing so, my goal is to resurrect the New Mexican vecinos and return to all Hispanos the agency that is rightfully theirs. As my study will show the Hispanos controlled New Mexico when they could, adapted when it was necessary, and continued to redefine themselves in whatever manner that was needed to preserve and extend their holdings. Above all else the Hispanos did what they judged to be in their best interests, something their American partners could easily understand.
CHAPTER 1: The Rise of the New Mexican Caudillos and the Burden of the Vecinos

In 1843 Padre Antonio José Martinez stood at the great *porte* of the *Palacio Nacional* in Santa Fe anxiously awaiting an election that was sure to name him New Mexico’s representative for the Mexican Congress. Martinez had long anticipated his appointment and was eager to return to Mexico City, where he hoped to gain support for the policies he later articulated in his 1844 “Exposition on the Affairs in New Mexico.”

Vicar Juan Felipé Ortiz presided over the departmental assembly and – having just completed his own term as New Mexico’s representative – publically endorsed Martinez as his replacement. The voting was underway and it appeared that Padre Martinez would be the unanimous choice, when Governor Manuel Armijo unexpectedly appeared before the congregation. Armijo was angry at Martinez, who had publically challenged his generous land grants to American traders and their New Mexican business partners. He was also worried that Martinez might call attention to his land grant policies in Mexico City if he was elected. Armijo was anxious to avoid attracting attention from the central

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74 The *Palacio Nacional* is now the Palace of the Governors.

75 The Exposition outlined a plan to pacify local Native American nations by encouraging them to settle and adopt farming as a way of subsistence. Martinez’s plan criticized the practice of granting land to American businessmen, and New Mexican landholders were infuriated by this idea because they were partnered with the foreign merchants who were receiving these land grants. Martinez’s plan was not revolutionary, but rather it was a continuation of the Spanish policy of pacification and acculturation. See: Fray Angélico Chávez, *But Time and Chance: The Story of Padre Martinez of Taos, 1793-1867* (Santa Fe: The Sunstone Press, 1981), 66; 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), 300-301.
government and so he resolved to prevent Martinez from being elected. Armijo stood before the congregation determined to prevent Martinez from taking the position, twirling his trademark baton of office and flanked by armed soldiers on both sides.\(^76\)

Pointing his baton and voicing a command that has escaped historians, Armijo ordered Vicar Ortiz and the other delegates to elect Diego Archuleta.\(^77\) Archuleta was well known in New Mexico: he was the son of Juan Andres Archuleta, one of the wealthiest strongmen in the Rio Arriba, and a valuable ally to Armijo.\(^78\) “And since the noise of arms silences the rights and even the laws themselves,” writes an early biographer of Padre Martinez, “Archuleta was elected.”\(^79\) Like the priest at San Miguel Chapel, who some fifteen years later wilted in the presence of Manuel Chaves, the gentle Vicar Ortiz and his assembly bowed to the intimidation tactics of Manuel Armijo.\(^80\) Governor Armijo thwarted Padre Martinez, ensuring that Martinez would not bring unwanted attention from the Mexican congress.\(^81\)

By the time this incident occurred late in 1843, Manuel Armijo and the other large landholding caudillos had political control of New Mexico. Spanish efforts to control

\(^76\) Chávez, But Time and Chance, 67.


\(^78\) Vigil, Los Patrones, 15.


\(^81\) Chávez, But Time and Chance, 67-68.
local politics and collect taxes were a point of emphasis in Mexico since the Bourbon Reforms, but Mexican independence removed the specter of Spanish intervention and allowed local strongmen to emerge throughout the diverse expanses of 1843 Mexico. 82 New Mexican caudillos, such as Armijo, Juan Andres Archuleta, and his son Diego first emerged in New Mexico to fill the void left by Mexican independence. These strongmen derived their authority from the land and resources that their ancestors had monopolized during Spanish colonization. The New Mexican caudillos had emerged within the power vacuum created by the Mexican Revolution and they pushed the boundaries of their old land grants and established themselves as power brokers in the developing vecino settlements around Santa Fe. They manipulated the vecinos by withholding resources in exchange for service and loyalty.

There was nothing exceptional or different about the rise of strongmen in New Mexico, as caudillos seized power throughout the vast expanses of the independent Mexican nation; and once local strongmen achieved local rule they proved determined to keep it. As in other parts of Mexico the power vacuum was created in New Mexico when Spanish officials, local clergymen, and others who remained loyal to Spain either absconded or joined the independence movement. In New Mexico the key change that accompanied independence was the removal of the strict trade embargos that Spain had placed on the entire kingdom, embargos that specifically banned trade with the Americans. 83 New Mexican strongmen utilized their extended families to seize control of

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82 It is important to note that the Bourbon Reforms were applied differently in New Mexico, especially in regard to taxes. For the Bourbon Reforms in Mexico, see: William B. Taylor, Magistrates of the Sacred: Priests and Parishioners in Eighteenth-Century Mexico (Palo Alto: Stanford University Press, 1996), 13-14.
the local government and to exploit new trade opportunities with the Americans, but they did not enact sweeping reforms within the local power structure. Instead, they continued to operate as they had before Mexican independence: in a manner loosely based on Spanish law.\textsuperscript{84} Although the Mexican system remained similar to the old Spanish system, the number of vecino laborers increased and their labor now exclusively benefited New Mexican landholders instead of Spanish officials.\textsuperscript{85} In this way New Mexican strongmen reached a new level of local rule and they were determined to maintain this newfound autonomy.\textsuperscript{86} They modified local policies to buttress their own positions, dominated the local markets, and resorted to open rebellion when the Mexican central government threatened their power.\textsuperscript{87}

Governor Manuel Armijo was a central figure in the struggle for local autonomy, but in reality he represented the larger interests of his fellow landholding strongmen. Armijo was beholden to them, and in this manner he fit perfectly into the 1843 Mexican landscape; within New Mexico he represented the will of the local strongmen and his life is representative of the New Mexican caudillo experience. Armijo initially served as governor in 1827, but was accused of corruption and forced to retire his post in 1828. Although he had resigned, Armijo remained an ambitious man from a powerful family;

\textsuperscript{83} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 337.

\textsuperscript{84} Jill Mocho, \textit{Murder and Justice in Frontier New Mexico, 1821-1846} (Albuquerque, New Mexico: University of New Mexico Press, 1997), 10-11.

\textsuperscript{85} Ramón Gutiérrez explains that the number of laborers increased because there was a rise in export-oriented agriculture and livestock. See: Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 322.

\textsuperscript{86} Michael P. Costelo, \textit{The Central Republic in Mexico, 1835-1846: Hombres de Bien in the Age of Santa Anna} (New York: Cambridge University Press, 1993), 8.

he returned to Albuquerque, where he profited in the trade of sheep and other goods. Like the other strongmen, Armijo resented Mexican attempts to centralize power in 1835 and he was aggravated by the appointment of Governor Albino Pérez in 1836. A savvy man, Armijo recognized the local discontent that developed against the centralist movement among his fellow caudillos and he sought to benefit from it. In 1837 Armijo seized the governorship with the support of the other strongmen from the Rio Abajo.

After Manuel Armijo reclaimed the governorship in 1837, he adopted land policies that benefitted his peers; Armijo granted large tracts of land to local strongmen (and their Anglo business partners) under the pretense of economic development because they had supported his coup. Armijo catered to the other caudillos with similar grants and provided landholders with other favors because they were the basis of his power. Specifically, Armijo’s authority was derived from his informal relationships with them, rather than his political office. Families and their vast kinship networks, which were constructed over several generations through business partnerships, marriages, and alliances, continued to dominate New Mexico after the Mexican Revolution. To govern New Mexico effectively, Armijo needed to be recognized as legitimate by his fellow caudillos. This was also true for the other New Mexican officials, who catered to their fellow landholding strongmen to gain support.

Landholders occupied an important place in the New Mexican hierarchy because they were positioned to influence the local vecinos, meaning the poorer settlers who depended on them for both subsistence and protection against Native American attacks. However, although the vecinos were poor they remained an essential part of New Mexican society. Vecinos were the labor force in New Mexico: ninety-three percent of
them worked as farmers, artisans, servants, and laborers and they filled the ranks of the militia when the need arose (Figure 1.1). The local strongmen wanted to participate in regional trade and they needed the vecino workforce to cultivate the land and gather goods so that they could access the market in Chihuahua. Therefore, their relationship with the vecinos was symbiotic and not defined by vecino slavishness. Landholders ruled over the land but they needed vecino labor; vecinos expected basic subsistence, protection, and justice when they were wronged in exchange for their loyalty and labor.

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88 The 1850 U.S. Census for Santa Fe County provides a snapshot of that workforce. By 1850 Santa Fe County had a vecino population of 4,285 over the age of 15. This included an effective male vecino workforce of 2,101 New Mexico born Hispanos, of whom 1,321 declared their occupation in the 1850 Census. 2,964 vecinos did not name an occupation, the majority of whom were part of the 2,184 female vecinos over the age of 15.
In 1844, the wealthy Don Pablo Salazar violated his obligation as a landowner when he clashed with a vecino soap maker in the town of Tomé. Don Salazar was a classic caudillo: a prominent landholder, a military figure, and a strong supporter of Manuel Armijo, while José María Sebada was an immigrant soap maker from Sinaloa. Don Salazar’s family controlled the water in Tomé, which put him in a position of great

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89 I have defined the vecinos as those who held less than $100 in property and only they were counted for this graph. See: 1850 Federal Census, Santa Fe County, New Mexico Territory, hereafter designated 1850 Census.

90 Mocho, Murder and Justice in Frontier New Mexico, 100-106.

91 Don Pablo Salazar was present during the meeting at Tomé in 1837, signed the Plan de Tomé, and participated militarily actions against the supposed rebels. See: Mocho, Murder and Justice in Frontier New Mexico, 101.
power. Sebada had filed a complaint against Salazar and his brother, in which he accused the brothers of abusing their control of the water in Tomé. Sebada’s complaint infuriated Salazar, who was a notoriously intemperate man, and he confronted Sebada for his insolence with a verbal assault that turned into a physical assault. In the midst of the attack Sebada pulled his knife and stabbed Don Salazar in the stomach, mortally wounding him. 92

Landholders often abused vecinos verbally and physically, but the attack on Don Salazar is an anomaly among the criminal court cases because landholders normally fulfilled their basic obligations to the vecinos; they provided them with necessities that included food, protection, and water because it suited their interests. This is because most New Mexican caudillos understood their boundaries when it came to ruling over the vecinos: by threatening José María Sebada’s meager livelihood, Don Salazar had gone too far. However, the strongmen forced the vecinos to labor for basic subsistence items. They demanded labor, pulled vecinos into debt, and ultimately forced many vecinos into indebted peonage. They extended credit and when a vecino could not pay they accepted their children as servants in lieu of payment. 93 What happened to Don Salazar was predictable because he left the vecino soap maker without recourse, and the other landholders knew that if they behaved as Don Salazar did it jeopardized the stability of the social hierarchy in New Mexico.

For landholders, when disputes over resources developed it proved practical to set aside petty interests because they needed vecino labor; the landholders also realized that

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92 Mocho, Murder and Justice in Frontier New Mexico, 103.
93 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 323-324.
if they acquiesced on small matters they extended their influence over the vecinos, which made them valuable allies to political officials first from Mexico City and later Washington D.C. Contrarily, the landholders recognized that if they failed to provide for the vecinos they risked rebellion. In fact, the New Mexican caudillos learned that they could foment discontent if they spread rumors that foreign political authorities endangered vecino subsistence. The caudillos used this knowledge to their advantage on more than one occasion. They provided food, water, and security when they wanted stability; they spread rumors of tyranny and impending dearth when they wanted to foment discontent among the vecinos.

Políticos like Manuel Armijo understood that in New Mexico stability hinged on satisfying the needs of the many caudillos – and by extension the vecinos – and Armijo proved particularly savvy in this regard. Armijo knew how the system worked because he was a byproduct of the New Mexican social hierarchy. If he failed to gain support from local landholders Armijo risked alienating his administration from the vecinos; if the landholders became frustrated the vecinos might become disgruntled, which could lead to rebellion. Armijo did not have the power to rule New Mexico with violence alone; the local strongmen were too powerful and had too much influence over the vecinos to make rule by force possible. Instead, Armijo granted favors to other caudillos and catered to their needs in order to maintain stability in New Mexico.

Although Armijo’s authority was not absolute, that did not stop him from abusing his power as governor; he physically abused vecinos, intimidated American merchants,
and even threatened fellow strongmen on occasion.\textsuperscript{94} However, Armijo’s power had limitations and his actions did not go unchecked: when Armijo crossed members of his own class, as he did on more than one occasion, he was often backed down by other powerful caudillos.\textsuperscript{95} The New Mexican caudillos allowed Armijo to represent them, so long as his actions represented their interests. They did not tolerate threats to their power structure from Armijo or any other entity. In 1837 Governor Albino Pérez, who was appointed by the Mexican central government, learned this lesson the hard way when he disrupted the local hierarchy. Pérez ignored the local strongmen and appointed men that they despised to his cabinet. The local caudillos banded together and fomented an insurrection among the vecinos to topple the foreign authorities. Pérez lost his battle for New Mexico (along with his head!), while the New Mexican caudillos proved that, like caudillos in the other regions of Mexico, they were willing to do anything to maintain power.

This chapter examines the world in which the vecinos lived and documents the rise of caudillismo in New Mexico; it discerns a pattern in how Hispanos – both caudillos and vecinos – reacted when their power was jeopardized. Specifically, it documents how Hispanos resorted to rebellion whenever their kinship networks were threatened by outside authorities and how vecinos readily participated in rebellions whenever they became convinced that their subsistence was threatened. The first part of this chapter examines New Mexico within the context of the Spanish and Mexican nations and contends that the devolution of power in Mexico paved the way for caudillismo in New Mexico.


\textsuperscript{95} Simmons, \textit{The Little Lion of the Southwest}, 52-67.
Mexico. It demonstrates that the legacy of the Spanish economic policies retarded the Mexican economy, which fueled regionalism and empowered local landholders during the early years of Mexican independence. Although Spain attempted to stimulate New Mexican manufacturing, Spain’s greater economic policies in New Mexico made New Mexicans dependent on agricultural exports. In the process, small farmers were transformed into vecinos who became directly dependent on the local strongmen for survival.

The second part of this chapter focuses on The Chimayo Rebellion of 1837, which was the response to the Mexican federal effort to centralize power. In 1835 the Mexican government appointed a centralist from Mexico City as governor of New Mexico. By 1837 the New Mexican strongmen tired of the centralist policies and fomented a rebellion against the centralist governor. The New Mexican caudillos utilized their influence among the vecinos to incite rebellion through propaganda; after the rebellion, they deposed the rebel government and declared themselves the defenders of liberty. It was a victory for local autonomy, but it was also one of many defeats for the centralist movement.

The New Mexican caudillos were too powerful to be deposed and the vecinos believed that the local strongmen were their best chance for survival. The Mexican government granted the local strongmen their autonomy as a reward for their services; the local strongmen established a tradition of local rule and wielded the threat of violence against individuals who opposed their agendas. In 1846 the Americans conquered New Mexico: when they appointed Charles Bent to the post of governor, the caudillos fomented another rebellion among the vecinos and another governor lost his head. The
vecinos languished in poverty in the wake of the Chimayo Rebellion, but they considered survival a victory because they believed what the local strongmen told them: that foreigners threatened their existence. Together the vecinos and the opportunistic New Mexican caudillos secured, maintained, and bolstered the power structure in what became New Mexico Territory.  

**Toward Caudillismo**

In New Mexico *caudillismo* was born in the era of Spanish colonization and was solidified amidst the turmoil of the Mexican Revolution. It emerged because Spanish officials exercised little direct authority in New Mexico and instead focused their efforts on more profitable Mexican states. The Spanish officials tried to stimulate the New Mexican economy by relieving New Mexicans from taxes and restrictions and by doing so they gave the landholding Spanish and Mexican families autonomy. These landholders took advantage of their autonomy and pressed the vecinos into working for them in exchange for subsistence. Vecinos were forced to gather exports in exchange for their survival, and the landholders traded these exports for finished goods in an effort to increase their wealth. After Mexican independence, Spanish rule disappeared but the local strongmen remained entrenched in all regions of Mexico. These strongmen and their families claimed the land for which they had acted as steward for Spain, assumed prominent positions in local government, and continued to amass goods, followers, and power. They established trade with American merchants and broke the monopoly that Chihuahua had held over them during the Spanish period. In this manner, they secured and maintained their position of power in New Mexico.

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96 Although New Mexico had become a department for a time during Mexican rule, I use both department and territory interchangeably.
The rise of caudillismo in New Mexico was directly tethered to Spain’s economic approach to New Spain. During the Spanish period, Spanish officials measured their success in economic terms; they judged their success by how much wealth they exported to Spain and this focus dictated Spanish policymaking. Spanish officials recognized that pre-Columbian Mexico was filled with the resources that they needed to fund their empire, but to tap into those resources Spain needed to modify the existing trade networks in Mexico. In pre-Columbian Mexico Native Americans participated in a massive internal trading network; they exchanged goods from Tenochtitlan to as far north as Cahokia. However, these traditional networks circulated wealth within the Americas instead of pipelining wealth toward seaports for extraction. To maximize profits, Spanish officials needed to efficiently pull raw materials from the colonies.

In seeking to maximize exports Spain ignored the larger Mexican infrastructure, altered trade routes, and made the Mexican economy dependent on foreign trade. This arrangement allowed Spain to extract wealth from the diverse regions of Mexico. Spain pursued their agenda for more than two centuries and over time they created an extractive economic system that simultaneously exported wealth from New Spain while it neglected the infrastructure of greater Mexico. For the Spanish, the most precious and valuable export in New Spain was silver: by the middle of the eighteenth century two thirds of the world’s silver was being extracted from northern Mexico. This export kept the Spanish

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97 Modern day Mexico City is situated on the ruins of Tenochtitlan, while Cahokia has become a local tourist attraction on the eastern side of the Mississippi River in modern day Illinois, across the river from St. Louis, Missouri.

98 The majority of the wealth in Mexico continued to come from larger settlements, such as Zacatecas. See: Florence C. Lister, Robert H. Lister, Chihuahua: Storehouse of Storms (Albuquerque: The University of New Mexico Press, 1966), 18-20.
empire solvent. In addition, raw materials were traded to Spanish merchants at coastal ports in exchange for manufactured goods from Spain. Wealth flowed outward and Spain reaped the benefits from the system. As long as revenue streams continued to flow outward to Spain, local leaders were left to rule however they saw fit and this planted the seeds for caudillismo.

Spanish officials succeeded in their efforts to gear the economy of New Spain toward external trade, but at the local level these economic conditions fueled regionalism. Spain disrupted traditional Native American trade routes and discouraged internal trade and interstate cooperation. Spanish settlers still looked to internal trade for basic necessities, but as valuable items like gold and silver increased in value both Spanish and Indigenous settlers became progressively geared toward dealing in goods that were desirable in Spanish seaports. Spain’s policies fostered competition between different regions of New Spain and rivalries developed between places like New Mexico and Chihuahua.

Early strongmen facilitated the process by organizing vecino labor forces and exporting precious resources for profits. Local strongmen came to power and cornered local markets with varying degrees of success. These fledgling caudillos realized there was more to gain from exports than from cultivating internal trade relationships. They learned that opportunities to profit from intrastate trade were short lived: in most of New

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99 Silver still made up seventy percent of all Mexican imports after Mexican Independence. See: Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 298; Costeloe, The Central Republic in Mexico, 8.

100 Costeloe, The Central Republic in Mexico, 8.

101 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 303.
Spain officials either outlawed or taxed internal trade items and this discouraged merchants from diversifying. The message was clear: to prosper in the Spanish economy one needed to export.\textsuperscript{102}

Spain enacted the Bourbon Reforms (1750-88) when profits from the Spanish colonies declined in the mid eighteenth century; however these reforms were geared toward the mining and trade sectors of New Spain.\textsuperscript{103} As part of the reforms, peninsular Spaniards replaced local strongmen in positions of authority and instituted taxes throughout the empire.\textsuperscript{104} Spanish officials enacted these reforms because they suspected that regional strongmen were lining their pockets with profits intended for Spain. They appointed new officials to end local corruption and worked to ensure that Spain received maximum profits from New Spain. To boost profits further, the new officials legislated in ways that favored peninsular merchants and further retarded manufacturing, commerce, and urban development in New Spain. They became more vigilant when competition to Spanish interests arose and intervened with regulations that quashed potential threats.

Although Spanish officials restricted manufacturing in New Spain during the Bourbon Reforms, they approached New Mexico differently because they valued New Mexico as a foothold in the far north. Spain dealt with New Mexico differently because it hoped New Mexico would protect their silver mines in the northern provinces of Nueva

\textsuperscript{102} Susan Calafate Boyle, \textit{Los Capitalistas: Hispano Merchants and the Santa Fe Trade} (Albuquerque: University of New Mexico Press, 1997), 11.

\textsuperscript{103} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 298.

\textsuperscript{104} Taylor, \textit{Magistrates of the Sacred: Priests and Parishioners in Eighteenth-Century Mexico}, 13-14.
Galicia, Nueva Vizcaya, and Nuevo León. As Ramón Gutiérrez writes, “New Mexico’s defense became an acute preoccupation for the Spanish crown in the eighteenth century because the silver-producing provinces of New Spain were at risk.”\textsuperscript{105} Specifically, Spanish officials believed New Mexico could be a valuable buffer between the silver mines and both hostile Native Americans and the approaching American empire. To prop up New Mexico, Spanish officials freed New Mexican merchants from both trade and travel restrictions, made New Mexican products tax exempt, and sent agricultural specialists, veterinarians, and master weavers to New Mexico to upgrade their livestock, crops, and textiles.\textsuperscript{106} Spanish officials made these concessions, but they refused to allow the New Mexicans to trade with the Americans. They hoped that by making New Mexico economically viable they would solidify their northern outpost and strengthen their position in North America. Spanish officials encouraged emigration to New Mexico from central Mexico and they granted land to new migrants in order to increase production, which they believed would solidify the New Mexican economy.\textsuperscript{107}

These actions impacted New Mexico in several ways: they refocused production in New Mexico, they increased trade to Chihuahua in the short term, and they increased the amount of liquid currency available for New Mexicans.\textsuperscript{108} The volume of goods traveling from New Mexico increased due to the Spanish incentives, but the New Mexicans lacked equipment and the goods that they produced remained low in quality. Better goods were available in Chihuahua at a better price and New Mexicans could not

\textsuperscript{105} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 298.

\textsuperscript{106} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 303-305.

\textsuperscript{107} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 304.

\textsuperscript{108} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 303-305.
compete in that market. In addition, the merchants in Chihuahua swindled New Mexicans at every opportunity by undervaluing the exports that New Mexican merchants traded. Ultimately, New Mexican manufactured goods proved unviable and New Mexicans abandoned manufacturing and turned instead to agricultural exports, which included both agriculture goods and domestic animals.109

In New Mexico the shift to an agricultural export economy impacted the social structure dramatically; it increased the percentage of large landholding farmers and decreased the percentage of small farmers. The shift led to the rise of caudillismo in New Mexico (Table 1.1). Although the actual number of farmers increased from 1790 to 1850, the proportion of New Mexicans in Santa Fe County who owned farms declined from eighty-five percent in 1790 (N=350), to fifty-five percent in 1827 (N=467), and finally to thirty-eight percent in 1850 (N=662). Over the same sixty-year span, both the number and percentage of craftsmen/artisans increased from seven percent in 1790 (N=28), to twelve percent in 1827 (N=101), to eighteen percent in 1850 (N=312). The population of laborers/servants increased more dramatically: from eight percent in 1790 (N=34), to thirty-one percent in 1827 (N=256), to forty-three percent in 1850 (N=757). In 1790 craftsmen/artisans and laborers/servants comprised fifteen percent (N=62) of the population, but by 1850 they comprised sixty-one percent (N=1069) of the population in Santa Fe County. In essence, the rise of the New Mexican landholders displaced small farmers and transformed them into craftsmen/artisans, vecino laborers, and servants.

109 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 323.
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Table 1.1. Occupational Structure of Santa Fe County, 1790, 1827, and 1850\(^{110}\)

In 1850 the actual proportion of large landholders to *vecinos* was even higher than indicated in Table 1.1: of the 662 remaining farmers in Santa Fe County, 329 were non-exporting small farmers (Table 1.2). Only 333 farmers possessed more than $100 pesos in property, which means – by the definition established in this study – the other 329 non-exporting farmers were *vecinos*. These *vecino* farmers usually did not own the rights to their land; they leased their rights from the large landholding strongmen in Santa Fe County. Thus, in 1850 only nineteen percent (N=333) were large landholding farmers while eighty-one percent (N=1398) were small farmers, craftsmen/artisans, and laborers/servants.

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\(^{110}\) These numbers do not include individuals in the censuses who are listed as not having an occupation. The data from 1790 and 1827 comes from a table created by Gutiérrez; the data from 1850 comes from the 1850 Census and only includes Hispanos in Santa Fe County. Gutiérrez utilized the 1790 Census and the 1827 statistics contained in *Three New Mexico Chronicles*. I have modified my data to conform to Gutiérrez’s data set. This included combining professions that I would normally separate, such as servants and laborers. While I utilize the term artisans in my data sets (see Figure 1.1), Gutiérrez favors the term craftsmen. For the purpose of this comparative table, I consider these labels to be interchangeable. In addition, I leave those without occupations unlisted in this table. See: Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 322; H. Bailey Carroll, J. Townsana Haggard, *Three New Mexico Chronicles: The Exposición of Don Pedro Bautista Pino 1812; the Ojeada of Lic. Antonio Barreiro 1832; and the additions by Don José Augustín Escudero, 1849* (Albuquerque, New Mexico: The Quivira Society, 1942), 88; 1850 Federal Census, Santa Fe County, New Mexico Territory.
Table 1.2. Occupational Structure in Santa Fe County, Including Large Landholders, 1850

<table>
<thead>
<tr>
<th>Profession</th>
<th>No.</th>
<th>Pct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Farmers</td>
<td>333</td>
<td>19%</td>
</tr>
<tr>
<td>Small Farmers</td>
<td>329</td>
<td>19%</td>
</tr>
<tr>
<td>Craftsmen</td>
<td>312</td>
<td>18%</td>
</tr>
<tr>
<td>Merchants</td>
<td>7</td>
<td>1%</td>
</tr>
<tr>
<td>Laborers / Servants</td>
<td>757</td>
<td>43%</td>
</tr>
</tbody>
</table>

Alas, the data from Tables 1.1 and 1.2 are incomplete because these tables do not account for persons listed in the census who were without occupation; when they are accounted for the percentage of large landholding farmers becomes even smaller. The data from 1790 and 1827 was drawn from Ramón Gutiérrez and he only accounted for individuals in the census who had a declared occupation. Therefore, missing data skews the percentages in Tables 1.1 and 1.2. In 1790 twenty-two percent of males over the age of 20 had no occupation: there were 527 total males over 20, of whom 114 were listed as not having an occupation. By 1850 only fifteen percent of males over 20 had no occupation: there were 2043 males over the age of 20, of whom 307 were listed as not having an occupation (Table 1.3). This demonstrates the effect of Spain’s economic policies in New Mexico: the percentage of males over 20 without an occupation decreased from twenty-two percent to fifteen percent because a higher percentage of males over 20 worked as laborers. What is more telling is that by 1850 only twenty-one

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111 1850 Federal Census, Santa Fe County, New Mexico Territory; These numbers include only Hispanics living in Santa Fe County

112 Alicia V. Tjarks, “Demographic, Ethnic, and Occupational Structure of New Mexico, 1790” (The Americas, Vol. 35, No. 1: July 1978), 68.
percent (N=430) of the adult male population was made up of large landholders; the other
seventy-nine percent (N=1613) was comprised of vecinos. Taken together, Tables 1.1,
1.2, and 1.3 demonstrate that Spain’s economic policies set Santa Fe County on a
trajectory that empowered large landholders and this resulted in the subjugation of the
local vecinos.

<table>
<thead>
<tr>
<th>Profession</th>
<th>1850 No.</th>
<th>Pct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Farmers</td>
<td>333</td>
<td>16%</td>
</tr>
<tr>
<td>Small Farmers</td>
<td>329</td>
<td>16%</td>
</tr>
<tr>
<td>Craftsmen</td>
<td>312</td>
<td>15%</td>
</tr>
<tr>
<td>Merchants</td>
<td>7</td>
<td>1%</td>
</tr>
<tr>
<td>Laborers / Servants</td>
<td>757</td>
<td>37%</td>
</tr>
<tr>
<td>None</td>
<td>307</td>
<td>15%</td>
</tr>
</tbody>
</table>

Table 1.3. Large Landholders in Santa Fe County, Including Those Without a Profession, Males Over 20 Years of Age Only, 1850

In New Mexico the vecinos felt the direct impact of the Bourbon Reforms in spiritual ways as well. For the vecinos throughout Mexico the Bourbon Reforms altered their relationship with the church; Spain was determined to reduce the power of the church and so they withdrew royal stipends from the priests. The loss of funds left priests increasingly dependent on clerical fees that were imposed on the laity. In 1781 the Franciscans in New Mexico lost their rights to collect labor and goods from the Pueblo people, which made them dependent on the fees they collected from the Hispanos. By making priests dependent on direct fees, the Bourbon Reforms drove a wedge
between the vecinos and the New Mexican priests. Although the vecinos in New Mexico were dedicated Catholics, they had few assets, which caused tension on both sides. As William B. Taylor writes, “Parishioners were drawn to the priest by his spiritual power, his ability to sanctify the local community, and his patronage in perilous times, but they found themselves distanced from him by his demands for money, labor, and obedience, by his institutional ties, and sometimes by the experience of confession.” In these conditions the number of priests in New Mexico declined dramatically: in 1692 New Mexico hosted 70 Franciscan missionaries but by 1792 only 16 Franciscans remained.

In the wake of the Bourbon Reforms both the Pueblos people and the Hispano settlers resented the Franciscans; the priests equally despised the New Mexican populations and denounced them as an uncivilized rabble. As Michael P. Carroll concluded, "The Franciscans lack of interest in the spiritual well-being of the Hispano community was matched by a corresponding lack of interest on the part of the Hispano community toward the Franciscans." Hispanics complained that the priests charged exorbitant fees for simple services, which included marriage and burial services. The relationship between the Hispanics and the church was tense; while vecinos complained about fees, local strongmen condemned priests with false charges of corruption in order to break the Franciscan hold on Pueblo labor. After 1781, the priests in New Mexico

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113 Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 306-311.


115 Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 311.

were compelled to charge Hispanics for their services and because these fees were their sole income the priests became selective in what constituted acceptable payment. When Fray José Mariano Rosete y Peralta was accused of overcharging for a burial, he responded that the parishioner “had tried to pay me with a well worn skirt of very poor quality wool; I guess he wanted me to wear it, which I guess I deserve, given the infamies I have suffered.”

Other priests complained about the behavior of their parishioners; one noted that they acted, “like pagans, entering the church as if it were a horse stable, not crossing themselves, kneeling on only one knee like Jews, and remaining covered with their hooded cloaks…” Mexican priests increasingly viewed assignment to New Mexico as a punishment: it was surrounded by hostile natives, there was a rift between priests and parishioners, and it was difficult to carve out more than a meager living.

After 1781, many of the priests who came to New Mexico behaved badly, which exacerbated an already tense relationship. Many priests meddled in private matters: vecinos in Santa Cruz complained that Fray Diego Muñoz Jurado kept them under constant surveillance and that he brutalized them; Jurado responded that he was just performing his duties as a priest. Other priests proved to be sexually deviant: Fray José de la Santa Cruz Polanco sodomized an orphan boy, tried to rape another woman, and coerced a married woman and a pregnant woman into having sex with him. Several other priests carried on lengthy affairs and many lived with their lovers and fathered

117 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 312.

118 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 313.

119 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 313-15.

120 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 313.
several children. The priests drank, gambled, and had affairs with local women, which undermined their credibility within the Hispano communities.\textsuperscript{121}

By the early nineteenth century the relationship between the church and the people deteriorated, but the New Mexican landholders interceded, which solidified another bond with the vecinos. According to Fray Angélico Chávez, Padre Antonio José Martinez and three members of the wealthy Ortiz family were inspired to become priests by Miguel Hidalgo. Their families supported them because the Franciscans were unpopular and New Mexico needed priests.\textsuperscript{122} In 1817 Juan Felipe Ortiz – who Manuel Armijo later intimidated into electing Diego Archuleta – along with Ortiz’s twin cousins Rafael and Fernando Ortiz, accompanied Martinez to the seminary in Durango. Martinez came from one of the wealthier families in the Rio Arriba area, while the Ortiz’s hailed from Santa Fe and the Rio Abajo area.\textsuperscript{123} Of course, Padre Martinez and Vicar Juan Felipe Ortiz were not strongmen; instead, they occupied a middle ground between the vecinos and the local strongmen in New Mexico. Their familial ties to the local strongmen bound them to the landholders, while their spiritual connection to the vecinos made them influential among the people and this influence ultimately benefitted the local strongmen.

In contrast to the vecinos, the New Mexican strongmen and their families actually profited from the Bourbon Reforms. Since the Spanish officials wanted to strengthen New Mexico they disregarded economic restrictions that they had enacted in more

\begin{footnotesize}
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\textsuperscript{121} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 315.

\textsuperscript{122} Chávez, \textit{But Time and Chance}, 20.

\textsuperscript{123} Chávez, \textit{But Time and Chance}, 21-22.
\end{footnotesize}
accessible and profitable parts of Mexico. It is true that Spanish law still forbade New Mexican farmers from trying their hand at tobacco to prevent competition. In addition, under Spanish rule there was nothing resembling a fair market for New Mexicans to trade at. Of course, they were still not allowed to trade with the Americans. Still, the strongmen benefitted greatly from the turn toward mass agriculture and livestock exports; thanks to favorable Spanish policies they increased their land, wealth, and political clout.

However the Spanish policies also devastated the Mexican infrastructure: by Mexican independence travelers faced roads that were ruined, unsecured, and undersupplied. After independence the Mexican government was hindered by the extractive economy and as a result Mexican officials did not have the resources they needed to fund local governments and protect their settlements from Native American incursions. Mexican officials were unable to change the system because they did not have the resources they needed to fund local governments. Spain created a system that stressed exports, but it also left the people to their own devices. As a result, the Mexican revolutionaries faced extensive infrastructure problems and were left without the means to safeguard the Mexican people. Instead, it was the caudillos that filled this role; they served as patrones to the vecino populations within these power vacuums.

In practice, the Mexican economy operated much as it had during Spanish rule, but Mexican officials struggled to collect profits from the system. Under Spanish rule merchants in towns like Chihuahua pooled goods from smaller settlements like Santa Fe and supplied miners in the northern provinces with necessities; the miners then funneled

silver to the coastal regions, where the crown collected it and shipped it back to Spain.\textsuperscript{125} After Mexican independence silver still made up seventy percent of all Mexican exports.\textsuperscript{126} Mexican officials recognized that the system worked and they tried to raise money for the central government by using it; they sought to collect profits once due to Spain, but instead the wealthy merchants and local strongmen from larger regions pocketed the profits. In this way the Mexican system disproportionately favored large settlements over small ones. Local strongmen continued as before: they identified valuable exports, used vecino labor to collect them, and traded them to regional trading centers. However, the Mexican central government lacked the power to collect the profits from the larger regional strongmen and this empowered them against the Mexican central government.

New Mexico realized very little profit within this system, especially when compared to larger settlements like Chihuahua, and this ultimately led New Mexicans to seek out trade with the Americans. For New Mexicans Chihuahua remained the closest trading center, but New Mexicans were forced to accept unfair treatment whenever they traded in Chihuahua. New Mexicans found that their goods were undervalued, that prices were high, and that the goods Chihuahuans traded to them tended to be of the lowest quality.\textsuperscript{127} For smaller settlements like New Mexico, even their local strongmen failed to

\textsuperscript{125} Chihuahua was established as part of an effort to push the northern boundary beyond Zacatecas. Zacatecas had produced massive amounts of silver and residents petitioned to move north in search of more wealth. It is telling that in the early years of Chihuahua’s history there was an emphasis on mining and on the founding of haciendas. From the beginning, Chihuahua’s purpose was to provide wealth to the mother country. See: Lister & Lister, \textit{Chihuahua}, 18-20.

\textsuperscript{126} Gutiérrez, \textit{When Jesus Came, the Corn Mothers Went Away}, 298; Costeloe, \textit{The Central Republic in Mexico}, 8.

\textsuperscript{127} Boyle, \textit{Los Capitalistas}, 14-15.
get a fair shake once they reached larger markets like Chihuahua. In fact, regionalism made fair trade nonexistent at every step on the Camino Royal: New Mexican strongmen were taking advantage of poor vecinos and Natives, while being cheated by Chihuahua and Durango merchants, who were being fleeced by miners from Zacatecas and high taxes, who were being swindled by foreign merchants and taxes. New Mexican strongmen decided that the only way to empower themselves was to seek out new trade partners in the north.

Another incentive for New Mexicans to seek trade with American merchants was the poor condition of Mexico’s roads, which proved to be both difficult and unsafe. Mexican roads were often impassable, either because they had fallen into disrepair or because they were never intended to transport goods by beasts of burden.\textsuperscript{128} The bad roads in Mexico stretched across long distances and impeded internal transportation to and from New Mexico. Descriptions of the Camino Real, or so-called Royal Road, provide insight into how harrowing Mexican roads could be. From New Mexico the Camino Real was crude in many places and traversed high mountains and vast deserts. “The seventeen hundred miles separating Santa Fe from Mexico City were not as formidable an obstacle as the hardships of the trip,” noted Susan Boyle. “The terrain was rugged, the Indian threat was always present, and scarce water was found most often in ‘fetid springs or pools… only rendered tolerable by necessity.’”\textsuperscript{129} During both the Spanish and Mexican periods New Mexicans were forced to travel in armed caravans when they departed for Chihuahua, which reduced their profit margins.

\textsuperscript{128} Costeloe, \textit{The Central Republic in Mexico}, 86.

\textsuperscript{129} Boyle, \textit{Los Capitalistas}, 29.
Therefore the journey to Chihuahua proved far more perilous than the route north to Independence, Missouri, which hastened New Mexican cooperation with American traders. To the south was the infamous Journey of the Dead Man – or *Jornada del Muerto* – a barren expanse of land populated by hostile natives. Native Americans raiders encumbered the route to Independence, Missouri as well, but traveling north was safer because it was not nearly as arid. In addition, New Mexican merchants traded on better terms with Americans than they did in Chihuahuans; Missourians in particular sought inroads into Mexico through Santa Fe, and this made them more willing trade partners. Once independence from Spain opened the door to American traders, New Mexican landholders plunged into the merchant business, developed partnerships, and utilized these slightly safer northern routes to build trade networks into the United States.

The New Mexican caudillos fundamentally departed from both the Spanish colonial and Mexican national policies by forging partnerships with the American traders. After independence New Mexicans welcomed American traders because they hoped competition would break the monopoly held by Chihuahua merchants. New Mexicans faced resistance from Mexican officials, who argued that they needed to protect the Mexican markets from American traders. To accomplish this goal the Mexican officials declared numerous items from the American market contraband, and they created a list that grew annually.

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131 Boyle, *Los Capitalistas*, ix.
The New Mexican caudillos profited from the Mexican trade regulations; they used them to leverage Anglo traders for a cut of their profits. Local strongmen conducted secret meetings with the Anglos and took possession of Anglo contraband. They pretended to help Anglo traders avoid Mexican taxes, but this secrecy was just a performance; the caudillos did not fear retaliation from the local government because they and their kin controlled New Mexico. The caudillos pretended to follow Mexican law, but in practice their personal interests superseded Mexican law. When local strongmen were reported to the New Mexican authorities the courts held obligatory hearings, but the end caudillos were not punished. In 1832 Manuel Armijo was indicted for smuggling and he appeared before the court to answer charges made against him because he illegally imported American goods. Armijo brazenly admitted that he had unlawfully introduced foreign merchandise into the Mexican market on behalf of an American merchant.\textsuperscript{132} Armijo’s frankness to the court reveals that he – like the other caudillos – did not fear reprisals for his actions. Like Armijo the other caudillos smuggled American goods without the fear of repercussions. Even when local strongmen were indicted and admitted guilt, they went unpunished.

The New Mexican strongmen proved capable of protecting their own interests; whenever American traders failed to cooperate with the local strongmen they were punished for violating Mexican law. For example, during his first term as Governor in 1827 Manuel Armijo used his power to confiscate pelts from an Anglo trapper who had illegally hunted in Mexico. An American named Ewing Young and his partners illegally trapped in Texas and Sonora before Armijo took office. A former American citizen

\textsuperscript{132} Boyle, \textit{Los Capitalistas}, 51, 209.
named James Baird – who was now a newly minted Mexican citizen – reported Young to the New Mexican authorities shortly before Armijo assumed office. From his home in El Paso in the year 1826, Baird warned Governor Narbona:

I have learned that with scandal and contempt for the Mexican nation a hundred odd Anglo-Americans have introduced themselves in a body to hunt beaver in the possessions of this state and that of Sonora… that they have openly said that in spite of the Mexicans, they will hunt beaver wherever they please… I beg that your Excellency may make such provisions as you may deem proper, to the end that the national laws may be respected and that foreigners may be confined to the limits which the same laws permit them, and that we Mexicans [!] may peacefully profit by the goods with which the merciful God has been pleased to enrich our soil… 133

Baird alerted the local strongmen out of self-interest, and by doing so he provided them a valuable target that they were able to profit from. Baird presented himself to the local strongmen as a Mexican citizen who wanted his trapping rights protected. Only a year before Baird had qualified for Mexican citizenship because he met the years in residence requirement; ironically, he exceeded the qualification for citizenship because he had spent so much time in the Santa Fe County jail for illegal trapping! Manuel Armijo was made aware of the accusations against Ewing Young when he assumed the governorship. Armijo proclaimed that it was his responsibility to protect Mexico, and that he was determined to crack down on illegal trapping for the good of the nation.

Ewing Young and his partners had been away since 1826 and when they returned in 1827 they were warned about Governor Armijo, but they were unable to keep their goods from the new governor. Young heeded the warnings he received from friends and

133 The exclamation point was added by Lavender and is intended to add emphasis to James Baird’s seemingly misguided sense of Mexican identity. However, one must remember that racial categories were much more fluid in the early nineteenth century. What Baird meant in identifying himself as Mexican likely had more to do with citizenship than race. See: Lavender, *Bent’s Fort*, 68.
secretly moved his twenty thousand dollars worth of pelts from their company to a house outside of town. Unfortunately for Young and his associates, Armijo was alerted to their actions. Armijo must have suspected that Young planned to abscond with the pelts, because he quickly mustered a squad and ordered it to seize the contraband. Armijo’s men stormed the safe house and killed the owner, who they claimed was resisting their entry. Afterward, the soldiers confiscated the goods brought them to Santa Fe. The trappers filed several lawsuits afterward, but their goods were never returned. The closest Young came to his pelts was when Armijo granted Young permission to clear the pelts of dust and moths. While Young and his partners cleaned the pelts, one of them absconded to Taos with two bundles and Young followed close behind. Armijo was furious and he tracked down Young and his partner, Big Milton Sublette, at a home in Taos that they had barricaded. Armijo implemented what might be termed caudillo diplomacy in order to end the siege. He ordered his men to load the cannon and aim it at the domicile, which frightened the trappers and forced their surrender. Young never saw the twenty thousand dollars worth of pelts again; a portion went to the treasury, while the rest were divided between Governor Armijo, Baird, the soldiers who recovered them.

New Mexicans demonstrated that they could regulate American merchants with force, but the Mexican government continued to encumber New Mexico with regulations. In 1829 Juan María Alarid condemned a protective tariff that prohibited the importation

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134 This is a good example of a New Mexican citizen reporting contraband in exchange for a share of the value seized by the Mexican government.

135 Lavender, *Bent’s Fort*, 70.

of various woolen and cotton goods, nails, locks, and other necessities. Alarid, who was kin to local strongmen, complained that the law might be “beneficial and necessary for more populous and industrious states… but very prejudicial for the poor and ignorant inhabitants of this territory.” Alarid concluded that in New Mexico high tariffs and trade restrictions hurt everyone, especially the poor vecinos.

Mexico lost profits when New Mexicans traded north and brought American goods into the Mexican market, but there remained little that Mexican officials could do about it because they did not have the resources to repair the Mexican infrastructure. Mexican officials knew that roads were a key for Mexico; they needed to be repaired and made secure, but Mexico was unable to do either. As a result, moving goods in Mexico remained expensive and this continued to hinder Mexico’s economic development in during the nineteenth century. When the roads could be traversed, New Mexicans were treated unfairly at the market in Chihuahua. These factors pushed the New Mexican strongmen toward trade with the American merchants and in response to this and numerous other issues the Mexican officials became convinced that they needed to tighten their hold on the Mexican states in order to protect Mexican interests.

**The Centralist Threat**

In 1835 President Antonio López de Santa Anna and his allies in Mexico City backed a centralist movement that they hoped would strengthen the Mexican nation, but it failed because the local Mexican strongmen were unwilling to relinquish their local

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power to the central government. The centralists in Mexico City argued that the power of the Mexican nation was being weakened by the legacy of the Spanish economic system; regional interests superseded national agendas and made Mexico vulnerable to foreign threats. Mexican officials grasped what Spain had failed to perceive: to assert authority in places like New Mexico, they needed to supplant local officials with appointees who were loyal to Mexico. In short, the centralists believed that local strongmen were too selfish and could not be trusted with liberty. In New Mexico Santa Anna appointed Albino Pérez as governor; Pérez was a respected colonel in the Mexican army and Santa Anna believed Pérez’s military experience would serve him well. Instead, Albino Pérez discovered that he was surrounded by strongmen who were more concerned with their own interests than the good of the nation.  \[139\] The centralists hoped that if they replaced local officials they would be able to reel in peripheral states like New Mexico, but they soon discovered that the regional caudillos were too entrenched in local politics, ranching, and trade to be dislodged.

From Mexico City Santa Anna led a charge to reassert Mexican central authority over the loose collection of states that comprised the Mexican nation.  \[140\] During his past terms as president Santa Anna had represented himself as an advocate of democracy, but by 1835 he was disenchanted with the regionalism and social unrest that plagued Mexico during the early years of independence.  \[141\] In addition, he and many others in Mexico City


\[141\] It is likely that Santa Anna was more frustrated by the instability and constant revolutions that were the result of deep seeded regional divisions. See: Costeloe, *The Central Republic in Mexico*, 23.
had grown tired of the economic problems that plagued the Mexican government. As a result of these frustrations Santa Anna and the centralists devised the departmental plan, which was intended to reorganize Mexico and centralize power in order to increase revenue for the federal government. Simultaneously, the new plan was intended to curb the power of regional strongmen and force them to abide by central authority.

In 1835 Santa Anna used his office to abolish the Constitution of 1824; by doing so he cleared the way for the Constitution of 1836 – the Siete Leyes – to be ratified, but his actions also sparked a series of rebellions throughout Mexico. Local caudillos responded to the new laws in a variety of ways. Some ignored the laws or found ways around them, but many resorted to open rebellion. Unrest swept through the countryside, as David Weber explained, “The rebels’ motives were not simply political, but it was a political change – the imposition of the conservative, centralist regime on Mexico in 1835 – that sparked this series of revolts.” Strongmen resisted centralization, and this was not isolated to the southern regions. California, New Mexico, and Texas all revolted against the centralist movement. Rebellions also erupted in the Mexican interior states as

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142 Mexico experienced problems that were similar to those that the United States experienced under the Articles of Confederation: a powerless central government that neither collected wealth nor made policy on behalf of the nation. However, where the United States used political guile to change from the Articles of Confederation to the U.S. Constitution, whereas the Mexican centralists used force to end the Constitution of 1824.

143 Resendéz, Changing National Identities at the Frontier, 176.

144 Upon assuming dictatorial powers, Santa Anna promptly annulled Gómez Farías's reforms and abolished the constitution of 1824. The authoritarian principles that underlay Santa Anna's rule were subsequently codified in the constitution of 1836, also known as the Siete Leyes (Seven Laws). Under the constitution of 1836, Mexico became a centralist regime in which power was concentrated in the president and his immediate subordinates. The states of the former federal republic were refashioned as military districts administered by regional caudillos appointed by the president, and property qualifications were decreed for congressional officeholders and voters.

well, which included Zacatecas in 1835 and the Yucatan in 1840, along with intermittent rebellions in Sonora, Tamaulipas, and Sinaloa.

On the far northern boundary both Texas and New Mexico rebelled, although the uprising in Texas manifested differently that did the one in New Mexico. By 1835 the centralists realized that Anglo Americans presented a problem in the far north and they resolved to end Anglo immigration. In Texas Anglos had immigrated both legally and illegally; they poured in from the United States until they outnumbered the Hispano population. They forged partnerships with wealthy *Tejanos* and together they dominated both the local economy and local politics. When Santa Anna proposed to end Anglo immigration and outlawed slavery in Texas, the Anglo settlers and their *Tejano* allies rebelled. In New Mexico the local strongmen cooperated with Anglo traders and brought American goods into the Mexican marketplace, which presented problems for Mexican manufacturers. They imported and distributed American goods into Chihuahua that competed with the Mexican manufactured goods; in fact, New Mexican strongmen formed partnerships with the Anglo traders and accompanied them on their journeys to Chihuahua. Santa Anna appointed Albino Pérez to the governorship to regulate the New Mexican economy, and in response the local strongmen incited a rebellion among the *vecinos* and Puebloans in the *Rio Arriba*.

When the Texas revolt erupted Santa Anna undertook the now infamous Texas expedition of 1836. The campaign was a disaster for Santa Anna, who was ultimately defeated at the Battle of San Jacinto. Santa Anna was captured and during his confinement he received a message from Joel Poinsett, a U.S. government official to Mexico who for many years had argued that Santa Anna was Mexico’s only hope for
stability. Poinsett told Santa Anna that he no longer believed him to be a champion of democracy. “Say to General Santa Anna that when I remember how ardent an advocate he was of liberty ten years ago, I have no sympathy for him now, that he has gotten what he deserves.” To this, Santa Anna retorted:

    Say to Mr. Poinsett that it is very true that I threw up my cap for liberty with great ardor, and perfect sincerity, but very soon found the folly of it. A hundred years to come my people will not be fit for liberty. They do not know what it is, unenlightened as they are, and under the influence of a Catholic clergy, a despotism is the proper government for them, but there is no reason why it should not be a wise and virtuous one.\(^{146}\)

This statement encompassed both the centralist and caudillo mindsets, including that of the New Mexican caudillos: simply put, they believed that the people needed to be controlled. On the regional level caudillos considered themselves entitled to rule over vecinos because they belonged to the ruling families. Long before social Darwinism, New Mexican landholders believed that their rule was justified by their station in life, their skills, and of course their genetic superiority to the vecinos, who they considered inferior in every way. They believed they were nobles, and they argued that marriage to vecinos polluted their bloodlines. The local strongmen forced local priests to marry them to their cousins instead of vecinos in order to keep their bloodlines pure.\(^{147}\) For the New Mexican strongmen, the vecinos lived only to serve them.

    However, Santa Anna did not differentiate between regional caudillos and vecinos in rural Mexico, and this included New Mexico. Santa Anna and his centralist allies


\(^{147}\) Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 334-35.
treated rural Mexicans like ignorant brutes who needed to be managed. To the centralists, the local strongmen were self-interested thugs who needed to be brought to heel. Their policies situated regional caudillos – or so-called elites – within the same category as poorer vecinos. The centralists offended the New Mexican strongmen because they treated them like Mexican subjects. As such, Santa Anna should have expected the open rebellion that his plan incited in both New Mexico and beyond.

As in many other parts of Mexico the caudillos in New Mexico openly opposed the departmental plan because it curbed their power; those in the Rio Abajo resented Santa Anna’s plan most of all. The Rio Abajo “Was the home of most of the ricos, the rich and educated men, the ruling class. They lived in many-roomed adobe houses, or walled plazas along with their peons, who tended their houses, fields, orchards, and sheep, and were tied in debt to their masters.” The new centralist governor challenged their authority when he displaced them from the highest political offices and appointed his allies to these positions. New Mexican caudillos in the Rio Abajo considered the centralist governor and his allies outsiders and they began plotting against the new administration.

The new administration was led by Colonel Albino Pérez, who Santa Anna appointed as governor and Jefe Político y Militar; the New Mexican caudillos resented

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148 The New Mexican caudillos were offended by the centralist intervention in New Mexico. They believed that Santa Anna had demonstrated his contempt for local rule by appointing one of his officers as governor of New Mexico.


150 Lecompte, Rebellion in Rio Arriba, 6.

the appointment and began undermining Pérez’s legitimacy among their peers. The caudillos considered Pérez an interloper who did not understand the troubles that New Mexico faced.\textsuperscript{152} They were convinced that a New Mexican should rule New Mexico; they were accustomed to home rule, and the idea that federal interests superseded local interests angered them. Pérez threatened their autonomy because he represented direct rule by the new centralist regime. Under the Pérez administration the New Mexican caudillos faced a loss of autonomy, trade regulations, and worst of all federal taxes, which was something that all of the Hispanos in New Mexico adamantly opposed.\textsuperscript{153} The local strongmen plotted against Pérez and this blossomed into a full-blown rebellion.\textsuperscript{154}

Pérez did little to improve his popularity among the caudillos after he took office in 1835; in fact he appeared out of touch with the Hispanos in New Mexico. First, Pérez appointed local residents who shared his belief in Santa Anna and the new government, instead of choosing from among the more powerful landholders.\textsuperscript{155} As a result the New Mexican strongmen in both the \textit{Rio Arriba} and \textit{Rio Abajo} disdained Pérez’s appointees, especially Don Ramón Abréu and Francisco Sarracino.\textsuperscript{156} Many of the caudillos, including Manuel Armijo, believed they were better qualified for these offices because of

\textsuperscript{152} Weber, \textit{The Mexican Frontier}, 262.


\textsuperscript{154} The most popular interpretation of the Chimayo Rebellion is written by Lecompte, who conducted the most thorough research on the rebellion. Lecompte argues that the Chimayo Rebellion was perpetuated by the lower classes, meaning the \textit{vecinos}. Unfortunately Lecompte’s research undermines her argument, which is the byproduct of a literalist reading of the surviving documents.

\textsuperscript{155} Hall, \textit{Social Change in the Southwest}, 191.

their “Wealth, respectability, and prestige.”¹⁵⁷ Donaciano Vigil recalled in his 1846 speech to the legislative assembly that Pérez was undercut because “In the nomination of his employees he entirely neglected to consider influential men of wealth, who lacked the knowledge he thought indispensable for the undertaking, and considering themselves spurned, they soon tried to impair the reputation of Señor Pérez.”¹⁵⁸ Vigil did not identify the “influential men of wealth” by name – largely because many of them were present at the assembly in 1846 and it was dangerous to do so! But they included Judge Juan Estevan Pino, postmaster Juan Bautista Vigil y Alarid, and former governor Manuel Armijo.¹⁵⁹

The centralist government exacerbated the situation when it passed The Decree of 1837, which expanded Pérez’s powers to include supervision of the treasury. This ignited anti-centralist sentiment and led to open conflict between Pérez and the local strongmen. The powerful Judge Juan Estevan Pino openly criticized the appointment of Santiago Abreu, Pérez’s closest political ally, and publically accused sub-comisario Francisco Sarracino of embezzlement.¹⁶⁰ Pino found willing allies in postmaster Juan Bautista Vigil y Alarid and interim sub-comisario Manuel Armijo, both of whom resented the centralists, and the case went to trial.¹⁶¹ Earlier Manuel Armijo had helped


¹⁵⁸ Donaciano Vigil, “Assembly Address of Donaciano Vigil to the Departmental Assembly of New Mexico, June 22, 1846,” contained in: Lecompte, Rebellion in Rio Arriba, 86.

¹⁵⁹ Joseph P. Sánchez, “It Happened in Old Santa Fe, The Death of Governor Albino Pérez, 1835-1837,” in All Trails Lead to Santa Fe: An Anthology Commemorating the 400th Anniversary of the Founding of Santa Fe, New Mexico in 1610, ed. Orlando Romero (Santa Fe: Sunstone Press, 2010), 272.

Vigil y Alarid fend off charges of mismanagement that were filed by Sarracino and Miguel Sena, another Pérez devotee; in return, Pino and Vigil y Alarid maneuvered to attain the appointment of sub-comisario for Manuel Armijo. Somehow Judge Pino ended up presiding over the case against Sarracino and found him guilty as charged, but Sarracino and his allies, which included Governor Pérez, refused to abide by the judge’s ruling. \(^{162}\)

Pérez angered Manuel Armijo and his allies when he disregarded Judge Pino’s ruling. He made things worse when he reinstated Sarracino, who reassumed his position as sub-comisario. Armijo held this position and he considered himself personally slighted by Pérez’s actions; publically Armijo claimed that he surrendered his post due to failing health, but in truth he resigned to avoid the disgrace of being replaced. \(^{163}\) Janet Lecompte contends that Armijo’s health problems were real and that they affected his ability to serve as sub-comisario. “Because of illness, Armijo came to Santa Fe only twice that year from his home in Albuquerque and failed to raise the required funds.” \(^{164}\) However it is clear that Armijo and his supporters resented Pérez’s decision to reinstate Sarracino and replace Armijo; it is also certain that Armijo would be embarrassed if he were replaced. On a personal level, Armijo was accustomed to his salary of 4000 pesos per annum for a minimal amount of work; on the political level Pérez’s decision to disregard Judge Pino’s ruling amounted to classic confrontation between a federal

\(^{161}\) The duties of the sub-comisario include raising funds for both the government and the troops stationed in New Mexico. See: Lecompte, *Rebellion in Rio Arriba*, 12.

\(^{162}\) Sánchez, “It Happened in Old Santa Fe,” 272.

\(^{163}\) Manuel Armijo to Governor Pérez, April 12, 1837, Mexican Archives of New Mexico, Roll 23, Frames 341-342.

\(^{164}\) Lecompte, *Rebellion in Rio Arriba*, 12.
authority and regional or state rights. Ever conscious of his reputation Armijo resigned – as he was apt to do whenever his political position became untenable – but his resentment of Pérez continued to smolder.

The Chimayo Rebellion of 1837

In 1837 the Chimayo Rebellion erupted in the Rio Arriba and overthrew the Pérez administration and although the vecinos and Puebloans were blamed for the uprising, it is clear that the local strongmen ignited the rebellion. The chronology of the rebellion is straightforward: the rebellion began when a local judge, or alcalde, was jailed because he refused to obey the Pérez administration; it turned violent when Pérez tried to subdue the rebellion; and it concluded when Manuel Armijo and the caudillos from the Rio Abajo defeated the rebels and executed their leaders. Manuel Armijo and the Rio Abajo caudillos have been portrayed as heroic figures who brought order to New Mexico, but in reality it was the New Mexican caudillos who incited the vecinos and their Pueblo allies in Santa Cruz de la Cañada. These caudillos spread wild rumors among the vecinos and Pueblos and convinced them that Pérez’s excessive taxes and wayward policies threatened their subsistence. The caudillos manipulated the vecinos and Pueblos, who then supported local officials in an uprising that claimed the lives of Governor Pérez and his administrators. The vecinos transformed the rebellion into a political movement, but the Pueblos were mostly involved with the military aspects of the rebellion. Manuel Armijo expected to be named governor in the wake of the rebellion, but when the rebels

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166 Another example of Armijo retiring due to a sudden illness occurred in 1844, when Native attacks were running rampant and Mexico City was about to replace Manuel Armijo with General Mariano Martínez. Preemptively, Armijo turned the government over to his ally Mariano Chávez. See: Ward Allen Minge, Frontier Problems in New Mexico Preceding the Mexican War, 1840-1846 (unpublished doctoral dissertation, University of New Mexico, 1965), 159.
elected a vecino instead Armijo rallied the caudillos in the Río Abajo and routed the rebels. Armijo portrayed himself as the hero who defeated the uprising and the centralists in Mexico City named him governor once more. The supposed counterrevolution solidified caudillismo in New Mexico; unwittingly the vecinos political maneuver ensured that they would remain subjugated to the New Mexican strongmen.

The uprising in La Cañada signaled the onset of the Chimayo Rebellion, but the course for rebellion was charted when Governor Pérez clashed with the local strongmen in the Río Abajo. Specifically, Governor Pérez angered the local strongmen by siding against Juan Estevan Pino, Manuel Armijo, and Juan Bautista Vigil y Alarid. The powerful landholders already resented Governor Pérez’s appointment, but when Pérez went against Pino, Armijo, and Vigil y Alarid he positioned himself against the local power. These were caudillos and they were extensively connected to the other local strongmen through kinship networks and old friendships. Governor Pérez offended three men from prominent landholding families, and by doing so he offended the local strongmen. When Governor Pérez passed new tax laws that targeted local strongmen, New Mexico became ripe for revolution.\(^{167}\)

When Governor Pérez passed tax reforms that targeted local strongmen, the caudillos responded by disseminating rumors that Pérez intended to drain both local landholders and vecinos of their holdings with outlandish taxes. In reality, Governor Pérez targeted trade items that affected the wealthy caudillos and their Anglo business partners, rather than the poor vecinos or the Puebloans. These taxes included: two dollars for each vehicle brought into Santa Fe, twenty-five cents for each animal; five dollars a

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\(^{167}\) Read, *Illustrated History of New Mexico*, 373.
month to cut lumber; twenty to twenty-five cents per head of either sheep or cattle brought into Santa Fe; fifty cents to hold a dance, two dollars for a performance; and immigrants had to report to the alcalde and state their business; anyone not respecting these laws was subject to a ten dollar fine for each violation of the law.\footnote{Read, \textit{Illustrated History of New Mexico}, 373-374.} The strongmen in the \textit{Río Abajo} profited from agricultural exports; those in the \textit{Río Arriba} profited from trade. All the strongmen were affected by these taxes. Armijo and the other caudillos banded together and condemned the new taxes; they launched a public campaign that spelled out a false version of the tax code to the \textit{vecinos}. Even though Governor Pérez’s policies had little to no affect on the \textit{vecinos}, they resented his taxes as well.\footnote{Deena J. González, \textit{Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880} (New York: Oxford University Press, 1999), 37.}

Supposedly, the Chimayo Rebellion was ignited from the bottom up, but in truth it was the local strongmen who objected to the centralist movement and ushered the \textit{vecinos} and Puebloans into rebellion. Armijo spoke for his fellow landholders when he publically denounced the power that Mexico City had given to the \textit{Jeff Politico} in Santa Fe.\footnote{Sánchez, “It Happened in Old Santa Fe,” 273.} Together the caudillos circulated rumors that vastly overstated the new tax laws: they claimed that Hispanos would lose half their property and that shepherds would be taxed for moving sheep; they should also expect to be taxed on water, food, land, and even their wives and children – they told the \textit{vecinos} that there would be a tax to lay with your own wife!\footnote{Lecompte, \textit{Rebellion in Río Arriba}, 18.} They Puebloans were even easier to incite because they were already primed for rebellion; they preferred living near the \textit{vecinos} and they already distrusted
foreigners. As Donaciano Vigil recounted in an 1847 speech, “As soon as the people were brought to a certain level of discontent, distrust, and exaltation by this means, the tenacious enemies of Señor Pérez planned a revolution that had for its ostensible object only the jobs of the present favorites of Señor Pérez.” Vigil could not name those involved during his oratory – they were present while he spoke! – but he clearly established that the motive for the rebellion was not the spontaneous passions of the vecinos and Puebloans. Instead, Armijo and his co-conspirators had created a toxic environment in which one small spark could ignite a rebellion.

Governor Pérez’s extravagant tastes contributed to his demise; the caudillos used his lavish spending to turn the vecinos against him. Governor Pérez was a young aristocrat who publically flaunted his wealth and position. When Governor Pérez arrived in New Mexico he went on a spending spree. He borrowed money from local strongmen and purchased new furniture for the Palicio Nacional, expensive silks, and other fine goods. The caudillos circulated rumors that Governor Pérez and his administration had used treasury money to fund all manner of extravagancies, rather than spend on defense. The vecinos increasingly resented Governor Pérez and were prepared to follow their strongmen into a rebellion.

In December of 1836 a simple court case in Santa Cruz de La Cañada exploded into a battle between centralist and local authorities. The conflict began when the unpopular prefect Ramón Abréu ordered the popular alcalde Juan José Esquibel to

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173 Marc Simmons, Yesterday in Santa Fe: Episodes in a Turbulent History (Santa Fe, New Mexico: Sunstone Press, 2007), 38.
administer justice against two landholders from the Rio Arriba, but the alcalde refused.\textsuperscript{174} Governor Pérez resolved to demonstrate his authority. He dissolved the municipal council of Santa Cruz de la Cañada on the grounds that most of the seven members were related.\textsuperscript{175} Ramón Abréu ordered alcalde Esquibel imprisoned after he disobeyed the order to dissolve, but numerous unnamed citizens freed Esquibel. Esquibel and his allies, which included members of his family, formed a canton and composed this proclamation:

\begin{quote}
Long live God and the Nation and the faith of Jesus Christ, for the most important issues that they stand for are as follows:
1. To be with God and the Nation and the faith of Jesus Christ.
2. To defend our country until the last drop of blood is shed to achieve the desired victory.
3. Not to allow the Departmental Plan.
4. Not to allow any taxes.
5. Not to permit the excesses of those who attempt to carry this out.

God and the Nation, Santa Cruz de la Cañada, August 1, 1837, in camp.\textsuperscript{176}
\end{quote}

The canton denounced Governor Albino Pérez, his administration, and his policies in this proclamation and they vowed violent resistance against the centralists. The authors of the proclamation were not vecinos: they penned a coherent agenda that demonstrated their understanding of the core conflict between the local Hispanos and the centralists. They understood that the conflict with Governor Pérez was rooted in the departmental plan, and they denounced both taxation and those who implemented taxes.

\textsuperscript{174} Sánchez, “It Happened in Old Santa Fe,” 273.


\textsuperscript{176} Lecompte, Rebellion in Rio Arriba, 19-20.
The document they produced betrays their erudition: their grievances were bulleted and numbered, the writing was aligned and well placed, and their penmanship was elegant, with elaborate capital letters and confidently crossed T’s (Image 1.1). Whoever composed and penned this proclamation was educated and was deliberately inciting the vecinos, who were already discontented by rumors, into joining the rebellion.

Image 1.1. Proclamation of the Canton at Santa Cruz de la Cañada, August 1, 1837

The revolt turned terribly violent: Governor Pérez, Santiago Abreu, Roman Abreu, Miguel Sena, and Jesus Maria Alarid were massacred by the revolutionaries. The vecinos and Pueblo dissidents joined the northern strongmen in rebellion. Governor Pérez had few allies in New Mexico, but he was determined to quash the rebellion and he

177 Benjamin Read Collection, Box 7, Folder 16, SRCA, Santa Fe, NM.
launched an offensive against them. He called on the local strongmen in the *Rio Abajo* to support him and gathered an army he hoped could subdue the rebels. However, Pérez found few willing to assist him despite his best efforts; the strongmen of the *Rio Abajo* claimed they could not help for various reasons, but mostly because they were busy. Governor Pérez stubbornly mustered the militia and rode north anyway; but in the battle that ensued he was betrayed by his Pueblo militiamen and forced to retreat. Albino Chacón recalled what happened next: “The governor traveled toward the *Rio Abajo* until he encountered a force of militiamen commanded by the insurrectionist Don A. Antonito Chávez who refused the governor all protection, which is why, while returning from there toward Santa Fe, he was killed by two Indians in the suburbs, and his head carried to the camp and scoffed at by the naturalized villains.”

The identity of Don A. Antonito Chávez remains a mystery – he is not mentioned again in any known record – but it is curious that Chávez and his militia prevented Pérez from fleeing to the *Rio Abajo*. Pérez must have viewed Chávez as an ally because he sought asylum from him, but he was rebuffed. It is also curious that Don A. Antonito Chávez, who Don Albino Chacón labeled an insurrectionist, did not eliminate Governor Pérez and his absconding political allies. Instead, Chávez and his men funneled Governor Pérez back to Santa Fe, as one might do in a hunt. Don A. Antonito Chávez was most likely a caudillo from the *Rio Abajo*: he was associated him with the title Don by Don Albino Chacón, he blocked the road to the *Rio Abajo*, and he forced Governor

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Pérez back to Santa Fe. It is likely that Chávez did not wish to have the governor’s blood on his hands, but he ensured Governor Pérez’s death when he decided to block Pérez’s escape from the bloodthirsty rebels.

Four years later German immigrant Charles Blumner remembered the massacre that followed in a letter to his mother:

All these gentlemen, after governor Don Albino Pérez lost his battle with the revolutionary party, were caught escaping and all of them were murdered! Several of them in a very gruesome manner! The governor, for instance, they cut off his head from the rump before he was dead and they left his mutilated body in the street! Another one, a very powerful and most hated person, Don Santiago Abreu, they cut his tongue out of this throat while he was still alive! He was such an eloquent speaker!

Many have postulated that Manuel Armijo orchestrated the uprising and based on the evidence it is reasonable to believe that – at least in part – he instigated the rebellion. Armijo had motive, means, and personal grudge against Governor Pérez. Those who accused Armijo included Anglo traders and Hispanos who lived beyond Armijo’s reign. However, many incriminating documents are missing because – as Donaciano Vigil later told historian William G. Ritch – once Armijo claimed the governorship, “All documents and papers relating to the revolution and opposition to Pérez were gathered together, as he knew from personal knowledge, and it was well understood that they were destroyed by Armijo.” In 1909 historian L.B. Prince interviewed Aniceito Abeytia, who was a

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181 Charles Blumner, Letter to Germany, March 18, 1841, Charles Blumner Collection (AC 231), translated from German with the assistance of Tomas Jaehn.
young boy during the rebellion and was now advanced in age. Abeytia claimed that
Manuel Armijo cautioned the revolutionaries at the commission in Santa Fe, which met
shortly after Pérez was murdered. Armijo advised the rebels to be vigilant when dealing
with Mexico City; Armijo advised them to send a report to Mexico City that outlined the
incident in a favorable light and then await guidance. According to Abeytia, Armijo
contended that the local forces could not hope to survive an assault by the Mexican
Army, and that if they wanted to survive they needed to be cautious. Abeytia’s account
contained great detail and the savvy advice that he attributed to Armijo is convincing.  
Additionally, numerous Anglo accounts accused Armijo and contended that he had
designs on regaining the governorship, the position he was forced to abdicate in 1828 in
the midst of scandal. According to Abeytia, Manuel Armijo traveled north after they
murdered Albino Pérez because he anticipated being named governor by the rebels.  

Armijo and the Río Abajo caudillos were dissatisfied when the rebels elected Jose
Angel Gonzales as the new governor of New Mexico; the rebels commissioned Armijo to
organize the Río Abajo instead of naming him governor and he hastily departed for his
home in Albuquerque. The rebels elected Gonzales, who was a buffalo hunter and the
son of a Pueblo mother and genizaro father; reportedly Gonzales could not pen his own

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182 What survived are a few oral histories, the assembly speech by Donaciano Vigil, an account
likely penned by Albino Chacón, and several letters and reports by either Armijo or peripheral parties. See:
Resendéz, Changing National Identities at the Frontier, 189, n60.

183 L.B. Prince, Note of Conversation with Aniceto Abeytia July 19, 1909, Mauro Montoya
Collection (AC 152), Box 1, Folder 10-B.

184 L.B. Prince, Note of Conversation with Aniceto Abeytia July 19, 1909, Mauro Montoya
Collection (AC 152), Box 1, Folder 10-B.

185 L.B. Prince, Note of Conversation with Aniceto Abeytia July 19, 1909, Mauro Montoya
Collection (AC 152), Box 1, Folder 10-B.
name. Armijo brought word to the Rio Abajo that the rebels elected an illiterate genízaro; the New Mexican caudillos viewed Gonzales’ governorship as even more illegitimate than Albino Pérez’s. According to Abeytia the opportunistic Armijo used his kinship network and rallied caudillo support against the rebels. The strongmen who were close to Armijo responded to his call, and he received their endorsement to lead a counterrevolution against the very rebels who failed to appoint him.

In contrast to Abeytia’s account, a literalist reading of the surviving nineteenth century Mexican records tells a story of heroism: Manuel Armijo and the so-called elites from the Rio Abajo rode north to quell a rebellion. Empowered by the hyperbole riddled Plan de Tomé, Armijo and his men saved New Mexico from dissident vecinos and wild Indians:

Pronouncement at Tome on the 8th day of September 1837 by the citizens – lovers of their country in favor of the Constitution and laws; and they are those hereto subscribed.

In the town of Tome on the 8th day in the year 1837, the neighbors of said point, and those of Santa Maria of Belen, being assembled, with their respective alcaldes, the parish priest of Tome, the lieutenant of the active militia, the honored citizen Don Manuel Armijo, from the jurisdiction of Albuquerque, fearing the disorders resulting from the anarchy, in which the Territory of New Mexico was plunged, by the deaths inflicted on the persons of the iniquitous measures which the so called “Canton of La Canada” is taking for the destruction of peace, harmony and good order of the citizens, and we being desirous to submit ourselves to the laws, and to keep within bounds the insults with which at every step we are threatened with as well as protecting our properties, and to make the supreme government know the good disposition and obedience which the District of Albuquerque professes it, they have agreed on the following articles:

186 It is possible that scholars ignored Abeytia’s account because he was only 8 years old when the rebellion occurred. In addition, Prince did not interview him until late in life. It is also likely that his version of the story was informed by what he heard from others. However, Armijo was a central figure in New Mexican society. Children and adults alike knew him and talked about him. He was something of a folk figure. Even if Abeytia’s account is buttressed by what he heard from adults, it provides a valuable window into the 1837 Rebellion. It is doubtful Abeytia was mistaken about what he heard and even more doubtful that he lied to Prince.
1. Until the supreme government determines to execute what it may see fit in this Territory, no other authority is recognized but that of the Prefect of the District of Albuquerque, the only legal one remaining.

2. No one shall be attacked in his property or rights.

3. An armed force will be placed under the command of the citizen Manuel Armijo, whom we have generally proclaimed as commandant, and as his second, the citizen Mariano Chavez, neighbor of Los Padillas, and his secretary, the citizen Vicente Sanchez Vergara.

4. If, after all the forces are assembled, it is desired by the commanding officer to appoint another his will shall be obeyed in everything the same as it now is being done.

5. It being fit that the pueblos remain tranquil and not meddle in the difficulties of the Mexican citizens, they will be informed, that the war not being against them nor directed against them nor directed against any of them, not to take part in favor of either party, and that, until the supreme government appoints a governor, they may not flow from themselves.

6. That the preceding article may have effect, it has been made known to three native Indians, that were present from the Pueblo of Isleta, all the just causes that exist, and which they must manifest to their comrades.

7. This pronouncement does not recognize the authority which the appointed Canton placed.

8. The liberating forces being once assembled, the commander shall take the measures which to him may seem convenient for the necessary expenses which may incur, and if he should seize any private property, it will be reintegrated, a thing that will be done religiously.

9. An extraordinary envoy shall be at once sent for the purpose of giving notice to the General Commandant at Chihuahua, and to the supreme government.

10. Anything that may have been contributed by the natives in the shape of pension for the commissioners that had been appointed in Santa Fe shall be returned to them.

In witness whereof we have signed this on said day.
Tome, September 8, 1837.

Manuel Armijo (Seal)
Jose Salazar (Seal)
Pablo Salazar (Seal)
J. Franco Montoya (Seal)
Miguel Olona (Seal)
Manuel Madariaga (Seal)\(^{187}\)

The proclamation was savvy; it distanced the Rio Abajo caudillos from the uprising and simultaneously introduced them as the lone legitimate entity that remained in New Mexico. In fact, it followed the exact advice that Aniceto Abeytia claimed Manuel Armijo gave to the rebels! According to Abeytia, Armijo advised the rebels to be vigilant in dealing with the central government and to send a report that outlined the incident in a favorable light.\(^\text{188}\) The Plan de Tomé was mailed to Mexico and it declared that the Rio Arriba was in the state of rebellion; it singled out Manuel Armijo and the Rio Abajo strongmen, who wanted “to make the supreme government know the good disposition and obedience” of the people in the District of Albuquerque.\(^\text{189}\) “The Honored Citizen Don Manuel Armijo” was the only individual mentioned in the preamble; this protected him against being accused of inciting the rebellion.\(^\text{190}\)

By this proclamation the counterrevolutionaries decided that Manuel Armijo and Mariano Chavez (indeed, Manuel Chaves’ uncle) would lead a “liberating force” into Santa Fe to depose the rebel governor, Jose Gonzales.\(^\text{191}\) During the meeting at Tomé, Mariano nominated Manuel to lead the assault; in turn Manuel named Mariano as his second in command. Armijo claimed that the command was thrust upon him, and that he accepted only because it was his duty. It is doubtful that he faced competition, because

\(^{188}\) L.B. Prince, Note of Conversation with Aniceto Abeytia July 19, 1909, Mauro Montoya Collection (AC 152), Box 1, Folder 10-B.

\(^{189}\) Read, \textit{Illustrated History of New Mexico}, 378-380.

\(^{190}\) Read, \textit{Illustrated History of New Mexico}, 378-380.

\(^{191}\) Weber, \textit{The Mexican Frontier}, 263.
most of the landholders avoided signing the pronouncement. Jon Baxter notes, “The sheep traders remained unconcerned... and refused to let politics interfere with business...” At best the other landholders ignored Armijo’s efforts because they were busy; at worst they distanced themselves from Armijo’s ambition for fear of the Mexican Army.

On September 9th Armijo and Commandant Jose Caballero entered Santa Fe and denounced the Cantón of Santa Cruz de La Cañada; their counterrevolution established New Mexican autonomy and ended the Mexican centralization efforts in Santa Fe. As Thomas D. Hall writes, “This local episode, lasting only a few months, presents in a New Mexican microcosm all the features of the general state of affairs in Mexico: a local caudillo taking action against a group of anti-centralist rebels in the name of order, but also in his own personal and class interest.” Carrying the Plan de Tomé, Armijo asserted his authority in a manner indicative of a caudillo; he seized power, utilized violence against all who resisted, and furthered the interests of those who comprised his power base.

When Governor Jose Gonzales heard about the Plan de Tomé he agreed to transfer power to Armijo peacefully, but the rebels continued to be discontented in early 1838. A rebel named Antonio Vigil denounced Armijo in the circular that he distributed in Santa Fe. In it, Vigil argued that Armijo was not the legitimate governor and that


193 Baxter, Los Carneradas, 104.

194 Hall, Social Change in the Southwest, 191.
Armijo needed to release the four rebel prisoners who had surrendered to him.\textsuperscript{195} Pablo Montoya, who was a caudillo from the Rio Arriba who led the rebel forces, gave the four rebels to Armijo; Montoya surrendered them to Armijo in exchange for immunity. Vigil called Armijo’s rule illegal and claimed it was against the wishes of the people; he contended that Jose Gonzales was the rightful governor and that Armijo was nothing more than a usurper.\textsuperscript{196} He wanted the four rebels to be freed and for Armijo to return to the Rio Abajo. The circular infuriated Armijo and he responded like a caudillo: he ordered the rebels to disband and when they refused he ordered that the four rebel leaders be decapitated.\textsuperscript{197} Armijo and his army attacked the rebels and routed them in the mountains. Padre Martinez gave Gonzales his last rights before Manuel Armijo had the revolutionary governor was executed.

Like Santa Anna after a foreign war, Armijo glorified himself after the rebellion was quelled: “He portrayed himself as the savior of New Mexico, a claim that soon won him confirmation as governor and supreme commander of military forces.”\textsuperscript{198} Others celebrated the counterrevolution, including Albino Chacón, who attributed the Plan de Tomé to “The virtues, patriotism, and talents actively displayed by the gentlemen who signed it.”\textsuperscript{199} Chacón sincerely believed in the counterrevolution, but it is doubtful he

\textsuperscript{195} Read, \textit{Illustrated History of New Mexico}, 385.

\textsuperscript{196} Ralph Emerson Twitchell, \textit{Old Santa Fe: A Magazine of History, Archaeology, Genealogy, and Biography, Volume II} (Santa Fe: The Old Santa Fe Press, 1915), 35.

\textsuperscript{197} Weber, \textit{The Mexican Frontier}, 264.

\textsuperscript{198} Marc Simmons, \textit{Albuquerque: A Narrative History} (Albuquerque: University of New Mexico Press, 1982), 135.

\textsuperscript{199} Lecompte, \textit{Rebellion in Rio Arriba}, 102.
knew how the rebellion had unfolded. In 1846 Donaciano Vigil also celebrated Armijo.

“Don Manuel Armijo, present governor and commanding general of this department who took command of the lovers of order and of the constitutional government, had the honor of putting down the revolutionary hydra in 1837 and of reestablishing order and peace among us.”

However, Vigil’s speech at the assembly was influenced by Manuel Armijo’s presence; as we have seen, Armijo was not afraid to bring his guns to bear against public officials who crossed him. Moreover Armijo and Vigil were friends, which is evidenced by the numerous letters Vigil wrote to Armijo during the American period.

Armijo sent an account of the counterrevolution to Mexico City and Chihuahua that painted him in a favorable light; ironically, this solidified his authority as Jefe Politico y Militar. Santa Anna read the report of Armijo’s exploits and patriotism – Armijo wrote them himself! – and Santa Anna recognized Manuel Armijo as the new governor. In the years that followed Armijo pushed his weight around New Mexico. He brutalized vecinos, bullied fellow strongmen, and squeezed American merchants for money. As governor, Armijo granted more than 16,500,000 acres of land to his allies, far more than any other governor in New Mexican history. The regional strongmen avoided taxes and regained control of local affairs, while the vecinos returned to their labors.

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201 Donaciano Vigil to Manuel Armijo (complete citation from the Donaciano Vigil Collection, copy is in the possession of the author)
Conclusion

Manuel Armijo and his fellow landholders fomented the unrest that ultimately claimed Governor Albino Pérez’s life. The contention that the vecinos and Puebloans were responsible for the rebellion is undermined by both the surviving historical data and common sense. The Chimayo Rebellion was just one of many rebellions that occurred in response to the centralist movement. Throughout Mexico the local strongmen rebelled against Santa Anna’s movement and many rebuffed the federal authorities; although the rebels secured local autonomy in many cases, they also weakened the Mexican nation, made it impossible to repair the Mexican infrastructure, and ripened Mexico for American conquest.

In 1846 the American military marched into Santa Fe unopposed; Manuel Armijo promised to defend New Mexico, but instead fled south to Chihuahua. Armijo realized what many patriotic Mexicans did not: that open warfare was bad for business. The postmaster Juan Bautista Vigil y Alarid – Armijo’s old ally – assumed the governorship and read the following proclamation to General Stephen Watts Kearny and his men in front of the Palacio Nacional:

General:--The address which you have just delivered, in which you announce that you have taken possession of this great country in the name of the United States of America, gives us some idea of the wonderful future that awaits us. It is not for us to determine the boundaries of nations. The cabinets of Mexico and Washington will arrange these differences. It is for us to obey and respect the established authorities, no matter what may be our private opinions.

The inhabitants of this Department humbly and honorably present their loyalty and allegiance to the government of North America. No one in this world

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202 Hall, Social Change in the Southwest, 191.

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can successfully resist the power of him who is stronger.

Do not find it strange if there has been no manifestation of joy and enthusiasm in seeing this city occupied by your military forces. To us the power of the Mexican Republic is dead. No matter what her condition, she was our mother. What child will not shed abundant tears at the tomb of his parents? I might indicate some of the causes for her misfortunes, but domestic troubles should not be made public. It is sufficient to say that civil war is the cursed source of that deadly poison which has spread over one of the grandest and greatest countries that has ever been created. To-day we belong to a great and powerful nation. Its flag, with its stars and stripes, covers the horizon of New Mexico, and its brilliant light shall grow like good seed well cultivated. We are cognizant of your kindness, of your courtesy and that of your accommodating officers and of the strict discipline of your troops; we know that we belong to the Republic that owes its origin to the immortal Washington, whom all civilized nations admire and respect. How different would be our situation had we been invaded by European nations! We are aware of the unfortunate condition of the Poles.

In the name, then, of the entire Department, I swear obedience to the Northern Republic and I tender my respect to its laws and authority.

In September of 1846 General Kearny appointed Charles Bent to the post of governor and departed for California; in January of 1847 the Hispanos and their Pueblo allies decapitated Governor Bent and led a rebellion against the Americans. Among the known conspirators were two strongmen: Diego Archuleta, who Armijo installed as representative to Mexico in 1843, and Pablo Montoya, who turned over the four rebels to Armijo in exchange for immunity during the Chimayo Rebellion. It was a repeat of 1837: the caudillos banded together and fomented an insurrection among the vecinos, the Pueblos joined in, and together they toppled the foreign authorities. Like Pérez, Bent lost his head, while the New Mexican caudillos proved once again that they were willing to

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203 Samuel Sisneros, “She Was Our Mother: New Mexico’s Change of National Sovereignty and Juan Bautista Vigil y Alarid, The Last Governor of New Mexico,” in All Trails Lead to Santa Fe: An Anthology Commemorating the 400th Anniversary of the Founding of Santa Fe, New Mexico in 1610 (Santa Fe: Sunstone Press, 2010), 296-97.
do anything to maintain power.\textsuperscript{204} Although the rebels were routed in a series of battles, the local strongmen got their way: Donaciano Vigil was named governor of New Mexico and the local strongmen formed a territorial assembly in Santa Fe.

As to the Chimayo Rebellion, it must be remembered for what it was: at best it was a coup that was fueled by Manuel Armijo and the emerging caudillos in the Rio Abajo; at worst it was a planned rebellion incited by the rumors and misinformation disseminated by the same caudillos. The historian George B. Anderson claimed, “Soon after Don Manuel Armijo became governor, he “prorogued” the legislative assembly, multiplying all its powers, and from that time to the American occupation he arbitrarily exercised all the powers of the government – executive, legislative, and judicial.”\textsuperscript{205} Daniel Tyler wrote, “Armijo was more than a governor… he acted in the capacity of trader, judge, lawmaker, and soldier…”\textsuperscript{206} Tyler further explains that, for Armijo, “Those who were useful were rewarded… Others, interested in their own aggrandizement, became the victims of Armijo’s justice, arbitrarily meted out and summarily executed.”\textsuperscript{207} By all counts, Manuel Armijo was the caudillo supremo\textsuperscript{208} or superpatron in New Mexico, a wealthy leader among many caudillos who utilized his station as governor to intimidate his enemies and promoted the interests of New Mexican landholders. Shortly


\textsuperscript{206} Tyler, “Gringo Views of Manuel Armijo,” 23.

\textsuperscript{207} Tyler, “Gringo Views of Manuel Armijo,” 23.

\textsuperscript{208} Hamill, Caudillos, 11.
after the U.S. Mexican War, Armijo returned to Albuquerque where he remained until his death.

In 1847 the New Mexican *vecinos* still lived in the same world: they were subjugated to powerful landholders who were engrained into the political, social, and economic structure. The caudillos were not willing to relinquish their hold on New Mexico to the American authorities; Americans were forced to cooperate and compromise. The landholders formed new relationships with the Americans and they expanded their wealth under American suzerainty. Ranking Americans partnered with the local strongmen and the disparity of wealth increased between the caudillos and the *vecinos*. While other regions of the southwest were overrun by mass migrations after the U.S. Mexican War, the New Mexicans in the *Río Abajo* and Santa Fe maintained a strong majority and continued to control their own fate.
“In New Mexico everything was in a peaceful, prosperous condition, to all outward show; the people traded freely; small foraging and herding parties of the American soldiery were everywhere scattered, placing confidence in the inhabitants. It was afterward seen that the designing men – artful and learned natives – were busy, insidiously sowing the seeds of discontent among the more ignorant class of the community, more especially the Pueblo Indians. The result was, they soon considered themselves outraged – their lives at stake – their possessions in danger. With inflamed passions, perverted minds, the brutal attack upon Governor Bent was commenced…”

Lewis Hector Garrard, 1850

The Taos Revolt of 1847, like the Chimayo Rebellion of 1837, was fomented by local strongmen who sought to reestablish home rule. In 1846 the American military allied themselves with the Anglo merchants in New Mexico and attempted to build a new government. The Americans believed the Anglo merchants were ideal allies: they had resided in New Mexico since the 1820s, they had mastered the language, and many had even married into the local community. However, the Americans did not realize that the Anglo merchants were from Santa Fe and the Rio Arriba; they did not represent the

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powerful Rio Abajo caudillos. This brought disaster in the form of the Taos Rebellion, which claimed the life of the newly appointed Governor Charles Bent.\textsuperscript{212}

The American military realized that the local strongmen were valuable allies because the strongmen controlled the vecinos, so when the Americans crafted the Kearny Code they intended to pacify the caudillos and maintain the local power structure. In New Mexican society the Americans found a power structure that worked with their worldview: wealthy landholders forced poor workers to produce goods at a minimal cost, which allowed them to maximize profits. In fact, Mexican and military power structures had much in common because they were designed to encourage discipline, they were hard on crime, and they both utilized hard punishments to control the population.\textsuperscript{213} The American military combined the preexisting Mexican laws with the American military laws and created the Kearny Code. The code protected the property of wealthy citizens and punished those who disrupted the social order.

However, General Stephen Watts Kearny accidentally offended many caudillos when he aligned the new government with the so-called American party, which was comprised of Taos merchants and a small number of Rio Arriba Hispanos who welcomed the American conquest.\textsuperscript{214} Kearny appointed Taos resident Charles Bent to the governorship before he departed for California; he was unaware that Bent was suspected of being a friend of Texas, which made him an enemy to New Mexico and the strongmen

\textsuperscript{212} David Lavender, \textit{Bent's Fort} (Garden City: Doubleday & Company, Inc., 1954), 281-283.


in the *Río Abajo*.\(^{215}\) Additionally in 1841 Bent had quarreled with Juan Bautista Vigil y Alarid, who was a customs agent at the time. Vigil y Alarid accused Bent and his partner of wrongdoings and they responded by beating and whipping him. Bent said he did not take the matter to court because, “I had rather have the satisfaction of whipping a man that has wronged me than to have him punished ten times by the law.”\(^{216}\) The incident did not endear Bent to the landholders

The caudillos were outraged by Bent’s appointment and from the *Río Abajo* they plotted a rebellion; in fact, several fomented unrest before the rebellion commenced. Diego Archuleta, who Armijo had supported against Padre Martinez in 1843, was the suspected ringleader, but he absconded to Chihuahua before he could be arrested.\(^{217}\) Tomas Ortiz and Augustin Durán – the two other ringleaders – also escaped punishment when they fled New Mexico for old Mexico.\(^{218}\) In addition, Manuel Chaves and the Pino brothers, Nicolas and Miguel, were arrested and locked up in the Santa Fe County jail.\(^{219}\)

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\(^{215}\) Charles Bent and other Americans were imprisoned upon suspicion of aiding the Texans, a charge that would repeatedly be levied against him. In short, New Mexican landholders did not trust Bent, who was a long time resident of the *Río Arriba*, but was never trusted by those in the *Río Abajo*. See: David Lavender, *Bent’s Fort* (Garden City: Doubleday & Company, Inc., 1954), 173.

\(^{216}\) According to Sisneros, it was Bent’s partner William Workman who beat Vigil y Alarid and he fled for California after the incident. This might explain why there was no punishment for Bent, although Vigil y Alarid no doubt resented Bent afterward. See: Samuel Sisneros, “She Was Our Mother: New Mexico’s Change of National Sovereignty and Juan Bautista Vigil y Alarid, The Last Governor of New Mexico,” in *All Trails Lead to Santa Fe: An Anthology Commemorating the 400th Anniversary of the Founding of Santa Fe, New Mexico in 1610* (Santa Fe: Sunstone Press, 2010), 287-88.


\(^{218}\) A fantastic tale is told of Tomas Ortiz’s escape, who is said to have hidden on his balcony, then his roof, then dressed as a servant girl and ridden piggy back through the streets posing as a ill female and finally reached horses, which he used to escape. The tale is a bit fantastic, perhaps a bit embellished. See: Lavender, *Bent’s Fort*, 277-278.

\(^{219}\) Crutchfield, *Tragedy At Taos*, 98.
After the rebellion the American authorities made a more concerted effort to integrate the New Mexican caudillos of the *Rio Abajo* into the local government.\textsuperscript{220} The numerous *vecinos* and Puebloans who participated in the Taos Revolt of 1847 were hanged for treason; the New Mexican strongmen who fomented the rebellion received immunity. Manuel Chaves and the Pino brothers signed oaths of allegiance and were granted their release. Both Diego Archuleta and Tomás Ortiz were granted immunity and allowed to return to New Mexico because their relatives secured promises from American authorities that the two conspirators would never be prosecuted.\textsuperscript{221}

New Mexican strongmen swore oaths of allegiance to the United States of America; in exchange, they were invited to participate in the new government.\textsuperscript{222} They integrated themselves into the political system: by 1851 Tomás Ortiz – brother to the same Vicar Juan Felipe Ortiz who Manuel Armijo bullied into electing Archuleta over Padre Martinez – became a prominent judge.\textsuperscript{223} Meanwhile Diego Archuleta served in the legislature beginning in 1853. Archuleta was so trusted that during the Civil War he was appointed Lieutenant Colonel and led the New Mexican volunteer regiment against the

\textsuperscript{220} Ball, *United States Marshals of the New Mexico and Arizona Territories*, 24.

\textsuperscript{221} Crutchfield, *Tragedy At Taos*, 160-161.

\textsuperscript{222} Archuleta and Ortiz had departed the territory before the actual revolt started, while Chaves and the Pino brothers were already jailed. Still, it is likely that their activities had stirred the unrest that ultimately claimed Bent’s life. One reason for the leniency they received could be that they were not active participants in the rebellion, but that does not explain why all of the men who plotted the rebellion were granted positions in the new government. It is overwhelmingly likely that their powerful connections directly influenced how they were treated.

\textsuperscript{223} Tomás Ortiz appears as a Probate Judge in Santa Fe County beginning in 1851, only four years after he was forced to leave the territory. In both the 1850 and 1860 censuses, only one person named Tomás Ortiz is the correct age to be both the judge and formal rebel, and since Fray Angélico Chávez tells us that Tomás had returned to Santa Fe, it is certain that Judge Tomás Ortiz and the rebel Tomás Ortiz are indeed the same person. See: Chávez, *But Time and Chance*, 76-77.
invading Confederate army. \textsuperscript{224} Manuel Chaves also served as a Colonel for the Union, and Miguel Pino became a prominent politician.

Americans made it a top priority to include the \textit{Rio Abajo} strongmen in the new government because they wanted peace and in the process the strongmen were able to maintain their power and influence in New Mexico. The American authorities decided that the need for stability in New Mexico outweighed justice. \textsuperscript{225} Although strongman like Diego Archuleta and Manuel Chaves fomented the rebellion against American rule, the Americans realized that the local strongmen might rebel if they prosecuted powerful men like Archuleta and Chaves. Still, someone had to pay for Bent’s murder, so the local authorities arrested, convicted, and executed the poor \textit{vecinos} and Puebloans who participated in the rebellion. Instead of indicting the conspirators, they forged new partnerships with them that proved profitable for both the Americans and the \textit{Rio Abajo} caudillos.

Working together the local strongmen and their American allies dominated the New Mexican economy; they increased the disparity of wealth between \textit{vecinos} and caudillos, which caused a spike in larceny among the \textit{vecinos}. As Tables 1.1, 1.2, and 1.3 demonstrated, Spain’s economic policies set Santa Fe County on a trajectory that empowered large landholders and subjugated the \textit{vecinos}; the new partnership with the Americans left that trajectory unaltered. By 1850 twenty-one percent of the adult male population were large landholders, seventy-nine percent were \textit{vecinos}, and fifteen percent


of males over 20 had no declared occupation. Local strongmen and their American allies pushed the vecinos into hard labor and deeper into poverty; but over time the local strongmen pulled away from their obligation to protect the vecinos from drought and famine. The local strongmen increasingly relied on the American military to prevent uprisings. The vecinos were increasingly left to their own devices and as a result they increasingly resorted to petty larceny in times of need.

The local strongmen and their American partners marginalized recently arrived Anglos as well; in response new Anglo settlers committed larceny at even higher rates than did the vecinos. Many new Anglo settlers were veterans of the U.S. Mexican War and they expected to profit from the regime change; they assumed that the territorial government would favor them over the Hispanos. However, Santa Fe County remained eighty-nine percent Hispano during the first years of territorialization, and the New Mexican strongmen were too numerous and formidable to be displaced. Anglo settlers were unable to profit from the American conquest, and they started committing crimes at rates that exceeded the vecinos in every category. The Anglo settlers targeted established Anglo merchants, Anglo officials, poor vecinos, and even the U.S. military, but not the local strongmen; either they avoided the caudillos because of their strength, or their crimes against the local strongmen were resolved outside of the law.

226 See Chapter 1, Tables 1.1, 1.2, and 1.3, 44-46.


228 There were 6,912 Hispanos in Santa Fe and 773 Anglos (which includes Europeans)

229 Hispanos responded to the new regime with increased social deviance, but their criminal enterprises were usually limited to petty larceny and less violent criminal activities. Larceny among vecinos increased most drastically between the Mexican and American territorial periods, while other crimes
This chapter examines how the process of territorialization impacted the vecinos in Santa Fe County and argues that the new government, which favored local strongmen and their Anglo business partners, caused high crime rates in Santa Fe County. I argue that vecinos were pushed into petty larceny by the legal, spiritual, and economic pressures that accompanied territorialization. The first section examines the origin of the territorial system, its laws, and the pressures of territorialization. I argue that the local strongmen moved their fight into the political arena after the Taos Rebellion, where they wrangled for their private interests. I contend that local strongmen and their American allies walled out new Anglo settlers and limited their political and economic access in Santa Fe County. I conclude that local strongmen and their allies utilized the new system to increase their property, which resulted higher larceny rates among both vecinos and new Anglo settlers.

The second part of this chapter uncovers how extreme differences in wealth caused larceny to spike in Santa Fe County. The data reveals that vecinos resorted to petty larceny because they needed food, clothes, and shelter; in contrast, new Anglo settlers either stole firearms or committed grand larceny. Ultimately, this chapter shows that the partnership between the local strongmen and Anglos ensured that their interests continued to be protected at the expense of the vecinos and the new Anglo settlers. The vecinos became desperate, the new Anglo settlers became angry, and crime in Santa Fe County skyrocketed.

remained comparatively more static. Interestingly, historians very seldom mention the frequency of crime among Anglos and vecinos. Instead, stories of larceny are generally confined to Native American raids; when crimes among Anglos and vecinos are discussed it’s usually because it ended in homicide. When it comes to larceny and other petty crimes, the historiography is quite barren.
Territorialization as Process

New Mexican vecinos were affected by the process of territorialization on multiple fronts: it changed their lives legally, spiritually, and economically. Legally the vecinos faced laws that mirrored the code they were accustomed to, but the judicial apparatus was modified in ways that put vecinos at the mercy of the courts. Spiritually the vecinos watched as a foreign authority seized the New Mexican pulpits; the Diocese of Durango gave way to the Diocese of Baltimore and French clergymen displaced their Hispano spiritual leaders. Economically the vecinos lost access to public lands, which were seized by the U.S. military and ultimately distributed to local strongmen and their business partners. Local strongmen transitioned away from being patrones to the vecinos; they increasingly became their employers. They abandoned their old responsibilities to the vecinos and left them to fend for themselves against the courts, the church, and threat of starvation.

In 1846 the vecinos were confronted by the legal changes that accompanied the American invasion. When General Stephan Watts Kearny organized the territorial government he appointed many of the Anglo immigrants who were already settled in New Mexico. In 1846 these early Anglo immigrants – many of whom had married into the local landholding families – brokered negotiations between the New Mexican strongmen and the United States Army. The New Mexicans prepared to fight, but there was little chance of victory. To avoid open warfare General Kearny took advantage of old Anglo settlers’ relationships with the New Mexican caudillos. Kearny appealed to the business savvy of New Mexican landholders; through friendly channels he guaranteed the local strongmen that their properties would be secured.
Manuel Armijo was charged with the defense of New Mexico, but he realized that his army was outnumbered and outgunned on the battlefield and he decided that it was better for the local strongmen to cooperate with the Americans rather than to fight them. Armijo disbanded his forces and allowed the Americans to take possession of New Mexico; to save face he asked his old allies to surrender New Mexico to General Kearny and fled south to Chihuahua. Kearny marched into Santa Fe unopposed and took possession of New Mexico in a formal ceremony in front of the Palicio Nacional.

Governor Juan Bautista Vigil y Alarid, who was Armijo’s replacement, surrendered New Mexico to Kearny, but warned, “Do not find it strange if there has been no manifestation of joy and enthusiasm in seeing this city occupied by your military forces. To us the power of the Mexican Republic is dead. No matter what her condition, she was our mother.” Vigil y Alarid communicated that the Hispanos were leery of the Americans and foreshadowed the unrest that followed.

Kearny understood that many Hispanos resented American occupation and he attempted cater to the locals authorities; unfortunately, he did not understand the divisions in New Mexican society. Kearny realized the importance of keeping the local population pacified and welcomed New Mexican participation in forming the new government. Kearny left many of the New Mexican alcaldes and other local officials in power, especially in the rural areas; but he raised eyebrows when he appointed a new

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230 Sisneros, “She Was Our Mother: New Mexico’s Change of National Sovereignty and Juan Bautista Vigil y Alarid, The Last Governor of New Mexico,” 296-97.
governor, some officials, and numerous judges from among the local Anglo population.²³¹

General Kearny hoped for peace and stability in New Mexico and he sought to create laws that facilitated a smooth transition. Kearny wanted continuity and he believed the best way to accomplish that was by preserving Mexican law. To that end, he instructed Colonel Alexander William Doniphan to create a code based on Mexican law and to make legal changes only when Mexican clauses clashed with American law.²³² Instead, Doniphan and his team of military men took liberties and created a complex hybrid code, a blend of American military law – sprinkled with obligatory proclamations of freedom – and the same laws that local caudillos used to govern New Mexico since the colonial period.²³³ It was impossible to determine the composition of the Kearny Code: in some ways it appeared to be an altered version of the Mexican legal code, while in other ways it seemed Doniphan had disposed of most of the Mexican laws and created something that was decidedly American.²³⁴ The result was a code that dictated harsh punishments to control the local population.²³⁵

The Kearny Code laid the groundwork for a power structure that both New Mexicans and the American military understood; it was a set of laws that prescribed force to empower rulers and subjugate followers. For local strongmen and the American

²³¹ Kearny chose Doniphan to compose the code because he was a trained attorney with legal experience. See: Joseph G. Dawson III, Doniphan’s Epic March: The 1st Missouri Volunteers in the Mexican War (Lawrence: University of Kansas Press, 1999), 82-83.

²³² Launius, Alexander William Doniphan, 114.

²³³ Launius, Alexander William Doniphan, 114.

²³⁴ Dawson, Doniphan’s Epic March, 85.

²³⁵ Read, Illustrated History of New Mexico, 439.
military, rule by force made sense. The New Mexican caudillos situated their world in terms of class first: they considered themselves better than the vecinos because of their wealth first and their heritage second. Anglo settlers oriented their world more in terms of race: they categorized the New Mexican caudillos as European Spanish elites and condemned the vecinos as barbaric peoples who were incapable of civilization because they had mixed their blood with Native Americans. Both ruling groups believed their interests were more valuable than those of the poorer vecinos and the so-called American adventurers; they also believed that the lower classes in New Mexico needed to be ruled with a firm hand. For example, the section that designated corporal punishment for larceny fit with what New Mexican caudillos informally did to vecinos for several generations.  

Who would rule was one matter, but the New Mexican caudillos and the American military authorities were never far apart in terms of how the government in New Mexico should operate. 

Although the legal codes remained similar, there were significant changes in the judicial structure; Kearny named new judges for the criminal courts and the Kearny Code introduced the jury system to New Mexico. Mexican alcaldes continued to serve as arbitrators in civil cases, but new judges were appointed to deal with criminal cases. Kearny appointed Anglos who had been in Santa Fe for over twenty years; when Kearny arrived, they helped facilitate the surrender of New Mexico. The Anglo judges lacked formal legal training, but the military government assumed their relationships with local

\footnote{New Mexico State Records Center and Archives, “Secretary of State Collection: Laws of New Mexico,” #4863, 58-85, hereafter designated Laws; 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), 191.}

\footnote{Launius, *Alexander William Doniphan*, 115.}
strongmen made them the best available candidates. The territorial authorities depended on these judges and hoped that their extensive knowledge of the local community – along with their familiarity with the Spanish language – compensated for their lack of formal training.

The Anglo judges who Kearny appointed believed that New Mexico was a lawless land where criminals ran free; they condemned the Hispano alcaldes and vowed to bring justice to New Mexico. Foremost among the new justices was Chief Justice Joab Houghton, who sought to organize the judicial system in New Mexico. Houghton divided New Mexico into three districts: the First District in Santa Fe, the Second District in the Rio Abajo, the Third District in the Rio Arriba. Houghton hoped to consolidate and centralize legal authority in New Mexico, but the residents outside of Santa Fe County often resisted. From 1846-54 Judges Rufus Beach, Hugh N. Smith, Edward Hoffman of Maryland, and Joseph Johnston of Virginia all served as Judges of the Santa Fe County 1st Judicial District. Tomás Ortiz was the lone Hispano judge in Santa Fe County, but he was a probate judge. Elsewhere Kearny appointed Antonio José Otero the 2nd District, which encompassed Bernalillo and Valencia, and the Taos merchant Charles Beaubien to the 3rd District, which included Taos and Rio Arriba.

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241 1850 Federal Census, Santa Fe County, New Mexico Territory.


The Anglo judges believed that the Hispano alcaldes were lax and that criminals in New Mexico went unpunished; but this perception demonstrated how little they knew about the New Mexican justice system. Long time Anglo residents, journalists, chroniclers, and scholars all rebuked New Mexican justice during the Mexican period. They argued that the alcaldes were lazy, and as a result sentences were soft and murderers escaped punishment. However, the court records from the Mexican period indicate that the alcaldes thoroughly examined crimes and meticulously documented them, especially in homicide cases.\textsuperscript{244} As historian Jill Mocho writes, “Although justices in New Mexico had no formal legal education, they apparently did have access to laws and procedures… It appears from trial records that they made every attempt to follow accepted judicial methods in handling criminal cases.”\textsuperscript{245} The fact is the alcaldes worked hard during the Mexican period and produced far more detailed records than the Anglo courts did during territorialization.\textsuperscript{246} The Mexican alcaldes left detailed paper trails that included the process of investigation, or \textit{summaria}, the initial proceedings, or \textit{auto de cabeza}, and the examination of the body, or \textit{reconocimiento de heridas}. The New Mexican courts transcribed witness testimonies in meticulous detail and had witnesses for both the defense and prosecution sign them.

The Mexican alcaldes went to great efforts to curb local crime and uphold social order in Santa Fe County; the local \textit{vecinos} cooperated and displayed a surprising level of honesty during the process. Normally \textit{vecinos} and Native Americans confessed to their


\textsuperscript{245} Jill Mocho, \textit{Murder and Justice in Frontier New Mexico 1821-1846} (Albuquerque, New Mexico: University of New Mexico Press, 1997), 13.

\textsuperscript{246} See: Chapter 1.
crime and explained why, if there was a reason, they broke the law.\textsuperscript{247} \textit{Vecino} defendants rarely denied their guilt, but when they did both sides presented their arguments in a scenario called a \textit{plenario}. The alcaldes did not let defendants off easy when they denied their guilt. Instead, the alcalde detained the accused in jail for many months and sometimes years while the long and difficult trial played out.\textsuperscript{248} More often the offender confessed his crime, was punished, and returned to society.\textsuperscript{249}

For the alcaldes the Mexican legal system functioned to maintain order within the community and not to mete out punitive punishments, but Americans mistook this for leniency.\textsuperscript{250} For Americans it was difficult to comprehend a judicial system that prioritized redemption. After 1820 alcaldes did not give punitive sentences: there were no lengthy prison terms and a royal decree abolished corporal punishment.\textsuperscript{251} As Charles Cutter noted, one legacy of the Spanish era was the belief that punishment should repair the damage a criminal did to society; at the same time it should deter potential criminals.

\textsuperscript{247} Mocho, \textit{Murder and Justice in Frontier New Mexico}, 12-14.

\textsuperscript{248} In homicide cases specifically, cases were often sent to Chihuahua for legal advice, where they could take numerous months to be returned. Often, even when they were returned, no definitive answers were offered to the New Mexican alcaldes; instead they were met with more questions. This is especially true in cases where alcaldes sought capital punishment, a sentence that was not carried out in New Mexico until after the American government began grafting their legal policies onto the preexisting Mexican laws and practices. See: Mocho, \textit{Murder and Justice in Frontier New Mexico}, 17.

\textsuperscript{249} Mocho, \textit{Murder and Justice in Frontier New Mexico}, 16.

\textsuperscript{250} See: Chapter 1.

from repeating the crime.\textsuperscript{252} Anglo judges mistook the alcalde’s thoughtful punishments for weakness and they resolved to reform the vecinos with hard punishments.

The Anglo judges may have been equally meticulous in their investigations, but few written records remain that document either their investigations or deliberations.\textsuperscript{253} Anglo judges kept few written records; they utilized form letters that recorded the names of the accused and the victim, a summary of the crime or assault, and harm that was done. Anglo judges did not record important details like witness testimonies, motive for the crime, and whether the perpetrator felt remorse. Between 1846-54 there is one exception to this rule: this was a homicide case that involved the murder of an American soldier at a local fandango (dance). On that occasion, the judge teamed up with the military and followed a process similar to the one utilized by the alcaldes in the Mexican period. The case demonstrated continuity between the Mexican and American territorial judicial apparatuses, but because the military was involved it is an anomaly.\textsuperscript{254} Overall, the Anglo judges did a very poor job of keeping records, when compared to the Mexican alcaldes.

Only within the criminal courts did local strongmen lose their direct autonomy in Santa Fe County, but they relinquished that power willingly. The local strongmen were consumed with their business interests and they did not care about the criminal courts. Anglo judges adjudicated criminal court cases against both the vecinos and the new Anglo settlers; they did not prosecute the local strongmen.\textsuperscript{255} Although the laws remained

\textsuperscript{252} Charles R. Cutter, \textit{The Legal Culture of Northern New Spain} (Albuquerque, New Mexico: University of New Mexico Press, 1995), 133.

\textsuperscript{253} TRNMSF, District Court Records, Boxes 1-3, most of the criminal files therein contain arrest warrants and a description of the crime, but little more.

\textsuperscript{254} TRNMSF, District Court Records, “New Mexico v. Christian Mild,” August 27, 1847.
in line with Mexican law, in Santa Fe County the local strongmen conceded direct control
of the legal apparatus in exchange for federal money.\textsuperscript{256} After 1853, the politicos in the
legislature took steps to assert their authority over the courts. They were angry because
the federal government appointed judges from outside of New Mexico, so they started to
pass legislation affected court procedures. Even then, the local strongmen endorsed the
punishments in the Kearny Code and left the vecinos at the mercy of Anglo judges and
their punitive court system.

Overall the Kearny Code enabled local strongmen to keep their power in New
Mexico, but Kearny alienated the strongmen in the Rio Abajo when he appointed Charles
Bent as governor.\textsuperscript{257} Kearny intended to change very little in New Mexico: he announced
that the officials that served the Mexican government were permitted to remain in office
if they signed an oath of allegiance. Among the many who swore the oath was the ever
opportunistic Donaciano Vigil: Vigil had served the centralist Governor Albino Pérez
before the Chimayo Rebellion of 1837; he also agreed to act as secretary for the rebel
government after Governor Pérez was murdered. When the rebels failed, he claimed that
he had only served the rebels under duress and he was next allowed to serve Manuel
Armijo.\textsuperscript{258} When Armijo fled south and the Americans assumed power, Vigil swore
allegiance and became an American citizen.

\textsuperscript{255} 1850 Federal Census, Santa Fe County, New Mexico Territory.

\textsuperscript{256} Hall, \textit{Social Change in the Southwest}, 217.

\textsuperscript{257} Lavender, \textit{Bent’s Fort}, 173.

\textsuperscript{258} In 1838 Donaciano Vigil was brought before the court to answer for his involvement with the
1837 Rebellion. His political rivals brought the charges against Vigil and although there was much to
question in Vigil’s actions the case was ultimately dismissed. See: MANM, Roll #25, Frame #507.
Vigil benefitted most when Kearny appointed Bent as governor, though not by his design; when Bent was murdered, Vigil became interim governor because he was next ranking official.\(^{259}\) From his new position, Vigil appealed to his fellow landholders to use their good sense and end the rebellion. Vigil condemned Pablo Montoya and the rebellion in a proclamation entitled “Triumph of Principles Over Turpitude.”\(^{260}\) He denounced the rebels as a rabble composed of scoundrels and desperados, and proclaimed that no sensible person would join their ranks. He appealed to their economic savvy in a separate proclamation:

> Whether this country has to belong to the government of the United States or return to its native Mexico, is it not a gross absurdity to foment rancorous feelings toward people with whom we are either to compose one family or to continue our commercial relations? Unquestionably, it is.\(^{261}\)

By July 1847 the rebellion ended and December Vigil was named governor of New Mexico; that month Vigil and the local landholders organized the territorial legislature. The local strongmen wanted to end military rule, so they formed alliances with influential Americans in Santa Fe.\(^{262}\) When the legislature met it became clear that local rulers and the military shared similar ideas of how to rule, but a rift developed over who would profit from the new regime. The representatives faced a great question:

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\(^{259}\) Donaciano Vigil was well remembered by his contemporaries, but it is difficult to ignore his willingness to switch allegiances. It has been argued that Vigil was merely dedicated to public representation, no matter the flag, but there are strong signs of intrigue surrounding his activities during the Chimayo Rebellion. See: Maurillo E. Vigil, *Los Patrones: Profiles of Hispanic Leaders in New Mexican History* (Washington, D.C.: University Press of America, Inc., 1980), 20-31.

\(^{260}\) Twitchell, *The Leading Facts of New Mexican History*, 248-49.

\(^{261}\) Twitchell, *The Leading Facts of New Mexican History*, 249.

should New Mexico become a state or a territory? The participants in the first legislature could not decide, but they accomplished their goal: they took the initial steps toward establishing a civilian controlled government.263

In 1848 Governor Vigil called for a second next convention and the goal of this assembly was to ask congress to make New Mexico a civilian run territory.264 The list of the attendees at this convention was a role call of some of the best known Hispano landholders: Donaciano Vigil, Santiago Archuleta, Francisco Sarracino, Manuel A. Otero, Gregorio Vigil, Juan Perea, Ramon Luna, and Padre Antonio Jose Martinez – who had served in the last convention and was kin to strongmen in the Rio Abajo – all attended. Anglos attended as well, including longtime resident Charles Beaubien of the Rio Arriba, Elias P. West, and James Quinn.265

The strongmen who participated in the second legislature were divided in their interests and rifts developed between those from the Rio Arriba and Rio Abajo, but in the end they were united by their determination to maintain home rule. During the first convention members argued the virtues of forming a territory versus establishing New Mexico as a state, but by 1848 the national controversy over slavery made statehood untenable. Hispanics aligned themselves by region, but Anglos like the wealthy merchant Charles Beaubien allied themselves with their business partners; their personal interests came first, so some sided with the Rio Arriba and others the Rio Abajo. In reality,

263 Lamar, The Far Southwest, 71; Read, Illustrated History of New Mexico, 455.

264 Read, Illustrated History of New Mexico, 453-454.

265 It is difficult to determine how long West and Quinn had been in New Mexico, but it is likely that both were among the recently arrived Anglos who allied themselves with the local landholders. All that is known is that West held the position of U.S. District Attorney from 1851-1853, while Quinn was a lawyer and speculator. Lamar, The Far Southwest, 70-72.
Anglos and Hispanos on both sides were more interested in personal gain than they were in policy differences.\(^{266}\) The members proved their loyalty was fluid: when the territorialists sensed that their position was becoming unpopular they suddenly espoused the virtue of home rule.\(^{267}\) The meeting dragged, but things changed when the representatives started to suspect that the military government was conspiring with Texans. In 1849 the rivals from *Rio Arriba* and *Rio Abajo* were united by this threat and together they rallied public support. They campaigned and called for a vote among the Hispanos, who voted 6,371 to 39 to adopt a state constitution and expel the military government.\(^{268}\) The feud between factions had its limitations, especially when home rule was threatened.

What mattered most to the caudillos was that the government and the legal system protected the interests of the local landholders: military and caudillo law dovetailed seamlessly and the *vecinos* suffered under the new system. The Kearny Code codified important elements of the caudillo social structure into territorial law – a good portion of it having been drawn directly from local Mexican law – and this encouraged local strongmen to cooperate with the American authorities.\(^{269}\) In the moments when caudillo interests clashed with the laws, local strongmen fell back to the established practice of *obedezco pero no cumplo* (*I obey but do not comply*) and did what they deemed

\(^{266}\) Hall, *Social Change in the Southwest*, 216-217.

\(^{267}\) Lamar, *The Far Southwest*, 71-73.


appropriate. Later, they used their influence in the legislature to dictate laws and push their interests. The Kearny Code proved flexible to the strongmen, who had the power to defy the law; it caused great harm to the vecinos, many of whom fled north to escape poverty.

Spiritually the vecinos faced what Fray Angélico Chávez astutely labeled the ecclesiastical colonization of New Mexico; vecinos lost their closest allies when new Church authorities displaced the Hispano padres. The Hispano padres occupied a middle ground in New Mexican society: although many were from the landholding families, they were also connected to the vecinos by spiritual bonds. The padres provided the vecinos with religious guidance and an outlet for their grievances and the vecinos brought their complaints to the padres, who tried to resolve them peacefully. In 1850 the Catholic Church compromised that bond when they removed New Mexico from the Archdiocese of Durango and resituated it within the Archdiocese of Baltimore. That same year the Archdiocese of Baltimore appointed Jean Baptiste Lamy as Bishop of Santa Fe and once he arrived he used his office to dislodge the Hispano padres from their churches. The vecinos lost their closest allies because of Lamy’s actions, which were guided by racism and bad information.

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270 The dictum “I obey but do not comply” was repeated in New Mexico out of necessity in colonial times and the tradition of ignoring laws for the local good endured among New Mexicans. Although the phrase does not appear in the Territorial Records between 1847-1853, Judge Tomás Ortiz repeatedly evokes the tradition in several decisions, some of which will be explored in this chapter. Also See: John L. Kessell, Spain and the Southwest: A Narrative of Colonial New Mexico, Arizona, Texas, and California (Norman: University of Oklahoma Press, 2002), 99.

271 Lamy was very critical of the New Mexican Padres and launched an assault against what he categorized as their excesses and abuses. Fray Angélico Chávez has convincingly argued that Lamy unfairly persecuted the Mexican trained clergy and that his drive to remove them was fueled by a deep seeded anti-Hispano sentiment. Still, numerous historians have continued to celebrate Lamy and their books have received nearly every major prize imaginable. Today in front of the St. Francis Cathedral
As Bishop, Lamy encountered resistance from the padres, the vecinos, and the local strongmen in New Mexico. In 1850 Lamy arrived in Santa Fe and brought news of his appointment, but the local padres believed they were still under the Archdiocese of Durango. To end the confusion, Lamy traveled south to Durango and the Bishop of Durango endorsed him as the new Bishop of Santa Fe. Although Lamy legitimated his authority, Hispanics still viewed him as an outsider. This was especially after 1852, when Lamy settled in Santa Fe and immediately made changes to the clerical hierarchy. Over the next twenty years Lamy used his office to push the local clergy from their pulpits and he replaced them with non-Hispano priests. In the process, Lamy alienated many of the vecinos and became widely resented among Hispanics. Local landholders were angered when Lamy dislodged several respected padres, men who were related to the strongmen, which explains in part why Manuel Chaves quarreled with Lamy in 1858.²⁷²

As Lamy’s popularity plummeted among Hispanics, he and his fellow immigrant clergymen faced mounting resentment in Santa Fe. Lamy hoped his new community would embrace him and on his first Sunday Lamy preached, “In my absence, the greatest joy I could have would be to hear that my parishioners, my children, are walking in truth, walking in the way of virtue.”²⁷³ However, Lamy’s relationship with the Hispano

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²⁷² Even Manuel Chaves eventually conceded to the Church, ultimately choosing to compromise with the church authorities. Church officials were threatened, intimidated, and harassed, but rarely assaulted. It is very unlikely that the perpetrator who wounded two priests was a caudillo; foremost because a caudillo would never have agreed to work for the hated Lamy. See: Chávez, *Wake for a Fat Vicar.*, 151.

²⁷³
population was stressed, despite what scholars have written. Paul Horgan, for example, wrote of the deep affection between the New Mexican people and the newly arrived clergy from France: “Like Lamy, Machebeuf loved the native Mexican people, who repaid them both with dependent respect.”

Certainly “dependent respect” had not inspired Manuel Chaves to threaten a priest at San Miguel Chapel. And indeed, Bishop Lamy was mugged on two or three separate occasions in the streets during his first year in Santa Fe, which might betray dependence, but certainly not respect!

Lamy earned every bit of the resentment he received; after one year in Santa Fe he targeted respected priests, slandered them, and forced them to leave the clergy. Lamy’s longtime friend Joseph P. Machebeuf replaced Vicar Juan Felipe Ortiz and together they plotted to remove the native padres. Lamy allied himself with Anglo merchants and believed the rumors they spread about excesses among the padres. He was convinced that the local padres were “for the most part incapable and unworthy.”

Most of the padres they targeted were from the landholding families; he particularly loathed Juan Felipe Ortiz and Padre Antonio José Martínez of Taos, who had trained many of the padres that served in New Mexico.

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275 Santa Fe Weekly Gazette, 8 January 1853, 2, hereafter designated SFWG.

276 Chávez, *Wake for a Fat Vicar*, 141.


Lamy despised Padre Juan Felipe Ortiz and targeted him for removal, despite his distinguished record as a cleric. Lamy and Machebeuf resented Ortiz because in 1850 he insisted that New Mexico was still part of the Archdiocese of Durango. After they came to power, Lamy and Machebeuf maligned Ortiz for his portly figure: they claimed that he was indolent, but in reality they viewed him as a threat. Padre Ortiz was an active cleric: he journeyed to Mexico City in 1837 as the deputy to the Mexican Congress, where he represented New Mexico and lobbied for funds. In 1851 he was elected president of the 2nd session of the New Mexico Legislative Council under the new United States territorial government; Padre Martínez served as the president of the first session. The Archdiocese of Durango recognized Padre Ortiz for his hard work as a priest in New Mexico: they bestowed upon him the title *cura propio*, or irremovable priest. Despite Padre Ortiz’s service and status, Lamy and Machebeuf were determined to remove him. In March of 1853 they contended that Ortiz’s status as an irremovable priest did not apply in the United States of America and they removed him from his parishioners. In subsequent years Ortiz begged Lamy to return him to his church in Santa Fe; he did so until he passed away in January of 1858.

Lamy and Machebeuf viewed Padre Martínez as a threat to their authority because he was popular and unbending. Lamy and Padre Martínez initially liked one another, but because Lamy and Machebeuf displaced Hispanos from the clergy they fast became enemies. Padre Martínez educated eighteen padres in New Mexico, including Padre José Manuel Gallegos, and he was protective of his students. When Lamy suspended Gallegos, Padre Martínez’s defended him and

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279 Chávez contends that Martínez and Lamy were friendly at first, but that after one year a dispute between Martínez and Machebeuf turned Lamy against him; Chávez, *But Time and Chance*, 100.


281 Chávez, *Wake for a Fat Vicar*, 140.
disparaged Machebeuf.\textsuperscript{282} Padre Martínez disliked Machebeuf, who he believed was responsible for problems that troubled Hispano padres and this strained his relationship with Lamy.\textsuperscript{283} Moreover, Lamy and Machebeuf reinstituted tithing and threatened to withhold sacraments from parishioners who did not pay. This angered Padre Martínez, who abolished tithing twenty years earlier because he knew that the vecinos could not afford to pay the padres.\textsuperscript{284} In 1856 Lamy formally suspended Padre Martínez, but Padre Martínez refused to abide by Lamy’s suspension. Padre Martínez wrote a letter to Lamy and told him that he had overreached his authority, “I do not consider myself suspended, nor am I so.”\textsuperscript{285} Padre Martínez ignored Lamy and continued to preach in Taos, although he did so in a private church.\textsuperscript{286}

Other padres resisted Lamy as well; Padre Jose Francisco Leyva y Rosas argued that New Mexico was still a Mexican Department and he rejected Lamy’s appointment as Bishop. In a letter dated June 9th, 1850 Padre Leyva declined an invitation to serve on the departmental assembly in New Mexico. Padre Levy explained that he could not serve New Mexico for three reasons: first that believed a Padre should not be political; second he planned to depart for Mexico; and finally, that he contended that his loyalties to Mexico made him a extranjero (stranger). However, by 1850 Padre Leyva was seventy years old and he never left New Mexico. He finally accepted a political appointment, but

\textsuperscript{282} Fray Angélico Chávez, \textit{Trés Macho – He Said: Padre Gallegos of Albuquerque, New Mexico’s First Congressman} (Santa Fe: William Gannon, 1985), 43-44.

\textsuperscript{283} Chávez, \textit{Trés Macho – He Said}, 50.


\textsuperscript{285} Chávez, \textit{But Time and Chance}, 137.

\textsuperscript{286} Chávez, \textit{But Time and Chance}, 147.
in 1852 he transferred to San Miguel del Bado. That year, Lamy accused Leyva of "drunkeness" and suspended him until his death in 1853.\textsuperscript{287}

Lamy systematically expelled the Hispano priests and furthered the ecclesiastical colonization of New Mexico; in the process Lamy deprived the vecinos of their spiritual leaders and charged them extra fees to boot. It is not surprising that Lamy was mugged numerous times by vecinos in the streets of Santa Fe. In 1853 the editors of the Santa Fe Weekly Gazette warned the Bishop directly in their column, “No Respect For Persons.” They cautioned Lamy to beware of the indiscriminate criminals of Santa Fe, who cared little about the character of their victims.\textsuperscript{288} The vecinos who robbed Lamy may have respected persons, but they did not respect Lamy. The vecinos still attended church, regardless of the increased fees and the displaced padres; although they resented Lamy, they cared about their salvation.

Economic changes impacted vecinos more than any other aspect of territorialization: mercantile capitalism destroyed the land-tenure system in New Mexico and vecinos were transformed from independent subsistence farmers into cheap laborers.\textsuperscript{289} As noted in Chapter 1 the process began during the Bourbon Reforms, when Spanish policies transformed New Mexico into an agricultural export economy; exports increased when the New Mexicans entered the American market after the Mexican Revolution, and the arrival of more American settlers continued the transformation after

\textsuperscript{287} Chávez, \textit{Wake for a Fat Vicar: Father Juan Felipe Ortiz}, 118-123.

\textsuperscript{288} SFWG, January 8, 1853, 2.

the American invasion. As the economy shifted toward capitalism, land became more concentrated; small farmers were displaced from their land and transformed into craftsmen/artisans, vecino laborers, and servants.\textsuperscript{290}

Since the Spanish colonial period small farmers participated in the local subsistence economy, but large landholders changed that system when they began exporting agricultural commodities. The New Mexican market was infused with goods brought in by the large landholders and the small farmers increasingly used credit to attain goods they could not afford; in the process they became indebted to the large landholders. The small farmers utilized the \textit{partido} system with sheep, which was essentially sharecropping with sheep instead of crops.\textsuperscript{291} The small farmers borrowed sheep from the local strongmen, cared for the sheep, and worked to increase the herd. Invariably sheep died from heat, drought caused crops to fail, and the small farmers could not meet their debts. Once the small farmers were indebted, they moved from being independent to being one drought away from losing their land. Even before the Americans arrived, the small farmers were displaced by the rising strongmen and the ranks of the vecinos continued to swell: by 1850 vecinos made up seventy-nine percent of the Hispano population in Santa Fe County (Table 1.3).

The vecinos survived in New Mexico on community land grants; for vecinos land was a resource to be shared, rather than a commodity. Vecinos shared the water supply, the pastoral land for grazing, and the parcels of land for homesteads. They also became

\textsuperscript{290} See Chapter 1.
\textsuperscript{291} Ortiz, \textit{Roots of Resistance}, 5.
indebted to the landholders, but when *vecinos* defaulted they paid with labor or
servitude.\(^\text{292}\) *Vecinos* started to lose access to communal land after the Americans invaded
New Mexico. To the Americans the concept of community land was foreign: land was a
commodity and if no one fenced the land it belonged to the government. The Americans
recognized land that was held by the local strongmen, as dictated by Article VII of The
Treaty of Guadalupe Hidalgo:

> Mexicans now established in territories previously belonging to Mexico,
> and which remain for the future within the limits of the United States, as defined
> by the present treaty, shall be free to continue where they now reside, or to
> remove at any time to the Mexican Republic, retaining the property which they
> possess in the said territories, or disposing thereof, and removing the proceeds
> wherever they please, without their being subjected, on this account, to any
> contribution, tax, or charge whatever.\(^\text{293}\)

The problem for *vecinos* was that they depended on public land, which
was essential for subsistence farming, and the Americans decided that public land
belonged to the government. The *vecinos* did not technically own the community
land, and as a result they lost access to pastoral lands.\(^\text{294}\) For the *vecinos* this was
disastrous: they were increasingly forced to become day laborers and when they
became indebted they were either bound into servitude or dispossessed of either
their children or their homesteads.

\(^{\text{292}}\) Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 323-324.

\(^{\text{293}}\) “Treaty of Guadalupe Hidalgo; February 2, 1848,” accessed June 7, 2012:
http://avalon.law.yale.edu/19th_century/guadhida.asp

The local strongmen were positioned to profit from communal land because they participated in the new government. The communal lands were seized by the U.S. military and ultimately sold to local strongmen and their business partners. The local strongmen transitioned away from being *patrones* to the *vecinos* and increasingly became their employers during American territorialization. The caudillos abandoned their old responsibilities to the *vecinos* and left them to fend for themselves against the courts, the church, and threat of starvation. Although the local strongmen understood how important the communal lands were to the *vecino* people, they did not care. The caudillo’s concern shifted from caring for the *vecinos* to protecting their property from them and as a result the *vecinos* plunged deeper into poverty.295

The local strongmen expanded their holdings in the first thirteen years of American territorialization, which debunks the misperception that crafty American settlers dispossessed Hispanics of their land in New Mexico.296 Statistically Hispanics owned sixteen percent more land after thirteen years of American rule (Figure 2.1): Hispano real property owned increased from thirty-six percent of Santa Fe County property in 1850 to fifty-two percent in 1860.297 Hubert Howe Bancroft noted, “Horses


296 It is difficult to explain why historians have not analyzed the data in the 1850 Census before drawing their conclusions, but the myth that New Mexicans were displaced is commonly accepted. Much of this might be due to the source material that historians continue to rely on, which is comprised of Anglo accounts, early history books written by Anglos, and nativists seeking to amplify the tragic components of the American conquest.

297 There is a good deal of confusion regarding the 1850 and 1860 Censuses because property values versus personal wealth are not clearly defined. The most intelligent assessment of the censuses comes from Tomas Jaehn, who explains that while the property values listed in the census never match the property records, there is discernable pattern that suggests the proportions between properties are consistent. The census numbers in 1850 are property values only, while 1860 offers both property values
and mules increased during the decade, from 13,733 to 21,357; cattle from 32,977 to 88,729; and sheep from 377,271 to 830,116… During this same decade American born Anglo settlers witnessed a twenty percent decline in their real property holdings in Santa Fe County; New Mexican strongmen absorbed fifteen percent, while European born Anglos (who had immigrated to New Mexico via the United States) acquired the remaining five percent of what the Anglo settlers lost.

[Figure 2.1. Santa Fe County Real Estate Owned, 1850 vs. 1860]


299 1850 Federal Census, Santa Fe County, New Mexico Territory; 1860 Federal Census, Santa Fe County, New Mexico Territory.
By 1850 American born Anglos acquired fifty-six percent of the real estate in Santa Fe County, which seems to suggest a rapid dispossession, but the government claimed much of this land.²⁰⁰ Twenty-seven percent of the property held by American born Anglos (Figure 2.2) belonged to the military. Additionally, legal officials owned another nine percent of this real estate, which means that the territorial government owned a combined thirty-six percent of Anglo property.²⁰¹ In total, $173,750 of the $482,186 owned by American born Anglos was federal property, most of which was communal property that the American authorities seized from the vecinos. Anglos without occupations, most of whom were advanced in age and had lived in Santa Fe for many years, owned an additional eighteen percent of this property – or $86,218 worth. Merchants and farmers comprised another twelve percent – or $60,750 to be exact – and the majority of these lived in New Mexico before the American invasion as well. Thus, at least sixty-seven percent of the American born Anglo property in New Mexico – meaning $320,718 of the $482,186 – belonged either to established residents or was acquired via military conquest.²⁰²

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²⁰⁰ This fact is likely what misled scholars of New Mexico into believing that the occupation of New Mexico resulted in dispossession.

²⁰¹ The territorial government was particularly powerful in Santa Fe County and local Anglo settlers worked hard to make sure their power was not compromised. As Hall notes, as long as New Mexico was a territory Anglos would continue to control how the government spent wealth. This positioned them to bargain with the more numerous New Mexican caudillos, who wanted federal contracts. See: Hall, Social Change in the Southwest, 215-217.

²⁰² This data was combed from the complete United States Census data for Santa Fe County. Presumably, Real Estate includes only property, but it is possible that in may include wealth also. See: n47.
Figure 2.2. Anglo Property Owned by Occupation in 1850

By comparison, eighty-eight percent of the real estate in Santa Fe County that was owned by Hispanics (Figure 2.3) belonged to permanently settled farmers, retired landowners, and merchants; in other words, the New Mexican caudillos owned this property. The local strongmen possessed real and established wealth, while the landholding Anglo settlers relied on their work in law, carpentry, blacksmithing, medical services, food services, and other services as their leading non-military sources of

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303 1850 Federal Census, Santa Fe County, New Mexico Territory.

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ownership.\textsuperscript{304} This reflected the transient nature of Anglo wealth in Santa Fe County, which in 1850 depended on an Anglo’s skilled labor rather than New Mexico’s natural resources.

Figure 2.3. Hispano Property Owned by Occupation in 1850\textsuperscript{305}

\textsuperscript{304} Other Services includes shoemakers, hat makers, tailors, silversmiths, and Tobacco rollers, to name a few.

\textsuperscript{305} 1850 Federal Census, Santa Fe County, New Mexico Territory.
Among Hispanics, farmers owned $167,243 worth of real estate, retired landholders owned $96,004 worth of real estate, and merchants owned $8,300 worth of real estate for a combined $271,547 of the total $308,110.\textsuperscript{306} Many who identified themselves as farmers, including Manuel Chaves, Donaciano Vigil, and Gaspar Ortiz, were politically, socially, and militarily active in New Mexico. These local strongmen are indicative of the larger roles that landholders played in New Mexican society. Meanwhile, the wealthy retirees were a collection of widowed matriarchs, among them the three wealthiest Hispanics in Santa Fe County: Ana Baca del Pino ($20,000), Gertrudis Pino de Ortiz ($10,000), and Manuela Baca y Sena ($8,000). Numerous elderly women with significant wealth resided in Santa Fe County, which is a marker of the power and respect they garnered within the New Mexican landholding class.

Among Santa Fe County Hispanics, a disproportionate fifty-eight percent of real estate (Figure 2.4), with a real dollar amount of $132,153, belonged to individuals over the age of 50. The majority in this demographic were either listed as farmers or without occupation, which suggests they were either widows or they had retired. These older landholders represented the patriarchs and matriarchs of the older New Mexican families, wealthy Hispanics whose ancestors acquired vast amounts of land during the Spanish colonial era.

\textsuperscript{306} Interestingly, when you compare the Hispanic real estate ($308,110) with the Anglo real estate ($482,186) minus what the military seized from the Mexican government ($173,750) the total worth of real estate ($308,436) is only $326 more than what the Hispanics owned in 1850 Santa Fe County.
By tradition the children of these *patrones* and *matrons* inherited this land when the older generation passed on, but in the meantime the younger generation was responsible for protecting the family holdings from outside threats. In New Mexico issues of gender did not deny women their rightful place as heads of extended families; when a husband passed away the wife took control of the family holdings. This explains why the wealthiest individual Hispanics in Santa Fe County were not men: at some point before 1850 the *patrones* Pino, Ortiz, and Baca y Sena passed on, leaving Ana Baca del Pino, Gertrudis Pino de Ortiz, and Manuela Baca y Sena with massive sums of wealth.

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307 1850 Federal Census, Santa Fe County, New Mexico Territory.
Distribution of land between both men and women in Santa Fe County was very similar (Figure 2.5), although the disproportionate increase among women over fifty – and the fact that they are listed as heads of household – suggests that widows possessed the bulk of female owned land.

![Figure 2.5. Distribution of Real Estate among Hispanos by Age, 1850](image)

Older residents held a disproportionate amount of land in Santa Fe County and within this demographic, real estate was heavily concentrated in the hands of the few.

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308 1850 Federal Census, Santa Fe County, New Mexico Territory.
The numbers betray a stunning disparity between those who had land and those who did not: sixty-two percent of Hispano males in Santa Fe County had absolutely no property. Even among the thirty-eight percent of Hispano males who actually held property, wealth was heavily concentrated in the hands of the very few. For example, seventy-two percent of Hispanos (Table 2.1) between the ages of 26 and 30 had no property; the average amount owned for this age group was only $52. Comparatively, thirty-one percent of those between 41 and 50 held no property, with an average property value among this age group at $179.
<table>
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<th>Number and Age Group</th>
<th>Persons with Land</th>
<th>Percent with Land</th>
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<td>427 Hispanos</td>
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<td>52</td>
<td>$4,000</td>
<td>$194</td>
</tr>
<tr>
<td>215 Hispanos</td>
<td>only 111 have land</td>
<td>52</td>
<td>$4,000</td>
<td>$194</td>
</tr>
<tr>
<td>38 Anglos</td>
<td>only 9 have land</td>
<td>24</td>
<td>$9,000</td>
<td>$377</td>
</tr>
<tr>
<td>Ages 41 to 50</td>
<td>only 168 have land</td>
<td>69</td>
<td>$2,800</td>
<td>$179</td>
</tr>
<tr>
<td>242 Hispanos</td>
<td>only 168 have land</td>
<td>69</td>
<td>$2,800</td>
<td>$179</td>
</tr>
<tr>
<td>24 Anglos</td>
<td>only 12 have land</td>
<td>50</td>
<td>$40,000</td>
<td>$1,923</td>
</tr>
<tr>
<td>Ages 51+</td>
<td>only 166 have land</td>
<td>66</td>
<td>$6,000</td>
<td>$327</td>
</tr>
<tr>
<td>253 Hispanos</td>
<td>only 166 have land</td>
<td>66</td>
<td>$6,000</td>
<td>$327</td>
</tr>
<tr>
<td>10 Anglos</td>
<td>only 4 have land</td>
<td>40</td>
<td>$9,000</td>
<td>$1,126</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Table 2.1. Land Distribution among Males only in 1850 Santa Fe County\textsuperscript{309}</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Thirty-eight percent of Hispano males over 15 owned all the Hispano property and of those who owned land, over half qualified as vecinos. Among the entire male population over 20 years of age seventy-nine percent were vecinos, meaning they possessed less than one hundred dollars worth of land (Table 2.2). The vecinos pulled down property ownership in every demographic, but young Hispanics owned very little

\textsuperscript{309} 1850 Federal Census, Santa Fe County, New Mexico Territory.
property even among the large landholding families. When broken down by age group, the low level of property owned by young Hispanics is striking. Among all Hispanics between 21 and 25, seventy-two percent had no property; this disparity pulled the average property owned down to a meager $24 for this demographic. Only six percent of Hispanics between 15 and 20 years of age held property, but many in this demographic still lived with their families. The more significant demographic is age 26 to 31: seventy-one percent of this age group had no property. While many between 21 and 31 years of age may have lived with family, it is significant that this demographic experienced low ownership rates, low values per household, and a low overall proportion of real estate. Moreover, Hispanic males age 21 to 31 made up the largest proportion of the Santa Fe County population in 1850 (Figure 2.6).
<table>
<thead>
<tr>
<th>Profession</th>
<th>No.</th>
<th>Pct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large Landholders / Strongmen</td>
<td>430</td>
<td>21%</td>
</tr>
<tr>
<td>Small Farmers</td>
<td>329</td>
<td>16%</td>
</tr>
<tr>
<td>Craftsmen</td>
<td>246</td>
<td>12%</td>
</tr>
<tr>
<td>Merchants</td>
<td>4</td>
<td>0%</td>
</tr>
<tr>
<td>Laborers / Servants</td>
<td>736</td>
<td>36%</td>
</tr>
<tr>
<td>None</td>
<td>295</td>
<td>14%</td>
</tr>
</tbody>
</table>

Table 2.2. Strongmen vs. Vecinos in Santa Fe County, Including Those Without a Profession, Males over 20 Only, 1850\textsuperscript{310}

Figure 2.6. Ages of Hispanic Adult Males in Santa Fe County in 1850\textsuperscript{311}

\textsuperscript{310} In 1850, 430 males possessed more than $100 worth of land in Santa Fe County. By profession, 333 were farmers, 64 were craftsmen, 21 were laborers, and 12 had no occupation. 1850 Federal Census, Santa Fe County, New Mexico Territory.

\textsuperscript{311} 1850 Federal Census, Santa Fe County, New Mexico Territory.
We recall that in 1850 fifteen percent of males over 20 had no occupation (N=307) and that only twenty-one percent of the adult male population was made up of large landholders; the other seventy-nine percent was comprised of vecinos. Hispanics aged 21 to 31 struggled most: twenty-eight percent were day laborers, ten percent were indentured servants, and eighteen percent were listed as not having any occupation. The combination of all these factors meant that a large population of Hispano males was without property and their best chance of acquiring property was to inherit it, but very few had that option.

Among young Anglo settlers, the situation was significantly worse: only eight percent of Anglos age 21 to 25 and fifteen percent age 26 to 31 held property in Santa Fe County (table 2.1). Meanwhile, only fourteen percent of Anglos 15 to 20 held property; unlike the young Hispano population, however, Anglos age 15 to 31 had no family to live with and neither cultural nor community ties to Santa Fe County. Not only were Anglos in this demographic worse off than Hispanics, but also they lacked the support of family and community to aid them. Additionally, Anglos age 20 to 30, like the Hispano youth, comprised the majority of new Anglo settlers in Santa Fe County (Figure 2.7).
In Santa Fe County Anglos were not a monolithic group, but rather a collection of diverse peoples from the United States: they included first generation European born soldiers, American born soldiers, laborers, teamsters, gamblers, and prospecting merchants. However, many of the young Anglos who came to Santa Fe County were soldiers who were either active duty or retired veterans of the U.S. Mexican War. The United States Army was a model of European diversity in the mid nineteenth century.

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312 1850 Federal Census, Santa Fe County, New Mexico Territory.
313 1850 Federal Census, Santa Fe County, New Mexico Territory.
(Figure 2.8): In 1850 sixty-seven percent of regular soldiers and thirty-six percent of army officials stationed in Santa Fe County were European born.

Figure 2.8. Composition of the U.S. Army in Santa Fe County, 1850

These soldiers were influenced by the residual propaganda from the U.S. Mexican War: they believed that Mexicans were uncivilized people that were racially inferior. They also believed that the U.S. Mexican war was a war of conquest and they came to Santa Fe County expecting their share. Former soldiers turned settlers were frustrated by the U.S. Mexican War, which had not resulted in the plunder they anticipated, and

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314 1850 Federal Census, Santa Fe County, New Mexico Territory.

315 The United States worked hard to demonize the Mexican people during the U.S. Mexican War, depicting them as uncivilized, corrupted by Native American intermarriage, and capable of wretched acts of barbarism and murder.

many arrived in Santa Fe County determined to carve wealth out of the local conquered territory. 317

Anglos tried in many ways to interject themselves into the local economy, but they were rebuffed at every turn. Some Anglos hoped to become merchants, while a few tried to enter the political arena; others sought success through the service industry and worked as carpenters and blacksmiths. Very few were interested in hard labor: while twenty-nine percent of the New Mexican population identified themselves as laborers, only seven percent of American born Anglos and five percent of European born Anglos considered themselves laborers in 1850. Although they had not property they refused to do hard labor; instead they wrangled with established Anglos and New Mexican caudillos for access to resources.

To their surprise the local strongmen and their American allies walled them out and limited their political and economic access. These young Anglos found that the property in Santa Fe County was either claimed by the government or held by older settlers who wanted nothing to do with them. Legally, the territorial government treated young soldiers in the same manner as vecinos: they indicted, prosecuted, and punished them for their transgressions.318 Anglo soldiers came to Santa Fe determined to make their fortunes, but instead found themselves without political access, property, and family. They became angry and they turned to violent crime.

317 Foos, A Short, Offhand, Killing Affair, 113.
318 Although Anglo settlers faced the same system, they received different punishments than did the vecinos. See: Chapter 4.
The majority of Hispanos were *vecinos* and many also turned to crime in their poverty and desperation, but they did not become violent. They were made desperate by territorialization, which impacted them legally, spiritually, and economically. The *vecinos* lost their redemptive legal system, their spiritual leaders, their public lands, and their *patrones*. Local strongmen in Santa Fe County betrayed the *vecinos* and left them to fend for themselves against the courts, the church, and the threat of starvation. The *vecinos* became desperate and they broke the law. Between 1847-54 the *vecinos* increasingly turned to crime, but they did not become violent; instead, they committed petty larcenies and stole the subsistence items that they could not afford.

*The Larceny Problem –*

From 1847-54 larceny was the most frequently committed crime in Santa Fe County and it was so rampant that Anglos judges made reducing larceny their top priority. The New Mexican caudillos and their Anglo allies continued to increase their holdings at the expense of the *vecinos*; they also refused to allow Anglo settlers to access wealth. Their greed had consequences: within the first three years of territorialization *vecinos* committed larceny at the rate of 485 per 100,000, while newly arrived Anglos committed larceny at the rate of 712 per 100,000 and those numbers continued to rise (Table 2.3). Hispanos were driven to steal by poverty and they usually targeted necessities. Meanwhile, Anglos were driven to steal by their desire for material gain and they targeted high dollar items and guns. *Vecinos* and Anglos targeted wealthy Anglos
and as a result larceny became the top priority for the Anglo judges.\textsuperscript{319} The territorial authorities discouraged thievery and the Anglo judges came down hard on culprits, but larceny rates continued to increase through 1853.

<table>
<thead>
<tr>
<th>Perpetrator Ethnicity and Crime</th>
<th>1838-45</th>
<th>1847-50 Rates (4 Yrs)</th>
<th>1851-53 Rates (3 Yrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>H Larceny</td>
<td>91</td>
<td>495</td>
<td>568</td>
</tr>
<tr>
<td>A Larceny</td>
<td>NA</td>
<td>712</td>
<td>819</td>
</tr>
</tbody>
</table>

H = Hispanic  
A = Anglo\textsuperscript{320}

Table 2.3. Hispanic and Anglo Crime in Santa Fe County, by Perpetrator Ethnicity and Crime, Adults 16 and older, per 100,000 \textsuperscript{321}

The Anglo judges were very busy adjudicating larceny cases during the first thirteen years of territorialization and most of the cases they heard were committed by perpetrators who were not long for Santa Fe County. Anglo judges heard 189 larceny cases, which made up fifty-one percent of the 374 cases they adjudicated (Figure 2.9).

There are several reasons why larceny was so prevalent: there was a big disparity of

\textsuperscript{319} Criminals targeted wealthy Hispano merchants, rather than the local strongmen. They avoided the powerful strongmen, especially the patriarchs and matriarchs.

\textsuperscript{320} Although all Hispanos and Anglos are considered when calculating rates, the names of wealthier segments of the population do not appear in the criminal court records; proof that crime was more often among vecinos and poor Anglo settlers.

\textsuperscript{321} New Mexico State Records Center and Archives, Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951; Box 1-3, hereafter designated TRNMSF; New Mexico State Records Center and Archives, Mexican Archives of New Mexico, 1821-1846 (Santa Fe: New Mexico State Records Center and Archives, 1969), hereafter designated MANM; aggregate data combed from these archives and are rates per 100,000 and includes only crimes with known perpetrators. In keeping, only criminal court documents that identify perpetrators with Hispanic surnames have been calculated from both the MANM and TRNMSF.

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wealth, a large group of landless males in their 20s, and a collection of Anglo soldiers in Santa Fe. While higher-ranking Anglo officers, lawyers, and merchants battled in the political arena, the numerous Anglo laborers, teamsters, and soldiers remained ambitious, single, and frustrated. Many of the Anglos who appeared in the Santa Fe County courts were not listed in either the 1850 or the 1860 U.S. Censuses because they did not stay long in Santa Fe. The same can be said for poor vecinos, many of who left Santa Fe County for more Hispano dominated regions in the south and north.

Figure 2.9. Cases Adjudicated by Anglo Judges in Santa Fe County, by Percentage, 1847-54

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322 TRNMSF.
Between 1847-54 vecinos were 5.5 times more likely to commit larceny than they were during the Mexican era in Santa Fe County (Table 2.3). From 1838-45, the vecinos committed larceny at the rate of 91 per 100,000, but that rate skyrocketed to 495 per 100,000 in the first three years of territorialization. During the Mexican era, vecinos had lower rates because local strongmen sometimes dealt with larceny informally. In addition, in some instances case files were either lost or destroyed.\(^{323}\) The arrival of Anglo settlers also contributed to the increase of vecino larceny: in addition to the fights Anglos instigated, vecinos now had a demographic that competed with them for access to non-hard labor opportunities. However, the increased vecino larceny rates were so dramatic that they cannot be explained by these factors alone.

Among vecinos the escalation in larceny cases was mainly the byproduct of economic factors: the vecinos lost access to communal lands, which supplemented their subsistence since the Spanish colonial period.\(^{324}\) Traditionally, communal lands provided vecinos with a space to produce agricultural goods and graze their sheep, but American authorities confiscated this land and distributed it among the local strongmen and their Anglo allies. From 1851-54 vecino larceny continued to climb upward and reached 568 per 100,000, an increase of 73 per 100,000 from the first four years of territorialization (Table 2.3). Vecinos were unable to sustain themselves and their families after they lost access to the communal lands and they resorted to larceny more than any other crime in Santa Fe County between 1847-1854 (Figure 2.10).

\(^{323}\) Mocho, *Murder and Justice in Frontier New Mexico*, 41-50.

Vecinos who resorted to larceny targeted very specific victims: although vecinos that committed violence usually did so within the vecino community, those that
committed larceny primarily targeted Hispano merchants, businessmen, and small farmers, along with Anglo merchants, soldiers, lawyers, and politicians.\textsuperscript{325} It is revealing that vecinos did not target the local strongmen, but on the few occasions that they did the vecino perpetrators paid a high price. Of the one hundred forty larcenies committed by vecinos ninety-nine cases listed victims, of which only eight targeted were Hispano landholders.\textsuperscript{326} Of these crimes, two were perpetrated against wealthy matriarchs and six against known strongmen. Delores Baca was the lone matriarch and she was victimized in twice: once when her servant Clara Perez took $1000 in silver and again when the vecinos Francisco Martin and Gertrudis Jarramillo took $4 worth of goods.\textsuperscript{327} There is no record of what happened to Clara Perez, and Baca decided not to prosecute Martin and Jarramillo for their petty crime. In March of 1848, the vecinos Jose Seguro and Jose Francoso stole a blanket from Don Albino Chacón.\textsuperscript{328} Seguro and Francoso paid the price for their crime: they were publicly lashed thirty-nine times because they dared to steal from a caudillo.\textsuperscript{329} The vecino Eugenio Ortiz stole two wheels from the powerful Manuel

\textsuperscript{325} There is very little within the historiography on larceny. The majority of crimes were never documented, and only the case files remain. Seldom are there details of the transgression within the case files, which usually contain only an indictment, list of charges, and sometimes a verdict. When larceny is mentioned, both in the historical record and the historiography, it usually centers on raids conducted by Native Americans against merchants. This explains why larceny in territorial New Mexico, which is by some good measure the biggest problem for local officials, has seldom been treated as an important indicator of New Mexican social difficulties.

\textsuperscript{326} It is possible that there are more instances: Antonio Ma. Ortiz was robbed of several animals. However, there are two farmers with this name: one was a strongman and one was a small farmer. It is not possible to determine which one was robbed. There are a total of fifteen Hispanics who were robbed of more than $100 in goods, but it is not possible to verify that seven of them were Santa Fe County residents and landholders.

\textsuperscript{327} TRNMSF, District Court Records, “New Mexico v. Clara Perez,” February 27, 1849; “New Mexico v. Francisco Martin & Gertrudis Jarramillo,” February 21, 1852.

\textsuperscript{328} TRNMSF, District Court Records, “New Mexico v. Jose Francoso,” March 3, 1848.

\textsuperscript{329} See: Chapter 4.
Chaves, but the verdict and punishment were not recorded. Vecinos also stole from Judge Tomas Ortiz and Manuel Ortiz, but the value stolen was small and they perpetrators appear to have escaped Santa Fe County. Outside of these exceptions, the vecinos targeted Hispano merchants, small Hispano farmers, and Anglos.

Violence increased among vecinos as well, but violence rarely mixed with larceny. Instead, New Mexican larceny took place under the cover of night, in fields filled with sheep, and in camps where goods were not secured. Vecinos stole subsistence items that included blankets, coats, and pants in more than one-third of the larceny cases in Santa Fe County. For example, in July of 1848 Calistro Garcia was arrested after he stole a blanket that belonged to an Anglo settler named George Peacock. Garcia was convicted and sentenced to one year in prison and a $10 fine. In another instance, Joseph Smith accused three vecinos of stealing blankets, a coat, pants, and shirts. Francisco Griego, Manuel Salvador, and Justo Sandoval were found guilty and sentenced to ten lashes each.

Vecinos committed petty larcenies more than any other type, but they also committed grand larceny and stole firearms. Sixty-eight percent of vecino larcenies were petty, twenty-three percent qualified as grand, and nine percent involved stealing guns


331 TRNMSF, District Court Records, “New Mexico v. Rafael Sandobal,” August 3, 1853; “New Mexico v. Justo Gonzalez,” June 29, 1848.

332 TRNMSF, District Court Records, “New Mexico v. Calistro Garcia,” July 19, 1848.


Vecino burglaries, meaning break-ins, most frequently resulted in grand larceny. Vecino burglaries usually targeted businessmen, they involved breaking and entering, and they ended with the burglar accused of taking large sums of money. For example, the vecinos Jesus Garcia, Justo Gonzalez, and Manuel Pena broke in and stole $609 from Jose Arce. The three vecinos were convicted and sentenced to 29 lashes and 20 days jail and hard labor. Meanwhile, vecinos targeted Anglos when they sought firearms; they committed ten of their twelve firearm larcenies against Anglos in Santa Fe County. Jesus Francoso stole a pistol from Thomas Briggs, while Felipe Santiago stole a shotgun, two pistols, a cloak, and a vest from William Z. Angney, who was a U.S. Mexican War veteran and a prominent lawyer. However, among vecinos petty larceny remained the most common and grand larceny and gun larceny were exceptions to the rule.

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335 I define petty larceny as anything valued at less than $100. While this number may seem like grand larceny, a survey of court records indicates that the value of items stolen were often inflated. For example, Tomas Perea was accused of stealing a used blanket valued at $20 by owner Richard Owens. In addition, it should be noted that the courts in New Mexico considered anything above $10 grand larceny, but they did so in order to pass down harsher punishments against vecinos who committed petty larceny. See: TRNMSF, District Court Records, “New Mexico v. Tomas Perea,” June 27, 1850.


337 The crime is curious because Jose Arce does not appear in the 1850 Census and only the matriarch from the Arce family is a resident of Santa Fe County in 1850. She was born in Mexico, but had $1000 in property in Santa Fe County. The most famous individual with this surname was Jose Antonio Arce, who was the Governor of Chihuahua during the Mexican period. The fact that Jose Arce possessed $609 means he was likely related to him, which means he was also likely a merchant from Chihuahua.

338 TRNMSF, District Court Records, “New Mexico v. Jesus Francoso,” November 6, 1851; “New Mexico v. Felipe Santiago,” August 12, 1850.
When poor vecinos stole from Hispanos the crimes were less personal: they targeted items one might find in a field, including a single sheep, a mule, or a collection of tools that included items such as harvesting scythes. Jose Tenorio stole a mule valued at $50 from Benito Lerragota, while Eugenio Ortiz took two wagon wheels that Manuel Chaves’ workers had left unattended.  

Larcenies against Anglos were more invasive: Jose Maria Sanchez broke into George Wells’ house and was caught stealing numerous blankets and a couple pairs of pants. When he was convicted, he was sentenced to six months in jail and thirty-nine lashes.  

From 1847-53 armed robbery by vecinos was rare, but on five different occasions a vecino stood accused of this crime; three occurred in 1849 and the last occurred in 1850.  

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340 TRNMSF, District Court Records, “New Mexico v. Jose Maria Sanchez,” July 5, 1850.
1850. In February of 1850 the vecinos Jose Francoso and Jose Montoya robbed the soon to be famous John Jones at gunpoint. Francoso and Montoya could not have chosen their victim more poorly, as only one year later Jones was named Marshal of Santa Fe County. Before Jones took office, Jose Montoya committed another larceny and he was convicted and sentenced to five years in jail.

However, Marshall Jones was not completely deprived his chance for revenge, because Jose Francoso continued his career as a criminal. In fact, Jose Francoso was one of the few career criminals in Santa Fe County: born in Santa Fe, New Mexico in 1814, the 1850 Census listed his residence as the county jail. Between 1848 and 1853 Francoso was arrested a total of six times for larceny. Indeed, Francoso’s career was long and distinguished and his victims were a who’s who in Santa Fe County. Francoso began his life of crime in March of 1848, when he stole from Don Albino Chacón. Francoso and his accomplice made off with a blanket and a pair of pants, that were of low value and likely stolen by necessity. As noted above, Francoso and his partner were lashed thirty-nine times for daring to steal from a local strongman. After his punishment, Francoso targeted only Anglos. However, as proof that the lash is an ineffective tool of reform, Jose Francoso was arrested again one year later. On this occasion Francoso stole twenty-two yards of velvet from Andrew S. Bealty, an Anglo

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342 1850 Federal Census, Santa Fe County, New Mexico Territory.

343 TRNMSF, District Court Records, “New Mexico v. Jose Francoso,” March 3, 1848.

344 See: Chapter 4.
If Francoso was punished it didn’t include incarceration, because only six months later he was back in court again, this time for stealing a silver watch from Christian Mueller.  

At this point Francoso was tangled up in the armed robbery of future Marshal John Jones, during which he and Jose Montoya allegedly stole $550. There’s a possibility Francoso was innocent, but it is more likely he got mixed up in a crime that was bigger than his intentions. However, Francoso was lucky and was exonerated because there was not enough evidence. Regardless of Francoso’s part in the crime, Marshal Jones did not forget the $550 that was stolen from him. Although Francoso was acquitted for the charge of armed robbery, it seems he still needed a watch, for three weeks later he was arrested for stealing one watch and various tools. This time Francoso was sentenced to a year in jail. This is where he sat when Charles Blumner copied down his information for the 1850 Census. In 1852 Marshal John Jones made on final run at Francoso when he arrested him for larceny, but the charges were dismissed.

While Francoso is unique as a career criminal in Santa Fe County, he represented the type of criminals most common among the vecinos. Francoso, like the majority of New Mexican vecinos, was a poverty-stricken laborer who turned to crime. He made the mistake of robbing a caudillo once, and then targeted Anglo settlers, who were often drunk and were thus easier targets. He likely stole a sheep or two, perhaps pilfered some

\[345\] The verdict for this case does not survive, but somehow Francoso made bail at $150. See: TRNMSF, District Court Records, “New Mexico v. Jose Francoso,” June 27, 1849.


\[347\] Jose Francisco is never indicted for a violent crime, which suggests that he was unlikely to be robbing at gunpoint. See: TRNMSF, District Court Records, “New Mexico v. Jose Montoya and Jose Francoso,” February 9, 1850.
food from the market on occasion, and most likely did his share of hard labor in between his crimes. When he needed a jacket he stole one, and when he wanted to make a quick buck he turned pickpocket and sought items that could be easily liquidated, like watches. Why Francoso and those like him resorted to crime is not difficult to discern; the reason Francoso continued to get caught so frequently is another matter.

The Anglo criminal committed larceny in a different manner: he targeted more valuable items, such as trunks of money, trunks of weapons, barrels of whiskey, and, of course, horses. There were fewer repeat criminals among the Anglo settler population because they tended to be transient and often resided in Santa Fe County for only a short time. After the U.S. Mexican War, Anglos were convinced that they could outfox the local population and amass great sums of wealth in Santa Fe County. It did not take long for Anglo settlers to become frustrated: they hoped to profit from the conquest, but found themselves walled out by the local strongmen and their Anglo allies.

Anglos who resorted to larceny targeted very specific victims: primarily they targeted Anglo merchants, soldiers, lawyers, and politicians. The Anglos did not target the local strongmen in Santa Fe County: of the forty-one larcenies committed by Anglo settlers twenty five cases listed victims, of which one targeted a Hispano landholder. In May of 1849, Charles Robbinsdean stole a sheep from Vicar Juan Felipe Ortiz. Padre Ortiz was a wealthy man and in the 1850 Census he was listed as having $5000 worth of

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349 TRNMSF, District Court Records, “New Mexico v. Charles Robbinsdean,” May 21, 1849.
property in Santa Fe.\textsuperscript{350} The sheep that Robbinsdean stole was valued at $2. No other Hispano landholder was robbed.

When they arrived the new Anglo settlers encountered the powerful New Mexican strongmen, who were already aligned with more Anglo allies than they needed. Many new settlers were soldiers with residual prejudices from the U.S. Mexican war and their frustration was amplified by fact that they could not compete with Mexicans.\textsuperscript{351} In reference to these soldiers, David Lavender noted, “Ignoring the perfunctory harangues of their officers concerning discipline, they continued with their drunkenness, swaggering, bullying, and petty arrogance to rub raw an New Mexican pride already sorely hurt by Armijo’s abject flight.”\textsuperscript{352} In general, all the Anglo settlers felt betrayed by the local Anglo officials, who cooperated with the local strongmen and rebuffed their fellow Anglos. As a result, Anglo settlers resorted to stealing, fighting, and murdering. Larceny was the most frequent crime among these Anglos, as it was among poor Hispanics, but Anglos in Santa Fe County committed larceny at significantly higher rates than did vecinos: Anglos were 1.3 times more likely to commit larceny than vecinos in Santa Fe County (Figure 2.12).

\textsuperscript{350} 1850 Federal Census, Santa Fe County, New Mexico Territory.

\textsuperscript{351} Hall, Social Change in the Southwest, 216-217.

\textsuperscript{352} Lavender, Bent’s Fort, 276.
During the Mexican period there were too few criminal court cases against Anglos to be calculated, which made it impossible to determine Anglo larceny rates before 1847. Most Anglos in New Mexico were merchants and traders, so it is extremely unlikely that they committed larceny. Anglo traders were violent, but most of them had goods and did not need petty items. These Anglos were businessmen, which means they
were arrested for commerce violations rather than larceny. In fact, when Anglos appeared in the Mexican records for other crimes they often had the role of victim.353

During the Mexican period the Anglo soldiers were not yet present in Santa Fe, but Mexican soldiers were and there were many similarities between them. The Mexican soldiers were poorly paid single males who were frustrated by their inability to succeed in Santa Fe. They proved to be a rowdy lot: they looted, assaulted, and murdered at higher rates than the local vecinos. The Mexican records indicate that Mexican soldiers committed roughly one-fifth of the crimes in Santa Fe County during the Mexican period.354 The records for Hispano crime in the villa of Santa Fe are intact: of the 161 court cases in the Mexican Archives of New Mexico, the 126 from Santa Fe comprises the overwhelming majority of this collection.355 The remaining 34 are sporadically dispersed across some twenty different villas in New Mexico; 14 of these villas have but one case remaining to represent crime in their town. Although historians have noted that the Mexican records are incomplete – and indeed there are no doubt missing files – the sampling from Santa Fe provides data can be reliably compared with the territorial data.356 These documents reveal a pre-American Santa Fe County that was far less crime

353 See: Mocho, Murder and Justice in Frontier New Mexico.

354 These cases in Santa Fe County took place in military court. See: n74.

355 MANM, utilizing the available microfilm edition of the MANM, I have transcribed the surviving criminal court cases into a data set. Of these 34 from other towns, 20 are records of violent crimes, suggesting that perhaps cases involving violence were more likely to have surviving documentation while those for petty larceny were dealt with locally.

356 There are three plausible and intermingling explanations to account for this dearth of regional documentation: 1) documenting lesser cases, such as petty larceny, in more rural areas of New Mexico was not a priority; 2) many alcaldes in some rural areas were not literate; 3) the case files for the majority of non-violent crimes simply never made it back to Santa Fe. Some combination of these contributing factors likely accounts for the paucity of criminal records throughout the more rural areas but, though they make it challenging to analyze crime in other parts of New Mexico, the same cannot be said for the villa of Santa
riddled than it became in just the first seven years of American suzerainty. They also reveal that the arrival of soldiers increased crime in Santa Fe County during both the Mexican and the Americans periods.

The new Anglo settlers, which included many soldiers and veterans, were driven to steal by different factors than the vecinos. Like the Mexican soldiers, many Anglo settlers were poorly paid single males whose only inroads into the economy were as consumers. While Anglo settlers targeted small items such as watches, they also turned to grand larceny more frequently than did vecinos. Vecinos stole smaller goods to make ends meet, but Anglo settlers sought larger returns. Their proclivity for larger heists meant that thirty-two percent of Anglo larcenies – along with a good portion of the fourteen percent of Anglo larceny of guns – were grand larcenies (Figure 2.13).

Fe. Cutter notes that during the Spanish period, petty larceny did not mandate record keeping and was often dealt with swiftly but without documentation. Jill Mocho writes, “It seems safe to assume that most local justices, although they had no legal education, were generally literate men, respected by their communities as competent and fair arbitrators.” See: Cutter, The Legal Culture of Northern New Spain, 9; Mocho, Murder and Justice in Frontier New Mexico, 8.

In total, there are references in criminal court records, the writings of Manuel Alvarez, and the letters of Charles Blummer, that suggest a total of 19 homicides in New Mexico between 1838-46. See: Charles Blummer Collection, Letters (AC 231). Angélico Chávez History Library, Palace of the Governors, Santa Fe, NM; Chávez, Manuel Alvarez, 100-101.

It is difficult to distinguish Anglo soldiers from Anglo settlers in the Santa Fe County District Court Records, but it is telling that in the 1850 Census four American soldiers are in the Santa Fe County Jail for burglary. Their case files are not in the district court records.
For example, in February of 1850 Henry Potter and Samuel Rino attempted to steal a trunk of money from Henry Martin, Manuel Woods, and William Raymond.\textsuperscript{359} Henry Potter was a twenty-seven year old Missourian who gave his occupation as a laborer, while Samuel Rino was thirty-one year old Missourian who also identified himself as a laborer. No doubt both came to Santa Fe in search of their fortune, but found only frustration. The victim was William Raymond, who was a merchant from New York and he was partnered with Manuel Woods and Henry Martin. Potter and Rino broke into their company store and stole a trunk of money. Potter and Rino were captured and each was sentenced to 39 lashes and a year in prison, which was the harshest punishment any Anglo received between 1847-1853.\textsuperscript{360} Still smarting from their

\textsuperscript{359} TRNMSF, District Court Records, “New Mexico v. Henry Potter and Samuel Rino,” February 27, 1850.
chastisement, Potter and Rino were sharing a cell with career criminal Jose Francoso—
who was in jail for stealing that watch—when Charles Blumner marked down their
names in the 1850 Census.

In another case, Heinrich Boze was looking for a quick score when he stole a cask
of brandy and a barrel of whiskey from Charles Higgins.\(^{361}\) It seems that Boze committed
another crime around that time, but there is no record to reveal the details. The court may
have suspected that Boze intended to sell the alcohol to Native Americans, because the
judge sentenced him to eight years in jail. Since Boze was sentenced in 1849, he should
have been in the Santa Fe County Jail when Charles Blumner conducted the 1850
Census. However, Boze was no longer in Santa Fe County: either he was pardoned
because the jail was too full or he escaped. Regardless, Boze was not in his cell when
Blumner came around to take his name.\(^{362}\)

In 1850, William Goodfellow pulled off the biggest heist that involved an Anglo
settler when he robbed his Anglo employers in Santa Fe. Goodfellow came to New
Mexico as a teamster and is listed in the 1850 Census as a carpenter working for the
military.\(^{363}\) Goodfellow was not long in Santa Fe when he was indicted for stealing $377
in gold, $600 in clothes, and a butcher’s knife from John Rowe and Sylvester C. Florence
of Ohio, a fellow carpenter who owned $300 worth of land in 1850.\(^{364}\) It is likely that
Goodfellow was a part-time employee of Rowe and Florence and it is also likely that he

\(^{360}\) See Chapter 4.


\(^{362}\) 1850 United States Census, Santa Fe County.

\(^{363}\) 1850 United States Census, Santa Fe County.

\(^{364}\) TRNMSF, District Court Records, “New Mexico v William Goodfellow,” May 25, 1850.
was guilty of stealing from them. There is no record of a decision, and while it is possible Goodfellow was acquitted, it is more likely that he absconded from Santa Fe County before he could be arrested.

Anglo settlers came and went, stealing what they could and fleeing before they faced the consequences. They avoided the powerful strongmen and stole from their fellow Anglo settlers whenever they saw the opportunity for gain. They were at least 1.3 times more likely to commit larceny than the vecinos. Ironically, Anglo travelers from this period disparaged Hispanics and claimed that they committed larceny without restraint; in reality the Anglo settlers and soldiers stole more frequently. Charles Blumner counted thirty-one people in the Santa Fe County Jail in 1850: he counted thirteen Hispano laborers, six Anglo laborers, four U.S. soldiers, two teamsters, two Anglo sailors, one Anglo gunsmith, one Mexican laborer, one Anglo merchant, and a single Mexican born actor (Image 2.1). Of the thirty-one prisoners fifteen were Hispano and sixteen were Anglo, meaning more than half of those in jail were Anglo, and the majority of them had committed larceny.  

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365 Records do not exist in the Santa Fe District Court Records for eight of the fourteen Anglo prisoners who were locked up for larceny and burglary in the Santa Fe County Jail in 1850. This means that Anglos committed larceny at higher rates than are noted in Table 2.3.
Conclusion

Between 1850 and 1860 vecinos confronted the dramatic legal, spiritual, and economic upheaval that accompanied territorialization. They faced Anglo judges who scorned them, they watched as their beloved padres were displaced, and they lost the communal lands that they relied on for subsistence. Legally the Anglo judges meted out draconian punishments against the vecinos. Spiritually the vecinos lost their padres, who had protected them from the excesses of local strongmen. Economically they were dispossessed of their land and deprived of resources that once supported the community.
They were betrayed and abandoned by the local strongmen, who gradually forsook their responsibilities as *patrones* and as a result the *vecinos* resorted to petty larceny.

While *vecinos* struggled to survive, immigrant Anglos and Europeans battled to carve out what they perceived to be their fare share of conquered lands. In reality, Anglos found that they had come to the wrong county, and that in Santa Fe County this was a conquest in name only. Local strongmen were too powerful to be displaced and the Hispano kinship networks made targeting individual landholders a dangerous venture. In addition, they discovered that the local strongmen were allied with old Anglo settlers and political officials. The new Anglo settlers became increasingly volitile and in turn they resorted to violence.

The local strongmen participated in the territorial government and continued to exert influence on political and economic affairs. The local strongmen and their Anglo allies benfitted from Territorialization. They gained property, expanded their economic interests, and formed new political alliances. The caudillos remained determined to control their own destinies and they utilized both their kinship networks and their political alliances to secure their positions. Only within the court system did New Mexicans seem to lose direct autonomy in Santa Fe County, but this was a calculated loss. Although the territorial laws remained in line with the Mexican laws, in Santa Fe County the local strongmen conceded direct control of the legal apparatus in exchange for profits.\(^{366}\) As a result of their actions the *vecinos* became desperate, the new Anglo settlers became angry, and crime in Santa Fe County skyrocketed (Table 2.4).\(^{367}\)

\(^{366}\) Hall, *Social Change in the Southwest*, 217.
<table>
<thead>
<tr>
<th>Crime / Years</th>
<th>Hispano</th>
<th>Anglo</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larceny (1838-1845)</td>
<td>91</td>
<td>NA</td>
</tr>
<tr>
<td>Larceny (1847-1850)</td>
<td>495</td>
<td>712</td>
</tr>
<tr>
<td>Larceny (1851-1853)</td>
<td>568</td>
<td>819</td>
</tr>
<tr>
<td>Homicide (1838-1845)</td>
<td>23</td>
<td>NA</td>
</tr>
<tr>
<td>Homicide (1847-1850)</td>
<td>29</td>
<td>259</td>
</tr>
<tr>
<td>Homicide (1851-1853)</td>
<td>23</td>
<td>216</td>
</tr>
<tr>
<td>Assault (1838-1845)</td>
<td>57</td>
<td>NA</td>
</tr>
<tr>
<td>Assault (1847-1850)</td>
<td>123</td>
<td>162</td>
</tr>
<tr>
<td>Assault (1851-1853)</td>
<td>179</td>
<td>172</td>
</tr>
</tbody>
</table>

Table 2.4. Hispano and Anglo Crime in Santa Fe County, by Perpetrator Ethnicity and Crime, Adults 16 and older, per 100,000\(^{368}\)

Among Hispanics both larceny and assault climbed significantly higher than it had been during the Mexican period; among Anglos larceny, assault, and homicide eclipsed anything that was imaginable in Santa Fe County. Hispano larceny swelled from 91 per 100,000 (1838-1845) to 568 per 100,000 because Hispanics lost their communal land; Anglo larceny started at 712 per 100,000 and jumped to 819 per 100,000 because Anglos were denied access to wealth in Santa Fe. Between Hispanics and Anglos assault was comparable: from 1851-1853 the numbers were almost identical as Hispanics assaulted at the rate of 179 per 100,000 and Anglos at 172 per 100,000. The most dramatic difference

\(^{367}\) Although all Hispanics and Anglos are considered when calculating rates, the names of wealthier segments of the population do not appear in the criminal court records; proof that crime was more often among vecinos and poor Anglo settlers.

\(^{368}\) The aggregate data are combed from these archives and are in rates per 100,000. They include only crimes with known perpetrators. In keeping, only criminal court documents that identify perpetrators with Hispanic surnames have been calculated from both the MANM and: New Mexico State Records Center and Archives, Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951, Box 1-3, hereafter designated TRNMSF; New Mexico State Records Center and Archives, Mexican Archives of New Mexico, 1821-1846 (Santa Fe: New Mexico State Records Center and Archives, 1969), hereafter designated MANM.
between Hispanics and Anglos was in homicide rates. For *vecinos*, homicide rates remained steady from the Mexican period into the territorial period at 23 per 100,000 (1838-1846), 29 per 100,000 (1847-1850), and back to 23 per 100,000 (1851-1853). Meanwhile, Anglos were ten times more likely to commit homicide with rates of 259 per 100,000 (1847-1850) and 216 per 100,000 (1851-1853).

Although larceny, homicide, and assault were the most common crimes, they were not the only crimes committed in Santa Fe County. In a town full of suffering *vecinos*, frustrated Anglo settlers, and testosterone filled American soldiers, crime reflected the vices that one might expect: drinking, stealing, gambling, and fighting (Figure 2.14). In this setting assaults became commonplace and like larceny it manifested differently among Hispanics and Anglos: while Hispanics used farming clubs, tools, knives, and rocks in their assaults, Anglos turned to swords and guns.
In 1851 local officials passed laws aimed toward regulating social behavior in Santa Fe County. They implemented new gambling regulations that required gambling halls to pay for licenses. This was an effort with two motives: to curb disorder and to collect more taxes from working people. From 1851-53 fifteen people were arrested for illegal gaming and the judges only issued licenses to those deemed worthy of running a gambling hall. In 1851 the local government also tried to crack down on the illegal distribution of alcohol. Violaters were sent before Judge Tomas Ortiz, who was the only Hispano judge in Santa Fe County. However, Ortiz was not sympathetic to the poor vecinos. The wealthy Ortiz dismissed all cases against larger Anglo distillers, while he fined poor Hispanics and Anglo residents who operated smaller distillaries; by doing so he represented the classist society from which he came. As more new commerce laws were passed, more arrests for criminal commerce violations appeared. U.S. Soldiers
violated the laws most often, when they tried to sell military uniforms to Anglo traders at the Santa Fe market, no doubt for booze and gambling money.

The vecinos remained impressively placid amidst the classism they suffered from the caudillos and the racism they endured from Anglo authorities and settlers, which can be attributed to their strong sense of community. The strongmen refused to help vecinos and the Anglos were determined to punish them. Although vecinos resorted to petty larceny and were increasingly getting into fights, they did not become homicidal. This is because of parochialism: the vecinos were accustomed to suffering and they understood that community loyalty was the path to survival. With their parochial foundation, New Mexican males were better able to suffer the increasing disparity of wealth in Santa Fe County. Individual failure did not impact them to the same degree that it affected Anglo settlers because, in the end, it was acceptable for vecino males live with their families. They had a place in society. Because of this, vecinos were far less violent and when homicides occurred they were often accidental.

Ironically, the Anglo judges continued to target local vecinos for petty larceny instead of cracking down on their fellow Anglos for more serious crimes. New Mexican landholders remained indifferent, for they too perceived the vecinos as backwards and in desperate need of both authority and harsh punishments. For Anglos the impact of poverty was more significant because the overwhelming majority of them had traveled to Santa Fe from places like Texas and Missouri. They came without families, often brought very little money, and were determined to make their fortunes. Anglo transients continued to cycle in and out of Santa Fe County; most arrived determined to strike it rich and many departed to escape prosecution. Their frustrations drove them to commit
larceny, assault, and homicide at increasingly higher rates. Crime took a different form among Anglos: while vecinos turned to petty larceny for survival, Anglos turned to homicide.
CHAPTER 3: Between a Rock and a Gun: Vecino and Anglo Homicide

As night fell in the dusty Santa Fe streets that Saturday, November 12, 1853, the plaza was relatively quiet, families had settled in for the evening, and the working citizens were nestled into various local drinking houses passing their time with booze, gambling, and wayward women. The spirits flowed, producing a casual merriment among the local townsfolk, and men everywhere risked their salaries in the popular games of the day, including Monte, poker, and faro. The sound of gunfire interrupted the quiet mountain villa and echoed from the Exchange Hotel across the plaza. Two more shots rang out, and the citizens in the backroom of the Exchange Hotel, who were eagerly losing their money at Monte, wrestled the perpetrators to the dusty floor. “We’re Texans, we can take this town,” the prisoners repeated through their

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369 Monte, a game sometimes called “find the lady,” uses three cards: the jack of spades, jack of clubs, and usually the queen of hearts. The dealer uses slight of hand to shuffle the cards and individual bets on the card believed to be the queen.

370 In Faro, cards are laid out in this manner (see below), people place bets on which cards they believe will be drawn, and the dealer draws twice. The first card drawn is the loser, and the money bet on it goes to the dealer. The second pays at equal odds. Like most gambling, the odds are always with the house.
drunkenness.\textsuperscript{371} On the same floor lay Judge Hugh N. Smith, mortally wounded by a projectile that passed through his lungs and lodged into his shoulder.\textsuperscript{372}

Men like Judge Hugh N. Smith were victims in a rash of violence that swept through the Southwest in the aftermath of the U.S. Mexican War. The United States occupied New Mexico and California and Anglo settlers from the North and South flooded into the Mexican towns in the Southwest. These Anglo settlers were determined to make their fortunes, but most of them encountered only frustration. They gambled, drank, caroused, fought, and murdered in the streets and bars in towns across the Southwest. Many were soldiers during the war and most were racist against Hispanics, Native Americans, Chinese, Latin Americans, free blacks, and anyone else they perceived as different.\textsuperscript{373} They transformed the Southwestern towns into dangerous places in both New Mexico and California. These Anglos carried the banner of Manifest Destiny into the Southwest and they brought violence with them.

The West was a dangerous place to live after the U.S. Mexican War and Santa Fe County was no exception; Anglo settlers committed homicide at such a rate that risk in

\textsuperscript{371} SFWG, 19 November 1853, 2, the article contained here was written by an eyewitness, who was present throughout the affair.

\textsuperscript{372} La Fonda was the sight of violence throughout the Territorial period, and it seems to have been particularly risky for judicial officials to frequent. Indeed, Judge Hugh N. Smith was one of two district court judges murdered at La Fonda. Judge John P. Slough, an Ohio native and Colonel at the Battle of Glorieta Pass, assumed the post of Chief Justice of New Mexico Territory after the Civil War. On December 15, 1867, Judge Hough was drinking and playing billiards at La Fonda, where he was a regular, when the subject of his political rival, Captain W.L. Rynerson, the representative from Dona Ana County, became a matter of discussion. Rynerson was the voice of the legislature and had petitioned to Washington for Slough’s removal the day before, an incident that had the ill tempered Slough proclaiming aloud during a game of billiards that Rynerson was a liar and a thief. Rynerson demanded an apology, and when Slough refused Rynerson threatened to shoot him. Judge Slough replied, “Shoot and be damned!” Rynerson shot Judge Slough in the stomach, and the wound claimed his life. See, Marc Simmons, \textit{Ranchers, Ramblers, and Renegades: True Tales of Territorial New Mexico} (Santa Fe, New Mexico: Ancient City Press, 1984), 37-39.

Santa Fe County rivaled other Southwestern counties.\textsuperscript{374} Between 1847-1853, homicide occurred at the rate of 54 per 100,000 in Santa Fe County (Table 3.1).\textsuperscript{375} This was significantly lower than Monterey County, CA (609 per 100,000, 1855-1857), Denver, CO (106 per 100,000, 1859-1865), and Nevada County, CA (89 per 100,000, 1851-1856). However, it was higher than Oregon (30 per 100,000, 1850-1865) and British Columbia (25 per 100,000, 1859-1871). What distinguished Santa Fe County was that the majority of the population in New Mexico was Hispano, whereas western counties were mostly Anglo.

<table>
<thead>
<tr>
<th>Location</th>
<th>Homicide Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monterey County, CA, (1855-1857)</td>
<td>609</td>
</tr>
<tr>
<td>Nevada County, CA (1851-1856)</td>
<td>89</td>
</tr>
<tr>
<td>Oregon (1850-1865)</td>
<td>30</td>
</tr>
<tr>
<td>British Columbia (1859-1871)</td>
<td>25</td>
</tr>
<tr>
<td>Texas (June 1865- June 1868)</td>
<td>76</td>
</tr>
<tr>
<td>Denver, CO (1859-1865)</td>
<td>106</td>
</tr>
<tr>
<td>Santa Fe County, NM (1847-1853)</td>
<td>54</td>
</tr>
</tbody>
</table>

Table 3.1. Western Homicide Rates, Per 100,000, Persons Ages 16 and Older\textsuperscript{376}

The homicide rate in Santa Fe County was similar to other commercial and agricultural counties in California during the 1850s and 1860s (Figure 3.1). San Francisco was lower at 31 per 100,000 (1850-1865), but San Joaquin (61 per 100,000, 1855-1857).

\textsuperscript{374} Roth, American Homicide, 354-55.

\textsuperscript{375} New Mexico State Records Center and Archives, Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951, Box 1-3.

\textsuperscript{376} Randolph Roth, “Homicide Rates in the Nineteenth-Century West: Tables, July 2010 Version” (Historical Violence Database, Criminal Justice Research Center, Ohio State University, 2010).
1850-1865) and Sacramento (47 per 100,000 1850-1865) were almost identical to Santa Fe County. However, in contrast to places like San Joaquin (20% Hispanic, 1850-1860), Santa Fe was 93% Hispano by 1860.\textsuperscript{377} Ethnically, Santa Fe County resembled Santa Barbara, CA, but with two important differences: first, the population in Santa Fe County was much larger and much more Hispanic than Santa Barbara (70-80%); and second, Santa Fe was a commercial and agricultural center, while Santa Barbara was a ranching community. Most importantly, Santa Barbara County had a much higher homicide rate at 115 per 100,000 (1850-1865), which was over two times higher than Santa Fe County.\textsuperscript{378}

\textsuperscript{377} Donald Walker, “Hispanics in San Joaquin County, 1850-1930” (The San Joaquin Historian, Vol. XV, Number 1, 2001), 3.

\textsuperscript{378} The homicide rate is Santa Barbara was higher because the Anglos in Santa Barbara were recently arrived and were determined to push the Californios out. Santa Fe County was different because the local strongmen had Anglo business partners and Anglo allies that worked with them, rather than against them.
Santa Fe County is difficult to situate into the Southwest because it had unique demographics. In 1848, the Hispanic population in New Mexico comprised nearly three-quarters (73%) of all Hispanics in the Southwest; New Mexico was home to 61,547 of an estimated 80,000 Hispanics in the Southwest (Figure 3.2). In California there were only 7,500 Hispanics (9%) and most of them lived in southern California. There were roughly 14,000 Hispanics in Texas (17%), who likewise lived in southern Texas, and in Arizona there were only 1,000 Hispanics (1%). As a result, the Hispanics were able to

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379 New Mexico State Records Center and Archives, *Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951*, Box 1-3, hereafter designated TRNMSF; Roth, “Homicide Rates in the Nineteenth-Century West.”


381 Stephen S. Birdsall, John Florin, “Regional Landscapes of the United States: Southwest Border Area” (Outline of American Geography, November 1988).
dominate New Mexico with their numbers, which Hispanics in the rest of the Southwest were unable to do.

Santa Fe County was diverse by New Mexican standards, but it was still overwhelmingly Hispano. In 1850 there were 6,683 Hispanics in Santa Fe County and that number increased to 7,667 by 1860. Hispanics increased from 87% to 93% of the population in Santa Fe County – this in a decade when Hispanics in California were being overwhelmed by immigrants (Figure 3.3). In contrast, the Anglo population fell from 803 (10%) down to 511 (6%) in Santa Fe County. There were two reasons for this decline: first in 1851 Lt. Col. Edwin V. Sumner moved the U.S. Military supply depot

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382 Birdsall, “Regional Landscapes of the United States,” Southwest Border Area.
100 miles east of Santa Fe and briefly relocated the Army headquarters to Fort Union, and second many Anglos emigrated from New Mexico Territory after they failed in their business ventures. Sumner moved many of his soldiers in an effort to curb crime in Santa Fe County, but this failed because the Anglo soldiers still traveled to Santa Fe during their off days. The army moved its headquarters back to Santa Fe in 1852 but even the soldiers that stayed at Fort Union, who were not counted in the 1860 Census, continued to commit crimes in Santa Fe County. In addition to the small number of soldiers that relocated, many Anglos departed the county during the 1850s. Hispanos and their Anglo partners monopolized Santa Fe County and as a result Anglos emigrated elsewhere to seek opportunities. Hispano and Anglo birthrates demonstrated how few Anglos actually settled in Santa Fe County from 1850-1860: Hispanos gave birth to 2282 children, while Anglos gave birth to only 48 children.

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New Mexico is more interesting when we differentiate between homicide committed by Anglos and homicide committed by Hispanics. The rates in table 3.1 and graph 3.1 do not differentiate between Hispanic and Anglo homicide. Established community members killed at different rates than recently arrived settlers, which makes differentiating between Hispanic and Anglo homicide important. Not dividing by ethnicity creates misleading data and it makes Hispanics like those in Santa Fe County appear more violent and more homicidal than they actually were.

In Santa Fe County new Anglo settlers were 1.6 times more likely to be indicted for criminal activity than members of the vecino community. In addition to the higher larceny rates discussed in Chapter 2, Anglos committed assault at the rate of 240 per

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384 1850 Federal Census, Santa Fe County, New Mexico Territory; 1860 Federal Census, Santa Fe County, New Mexico Territory.

385 This is especially true in Santa Fe County, where Anglo drifters committed homicide at high rates and made Santa Fe look dramatically more homicidal than it really was.

386 New Mexico State Records Center and Archives, Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951, Box 1-3, Anglo Crime was 96/773(pop) = .124 and Hispanic Crime was 309/4285 = .072; hereafter designated TRNMSF.
100,000, while Hispanics committed assault at the rate of 147 per 100,000 (Table 3.2).\textsuperscript{387} Although the Hispanic assault rate increased by fifty percent from the Mexican period – a significant upsurge – Anglo assault was still roughly 40% higher. Assaults committed by both groups were carried out in the same manner as the homicide they committed: of the known assault cases among Anglos, five used guns, one a knife, and one a club; among Hispanics eleven used knives, two used guns, one used a lance, and another used a rock.

<table>
<thead>
<tr>
<th>Crime</th>
<th>1838-45 Rates (7 Yrs)</th>
<th>1847-53 Rates (7 Yrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispano Assault</td>
<td>91</td>
<td>147</td>
</tr>
<tr>
<td>Anglo Assault</td>
<td>NA</td>
<td>240</td>
</tr>
</tbody>
</table>

Table 3.2. Assault Rates among Hispanics and Anglos in Santa Fe County, Adults 16 and older, per 100,000

Anglo settlers were responsible for twelve of the nineteen known homicides committed from 1847-1853, even though they comprised only 10% of the population of Santa Fe County in 1850.\textsuperscript{388} Statistically Anglo settlers were ten times more likely to commit homicide than Hispanics in Santa Fe County, a number that is lost when homicide

\textsuperscript{387} Statistically, I included all Anglos in the category of Anglo settlers, both those who recently arrived from the United States and the small population of Americans who had settled in New Mexico before the U.S. Mexican War. I also included both soldiers and the small population of European settlers in this category of analysis. For the Hispanics, I included the small population of Mexicanos in my numbers.

\textsuperscript{388} The homicide rate for the Hispanic community was 23.3 per 100,000 per year, which is a relatively low rate when compared to other western counties. The Anglo settler homicide rate was 221.9 per 100,000 per year, making them ten times more likely to commit homicide. TRNMSF.
is not divided by ethnicity (Table 3.3). Anglos killed at the rate of 222 per 100,000; Hispanics committed homicide at the rate of 23 per 100,000. When the data are divided, the Hispano homicide rate in Santa Fe County is lower than Oregon (30 per 100,000, 1850-1865), British Columbia (25 per 100,000, 1859-1871), Las Animas County, CO (34 per 100,000, 1880-1900), and San Francisco, CA (31 per 100,000, 1850-1865) (Table 3.1; Graph 3.1). Although Anglos made risk higher in Santa Fe County, Hispanics were far less homicidal than the cumulative rate suggests.

<table>
<thead>
<tr>
<th>Crime</th>
<th>1838-45</th>
<th>1847-50 Rates (4 Yrs)</th>
<th>1851-53 Rates (3 Yrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispano Homicide</td>
<td>23</td>
<td>29</td>
<td>23</td>
</tr>
<tr>
<td>Anglo Homicide</td>
<td>NA</td>
<td>259</td>
<td>216</td>
</tr>
</tbody>
</table>

Table 3.3. Homicide Rates among Hispanics and Anglos in Santa Fe County, Adults over 16 and older, per 100,000

Of the six fully documented Hispano homicides between 1847-53 in Santa Fe County, only two involved a gun, and none of the victims were killed execution-style. Hispanics attacked with knives, sticks, and occasionally rocks, but they did not shoot with intent to kill. Hispanics were not homicidal in the Mexican period (1820-46) either, and they only committed five homicides in the villa of Santa Fe. Even Josiah Gregg, ever...
critical of New Mexico and its people, conceded that homicide was rare within these communities: “Notwithstanding this laxity in the execution of the laws, there are few murders of any kind committed.”

From 1837-53, Hispano homicide remained consistent because there were no fundamental changes to the preexisting caudillo style system of power – for the vecinos inequality in New Mexico was normative (Table 3.3).

All of the eight fully documented Anglo homicide cases involved guns, and six of the eight victims were executed by gunshot to the head. Anglo homicide fell into two basic narratives in Santa Fe County: one featured a violent transient with a gun who was pitted against his fellow Anglos; the other featured an ambitious settler with a gun who attacked unsuspecting Anglos and vecinos. Anglo transients expected respect and financial gain in what they viewed as conquered territory, while ambitious Anglos sought land and status. When they failed, they pulled their guns. The murder of Judge Smith represents the first of these two narrative types, but when drunken Anglo transients weren’t killing victims with stray bullets other Anglos deliberately executed them at close range.

This chapter focuses on how Hispano political domination affected the homicide rate – and the manner of killing – among Hispanos and newly arrived Anglo settlers. The first section of this chapter, Politicos and Representation, demonstrates that the local strongmen dominated the territorial legislature. The Hispano’s political domination had

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391 Gregg, Commerce of the Prairies, 76.

392 The other five case files contain sparse details and do not reveal the weapon used by the perpetrators; TRNMSF.
two effects on Santa Fe County: first it strengthened the community bond between Hispanos, and second it excluded Anglo settlers from the political process. Drawing on Randolph Roth’s theory of homicide, this chapter argues that New Mexican caudillo and vecino solidarity alienated Anglo settlers in Santa Fe County. Roth writes, “Nothing suppresses homicide within a social group more powerfully than a sense of connectedness that extends beyond the bounds of family and neighborhood and forges a strong bond among people who share race, ethnicity, religion, or nationality.” The bond between the local strongmen and the vecinos was solidified by New Mexico’s post-colonial experiences, and that bond was strengthened by Hispano political representation during the territorial period. Vecinos believed their government would help them survive and they committed few homicides, but Anglo settlers felt alienated and they turned homicidal.

The rest of this chapter is focused on eight homicide cases, including one double homicide, that provide examples of how homicide manifested in Santa Fe County. In addition, there are another four homicide cases from the Mexican period, which bear a striking resemblance to the homicides that took place in the American territorial period. These American territorial cases have been chosen because they are the most heavily documented. The cases examined here are representative. They include random acts of unprovoked violence by Anglo immigrants, homicides stemming from drunkenness, domestic homicides, and premeditated execution style murders. Importantly, they illuminate the different ways that vecinos and Anglo settlers committed homicide.

393 Roth, American Homicide, 22.
These homicides are organized into the three different venues in which they occurred in Santa Fe County: *public homicides* that occurred in town over personal or political differences; *community homicides* committed by Anglos and *vecinos* within and against the old *vecino* community; and homicide at the fandango, which took place at Hispano socials called fandangos, where both groups came together. Ironically, Anglo settlers complained that murderers were allowed to go free in Santa Fe County. Examining homicide within these venues illuminates the degree to which recent Anglo immigrants were in fact responsible for the escalating violence and homicide rates in Santa Fe County; and by and large, they were the murderers who escaped justice.

**The Politicos and Representation**

By 1848 the Hispanics in Santa Fe County had a long tradition of local autonomy and they maintained that power during the first thirteen years of American territorialization. The local strongmen and the *vecinos* were bound together by their troubled past. These Hispanics developed an “us versus them mentality,” which was reinforced by their post-colonial history. In 1837 the caudillos and *vecinos* banded together and deposed the centralist governor, an outsider who tried to assert authority over them. In 1841 they united and rebuffed a Texas invasion bound for Santa Fe. In 1847 they rose up against Governor Charles Bent, who was appointed by the Americans. Although Bent was an insider in many ways he was maligned by local strongmen, who labeled him a friend of Texas. The bond between caudillo and *vecino* was solidified with each uprising and the *vecinos* became more parochial in the process. Hispano political representation strengthened that bond even further during the first thirteen years of
Americans territorialization, and Anglo settlers were relegated to being outsiders in Santa Fe County.

In the Southwest, Hispanics reacted differently toward Anglo immigrants because their circumstances differed: Californios were overrun by immigrants and they took up arms and turned violent in most of California, while in Santa Fe County Hispanos were the majority and they ignored Anglos and contained violence within their community. The Californios were overwhelmed by immigrants after gold was discovered in California and they quickly became the minority. In 1848 there were 7,500 Californios (14,000 total residents) living in California; by 1852, 250,000 people immigrated to California from all over the world. Anglo settlers used their superior numbers against the Californios and seized control of the governments in most counties. Anglo miners tried to displace Hispanics and Native Americans from their mines, while Anglo farmers and ranchers seized land from Hispanics and Native Americans in other parts of California so they could dominate the market for provisioning Anglo miners.\(^{394}\) The Californios fought back against the Anglos and California became a dangerous place to live.

The Anglo settlers who immigrated to California were aggressive men determined to carve out their fortunes. When they encountered competition in the mines, the fields, and the towns they responded with violence against their competitors. They targeted Hispanics and Native Americans, and they were determined to push them to the bottom of the social hierarchy.\(^{395}\) In the 1850’s and 1860’s Anglos committed the highest proportion of the total number of homicides in California: they killed their fellow Anglos


seventy-two percent of the time, but the remaining twenty-eight percent of their homicides accounted for fifty-five percent of all Hispanic victims, fifty-six percent of all Chinese victims, sixty-one percent of black victims, and sixty-six percent of Native American victims.\textsuperscript{396} However, Hispanic homicide rates in California were significantly higher than Anglo homicide rates. Hispanics in California committed homicide at the rate of 161 per 100,000 (1849-1865), which was significantly higher than Anglos in California, who committed homicide at the rate of 52 per 100,000 (1849-1865).\textsuperscript{397}

In contrast to California, Hispanics dominated New Mexico and Anglo settlers were the minority, in part because there was no mass migration equivalent to the gold rush. Santa Fe County was a true Hispano bastion, where the Hispano population both increased and prospered after the first thirteen years of American territorialization (table 3.4). While the Hispano population increased from 87% to 93% of Santa Fe County, the proportion of Hispano real property owned increased from 36% percent to 52% percent of Santa Fe County property.\textsuperscript{398} Anglos participated in local politics, but representatives in the New Mexico Territorial Legislature were elected and not appointed.\textsuperscript{399} Hubert Howe Bancroft noted, “About twenty family names include a very large majority of membership for the whole period (1851-1863); and indeed, a few wealthy and influential

\textsuperscript{396} See: Roth, \textit{American Homicide}, 360, McKanna, \textit{Race and Homicide in Nineteenth-Century California}, 74.

\textsuperscript{397} Randolph Roth, “American Homicide Supplemental Volume: American Homicides” (Historical Violence Database, Criminal Justice Research Center, Ohio State University, May 2010), Table 34.

\textsuperscript{398} 1850 Federal Census, Santa Fe County, New Mexico Territory; 1860 Federal Census, Santa Fe County, New Mexico Territory.

\textsuperscript{399} This was a condition of the Compromise of 1850 contained in Section 5.
families in each county, in connection with the few Anglo residents, natural-born politicians, controlled the election of representatives and all other matters of the territorial government, without the slightest interest or action on the part of the masses.\textsuperscript{400} Since the Hispanos had the majority of the vote, Anglos were unable to overrun New Mexico. Longtime Anglo residents and new business associates were sometimes elected to the legislature, but by and large new Anglo settlers failed to break through.

<table>
<thead>
<tr>
<th>Census Year</th>
<th>1850</th>
<th>1860</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>7713</td>
<td>8213</td>
</tr>
<tr>
<td>Hispano Population</td>
<td>6683</td>
<td>7384</td>
</tr>
<tr>
<td>Anglo / European Population</td>
<td>803</td>
<td>511</td>
</tr>
<tr>
<td>Native American / Mexican Born</td>
<td>227</td>
<td>318</td>
</tr>
<tr>
<td>Hispano Child Births Since 1850</td>
<td>NA</td>
<td>2282</td>
</tr>
<tr>
<td>Anglo Child Births Since 1850</td>
<td>NA</td>
<td>48</td>
</tr>
</tbody>
</table>

Table 3.4. 1850 vs. 1860 Census Data, Santa Fe County

Most of the Anglo settlers who immigrated to New Mexico were attracted to trade and ranching, but they turned violent when they discovered that the local strongmen controlled the land they sought. Interestingly, the Anglos did not target the local strongmen. Instead they targeted Anglos and vecinos, especially vecinos who could not defend themselves. Most of their victims were Anglos, and they included established

\textsuperscript{400} Bancroft, The Works of Hubert Howe Bancroft, 634-37.
Anglos like Judge Hugh N. Smith and other Anglo drifters who crossed their paths. They attacked the *vecinos* less often, in part because the *vecinos* in Santa Fe County shied away from interracial violence during the first seven years of territorialization. Unlike the Californios, the New Mexican *vecinos* trusted that the local strongmen would save them from taxes and tyranny, just as they had during the 1837 and 1847 rebellions. Unlike California, the Anglos found themselves on the outside looking in.

For Hispanics, political representation strengthened that bond even further during the first thirteen years of Americans territorialization. Hispanics were empowered by The Organic Law of 1850, which established a bicameral legislature consisting of a House of Representatives with twenty-three members and a Council of thirteen members. The local strongmen had the advantage because representatives in the legislature were elected and the Hispano population was the overwhelmingly majority in New Mexico. Alvin Sunseri wrote, “The vast majority of legislators in both the House and Council were Mexican-Americans; in 1851, for example, of the ninety-one candidates seeking office all but fourteen were Mexican-American, and in the 1855/1856 sessions there was but one Anglo seated in the house.”\(^{401}\)

The older Hispanics belonged to the Council, which was the more powerful legislative body in the New Mexico Territorial Legislature. The majority of the Council members were Hispanics: in 1847 and from 1851-1860 Hispanics comprised 84% of the known council members (Figure 3.4). Hispanic Council members included family members from the most powerful families in New Mexico: the Baca, Chaves, Martínez, Pino, Ortiz, and Otero families were all represented. Interestingly, several Hispano

Padres participated in the Council, including Padre José Antonio Martínez of Taos, Vicar Juan Felipé Ortiz of Santa Fe, and Padre José Manuel Gallegos of Albuquerque. Both Padre Martínez and Vicar Ortiz served as President of the Council on multiple occasions, while Padre Gallegos became New Mexico’s first U.S. Congressman in 1853.

![Figure 3.4. New Mexican Council Members Ethnicity, by Percentage, 1847, 1851-1860](image)

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The Hispano Padres served extensively in the Council because they found themselves at odds with Bishop Jean Baptiste Lamy and the new Catholic order. Lamy replaced Vicar Juan Felipé Ortiz and removed him from his church in Santa Fe as part of what Fray Angélico Chávez accurately labeled the ecclesiastical colonization of New Mexico. Padre José Manuel Gallegos was expelled on erroneous charges and Padre José Antonio Martínez was suspended for challenging Lamy’s authority. The padres continued to feud with Lamy and Joseph P. Machebeuf, who replaced Vicar Ortiz, from their new political positions. In January of 1856 the Hispano led Territorial Legislature issued a formal address to the Pope: they accused Lamy and Machebeuf of meddling in politics and of mistreating the Hispano padres. Padre Gallegos authored the address and Padre Martínez was part of the Council that pushed the measure through. From the legislature the local strongmen expressed their displeasure with how Lamy treated their family members.

The Hispanics also dominated the twenty-three member House of Representatives, and at a higher percentage than the Council. In 1847 and from 1851-60 the Hispanics comprised 89% of the House members (Figure 3.5). Members of the same Hispanic families also dominated the House and among them were Miguel E. Pino, Albino Chacon, and Diego Archuleta, who had masterminded the plot to kill Governor Charles Bent in 1847. They cooperated with the Council and passed a high volume of legislation.


The Hispano majority in the legislature was so overwhelming that proceedings occurred in Spanish; the laws were first written in Spanish and later translated into English. Anglos who served in the legislature needed to speak Spanish fluently; this was not a problem because only most Anglos who were elected were long time residents who spoke Spanish. The Anglos in the legislature were a decided minority, and thus they had very little power. In 1851, Anglos in both houses tried to pass a law to allow judges and justices of the peace to marry private citizens. Alvin Sunseri noted, “Such a

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proposition was so repugnant to Mexican-Americans that all but one of the Council members disapproved of the bill, and that body adjourned rather than debate the matter.**409 In Santa Fe County Anglos faired better as only 72% of Santa Fe County Representatives were Hispano, but this was not enough to impact policy (Figure 3.6). Anglo representatives lacked power and were tied to their Hispano allies.

Figure 3.6. Santa Fe County Representatives in the House of Representatives, by Percentage, 1847, 1851-1860**410

The Hispano representatives purported themselves well, but they mostly passed legislation that furthered the interests of their fellow strongmen. An Anglo reporter from

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The Missouri Republican begrudgingly noted, “I have had a sight of the Territorial Legislature, and I am really disappointed in finding so intelligent looking an assembly of Mexicans.” The Anglo reporter noted that the Hispanos displayed dignity and decorum while in session, and conceded that in time they would make a worthy addition to the United States. The Hispanos took their selection to the legislature seriously and they participated without fail. Hubert Howe Bancroft noted, “In session the members puffed their cigarettes and indulged in other peculiarities of conduct unknown to American assemblies; but the results will I think compare favorably in most respects with those of early legislative efforts in other territories.” Only one representative was late to the first legislative session, but he had a legitimate reason for his tardiness: the U.S. Army mistook him for the insurgent Manuel Cortez and arrested him en route to Santa Fe!

The Hispanos passed laws that protected the interests of their families; they aimed to further economic development, secure their autonomy, and to control violent Anglo settlers. One of their first memorials to the United States House of Representatives called for funds to repair New Mexico’s infrastructure, which hindered them since the colonial period:

Your memorialists would respectfully state that the Territory of New Mexico is one of vast extent and varied surface, embracing within its limits large tracts of mountainous and desert country, interspersed with valleys and level plains.

That of this vast extent of country the valleys alone are habitable and susceptible to cultivation; and as these are separated from each other by large

tracts of desert lands, the Territory resembles more a string of settlements than a regularly populated country.

From this it will be readily perceived that great necessity exists for public roads and highways, connecting the extremes of our Territory with its centre, where is the great mart of trade and commerce of our country.\textsuperscript{414}

The Hispanos complained that the Mexican government was to blame for the bad roads because they were impoverished and careless and they believed the American government should pay to repair them. In addition to the internal roads, the legislature called for Congress to establish a route to California, as well as a route that led to the Arkansas River.\textsuperscript{415} They also asked Congress to order a mineralogical survey and lamented, “Gold is found in every section of the country, from its extreme northern to its southern limits, but the placers and mines are, as yet, only worked by the poorer class of inhabitants, without capital, skill or enterprise, and in the most rude and primitive manner.”\textsuperscript{416} The Hispano representatives realized that political representation was key to their continued success in New Mexico and they used their offices to appeal to the federal government for resources.

However, the legislature refused to implement property taxes in New Mexico to pay for the repairs that they called for; meaning they refused to tax themselves. Anglo governor after governor tried to convince the legislature to levy taxes on land, but they all failed. In 1857 Governor Abraham Rencher warned that the government was on the

\textsuperscript{414} Letters From the Secretary of The Territory of New Mexico, 32\textsuperscript{nd} Congress, 1\textsuperscript{st} Session, Miscellaneous, No. 4, 1851, 15, hereafter designated Letters.

\textsuperscript{415} Letters, 16.

\textsuperscript{416} Letters, 16-17.
brink of collapse and he pleaded for them to implement property taxes, but the local strongmen would not budge. Alvin Sunseri theorized, “Rencher and the other Anglos failed to realize that land taxes were contrary to New Mexican tradition.” In actuality, the local strongmen refused to tax themselves because it cut into their profits. They had fought against taxes under Mexico and they were determined to avoid them in the territorial era. The roads needed to be repaired, but someone else was going to have to pay for it.

The legislature also passed laws that declared their autonomy, and they included a measure that proclaimed that the military was subordinate to them. Donaciano Vigil called for the first Territorial Legislature to meet after the 1847 Rebellion and their primary purpose was to depose the American military government in New Mexico. In 1851, the Hispanos held their first official meeting, where they decreed, “The military shall at all times be subordinate to the civil authority.” Further, they declared, “No power of suspending laws in this Territory shall be exercised, except by the legislature and its authority.” Finally, they proclaimed, “No person prevented by the organic law of the Territory, no officer or soldier in the United States army, and no person included in the term “camp followers” (teamsters) of the United States army, shall be entitled to vote or hold public office in this Territory.” They proclaimed their authority over the military to secure their autonomy and they refused to allow soldiers to vote in New

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417 Sunseri, Seeds of Discord, 130.
418 Letters, 32.
419 Letters, 32.
420 Letters, 65.
Mexico in order to block Anglo attempts to influence New Mexican politics. The savvy 
*politicos* tried to tether the legislature to supreme authority, which meant that they 
remained the authority in New Mexico.

The *politicos* targeted Anglos more directly in the third session, when they passed 
laws against vagrancy and carrying small arms into settlements and fandangos. They 
passed a vagrancy law that applied to people without occupation, drunkards, and those 
who abandoned their families, but many of the details of the law targeted Anglo soldiers 
and transients. Vagrants were “Persons in the habit of loitering or sleeping in the grog-
shops, beer-shops, out-houses, markets, sheds, stables, granaries, or unoccupied houses, 
or without any place of habitation, or who cannot give a good account of themselves.”

In other words, newly arrived Anglos! The Hispanos concluded with a special section for 
these *extranjeros*:

> Sec. 9. That when any foreigners, who are not residents of this Territory, 
are found in the county of this Territory for a term of more than ten days, or who 
have no visible occupation, or mode of maintaining themselves, it is hereby made 
the duty of the Probate Judge, or Justice of the Peace, to issue his warrant for such 
persons, and immediately try them as Vagrants under this law.

The *politicos* also targeted Anglo soldiers and transients when they passed a law 
that forbade anyone from carrying small arms into settlements and fandangos. The 
*politicos* defined small arms as pistols, knives, daggers, and other concealed deadly 
weapons. They forbade these weapons in public spaces, but they also stressed that small 

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421 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, 
Laws of New Mexico, Serial # 4863, 1851-54.

422 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, 
Laws of New Mexico, Serial # 4863, 1851-54.
arms were banned at fandangos. The *politicos* hoped to discourage Anglos who behaved badly at fandangos, which was a problem in New Mexico. The *politicos* mandated a fine of two to ten dollars and a sentence of five to fifteen days for those who violated the law.

For Hispanos, the 1847 Rebellion amplified the dichotomy between themselves and the new Anglo settlers; their subsequent political domination in New Mexico emboldened Hispano confidence in their local autonomy. Randolph Roth argues that homicide is directly linked to the confidence that people in a community have in their government – including their legal and judicial institutions – to work on their behalf to provide redress against those who have wronged them.\(^{423}\) Roth notes, “If no government can establish uncontested authority and impose law and order, if political elites are deeply divided and there is no continuity of power or orderly succession, men can lose all faith in the effectiveness or impartiality of political, legal, and judicial institutions.” In these situations, “They may take up arms on behalf of particular political factions or racial groups and kill without restraint.”\(^{424}\) Among Hispanos, the opposite occurred in Santa Fe County.

In contrast, Anglo settlers resorted to homicide in Santa Fe County because they were outsiders; for them, the Hispano community was impenetrable. Roth notes, “Solidarity is a double-edged sword: it can deter homicide within a group and at the same time incite homicides among members of different social groups.”\(^{425}\) In this instance, Hispano solidarity alienated Anglo settlers, who were walled out of the community.

Hispanos and old Anglo settlers excluded new Anglo settlers socially, economically, and politically from the community, while old Anglo settlers participated in all aspects of New Mexican society. The *políticos* targeted Anglo settlers in some of the laws they passed and the Anglo settlers were without representation. The new Anglo settlers – who were often very poor – were angered by their exclusion and they became excessively homicidal. The Anglo experience in Santa Fe County was the opposite of what they experienced in California. As a result, Anglos committed homicide at a much higher rate in Santa Fe County: while Hispanics three times more likely than Anglos to commit homicide in California, the Anglos were ten times more likely than Hispanos to commit homicide in Santa Fe County (Table 3.5).

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>California, 1849-1865</th>
<th>Santa Fe County, 1847-1853</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>161</td>
<td>23</td>
</tr>
<tr>
<td>Non-Hispanic White</td>
<td>52</td>
<td>222</td>
</tr>
</tbody>
</table>

Table 3.5. Homicide Rates among Hispanics and Anglos in California, Adults over 16 and older, per 100,000 vs. Homicide Rates among Hispanics and Anglos in Santa Fe County, Adults over 16 and older, per 100,000

The solidarity that made the Hispano homicide rate low caused the Anglo homicide rate to skyrocket in Santa Fe County and this is more evident when homicide and manslaughter are differentiated. A homicide is committed with intent, while manslaughter is either accidental or the result of reckless behavior. The Hispano homicide rate was even lower when this standard is applied to homicide in Santa Fe County: Hispanos committed only two willful homicides between 1847-1853. When
manslaughter is added, the Hispano homicide rate drops to 7 per 100,000, which was lower than the United States homicide rate (10 per 100,000) between 1950-1990 (Table 3.6). Among Hispanics, the manslaughter rate (13 per 100,000) was higher than the homicide rate in Santa Fe County. In contrast, all but one known Anglo homicide was intentionally committed and there was only a single instance of manslaughter.

<table>
<thead>
<tr>
<th>1847-53</th>
<th>Ethnicity</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Known Homicide</td>
<td>H</td>
<td>7</td>
</tr>
<tr>
<td>Known Homicide</td>
<td>A</td>
<td>129</td>
</tr>
<tr>
<td>Known Manslaughter</td>
<td>H</td>
<td>13</td>
</tr>
<tr>
<td>Known Manslaughter</td>
<td>A</td>
<td>19</td>
</tr>
</tbody>
</table>

Table 3.6. Known Homicide Rates and Known Manslaughter rates among Hispanics and Anglos in Santa Fe County, Adults over 16 and older, per 100,000

The manner in which they Hispanics and Anglos killed was even more telling; Hispanics killed without clear intent, while Anglos executed their victims. Of the six complete homicide case files that featured Hispanics between 1847-1853, only two involved guns, and none of the victims were killed execution-style. Hispano homicide was often accidental and seldom involved guns. Hispanics attacked with knives, sticks, and occasionally rocks. New Mexican assaults were violent and wounds could be serious, but seldom did vecino perpetrators intend to murder their victims and homicide

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427 TRNMSF.
was uncommon. Hispanics seldom committed homicide during the Mexican period as well: From 1820-1846 this was only evidence of eleven homicide cases in New Mexico and only five took place in the villa of Santa Fe. From 1837-1853, Hispano homicide remained consistent because there were no fundamental changes to the caudillo style system of power – for the vecinos the local strongmen remained their preferred allies and inequality in New Mexico was normative (Table 3.3).

All of the eight complete homicide case files that feature Anglo perpetrators between 1847-1853 involved the use of a gun, and six of the eight victims were executed with a gunshot to the head. There were two types of Anglo homicide in Santa Fe County: one featured a violent transient with a gun who was pitted against his fellow Anglos; the other featured the ambitious Anglo with a gun who attacked unsuspecting Anglos and vecinos. The Anglo transient was an impoverished, angry, and drunken menace who he pulled his gun and killed. He expected respect and financial gain in what he viewed as conquered territory, but he was an outsider in places like Santa Fe County. The ambitious Anglo was often politically inclined, sought land, and tried to forge relationships with local powers. His primary competition was other Anglos and amidst political and personal quarrels he pulled his gun and killed. Both types of Anglos were outsiders in Santa Fe County, which was controlled by the local strongmen and their

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428 Mocho found records for only eleven homicides throughout the twenty-five year Mexican Period. There are additional references to another 8 homicides, all taking place outside of Santa Fe, but if these ever reached the court no documentation remains. Though Mocho concedes there are likely missing records, the dearth of New Mexico homicides during the Mexican Period reveals a society far less prone to violence before American settlement. See: Jill Mocho, *Murder and Justice in Frontier New Mexico 1821-1846* (Albuquerque, New Mexico: University of New Mexico Press, 1997).

429 The other five case files contain sparse details and do not reveal the weapon used by the perpetrators; TRNMSF.
Anglo allies. A transient’s stray bullet killed Judge Hugh N. Smith, but he could just as easily have been executed at close range.

**Public Homicides**

The murder of Judge Hugh N. Smith at the Exchange Hotel was a particularly drunken and disorderly affair. Although violence of this sort was not normative in Santa Fe, recently arrived Anglo settlers or transients were invariably involved when such confrontations occurred. The Texans who murdered Judge Hugh N. Smith were drifters, men who came to Santa Fe to drink, carouse, and make a quick dollar. Typically, Anglo immigrants, such as Gillion Scallion and the man known only as Stephenson, would not have remained in town long, had it not been for their crime. Both men displayed a sense of entitlement in Santa Fe that was typical of Anglo settlers, who assumed that because they were white men entering a conquered land they would be given whatever they demanded.

More than just Anglos, Stephenson and Scallion were proud nineteenth century Texans, which made them insufferable. They were drinking most of the evening while loudly and proudly proclaiming their Texas heritage to everyone within shouting distance. They knew of the mutual enmity that existed between Texans and New Mexicans: New Mexicans were still angry over the failed invasion of 1841 and the more recent border disputes; Texans remained bitter about how their soldiers were treated

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430 The Exchange Hotel, once known as the Inn at the End of the Trail or La Fonda, was purchased in 1847 by Anglo settlers. The building was not altered until it was purchased again in the 20th century by a corporation that demolished it and built the new Hotel La Fonda, which remains at the original site on the plaza.

during 1841 and continued to believe that the boundaries of Texas included nearly
everything west of Arkansas.\textsuperscript{432}

Later that evening, their binge led them to the Exchange Hotel. The Texans
entered, thoroughly inebriated, and approached the bartender. When they heard of the
backroom game of Monte, they demanded a $10 loan from the hotel.\textsuperscript{433} When the
bartender refused, the intoxicated pair shouted, “We’re from Texas, we could take this
whole town if we wanted to!”\textsuperscript{434} Rebuffed, the Texans went to the backroom. The Texan
named Stephenson overheard that one of the dealers was named Stephens, and he voiced
his bet that he could whip anyone in New Mexico Territory with that name. Another
Anglo resident escalated the argument with his retort, “If you came from Texas, as you
keep saying, you will find that at Santa Fe there are men to whom no name or country
can communicate terror.”\textsuperscript{435} Stephenson, whom one eyewitness claimed was more
intoxicated, escalated the argument verbally, but before the fighting could break out, the
quieter Scallion pulled his colt revolver and opened fire, shouting, “I’m going to clear
this room.”\textsuperscript{436} The first shot struck Stephenson, his fellow Texan, in the hand. The
second hit Judge Smith, and the third missed altogether.

\textsuperscript{432} The Texans marched toward Santa Fe in 1841 with the intention of fomenting a rebellion, but
having lost their way they submitted to the forces of New Mexico and were marched back to Mexico City.
Most of the Texans died on the March, and animosity between the two parties never subsided. Anglo
Settlers and Hispanos alike despised the Texans, and were always fearful of another potential Texas
invasion. See: Chávez, \textit{Wake for a Fat Vicar}, 56-58

\textsuperscript{433} SFWG, 19 November 1853, 2, Stephenson offered his gun as collateral.

\textsuperscript{434} SFWG, 19 November 1853, 2.

\textsuperscript{435} SFWG, 19 November 1853, 2.

\textsuperscript{436} SFWG, 19 November 1853, 2.
Stephenson was taken to the jailhouse, while the local citizens cornered Scallion. Across the plaza, word spread that a Texan had gunned down Judge Hugh N. Smith. While the physician was cutting the bullet from Judge Smith, who did not survive the night, a mob gathered outside the Exchange Hotel and milled about the plaza wanting vengeance. Anglo settlers led the angry mob. They drew a rogue jury, and an eyewitness acted as judge to adjudicate the murder case at the Exchange Hotel. Scallion was reportedly asked how he could fire upon unarmed men. Allegedly, he responded, “I don’t care a damn, if you don’t like what I have done, help yourselves.” The New Mexicans did help themselves: Gillion Scallion was found guilty by the mob court and sentenced to death by hanging. Scallion was marched across the old plaza, that sight of so much brutality and public mirth, and lynched.

This homicide was typical of one of the two forms of homicide among Anglos: the transient that killed in a drunken debacle. The manner in which the Anglo citizens dealt with Scallion was typical of the second type: an execution style murder. This was neither the first nor last time an individual was lynched in Santa Fe, though the rate of lynching in Santa Fe County would never rival those in other parts of New Mexico Territory. Some historians have asserted that lynch mobs saved both time and resources,

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437 All available sources, the conversations related, the language of the trial, and the decision to condemn without the authority of the alcaldes make it overwhelmingly likely that the lynch mob was comprised primarily of Anglo settlers with a smattering of observers from the old New Mexican community.

438 SFWG, 19 November 1853, 2.

439 Gilbreath uncovered evidence of 155 lynchings in the New Mexico Territory between 1851-1893. Another Texan, whose name remains unknown, was also lynched 14 June 1851 in Santa Fe. See: Gilbreath, Death on the Gallows, 215.
but these were not the rationales of the lynch mob that murdered Gillion Scallion. Breaking the law was a concern though, so the mob took care to create the illusion of justice.

In late October of 1849, another homicide occurred that involved recently arrived Anglo settlers. The recently arrived Missourian Henry Wheeler shot and murdered Captain Alexander Papin of The United States Army. Missourians, like Texans, also had a well-deserved reputation for violence. Wheeler was an ambitious Anglo from Missouri, one who tried to forge relationships with local powers and sought land and wealth. Although Wheeler and Papin were both new to Santa Fe, a public feud developed between them over an unknown issue. A few weeks before Henry Wheeler, a merchant, had a disagreement with Captain Papin that turned to blows. Afterward, Wheeler posted slanderous proclamations about Papin – who was also from Missouri – on bulletin boards and buildings around town. When Captain Papin saw the proclamation on the side of the “Makers, Austin, and Dalton” store, he tore it down and entered the store cursing Wheeler as a rascal. Papin was unaware that Wheeler followed him into the store, and when he noticed him, he confronted Wheeler and demanded to know if it was his signature on the document. Wheeler said that it was, and Papin raised a yardstick and struck Wheeler, who in turn drew his pistol and shot Captain Papin in his right temple.

441 1850 United States Census, Santa Fe County, Santa Fe City, 85.
Both Captain Papin and Henry Wheeler were newly arrived Anglos who were in
competition with one another for the limited opportunities available to them in Santa Fe
County. They were also proud Missourians who, like Texans, were not shy about
boasting of their toughness. The incident between them had nothing to do with state
pride, but was probably a business deal that went wrong. What is certain is that they had
recently arrived and likely found themselves without access to wealth in Santa Fe
County. Since Wheeler’s posting enraged Papin, it likely slandered Papin and warned
against dealing with him. Like other Anglos, Papin was quick to take the law into his
own hands. Papin most likely assumed that smacking Wheeler with a yardstick in public
was enough to prove his innocence; he must have been surprised when Wheeler shot him,
although he probably should not have been. When Charles Blumner entered the Santa Fe
Jail to take his census, he found Henry Wheeler, who by then was acquainted with Henry
Potter, Samuel Rino, and Jose Francoso.

On July 4th of 1853 a large group of Anglos were celebrating Independence Day
at the Exchange Hotel when a fight broke out with a party of vecinos. The Exchange
advertised itself as having the best liquors; it is not a coincidence that so many fights
happened there (Image 3.1). As usual, the festivities at the Exchange were interrupted
when a fight ensued. However, this fight was uncommon because a group of vecinos
were accused of shooting at Americans. After the shooting the Santa Fe Weekly Gazette
commented: “Our citizens are too discordant to act in concert about anything, not even
the celebrating of the fourth of July, an occasion in reference to which, in most other

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442 Santa Fe New Mexican, 28 November 1849, 2, two days later Captain Papin was buried with
full military honors.
places, secures a union of action.” The writer hoped that all would celebrate July 4th, but instead Anglo settlers gathered for a ball at the Exchange Hotel and John Finnegan was shot. The *Gazette* memorialized him:

Mr. Finnegan was a blacksmith by profession, and by a residence of some five or six years in Santa Fe, had secured many warm friends; he was not only a good mechanic, but a useful, worthy and respectable citizen. He was a native of Cumberland, Maryland, where his mother now resides, to whom but a few days before his death, he enclosed fifty dollars.  

Court records indicate that Ignacio Tapia, Andreas Tapia, and Candido Ortiz were all charged with the murder of John Finnegan, though the *Gazette* named Ignacio Tapia as the lone perpetrator. The *Gazette* accused the vecinos of starting this fight with Anglos, which made it a unique case. On July 16, 1853 the *Gazette* published an article that supposedly detailed what happened that July 4th and this Anglo account is the only one that survived. The article was written under the pseudonym *Fiat Justitia*, and the person claimed to have been an American eyewitness. According to this account – which

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443 It is peculiar that the writers of the Gazette should wonder why the Hispanos were not readily prepared to endorse unity of the Fourth of July. When he surrendered New Mexico to the United States, the last Mexican Governor had warned, “Do not find it strange if there has been no manifestations of joy and enthusiasm in seeing this city occupied by your military forces. To us the power of the Mexican Republic is dead. No matter what her condition she was our mother. What child will not shed abundant tears at the tomb of his parents?” Is should not be surprising that an occupied people are not interested in celebrating the independence day of their occupiers. See: Samuel E. Sisneros, “She Was Our Mother: New Mexico’s Change of National Sovereignty,” in Orlando Romero, ed., *All Trails Lead to Santa Fe: An Anthology Commemorating the 400th Anniversary of the Founding of Santa Fe, New Mexico in 1610* (Santa Fe: Sunstone Press, 2010), 279-280; SFWG, 9 July 1853, 2.

444 SFWG, 9 July 1853, 2.

445 District Court Records, Court Docket Book, 1850-53.

446 SFWG, 9 July 1853, 2, the Gazette also names John Tuley as defense attorney and Justice Reed as presiding judge.
stated that it was written to clarify what occurred – a mob of New Mexicans made an all out assault against a group of innocent Americans.\textsuperscript{447}

Image 3.1. Advertisement for the Exchange Hotel, The Santa Fe New Mexican, 1849

The author claimed that Ignacio Tapia sparked the affray when he entered the celebration with the sole intention of breaking up the gala. \textit{Fiat Justitia} wrote, “A Mexican \textit{gentlemen} (?) (God save the mark!) who made his way into the ball room… undertook to interfere with the persons present…”\textsuperscript{448} The Anglo settlers rebuffed Tapia and ejected him onto the street. Tapia was eager for revenge and returned to his community to “gather a party of Muchachos” in order to break up the gathering and to “put down the Gringos carajos.”\textsuperscript{449} \textit{Fiat Justitia} alleged that the Americans dispersed and started for home, “Some to escort the females out of the reach of danger, and others to procure military assistance.”\textsuperscript{450} The article then read:

\textsuperscript{447} SFWG, 16 July 1853, 2.

\textsuperscript{448} SFWG, 16 July 1853, 2.

\textsuperscript{449} SFWG, 16 July 1853, 2.
…An organized attack was made upon the Hotel by an armed mob, some of whom broke in the windows of the ball room by throwing stones and other missiles, while others entered the Bar room, armed with pistols, and commenced an indiscriminate fire upon all its occupants, others being engaged in firing (whether at random or not I will not undertake to say) from the street into the ball room … By a pistol shot fired through one of these windows Mr. John Finnigan, a man who by his industry, his honesty, and his patriotism, would weigh in the balance as against any number of the cowardly scoundrels who murdered him… was killed.

Fiat Justitia’s account was questionable at best, especially when he claimed that the vecinos conducted an armed assault on the Exchange Hotel. The U.S. Army would have intervened if an army of vecinos had actually marched on the Exchange Hotel, but there were no military records to indicate that the army was involved in the fracas. In addition, there was no record that Anglo settlers retaliated against the vecinos, which would have most certainly followed a racially charged uprising. Instead the Santa Fe County Sheriff investigated this singular incident and it ended up in court.

The case file identified Ignacio Tapia, Andres Tapia, and Candido Ortiz as the vecinos who made up the three-person “mob” that assaulted the party of Anglo settlers. There is little more than that in the file. The judge listened to the charges, the defense filed for a change of venue, and the judge allowed the proceedings to be moved to San Miguel County. He must have done this for one of two reasons: either he feared that the trial in Santa Fe County could lead to a real mob riot or he was worried that Tapia would

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450 The use of females as victims has long been a rhetorical tool utilized to inspire outrage, especially against people from different ethnic groups. SFWG, 16 July 1853, 2.

451 SFWG, 16 July 1853, 2.

452 TRNMSF, District Court Records, “New Mexico v. Ignacio Tapia,” June 1, 1853.
be lynched. The matter seems to have ended at this point. If the Gazette published an update, a copy did not survive. What we know for certain is that Ignacio Tapia and his so-called mob were neither condemned to hang nor made the victims of mob justice. Questions remain: was Tapia sentenced to jail? Did this alleged crime go unpunished? Did Mr. Finnegan send money to his mother, and was he the honest and industrious patriot the Gazette memorialized? What we know for certain about John Finnigan is that he was a teamster, a civilian who was employed by the army as a blacksmith. Teamsters were violent, committed all manner of crimes, and ended up in jail quite often in Santa Fe County. Like many teamsters in Santa Fe County, Finnegan may have been violent, but that did not mean he didn’t love his mother.

Fiat Justitia embellished the details of his article and the fight at the Exchange Hotel was much smaller than Mr. Justitia and his friends portrayed it to be. Tapia may have fired a shot intended to break a window that accidentally stuck John Finnigan and perhaps there was a mob of banditos that stormed the Exchange. However, it is far more likely that a drunken Anglo settler pulled out his revolver and fired at the vecinos, who were tossing rocks through the windows, and that he accidentally hit John Finnigan with

453 There is no mention of Tapia or his alleged conspirators in this comprehensive study of legal hangings; there is also no mention of Tapia and his fellow rebels in the list of known lynchings in New Mexico. See: Gilbreath, Death on the Gallows, 134-147, 215-219.

friendly fire. In the end, however, social unrest was bad business, and neither the local Anglo officials nor the New Mexican caudillos wished to have their dealings interrupted by a race war over a bar fight. Ignacio Tapia would have likely met his end as Gillion Scallion did six months later, had the writers from the Gazette and their Anglo settler allies had their way. However, Judge Reed exercised his judicial discretion and moved the case to the heavily Hispano San Miguel County. The officials in Santa Fe continued to do what was in their best interests, and the death of John Finnigan passed into history.

Community Homicides

Of the eight homicide victims who were members of the old community, two were vecinos murdered by a mentally ill vecino farmer, one was a vecino who was accidentally killed by another vecino, and three were vecinos murdered by Anglo settlers. The three Anglo settlers were the only perpetrators that intended to kill their victims. The juries that deliberated the cases against the Anglo settler defendants were exclusively comprised of other Anglo settlers. They executed their victims with gunshots to the head, but all three were either acquitted or found not guilty. Meanwhile, Hispano landholders served as jurors against the vecinos who committed murder: one was found guilty and the other was declared insane.

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455 I have included this homicide as a Hispano homicide, one of two that involved a gun. I suspect that John Finnigan was killed by friendly fire from a fellow Anglo, but since Tapia was accused I have counted it as committed by him.

456 TRNMSF, District Court Records, Box 1-3, all jury lists in the 12 Anglo homicide cases are comprised exclusively of Anglo jurors.
In 1848 Hispano landholders were summoned to hear the violent details of a homicide committed by the vecino farmer Pablo Rael. Most homicides committed by vecinos were accidental, but not this one. The twenty-four year old Rael committed one of the few double homicides on record in the Territory, taking an axe and striking first his wife Maria on left side of her head and then his sister Rufugia on the right side of the head. The jury determined that Rael was guilty of both murders after they interviewed the witnesses and the defendant; however, they also found that Rael was mentally ill and that he was incapable of determining right from wrong. To the Hispano jurors their conclusion made sense: a person who murdered his wife and sister must be insane, because the crime was otherwise incomprehensible.

The judge agreed, and with no options available to assist the mentally ill, Rael was released into the custody of his two brothers, Jose de la Paz and Bartolo Rael, where he remained through 1850. Within the Hispano community, this was an isolated incident and one that New Mexicans framed as a tragedy. Pablo Rael would most likely have hanged if an Anglo jury had deliberated this case, but in the nineteenth century, Mexican legal tradition did not punish the mentally ill in the way that the American legal system did. The judge and jury exercised their personal discretion and their decision no doubt incited animosity from the Anglo settler public.


458 Rael is listed as non-working and the far column declares him “insane,” having “killed his wife and sister.” The family is listed as having $60 worth of land. 1850 United States Census, Santa Fe County, 26.
For Hispanos there was precedent for handling a case of uxoricide in New Mexico in the form of two cases, and the New Mexicans sought to understand why the perpetrators committed murder in both of them. The first case was in 1834, when Manuel Gallego murdered his wife María Espíritu Santo Ruival in the town of Santa Cruz. Ruival’s body was found in her home by relatives, and investigators reported that there was still a sinew cord wrapped around her neck. Gallego freely confessed his crime to the alcalde, and he explained that the reason he strangled her was because she was always arguing with him.459 Gallego confessed to numerous people, including his wife’s mother and brother. José Ortega was named prosecutor and he sought to rationalize Gallego’s actions when he theorized that Gallego was inherently predisposed to murder. Ortega argued that Gallego was “alienated from all sentiments of humanity” the night he murdered his wife.460 It was not an insanity plea, but it was certainly akin to one.

In 1846 a second case of uxoricide occurred when Juan Antonio Chaves murdered his wife Maria Angelina Herrera. The murder took place in the woods surrounding Conchita Pueblo, which is about thirty miles southwest of Santa Fe, and both the perpetrator and the victim were Spanish surnamed Puebloans. The initial investigation and the subsequent trial followed standard procedure: the men who discovered the body informed the authorities, who examined the crime scene, which contained footprints that led to the perpetrator, who admitted that he had killed his wife when blood was found on one of his pairs of shoes.461 He told the investigators that he murdered her because they

459 Mocho, *Murder and Justice in Frontier New Mexico*, 24-25.

had a heated argument. Investigators noted that while there were no wounds on her body, her face had taken numerous blows; close by was the bloodstained rock that Chaves used to bludgeon his wife to death. Chaves was indicted, and the case was moved to Santa Fe for trial. 462

When asked why he had committed the murder, Chaves explained that he came across his wife in the forest and was angry because she had not been home for three days. When Chaves ordered her to return home, she refused, a fight ensued, and Chaves claimed that at this point his wife picked up the rock and began to strike him; enraged, Chaves admitted that he took the rock, bashed her in the face, and was so angry that he could not stop himself from repeating this action until finally she was dead. 463

Alcalde Trinidad Barceló refused to believe that Chaves had killed his wife in retaliation, but Chaves repeated the story above. This enraged the alcalde, who protested his reasoning and contended that being struck by a rock was not sufficient grounds to murder one’s spouse. 464 The defensor Cabesa de Baca argued that the murder was not premeditated, but was in fact a spontaneous action provoked by the argument between Chaves and his wife. The defensor called for leniency because Chaves was Puebloan and thus was raised with a different value system that permitted murder in the form of

461 Mocho, Murder and Justice in Frontier New Mexico, 51-53.

462 Mocho, Murder and Justice in Frontier New Mexico, 54.

463 Mocho, Murder and Justice in Frontier New Mexico, 54-55.

464 Mocho, Murder and Justice in Frontier New Mexico, 57.
defense. Unfortunately, the case file ends before a resolution is found, but Chaves was likely sitting in jail as the Americans approached Santa Fe.465

The cases against Gallego and Chaves are consistent with what we know about homicide among Hispanics during the territorial period. The murder weapons were not guns, but rather whatever happened to be lying close by. Murder in the vecino community was seldom premeditated and often involved people who knew each other well. Hispanics sought to rationalize these actions, which betrayed their belief that sane people don’t murder in this fashion. While all three of these murders were committed with intent, the majority of those committed by Hispanics between 1847-1853 were accidental.

In early 1850 Manuel Sandoval killed Rafael Gonsales when he threw a rock at him. Judge Edward Hoffman adjudicated this case, which was more representative of vecino homicide than the case against Pablo Rael. The prosecution charged the seventeen-year-old Sandoval for murder, explaining that, “Being moved and seduced by the instigation of the devil on the first day of November,” he had assaulted Rafael Gonsales by throwing a stone at him.466 Sandoval threw the rock and struck Gonsales in the right temple, which left a gash two inches long and two inches wide on the right side of his head. According to the file, Gonsales remained bedridden, groaning in pain, until Christmas day when he finally died. Judge Hoffman and the Hispano jury determined that Sandoval had not intended to murder Gonsales, and Sandoval was convicted of

465 Mocho, Murder and Justice in Frontier New Mexico, 58.
466 TRNMSF, District Court Records, “New Mexico v. Manuel Sandoval,” (1849).
manslaughter and sentenced to six months imprisonment and a one-dollar fine. Sandoval was listed as a laborer in the 1850 Census, and he was serving his time in the Santa Fe County jail when Charles Blumner asked his name and occupation.  

In 1847 an Anglo settler named James C. Brady committed a homicide that stands in stark contrast to the one committed by Sandoval. On the night of January 25, 1847, Brady murdered of Maria Antonia Lenoia, who was a member of the vecino community. This was the first of four homicides committed by Anglos against Hispanos, and, like the other three, it was no accident. As in all cases that involved Anglo homicide, a jury was drawn from Anglo settlers to preside over Brady’s trial. The primary witness was Sheriff James Powers, who swore under oath to Judge Hugh N. Smith – who later was murdered by Gillion Scallion – that James C. Brady went into Ms. Lenoia’s place of residence and murdered her.

The prosecution charged that Brady loaded his pistol, held it to Maria Lenoia’s head, and shot her. The bullet, the prosecution details, penetrated six inches into her head, instantly killing her. James Powers was the acting Deputy Sheriff for Santa Fe County, and one might think that his testimony would ensure a conviction. However,

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467 1850 United States Census, Santa Fe County, Santa Fe City, 85, Sandoval is listed in jail, having been convicted of the crime of manslaughter.


Brady was not without resources and he hired Allen O’Clark as his criminal defense attorney.

O’Clark’s personal notebook reveals how he constructed his defense for Brady. The notes contend that Brady was not guilty because there was not a witness who could describe the details of the assault or how Brady held the pistol as he executed the victim. There was no eyewitness at the moment the gun was discharged and, though Sheriff Powers witnessed Brady entering and exiting the crime scene, the evidence was circumstantial. The Anglo jury returned the verdict of not guilty, and no one was punished for the execution style murder of Maria Antonia Lenoia. They simply weren’t willing to convict and Anglo for killing a vecino. Nothing more is known of Brady, except that by 1850 he was no longer in Santa Fe County.

The elements of Anglo homicide were present: intent was clear, the perpetrator used a gun, and he executed his victim with a headshot to ensure death. It is difficult to say what motivated Brady, but given the marked intent to kill, it is likely that Lenoia had either rebuffed his advances or was breaking off a relationship. It is surprising that O’Clark successfully convinced the jury to acquit. In spite of several witnesses attesting to various aspects of the murder, including the Deputy Sheriff, the lack of an eyewitness outweighed the prosecution’s case. Racial bias must have played a role in this

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472 TRNMSF, District Court Records, “New Mexico v. James C. Brady,” Jury List,1. (1848), of the 12 jury members listed, only 2, John Abell and Charles Giddings, remain in the Territory by 1850.
decision, as it did whenever Anglo settlers were accused of crimes against vecinos. In the end the Anglo jury – many of whom must have witnessed the lynching of Gillion Scallion– allowed the murderer of an innocent vecino woman to walk away unpunished.

On November 10, 1850, Oliver P. Anderson was indicted for the murder of a vecino boy named Joseph Garcia, but he too went unpunished. Sunseri noted that Anderson, “Fell on an unoffending Hispano boy and mauled him to the point where the boy was senseless. As if that were not enough, Anderson pulled out a pistol, put it to the head of the youth and shot him dead.” According to the court records, Anderson assaulted Garcia and then shot him above his right eye, which killed him instantly. Anderson murdered Garcia, but through a series of skillfully filed legal petitions, Anderson was able to acquire continuances on two separate occasions. Anderson first petitioned to have the case dismissed on September 4, 1851, but Judge Grafton Baker denied his request and ordered the prisoner remanded until trial. When Anderson was finally tried the Anglo jury acquitted him and despite clear evidence of his guilt he...
departed from the territory a free man. Again, they refused to convict an Anglo for murdering a vecino.

**Social Homicide**

The homicides committed at fandangos are a microcosm of how Hispanos and Anglo murdered in different ways. Two of these homicides occurred in Santa Fe County, one during the Mexican period and another in the early years of territorialization. The first homicide occurred at a traditional New Mexican fandango; the second occurred at a fandango hosted by a group of German settlers who hired vecinos to throw the party. A Mexican soldier committed a third homicide outside of Santa Fe County during the Mexican period; the details reveal that Mexican soldiers brought the same sort of violence to New Mexico as Anglos did. All three demonstrate consistent patterns with what is known about Hispano and Anglo murder.

The fandangos were the most easily commodified resources the vecino community had to offer. The Mexican government sent a permanent garrison of soldiers to Santa Fe in the wake of the 1837 Chimayo Rebellion, which remained there until the Americans came and replaced them in 1847. Santa Fe experienced an unbroken history of military occupation, and since these soldiers were single, paid, and seemingly bored, the fandango became their favorite pastime. As such, the lively fandangos – which had traditionally celebrated community and good will – were transformed into entertainment packages that incorporated excessive drinking and gambling for purchase by the highest bidder. Early travelers to New Mexico wrote voluminous accounts of the fandangos they
attended, and while their opinions of the New Mexican people differ, their reports consistently noted that violence or bad behavior accompanied the presence of whiskey and Anglos.  

Thus, fandangos must be divided into two types: those that were traditional and community based and those that were commodified for the purpose of eliciting liquid capital from both soldiers and settlers.  

This is not to suggest that scuffles never occurred during traditional Mexican fandangos, but rather to argue that when conflicts arose at community fandangos they manifested in a distinctly different fashion. More specifically, violence that occurred at community fandangos, much like violence within the community itself, was rarely intended to cause permanent harm. Of the three homicides at New Mexican fandangos from 1826-1853, only one occurred at a traditional community fandango between community members, while the other two involved first a Mexican soldier and years later some American soldiers. The records indicate that the one incident of homicide at a traditional fandango was accidental.

The murder of Juan Valdez by his friend Andrés Márquez is similar to the murder of Rafael Gonsales by Manuel Sandoval, in that it was unintentional. On June 4, 1826, Juan Valdez hosted a fandango for numerous friends and members of the Hispano

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480 Bennett’s account portrays these two fandangos as being diametrically opposed, the first account of a traditional fandango in San Miguel del Bado and the second a commodified fandango in Santa Fe. Though Bennett does not situate them in this fashion and fails to perceive this distinction between the two fandangos, it becomes clear to the modern reader that what separates the two fandangos he documents is the presence of alcohol and Americans. Brook and Reeve, Forts and Forays, 15, 20,

481 MANM, Roll 5, Frame 1016.
community. There is no evidence to suggest there was alcohol present at the celebration. Records indicate that the heat was oppressive, which was amplified by the fact that the partiers were dancing inside. Numerous people were blocking the doorway, thus not allowing the house to fully ventilate, and the host Valdez asked them to come into his home or to stand completely outside. Two of the men willingly complied, but Miguel Rodríguez refused to conform, and an argument ensued. The Márquez brothers – José María and Andrés – heard the argument and inserted themselves into the confrontation. As the crowd grew tempers flared, and a scuffle broke out. Witness testimonies confirm that Andrés Márquez charged forward, and in the midst of the commotion, full of punching, hair pulling, and slapping, Márquez punched Valdez in the stomach. Unexpectedly, Valdez staggered forward, gave a cry, and fell dead on the floor.

Again we see the patterns commonplace in Hispano homicide: an accidental murder committed by a remorseful Hispano who admitted his crime. When questioned about the mêlée, the eighteen-year old Andrés Márquez confessed to having struck Valdez and killed him, though he maintained that the real conflict was between Juan’s brother, Francisco Esteban Valdez, and Miguel Rodríguez. Márquez maintained that he had intervened with the sole intention of quelling the situation. According to Márquez, Juan struck him three times in the back, which angered him to such an extent that he simply turned and struck the retreating Juan Valdez. Though no other witnesses could corroborate Márquez’s contention that Valdez had struck him, there is little reason to

482 Mocho, *Murder and Justice in Frontier New Mexico*, 76.

doubt his honesty, for all testimonies portray the confusion of the moment. Márquez then repeated what many witnesses had stated: there was no preexisting quarrel, the scuffle was sudden, and all parties involved had been good friends since childhood.  

The defensor argued that Márquez had not intended to harm his friend and that he had tried to help; the defensor also noted that there was neither motive nor intent to kill, given no weapon was used in the attack. The defensor insinuated that for such a strike to prove fatal, there must have been some unknown preexisting condition at work. The prosecution dismissed this reasoning, contending that the act was malicious and that Márquez deserved a stern punishment for his actions. The case was forwarded to Chihuahua for review, and Andrés Márquez waited three years for a reply that never came. The local alcalde realized that judicial help from Chihuahua was not coming and Andrés Márquez, now twenty-one years old, was released on bail.

Although Chihuahua regularly failed to provide judicial guidance, officials did send soldiers to New Mexico to protect the local population from so-called Indian Depredations; these Mexican soldiers committed a string of felonies and petty crimes. One of these Mexican soldiers was responsible for the other homicide committed at a fandango during the Mexican period. Alférez Manuel Garcia de Lara was stationed in

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484 Mocho, Murder and Justice in Frontier New Mexico, 81.

485 Mocho, Murder and Justice in Frontier New Mexico, 82.

486 Mocho, Murder and Justice in Frontier New Mexico, 83.

487 For a quick reference guide to crime committed by Mexican soldiers, see the finding aid for the microfilm edition of the MANM, housed in the New Mexico State Records Center and Archive. See: MANM.
San Miguel del Bado. He was part of a garrison intended to counter peripheral Native American attacks. He was attending a local fandango murdered Antonio Moya.

Witness testimonies revealed that in 1843 the nineteen-year-old Garcia de Lara was single and looking for something to do when he met Antonio Moya, who offered to escort his new friend to a fandango in town. Antonio Moya was a servant of the caudillo Antonio José Otero, who often provided his servants with money. At the dance, Moya provided Garcia de Lara with a peso, so that he might buy a drink for a woman he had danced with. Moya’s generosity shamed the Mexican officer, and this indignity was exacerbated when Moya bragged that the Otero family was wealthy and powerful. Moya exited the room, then returned and seated himself in a chair that the young Mexican officer was sitting in; Garcia de Lara took this as an affront, a sign that he was indebted to Moya because of the peso he had given him, and he became enraged.

What happened moments later is not entirely clear – largely because the incident took place outside of the house on a dark street. Moya cried out that he had been stabbed through the heart by a large sword, and with his last words he named Garcia de Lara as

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488 In actuality, soldiers proved to be a great deal of trouble for the Hispano people arguably caused more problems than their protection was worth. From incidences of burglary, to assaults on the local population, to homicides, Mexican soldiers committed as many crimes as recently arrived Anglo settlers. Of the 164 surviving criminal court cases from the Mexican period, 29 involved Anglo settlers while 27 involved Mexican soldiers. See MANM.

489 MANM, Roll 33, Frame 979.

490 Mocho, Murder and Justice in Frontier New Mexico, 87.

491 The presence of items for sale, including spirituous beverages, is a clear sign that this was not a fandango given by a local strongman, but instead one organized by poorer members of the community who often sold items to offset the cost of throwing such a party.

492 Mocho, Murder and Justice in Frontier New Mexico, 91.

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his attacker. Unlike the homicides that occurred within the community, García de Lara did not confess to the murder, but instead maintained that he had left the house in anger and saw nothing. Two witnesses claimed that García de Lara called for Moya to come outside via a message from another soldier, but the soldier denied all wrongdoings. At this point, the case was sent to Governor Manuel Armijo, who forwarded the case to Commandant General Mariano Martínez, who in turn passed it to Colonel Pedro Muñoz, who passed it back to Martínez, who mailed it to Colonel don Juan Andrés Archuleta in Taos, who returned it to Captain Don Damasio Salazar in San Miguel del Bado, who recalled all witnesses in order to hear their testimonies firsthand. 

During these depositions, eyewitness Francisco Sena confirmed that he had heard García de Lara tell Moya he had embarrassed him and saw him plunge his sword into Moya’s heart.

At this point, Captain Don Damasio Salazar in San Miguel del Bado returned the file to Commandant General Mariano Martínez, who complained that Salazar had questioned neither the woman with whom García de Lara had danced nor Félix Montoya. Several months later Salazar located Montoya, who confirmed what he had already sworn to; the woman who danced with García de Lara remained a mystery. Captain Don Damasio Salazar again returned the file to Commandant General Mariano Martínez, who in turn summoned all witnesses to ratify their statements and, realizing that either García de Lara was lying or all the witnesses were, tried to intimidate all parties involved in the hope that someone would admit the truth.

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493 Mocho, *Murder and Justice in Frontier New Mexico*, 90.
494 Mocho, *Murder and Justice in Frontier New Mexico*, 92-93.
While this seems like a comedy of errors, the fact that Martínez took such pains to force García de Lara to confess betrays how odd it was that he continued to deny his guilt in the murder of Moya. In New Mexico, the criminal usually confessed; in fact, it was seen as very important to the legal process. Only when one confessed could one begin to atone for a wrongdoing, which was at the heart of this early Mexican legal system. However, García de Lara was not a Hispano from the community: he was a soldier, an extranjero who felt no more ties to the community than did the later Anglo settlers.

In an effort to force a confession, all witnesses were brought face to face with García de Lara and all of them, including García de Lara, maintained the veracity of their previous testimonies. When García de Lara was brought forward to confess his crime, he refused and claimed that Moya was both drunk and mistaken. He cursed all the witnesses as liars in his final words. Though the case file now filled some 32 folders, there are no pages to indicate how the trial was finally resolved. Clearly García de Lara was guilty, but whom the case was forwarded to next is unknown.

What is known is that García de Lara behaved as visiting soldiers in New Mexico often did: he was frustrated by his position as an outsider and he attacked a vecino. This was not a traditional fandango, because soldiers were present and liquor was not free. García de Lara committed homicide in the Mexican period in manner that Anglos did during the territorial period. He stabbed Antonio Moya in the heart, deliberately killing

496 Mocho, *Murder and Justice in Frontier New Mexico*, 95.
him, and refused to confess his crime. Much like James C. Brady did some years later, Garcia de Lara was ultimately released and left the territory.

Image 3.2. Costumed Mexicanos at a Traditional Fandango

The artist portrays a traditional fandango as would occur in the Mexican countryside. Only eight years removed from Mexican rule, this depiction mirrors fandangos in Santa Fe, which were filled with peoples of all classes and ethnic origins. As in the picture, Santa Fe fandangos featured ornately decorated rooms with crucifixes, pictures of saints, and damsels waltzing with men of all backgrounds. The depiction here is of a more humble fandango, very common in the countryside, but ornate fandangos with champagne and fine foods were held at wealthier homes and within the Palace of the Governors. The fandango remained an important part of Santa Fe culture after American settlers arrived, though they became increasingly violent when whiskey drinking Americans participated. Hispanics had used the fandango to transcend cultural and class barriers; wealthy Nuevo Mexicanas could be seen waltzing with poor farmers, Native Americans with Nuevo Mexicanas, and wealthy elites with poor vecinas. As more settlers arrived, American participation increased and the function of the fandango as a social bonding institution was permanently altered into an event directed toward entertainment. See: C. Castro, J. Campillo, L. Auda and G. Rodriguez “Mexico y Sus Alrededores” (Alicante: Miguel de Cervantes Virtual Library, 2006), Casimiro Castro y J. Campillo “Trajes Mexicanos: A Fandango” (1855), XXIX; Emily E. Keita, “The New Mexico Fandango” (Wagontracks: Vol. 19, Issue no. 3 May, 2005), 1-13.
On September 13, 1847 Christian Mild shot and killed United States Army Private William H. Bolt at a commodified fandango. The vecinos transformed the fandango into full-blown vecino commodity by the time the American soldiers and Anglo settlers arrived in Santa Fe County. The vecinos serviced the Americans in New Mexico and they collected money for their services. The soldiers and settlers came in larger numbers and commodified fandangos became more frequent and more frequently violent. Soldiers and Anglo settlers quarreled with other soldiers and Anglo settlers, but incidences of violence between vecinos and Americans remained infrequent. The vecinos provided a service and they entertained at the fandangos, while the Anglos drank and became disorderly. Therefore, it is not surprising that American soldiers and Anglo settlers were involved in the only murder at a fandango in the first seven years of the American territorial period.

The trial of Christian Mild for the murder of Private Bolt is particularly interesting because the details of the case resemble those of the Fourth of July shooting that claimed the life of John Finnegan. The murder occurred at a commodified fandango and the parties involved were not friends. Mild was a recently arrived Anglo settler who hoped to establish himself in Santa Fe County, but instead he got caught up in a personal quarrel with some party crashers. He did not intend to kill, but his reckless behavior with

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498 TRNMSF, Boxes 1-3.
a firearm left Private Bolt dead. Christian Mild denied his crime and was ultimately released, despite the overwhelming testimony against him.

In fact, Christian Mild’s trial resembled the other cases against Anglos: there was an Anglo jury, a gun, a murder, many witnesses, no confession, and finally an acquittal. The investigators gathered evidence competently enough in the case against Mild: Sheriff E.L. Vaughn conducted a formal inquest and produced a written record that meticulously provided witness testimonies, physical evidence, and details of the assault for the jury to consider.\footnote{TRNMSF, District Court Records, “New Mexico v. Christian Mild,” Inquest by Sheriff E.L. Vaughn (1853).} This was the best-documented homicide in the first seven years of the American period. The records in this case resembled those from the Mexican period, making it stand out among other cases in the territorial period. Sheriff Vaughn, accompanied by a twelve member grand jury,\footnote{Alcaldes would not have used a jury.} arrived at the home of Jesus Romero where the murder of William Bolt occurred the night before. As the records show, Romero hosted a commodified fandango, for which he provided music, dancing, drinking, and women to dance with in exchange for money.\footnote{Traditionally, drinking was kept to a minimum, but Anglo settlers, soldiers, and European settlers were more given to excess at these soirées. Keita, “The New Mexico Fandango.”}

A group of German immigrants and German born soldiers had commissioned Jesus Romero to host their celebration.\footnote{The German population in the American Southwest was very small and Jaehn’s book is the definitive book on their activities in New Mexico. Though the case happens before Jaehn’s study begins and is therefore omitted from his work, the Inquest of Sheriff E.L. Vaughn clearly identifies Christian Mild as a German immigrant. Although Mild was German, I include him as an Anglo settler for the purpose of}
arrived and were turned away for refusing to pay admission fees to the German hosts, and this sparked the confrontation.\textsuperscript{503} Christian Mild was reportedly working the door, so it is likely he personally turned them away. The Americans departed but they soon returned with greater numbers, determined to either enter the fandango or break up the celebration.\textsuperscript{504} All that is agreed upon by all of the witnesses is that there was an affray, confusion ensued, and multiple gunshots were fired from inside the house.\textsuperscript{505} Outside Jesus Romero’s home, the body of William Bolt lay mortally wounded from a bullet in his heart.\textsuperscript{506}

The inquest commenced with an inspection of the body, as the members of the grand jury examined the remains of William H. Bolt. Next, they questioned the six vecinos who hosted and worked at the fandango, beginning with Jesus Romero. The host explained that he had arranged the fandango for the Germans, the Americans had returned and tried to force their way in, he heard gunshots, but he saw nothing and could tell nothing.\textsuperscript{507} Elvino Romero claimed to be elsewhere at the time of the murder.\textsuperscript{508} Jose

\textsuperscript{503} Traditional fandangos were held by wealthy Hispanos at the cost of the host, who used the occasion to better relations between his person and the other classes of citizens. Everyone was invited who wished to attend without cost, and all were welcome to the event. See: Keita, “The New Mexico Fandango,” 3.


\textsuperscript{505} TRNMSF, District Court Records, “New Mexico v. Christian Mild,” Inquest by Sheriff E.L. Vaughn, 1-9 (1853).

\textsuperscript{506} TRNMSF, District Court Records, “New Mexico v. Christian Mild,” Indictment by Hugh N. Smith, 1-2 (1853).

Patricio Romero explained that he heard the shots, but remembered nothing; Miguel Gonzales’ reply was more in depth, but he also claimed he saw nothing. Francisco Martinez claimed he was asleep during the affair and testified that he was awakened by gunshots, though E.L. Vaughn noted, “Witness contradicts himself about guard waking him up.” Thomas Alverez concluded the vecino testimonies by explaining that there was a conflict between Americans and Germans at the door, but that he knew nothing. Vecinos regularly testified against parties irrespective of race, but very little evidence exists that they did so in homicide cases; if the vecino hosts knew anything about this murder, they were not willing to share it with either the sheriff or the grand jury.

Ten Anglos and Germans – most of them soldiers – gave testimonies and all were far more detailed and accusatory than the vecino accounts. Joseph Donahue and Stephen Huffington claimed they witnessed the murder weapon being passed by Mild into the hands of a vecino woman, who absconded with the evidence, which might partially explain why the vecinos refused to talk. William Price concurred: he testified that he witnessed Mild loading the weapon in the backroom of the house and he identified Alejandra Ortiz as Mild’s girlfriend. He claimed she was the woman who allegedly

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disappeared with the murder weapon.\textsuperscript{513} George Morgan, one of the Americans outside the home, verified seeing Mild with the weapon; although he believed that Mild shot Private Bolt, he confessed that he never actually witnessed the murder.\textsuperscript{514} A.J. Mitchell added that he believed the shots fired were not aimed at any particular individuals; rather, Bolt was the unfortunate victim of a stray bullet.\textsuperscript{515}

The other five soldiers and settlers who gave testimonies did not contribute to the grand jury deliberations. They provided other details, but nothing central to the case. They confirmed that Mild was guarding the door, that the Americans tried to push their way through the door, and that someone restraining the Americans discharged his firearm, which caused Bolt to exclaim that he was wounded.\textsuperscript{516} Alejandra Ortiz was the only woman questioned by the grand jury, even though there were many women who danced at the fandango. Ortiz was the woman who Huffington, Price, and Donahue accused of concealing the murder weapon. Like the Hispano males, Ortiz was terse during her testimony. She claimed that she did not know who gave her the weapon and “I had it in my hand, but it was left on the bench and another person took it.”\textsuperscript{517} The grand jury asked Ortiz if the individual who gave her the gun was Mexican, but Ortiz

\textsuperscript{513} TRNMSF, District Court Records, “New Mexico v. Christian Mild,” Inquest by Sheriff E.L. Vaughn, 10 (1853).

\textsuperscript{514} TRNMSF, District Court Records, “New Mexico v. Christian Mild,” Inquest by Sheriff E.L. Vaughn, 3 (1853).


\textsuperscript{516} TRNMSF, District Court Records, “New Mexico v. Christian Mild,” Inquest by Sheriff E.L. Vaughn, 1-10 (1853).

\textsuperscript{517} TRNMSF, District Court Records, “New Mexico v. Christian Mild,” Inquest by Sheriff E.L. Vaughn, 5 (1853).
claimed that she did not know. Ortiz testified that when she heard someone was shot both she and her sister – who also knew nothing of the affair – departed.

Clearly the vecinos did not cooperate with the grand jury, partially because the vecinos simply did not trust the Anglo settlers who questioned them. Vecinos remained suspicious of Anglo motives: they were part of a parochial culture that viewed Anglos as outsiders. The vecinos willingly provided information to the court in cases where Hispanics were included in the jury selection, but to them the Anglo jurors in the Mild case were foreigners. The vecinos accepted money from Anglos for a service, but beyond that they wanted nothing to do with the extranjeros.

However, Anglo soldiers and settlers knew the system, so they testified and blamed one another without hesitation. They speculated on what they did not know, divulged rumors, and trusted that their Anglo peers on the jury would not incriminate them. The witnesses were consistent, if nothing else. They accused Christian Mild of firing the shot that killed Private Bolt and the grand jury charged Mild as the perpetrator. The prosecution presented its case to the Anglo trial jury and they proved Mild was guilty of manslaughter. However, the Anglo jury returned the verdict of not guilty, just as they did in other homicide cases against Anglo settlers. By 1850, Christian Mild had already left the territory as a free man.

\[\text{TRNMSF, District Court Records, Boxes 1-3, Commencing in late 1848, Hispanics are listed in the jury lists and witnesses in the majority of cases, including those that do not involve Hispanic litigants.}\]
Conclusion

The local strongmen dominated New Mexico economically, politically, and numerically and that, combined with their solidarity with the vecinos, made Anglo settlers outsiders in Santa Fe County. Economically the local strongmen increased their property and denied new Anglo settlers access to land. Politically they dominated the New Mexico Territorial Legislature and passed laws that favored their fellow caudillos. Numerically, they proved too many and too united for recent Anglo immigrants to divide and displace. This caudillo and vecino solidarity alienated Anglo settlers in Santa Fe County: vecinos were parochial and they committed few homicides, while Anglo settlers were made outsiders and they turned homicidal (Figure 3.7).
Anglo soldiers and settlers tried to make inroads into New Mexican politics, but the local strongmen thwarted them at every turn. In 1851 they tried to impact the election of the New Mexico Territorial Legislature. In the small town of Anton Chico, south and east of Santa Fe, unregistered voters and teamsters allegedly voted three and four times, but they failed to impact the election. They tried to do the same in Bernalillo County, which was full of local strongmen. However, the local strongmen thwarted their efforts.
and three men were killed and several wounded. They also tried to corrupt the election at Los Ranchos, which was deeper in the Rio Abajo and home to large landholding caudillos. The local strongmen killed two Anglos in what the Missouri Republican described as a pitched battle.519 Despite their efforts, only seven Anglos were elected to the legislature in 1851 and none of them was a result of fraud.520

The Hispanos were a collection of vecinos and caudillos bound together by their post-colonial history and their political domination of New Mexico emboldened Hispano confidence in their autonomy. The relatively low incidence of homicide among Hispanics was the result of political stability. If the strongmen killed in Santa Fe County, it was undocumented. When the vecinos killed it was more often accidental. Clare V. McKanna suggests that machismo was a factor in homicide among Hispanics in California and that honor was a factor when Hispanics killed. McKanna writes, “In the Hispanic culture a man has two choices; he can be a chingón or he can be a chingada. The chingón, of course, is the hombre macho who inflicts pain on the chingada, a person who is passive or lacks significant power.”521 It is true that there were strongmen in New Mexico, but poverty does not make vecinos into chingadas. The strongmen had power and they bullied vecinos and servants, but there were limits to their power. The strongmen were macho, but that did not make them homicidal. If the vecinos were affected by machismo in any discernable way, it does not come through in the records.

519 Sunseri, Seeds of Discord, 129.

520 There were six Anglos who served in the House and one who served in the Council. Hugh N. Smith served in the Council and he was a long time resident of Santa Fe. Merrill Amhurst, Theodore Wheaton, Robert T. Brent, Palmer J. Pilans, William C. Skinner, and Spruce M. Baird all served in the house.

521 McKanna, Race and Homicide in Nineteenth-Century California, 56.
Anglo homicide was directly linked to the Anglos lack of faith in the local government, which worked against their interests and this made them outsiders in a very insular community. Clare V. McKanna suggests that Anglos in California might have killed as part of the “Code of the West.” According to McKenna, this code had four basic tenets: never shoot an unarmed man; never shoot him in the back; never accept an insult without a fight; and never back away from a fight.\(^{522}\) This was a code of honor among Anglos in the west. However, the Anglos in Santa Fe County didn't adhere to any such codes, if any Anglos ever did. There were transient Anglos who killed at random and ambitious Anglos who killed their competitors, but both killed because of their frustrations and estrangement.\(^{523}\) Both types of Anglos were outsiders and they were alienated politically, economically, and socially in Santa Fe County. They murdered vecino women and children, targeted the helpless, and killed one another in drunken rampages. Honor had nothing to do with it.

Hispanos killed without clear intent, while Anglos executed their victims at close range. Hispano homicide was often accidental and seldom involved guns. Hispanos attacked with knives, sticks, and occasionally rocks, while Anglos used their guns. Anglos who were ambitious and unsuccessful murdered with intent and they increased risk and made Santa Fe County a dangerous place to live. Ironically, when Anglo soldiers and settlers voiced their frustrations they focused on the legal system and the inability of the military and legal officials to control Santa Fe County. To them, the argument made sense: they were failing because criminals were everywhere in Santa Fe

\(^{522}\) McKanna, *Race and Homicide in Nineteenth-Century California*, 75.

County and because the territorial government could not control the murderous, thieving, and barbaric Mexican people. Anglo settlers complained that murderers were allowed to go free in Santa Fe County; ironically, Anglo immigrants were in fact the murderers who escaped justice.

524 Foos, A Short, Offhand Killing Affair, 151-154.
CHAPTER 4: Pain for the Vecino, Pay for the Anglo

“The other day a fellow was tried for larceny and the jury brought in a verdict *verbatim* as follows: ‘The jury find the prisoner guilty, and *award* him sixty-five lashes, well laid on, in the public square.’”

Richard Smith Elliot, March 18, 1847. 525

From 1847-1853 Anglo judges and territorial jurors used their power as a tool of racial domination against the *vecinos* in Santa Fe County; judges and Hispano jurors punished the *vecinos* severely, but the judges and Anglo jurors allowed the more violent Anglo settlers to serve short jail sentences. The territorial jurors were willing accomplices and they convicted *vecinos* in Santa Fe County at higher rates than Anglo settlers. Together, they victimized *vecinos* with state violence that included lashing and indentured servitude. Although Richard Elliot Smith quoted the jury “*verbatim*,” Anglo judges gave juries limited options and directed punishments in territorial New Mexico. 526

From 1847-1853 they reserved lashing almost exclusively for *vecinos*: Anglo judges and territorial jurors sentenced twenty-five prisoners to lashes in Santa Fe County and the *vecinos* accounted for twenty-three of those victims. The local strongmen in the legislature endorsed the Anglo judges and territorial jurors when they reaffirmed the

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punishments in the Kearny Code, which proscribed lashes to all who committed burglary, perjury, and the stealing of livestock. However, Anglo judges and jurors almost exclusively sentenced vecinos convicted of larceny and burglary to be lashed in the plaza; for the same crimes all judges and all-Anglo juries allowed all but two Anglo defendants to serve short jail sentences. Both the local strongmen and the Anglo settlers determined that state violence was a necessary part of social control in New Mexico, but Anglo judges and the territorial jurors passed down sentences in a manner that revealed their prejudices against the poorer vecinos and the politicos did nothing to stop them.

In early America, Anglo-Americans used the lash as a form of punishment to discipline criminals, but by the late 1840’s Anglo courts increasingly used lashing as a tool of racial domination against vecinos in New Mexico and Native Americans and blacks throughout the United States and its newly acquired territories. In early America, lawmakers proscribed lashes as a punishment for larceny, among other offenses. Anglo judges “depended upon an assemblage of fines, imprisonment in local jails, whipping, branding, and death” to discipline criminal behavior before the development of prisons. In Indiana territory the Marietta code of 1788 declared that criminals found guilty of burglary and robbery received thirty-nine stripes, a fine, and imprisonment not to exceed forty years. By the early nineteenth century there was a whipping post in every county in Indiana and the punishment remained after Indiana became a state. In 1821 the judge in Switzerland County, Indiana sentenced Abraham Levi to lashes. The


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sheriff took Levi to the whipping post, where he received forty lashes. Reportedly, “the prisoners back was so lacerated that it was with difficulty room could be found for the last ten or fifteen stripes without striking one of the stripes before inflicted.”

Meanwhile during the 1830s in Arkansas Territory, the territorial legislature proscribed lashing as a punishment for larceny. Legislators determined that a burglar should receive up to thirty-nine lashes, as should hog thief’s, while counterfeitters received fifty to two-hundred fifty lashes over the course of four hours. Waddy W. Moore concluded, “Punishments meted out by the courts may seem barbaric by modern standards, but were in reality no worse and in some respects better than criminals could expect in other areas of the world.”

As early as 1811, Anglos started to resent lashing as a punishment for white criminals and by the 1840s Anglo judges and juries increasingly sentenced lashes along racial lines in America. In 1811, Anglos were particularly offended when British naval officers impressed Americans into service and subjected them to corporal punishment, which Southerners complained was a punishment that lowered white men to the status of black slavery. By the 1840s both judges and juries increasingly made lashing a punishment for non-whites. Charles C. Bolton writes, “Many Mississippi leaders found it desirable to end public corporal punishment of whites, not necessarily because such correctives were cruel, but because physical forms of discipline were generally associated


with slavery.”

Meanwhile, in North Carolina the criminal code called for corporal punishment for numerous transgressions, but “juries often acquitted resident poor white men charged as thieves, rather than subject them to public whippings.” During the 1850s the judges in Savannah, Georgia passed sentences similar to those in Santa Fe County: white men convicted of misdemeanors were sentenced to pay fines, but slaves and free blacks were sentenced to thirty-nine lashes, which was the maximum under the law. In Delaware, the judges and juries sentenced black men to lashes more frequently than white men. Case by case, the judges and juries also gave black men more lashes than white men. In 1855, Delaware abolished lashes against white women, but black women continued to receive lashes until 1889.

In Spanish New Mexico, the alcaldes did not need judicial discretion or to punish along racial lines because the governor and the legal codes reserved lashing for non-whites. The Pueblo, Navajo, Comanche, and Apache vastly outnumbered the Spaniards in early New Mexico. The Spanish colonizers feared the Native Americans, especially in the wake of the 1680 Pueblo Revolt. Spanish officials and alcaldes punished natives more sternly, and they hoped that lashing would reinforce Spanish authority and deter rebellions. Over time the Spanish officials included Hispanics of mixed ancestry in their


punishments. Ultimately, this included the vecinos. In 1768 Governor Pedro Fermin de Mendinueta declared, of persons convicted of robbery, “If the person is color quebrado [a half-breed] they will receive twenty-five lashes at the pillory; if white they will be tied to the pillory and shamed publically with the item they stole hanging from their neck.”

In 1776 Spanish officials in Santa Fe bribed informants in an effort to control illegal trade in Abiquiu. They proscribed ten lashes against Indians and genízaros who broke the law, while Spaniards were given a ten-peso fine. Ramón Gutiérrez writes, “The amount and type of punishment one received depended on this information (their social status). Spaniards by virtue of their honor could not be publicly flogged. For half-breads and erring Indians, the whip was the only sure teacher.”

In 1820, Spain passed a royal decree that outlawed lashing as a punishment, but the New Mexican strongmen continued to lash their servants and a poor vecinos. The Spanish government prohibited lashing because they determined that it was “a symbol of ancient barbarism and a shameful affront to civilization” that failed to yield positive results. After 1820, the New Mexican alcaldes punished with fines, exile, public labor, forced labor in the mines, and service at the presidio. However, the New Mexican caudillos privately administered corporal punishment when they deemed it necessary,

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538 Cutter, The Legal Culture of Northern New Spain, 140.


540 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) 191.

541 Tórrez, Myth of a Hanging Tree, 33.

542 Jill Mocho, Murder and Justice in Frontier New Mexico, 1821-1846 (Albuquerque, New Mexico: University of New Mexico Press, 1997), 18.
regardless of the law. During one incident in 1843, Don Francisco Rael chased down his genizaro servant and lashed him with a whip while cursing him as a “genizaro malo.” Rael beat his servant so badly that the servant died. Around the same time, Governor Manuel Armijo used his cane to beat a young boy who he mistook for a vecino. Rafael Chacon, who was that boy, wrote, “The general was the owner of a field... I was in the habit of going to school through this field in order to shorten the distance when, all of a sudden, the general caught me and struck me with his cane...” Chacon explained that he was frightened and he begged forgiveness through the pain of Armijo’s numerous strikes, until finally the caudillo asked who he was. Chacon told Armijo that he was the son of Albino Chacon, and Armijo responded, “Well, so you are the son of my compadre...” Armijo reversed his position, granted Rafael free access to the fields, and awarded him a piece of candy. Although the alcaldes did not sentence vecinos to lashes after 1820, the local strongmen continued to use corporal punishment in their private dealings during the Mexican period.

In 1846, the Americans established the Kearny Code and reinstituted corporal punishment in New Mexico and the local strongmen in the legislature endorsed those laws. Article I, section 3 was aimed toward robbers and burglars and assigned the

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543 In fact local caudillos continued to whip and beat their servants, as well as those from among the vecinos who had the misfortune of crossing them. See: Jacqueline Dorgan Meketa, *Legacy of Honor: The Life of Rafael Chacón, a Nineteenth Century New Mexican* (Albuquerque: University of New Mexico Press, 1986), 17-19; Mocho, *Murder and Justice in Frontier New Mexico*, 41-49, 107-109.

544 This case is documented because the servant died, but it is reasonable to conclude that local strongmen lashed their servants as a practice during the Mexican period; Mocho, *Murder and Justice in Frontier New Mexico*, 63.


punishment of thirty-nine stripes well laid. Article I, section 4 read, “If any person shall be convicted of larceny or theft, he shall be fined in a sum not exceeding one thousand dollars, or imprisonment, at hard labor, not exceeding two years.” The second portion of Article I, section 4 was designed for those convicted of stealing beasts of burden, who were to “be sentenced to not more than seven, nor less than two years' imprisonment at hard labor, or to receive not more than one hundred nor less than twenty stripes well laid on his bare back.”

Anglo judges and territorial jurors sentenced vecinos convicted of larceny to both lashes and prison, even though the law dictated that lashing was reserved for individuals convicted of burglary, perjury, and stealing livestock. Twelve of the twenty-three vecinos sentenced to lashes committed petty larceny and eleven committed burglary, but none had stolen livestock. The Anglo judges gave the territorial jurors the option to sentence vecinos to lashes because the vecinos were not white, and by doing so they empowered the jury to hand down illegal sentences.

In California, Anglos dominated both the legislature and the bench because they dramatically outnumbered the Hispanic Californios, and their punishments were harsher than those in New Mexico. In 1851, the California legislature passed a law that empowered judges to assign as many as fifty lashes to persons convicted of petty larceny; however, for grand larceny they empowered judges and juries to use the death penalty. In addition, they also passed lashing laws aimed at the Native Americans in California,

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547 New Mexico State Records Center and Archives, “Secretary of State Collection: Laws of New Mexico,” #4863, 59, hereafter designated Laws.

548 New Mexico State Records Center and Archives, “Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951,” Box 1-3, hereafter designated TRNMSF, District Court Records.
which proscribed twenty-five lashes for Natives who stole livestock.\textsuperscript{549} Clare V. McKanna saw proof that California judges assigned harder punishments to Hispanics, Native Americans, Chinese, and African Americans in California, and it is likely that lashes were also frequently meted out along racial lines.\textsuperscript{550} Roger D. McGrath notes, “Caucasian newcomers used both the legal system and individual and group violence to suppress nonwhite populations.”\textsuperscript{551}

The Anglo majority in the legislature, the legal system, and the towns acted in concert against non-whites in California, and as a result non-whites suffered harsher punishments than whites. For example, in Stockton, California an alcalde found two African Americans guilty of trying to rape a Chilean woman and he sentenced one to fifty lashes and the other to twenty. The journalist Bayard Taylor noted, “The negroes were stripped, tied to a tree standing in the middle of the principal street…. Bystanders jeered, laughed, and accompanied every blow with coarse and unfeeling remarks.”\textsuperscript{552} However, the Chileans did not fare well when they clashed with whites in California during the “Chilean War.”\textsuperscript{553} The Anglos were angry with Chilean miners, whom they believed had no right to “American” gold in Mother Load. The California legislature imposed a tax on


\textsuperscript{550} Clare V. McKanna, Jr., \textit{Race and Homicide in Nineteenth-Century California} (Reno: University of Nevada Press, 2002), 97.


\textsuperscript{553} McGrath, “A Violent Birth,” 38.
foreign miners to discourage them, while white thugs chased Mexicans, Chileans, and Chinese from their claims. In December of 1849, a group of white miners met at Chili Gulch and ordered all foreigners (!) to leave. When Alcalde Lewis Collier and his armed band attacked the Chilean camp, the Chileans rode to Stockton and secured warrants for their arrest. When another alcalde tried to enforce the warrants, he was nearly lynched. In response, sixty Chileans stormed the American camp and brought thirteen Anglos back to that alcalde, but he was frightened and he ordered them released. Nearly a hundred armed Americans caught up with eleven of these Chileans, who were trying to flee to Stockton. An Anglo alcalde found them guilty: three were sentenced to death, five were sentenced to fifty lashes and headshaving, and three were sentenced to thirty lashes and earcroppings. The judges allowed whites to go unpunished, but the Chileans received punishments that, in nineteenth century America, were usually reserved for slaves in the South.

In New Mexico, the Anglo judges and territorial juries punished the vecinos in a manner that typified both colonial and frontier societies, but again the large Hispano population differentiated New Mexico from places like California. In New Mexico, Anglos were both outnumbered and a foreign colonizing force, which made their situation unique in the United States. The local strongmen and their allies prevented Anglos from committing large-scale atrocities like they did in California, but punishments were still passed down along racial lines. Like the Spaniards before them,

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555 Southerners punished slaves and free blacks with earcropping in the South. The process called for the authorities to nail the prisoners ear to a whipping post, then cut the ear off as close to the head as possible. The punishment was meant to disfigure the prisoner and mark them for life. See: Diana Paton, “Crimes and the Bodies of Slaves in Eighteenth-Century Jamaica” (Journal of Social History: Vol 34, No 4, Summer 2001), 941.
the Anglo officials in New Mexico were colonizers in a foreign land filled with ethnically distinct peoples. Also like the Spaniards, the Anglo officials in New Mexico realized that the vecinos, genizaros, Puebloans, and numerous other Native Americans groups vastly outnumbered both them and the local strongmen. Some of these Anglo officials had lived through the Chimayo Rebellion of 1837 and most lived through the Taos Rebellion of 1847. These Anglos believed that the vecinos and the Puebloans were responsible for both of those rebellions and they feared another uprising. The Anglos considered the local strongmen white, but they developed a racialized view of the other people in New Mexico; they feared that the non-whites might attack and depose the territorial government.

The Anglo colonizers were determined to secure their authority and they transformed the New Mexican legal system back into something akin to the Spanish colonial system, where half-breeds and wild Indians needed to be brought to heal with the lash. They treated the masses in New Mexico in a way that somewhat resembled the imperialists that colonized African societies, which were founded on war, power, and racial domination. For example, in nineteenth century Natal, whites treated natives with a blend of “paternalism, fear and contempt.” Stephen Peté and Annie Devenish note, “On the one hand, flogging was regarded as a form of punishment that the ‘childlike Native’ could understand. On the other hand, it was seen as a powerful deterrent, justified by the brutal nature of the ‘savages’ to whom it was applied.” The colonizers in Natal “believed that any black challenge to white authority or civilisation (sic) needed

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to be dealt with swiftly and severely, in order to prevent it from developing into open rebellion.\footnote{Peté and Devenish, “Flogging, Food, and Fear,” 9.} In the nineteenth century lashing was a common punishment in the western world, but by sparing Anglos from the lash the Anglo colonizers in New Mexico applied it in a distinctly colonial fashion, and in this manner it also resembled parts of the South.

Lashing became an expression of Anglo and caudillo dominance over the vecinos, genízaros, and Puebloans; it reinforced the old colonial order and allowed local strongmen and their Anglo allies to maintain power in the territory.\footnote{During the late Spanish and Mexican periods, New Mexicans did not use earcropping and other forms of maiming as a form of punishment. The Anglo judges in California reached beyond their authority when they sentenced prisoners to earcropping, but the Anglo judges in New Mexico, even the Southerners, did not attempt to maim prisoners.} Laura Gómez theorized that during the American territorial period “Mexicans’ claim to whiteness was fragile and continually contested; as a result, Mexican elites sought to subordinate non-white groups lower on the racial hierarchy, including Pueblo Indians, Blacks (free and enslaved), and other communities of Indians.”\footnote{Laura E. Gómez, “Off-White in an Age of White Supremacy: Mexican Elites and the Rights of Indians and Blacks in Nineteenth-Century New Mexico” (Chicano-Latino Law Review, 25, 9, 2005), 4.} In truth, the local strongmen subordinated both the Pueblos and the vecinos long before the Anglos arrived. During the Spanish era, local strongmen applied legal punishments and private beatings to vecinos, genízaros, Puebloans, and Native American servants they had stolen from nomadic nations. Additionally, these caudillos lashed their wives, children, and servants whenever they deemed it necessary and this was acceptable behavior in colonial New Mexico.\footnote{Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 185.} Ramón Gutiérrez notes, “Trivial insubordination and impertinence, real or
imagined, were paid for by slaves with a wallop.”562 In addition to lashing, local strongmen sometimes dominated their servants sexually. In 1751 Alejandro Mora raped his servant Juana to “find out if she was a virgin” and “Because she had resisted, said Juana, ‘he hung me from a roof-beam and beat me.”563 The local strongmen racially dominated non-white groups during the Mexican period as well, but fragile claims to whiteness had nothing to do with it. Their power was secure among the vecinos.

The local strongmen and the Anglo officials did not quibble over whiteness, but instead bonded through their racial domination of the vecinos during the American territorial period. Early on, public lashing was central to their bond because it was a symbol of their shared power, just as it was in colonial Africa. In colonial Natal “The colonists wanted a form of punishment that would openly and unambiguously send a strong message to both the offender concerned and the black population in general. This message was that white culture and ‘civilisation’ were sovereign, and that any attempt to subvert white power would be met with force.”564 In New Mexico Territory the Kearny Code empowered the local strongmen and Anglo judges to send the same message. In March of 1847 an Anglo observer in Santa Fe noted that a vecino, who was found guilty of perjury, was taken to the plaza, tied to the flag poll, and was “hugging the flagstaff and receiving… 65 lashes on his naked hide.”565 A month later in Taos, an Anglo judge sentenced a vecino named Miguel Molina to fifty lashes for horse stealing: twenty-five

562 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 184.
563 Gutiérrez, When Jesus Came, the Corn Mothers Went Away, 184.
565 Tórrez, Myth of a Hanging Tree, 33.
were immediately laid and twenty-five more followed the next morning. In April alone, the Anglo judge sentenced a total of four vecinos to lashes in Taos.\footnote{Francis T. Cheetham, “The First Term of the American Court in Taos, New Mexico” contained in Lansing B. Bloom, Paul A.F. Walters, ed., \textit{The New Mexico Historical Review, Volume 1} (Santa Fe: The Historical Society of New Mexico at the Museum Press, 1926), 36.}

Between 1847-1853, Anglo Judges and juries used lashing as a seminal punishment against vecinos in Santa Fe County, and the local strongmen passed laws that buttressed their actions. Anglo judges gave punishments along racial lines: among the vecinos with known punishments, thirty-eight percent (N=33) paid a fine between $1-$1000, thirty-three percent (N=29) were incarcerated, twenty-seven percent (N=23) received lashes, and two percent (N=2) were sold into indentured servitude (Figure 4.1). Every vecino who was sentenced to lashes was also jailed for between three months to two years. Meanwhile, the Anglo judges selected Anglo jurors and together they sentenced convicted Anglos to lighter sentences: fifty-eight percent (N=15) of Anglos received fines ranging from $10-$50, thirty-six percent (N=9) were sentenced to jail, and eight percent (N=2) received lashes. In 1850 Henry Potter and Samuel Rino became the only Anglos sentenced to lashes and they received this punishment because they were teamsters in the service of the military who were caught stealing a trunk of money from the store of Raymond, Martin, and Woods.\footnote{TRNMSF, District Court Records, “New Mexico v. Henry Potter and Samuel Rino,” February 27, 1850.} The Anglo judges gave them a military punishment, rather than an Anglo civilian one.
This chapter argues that the Anglo judges, the territorial jurors, and the local strongmen in the legislature used the judicial system as an apparatus of racial domination in Santa Fe County from 1847-1853. The first section, *Politicos and the Legal System*, argues that *politicos* in New Mexico sought to indirectly control the legal system by passing laws that defined crime and sanctioned punishments. It demonstrates that the *politicos* were not passive participants in the legislative process, as many have contended, but instead operated on behalf of their own interests. The second section, *Anglo Judges and Territorial Juries*, argues that Anglo judges and territorial jurors were guided by racism and that juries were selected to ensure guilty verdicts against vecinos. At the same time, they selected Anglo jurors to spare Anglo defendants from guilty verdicts and hard punishments. Together, the judges and juries oversaw a legal system that convicted

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568 Because Anglo conviction rates are low only twenty-four punishments are recorded against Anglos between 1847-1853. Fourteen were sentenced to fines, nine to jail, and two were both lashed and sent to jail. See: TRNMSF, District Court Records, Box 1-3: (1847-53).

569 Hispanic lashes are also jail time, meaning they were imprisoned in addition to receiving corporal punishment. See: TRNMSF, District Court Records, Box 1-3: (1847-53).
along racial lines: nearly three-quarters of Hispanics were convicted, while just under half of Anglo defendants were found guilty. The next section, *Racialized Punishment*, delves further into how Anglo judges and territorial juries handed down punishments along racial lines, including indentured servitude, lashing, jail, and fines. It reveals that Hispano jurors and legislators were worked in concert with Anglo judges and jurors to convict *vecinos*, while Anglo jurors worked with Anglo judges to spare Anglo criminals. The final section, *Capital Punishment and the Lynch Mob*, argues that Anglo judges and Anglo juries allowed Anglo murderers to escape punishment. Anglos decried the failed justice against murderers but they refused to convict their fellow Anglos, even when they were clearly guilty of homicide. Instead, Anglos formed lynch mobs and targeted transient Texans. As a result, Anglos lynched two Texans, which was one more than they sentenced to death in Santa Fe County. I conclude that the local strongmen used their political power to transform the legal system into a place of negotiation between them and the Anglo colonizers. At the same time, punishments like lashing and indentured servitude reinforced caudillo and Anglo authority over the *vecinos*, *genizaros*, Puebloans, and their Native American servants.

**Políticos and the Legal System**

The local strongmen dominated the New Mexican territorial legislature and they passed laws to exercise indirect control over the criminal courts in New Mexico; these laws protected their own interests and left the *vecinos* to fend for themselves against Anglo judges and the juries in the territorial courts. During the Mexican period the local strongmen served as *patrones* to the *vecinos*, but now the *políticos* worked together in the legislature and used their majority to pass criminal laws that reflected their interests in
New Mexico. Although Anglo judges had direct control of the courts in Santa Fe and the Rio Arriba, the politicos confirmed and redefined the parameters of legal procedure and punishment. They passed laws that meticulously detailed how cases should be tried, rewrote the laws on jury selection, and protested to Washington D.C. when the government appointed judges from outside of the territory. When Washington ignored their pleas against appointed judges, the local strongmen empowered the Hispano probate judges to hear criminal cases. The local strongmen used their political clout to better their own conditions; at the same time, they passed laws that validated lashing and servitude as punishments against the vecinos.

The politicos’ power was foreshadowed before the territorial legislature was formed in New Mexico; after the 1847 Rebellion they participated in early conventions and fought to be represented in them. In 1850, the politicos overcame a group of Anglos and pro-Anglo Hispanics who tried to bar Diego Archuleta from the 1850 Constitutional Convention. Archuleta was a local strongman who fled to Mexico after he fomented the Taos Rebellion of 1847, but by 1850 he was back in the Rio Arriba. Archuleta was an elected delegate but many Anglos, including Joab Houghton, disliked Archuleta and threatened to withdraw if he was seated. Archuleta martyrred himself in caudillo fashion and declared that he would not attend because he was unwanted.  

According to Robert W. Larson, Archuleta changed his mind afterward, when a political party led by Richard Weightman persuaded him to demand his seat; Larson contends that this was part of the Weightman party’s master plan to wreck the

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convention, but Archuleta did not need Anglos to inspire his protest. It is more likely that Archuleta reported at the behest of his fellow strongmen. When Archuleta’s enemies voted to exclude him from the convention, the *politicos* protested the “undignified expulsion of Archuletta [sic] by the American members.” The *politicos* stonewalled proceedings until Archuleta was finally seated. The local strongmen supported Diego Archuleta, who was part of their kinship network, and they fought to secure his inclusion because he was a respected strongman from a powerful family; it was not because the Weightman party orchestrated it. The caudillos made their stand with Archuleta and the Anglos were forced to concede.

The *politicos* have been portrayed as pawns and puppets to Anglo interests, but they were far from passive participants in the political system. Loomis Morton Ganaway wrote, “From 1846 until 1855, native New Mexicans were generally under the political domination of Anglo-Americans, many of whom had not been in the territory a decade.” The seating of Diego Archuleta proves otherwise, but that was only the beginning. Between 1851-1855, Hispanos accounted for 83% of the Council (N=52 to 11) and 87% of the House (N=111 to 16) in the New Mexico legislature. They conducted business in Spanish, passed laws in Spanish, and then translated them into English. They passed laws that targeted Anglo criminals, they forbade Anglos in the military from voting, and walled out Anglos who sought to alter Hispano traditions. They sent

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571 Larson, *New Mexico’s Quest for Statehood*, 32.

572 Larson, *New Mexico’s Quest for Statehood*, 33.

politicos to represent them in U.S. Congress and wrote memorials to Washington D.C. that advocated their economic and political interests. Most significantly, they refused to pass property taxes against their families, despite pressure from Anglo governors and politicians. Under their rule, the local strongmen in Santa Fe County increased their property holdings between 1850 and 1860. In short, the politicos dominated the legislature in every measurable way.

Lawrence R. Murphy argued that the Hispano legislature was powerless in New Mexico because the governor had veto power and the authority to appoint officials. Additionally, Murphy contended that Governor James S. Calhoun manipulated elections during the first session, when he excluded the Pueblo people from the polls and allowed Anglos to vote. Murphy quoted the Anglo missionary William G. Kephart, who in 1851 wrote, “Add to this enormous amount of power (the veto) the fact that almost all the appointed power for the territory is vested in the Executive, and that all the Indian agents are subject to his instructions… and then tell me if I am mistaken that our Executive is clothed with the powers of a dictator.”

Both Kephart and Murphy were indeed mistaken. If Calhoun rigged the election in favor of the Anglos in 1851, he did a terrible job of it! That year, Hispanics outnumbered Anglos in the Council 11 to 2 and they outnumbered them in the House 20 to 5.575 There were not enough Anglos to impact policy. In addition, the strongmen in the Rio Abajo quashed Anglo voter corruption with force and prevented them from

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574 For example, when the Anglos tried to empower Judges to marry, the politicos adjourned. See Chapter 3, The Politicos and Representation.

influencing elections in Bernalillo and Los Ranchos. Alvin Sunseri wrote, “In Bernalillo County three men were killed and several wounded, and at Los Ranchos a conflict occurred between Mexican-Americans and Anglos that resulted in a pitched battle in which two outsiders were killed.” Additionally, Murphy vastly overestimated the power of the governor. The governor was powerless to act when the politicos refused to accept property taxes and they continually ignored his entreaties. In 1852, the local strongmen refused to pass taxes when Santa Fe County ran out of money to feed prisoners in the jail. The Probate Judge Tomás Ortíz told the governor that “without means to feed prisoners…the poor ‘wretches’ must inevitably die or rot in jail.” The governor pardoned fourteen prisoners and ordered them to leave the territory because the government had no power to implement property taxes. The New Mexican governors remained at the mercy of the legislature, even as New Mexico teetered on bankruptcy.

Others contend that Anglos in New Mexico used their savvy to divide and control the politicos; they argue that the Anglos beguiled the Hispanos into doing their bidding, despite being outnumbered. According to these interpretations the Anglos divided the politicos and their families into two camps, but scholars differ on what each camp stood for. Robert W. Larson and Loomis Morton Ganaway divided Hispanos into the Joab Houghton and Richard Weightman cliques, Lawrence Murphy divided them into the Weightman and Collins / Houghton / Hugh N. Smith cliques, and Fray Angélico Chávez

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577 Sunseri, Seeds of Discord, 130.

argued that one party represented the *ricos* and the Americans and the other fought for the *pobres* and the Mexicans. When their interpretations are combined, they yield two very convoluted sides: the Weightman / Statehood / Pro Slavery / Anti Military / Pro Texas / Pro Mexican / Pro *Pobres* party; and the Houghton / Territorial (New Statehood) / Anti-Slavery / Pro Military / Anti Texas / Pro American / Pro *Ricos* party (Table 4.1).

<table>
<thead>
<tr>
<th>Weightman / Statehood / Pro Slavery / Anti Military / Pro Texas / Pro Mexican / Pro Poor</th>
<th>Houghton / Territorial (Became New Statehood) / Anti-Slavery / Pro Military / Anti Texas / Pro American / Pro Ricos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Weightman (Politician)</td>
<td>Joab Houghton (Judge)</td>
</tr>
<tr>
<td>James S. Calhoun (Governor)</td>
<td>William Angvey (Politician)</td>
</tr>
<tr>
<td>David Merriweather (Governor)</td>
<td>Quinn (Lawyer)</td>
</tr>
<tr>
<td>William Messervy (Governor)</td>
<td>William Messervy (Governor)</td>
</tr>
<tr>
<td>Francis Cunningham</td>
<td>Hugh N Smith (Judge)</td>
</tr>
<tr>
<td>Spruce M. Baird (Texan, Member of the House, Rio Abajo)</td>
<td>James Collins ( Politician)</td>
</tr>
<tr>
<td>Grafton Baker (Judge)</td>
<td>Henry Connelly (Arrived 1828)</td>
</tr>
<tr>
<td>Manuel Gallegos (Padre, Politico)</td>
<td>Ceran St Veran (Merchant, Politician, Rio Arriba)</td>
</tr>
<tr>
<td>Manuel Chaves (Caudillo)</td>
<td>William Kephart (Editor of Gazette, Abolitionist)</td>
</tr>
<tr>
<td>Tomas Cabaza de Baca (Politico)</td>
<td>Miguel Otero (Politico, Rio Arriba)</td>
</tr>
<tr>
<td>Manuel Alvarez (Merchant, U.S. Consulate)</td>
<td>Donaciano Vigil (Politico, Santa Fe)</td>
</tr>
<tr>
<td>Diego Archuleta (1847 Rebellion, Caudillo, Politico, Rio Arriba)</td>
<td>Padre Martínez (Padre, Head of Council, Rio Arriba)</td>
</tr>
<tr>
<td></td>
<td>Antonio Jose Otero (Politico)</td>
</tr>
<tr>
<td></td>
<td>James Carr Lane (Governor)</td>
</tr>
<tr>
<td></td>
<td>Colonel Monroe (Military)</td>
</tr>
</tbody>
</table>

Table 4.1 – New Mexican Political Parties, as Combined from Robert W. Larson, Loomis Morton Ganaway, Lawrence Murphy, and Fray Angélico Chávez
The table looks confused, and it should; the Anglo party divisions fit into the American regional politics of North and South, but from the Hispano perspective they were nonsensical. Nine of the ten Anglos in the Houghton party were old Anglo residents who were appointed to their positions by General Kearny in 1846. They wanted New Mexico to become a territory, which they believed would preserve their appointments, and they were anti-slavery because they didn’t want Southerners and Texans to migrate into the territory. Meanwhile the Anglos in the Weightman party were newly arrived, many of them from the South. Some allied themselves with strongmen in the Rio Abajo, but only when it served their interests. They wanted the military out of power so that the old Anglo settlers would lose their positions in the government. They believed they would win popular elections with the support of their Hispano allies in the Rio Abajo. Additionally, they supported the idea of black slavery because they were from the South, but they doubted it that the institution was viable in New Mexico.\footnote{Ganaway, New Mexico and the Sectional Controversy, 50.}

Among the Anglos, only William Messervy was associated with both parties. However, the Hispanos did not fit into these categories: Manuel Chaves and Diego Archuleta were opportunists who were neither pro Mexican nor pro Texas, and they cared little about the poor; Padre Manuel Gallegos was neither pro slavery nor pro military, but he did care for the poor; Miguel Otero was pro-slavery, but he was also anti Texas; and Padre Martínez was not pro military, although he cared a great deal for the pobres. When local strongmen were divided, it was traditionally by Rio Arriba and Rio Abajo interests, but that tradition is not represented by both historic and contemporary Anglo accounts of New Mexican political parties.
This is because Hispanics worked as a kinship unit and did not divide and situate themselves into the Anglo two-party system; instead they gravitated toward whichever party represented their interests in a given moment and the issue of slavery in New Mexico illuminates their fluidity. Prior to 1856 the politicos opposed slavery because they did not want blacks in the territory and were against foreigners bringing a labor force to New Mexico that might disadvantage them. In 1850 the politicos included the following in their constitution:

> Slavery in New Mexico is naturally impracticable, and can never, in reality, exist here; wherever it has existed it has proved a curse and a blight to the State upon which it has been inflicted, – a moral, social, and practical evil. The only manner in which this question now affects us is politically; and on the ground of this character, with its general evil tendencies, we have unanimously agreed to reject it – if forever.

In short the politicos made a political move that was in their best interests at that time. From the two-party Anglo perspective, the politicos made an anti-slavery stance that aligned them with the Republicans, but for the politicos it was a pragmatic decision. Alvin Sunseri argued, “Hispanos were not so much antislavery as they were antiblack,” but the move was also anti-competition.

Nine years later the politicos passed The Slave Code Act of 1859, which protected blacks as property and infuriated Republicans; but again the politicos acted for their own economic interests, rather than moral ones. In 1856, Miguel Otero was named New Mexico’s representative to congress. Otero was a politico from a caudillo family and he

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580 Sunseri, Seeds of Discord, 115-117.


582 Sunseri, Seeds of Discord, 116.
proved central in this effort to pass a pro-slavery clause. Otero represented the business interests of the local strongmen in Washington D.C. and he was a strong advocate of the transcontinental railroad. In Washington, Otero aligned himself with Southerners and in 1857 he married into a Southern family. Robert Larson notes, “His marriage to Mary Josephine Blackwood, a Southern belle from Charleston, South Carolina, had brought him close to the Southern political leadership, and he was anxious to have his associates in New Mexico co-operate with the South.”\textsuperscript{583} Otero sought Southern support to build a railroad through New Mexico, which had major economic implications for the local strongmen.\textsuperscript{584} In 1859, Otero sent a letter to his allies in New Mexico that stated that the legislature needed to pass a slave code to garner favor in Washington, but in reality the code was intended to secure Southern support for the railroad. In another letter to his Anglo ally, the territorial secretary Alexander M. Jackson, Otero wrote, “You will perceive at once the advantage of such a law for our territory, and I expect you will take good care to procure its passage.”\textsuperscript{585} The editor of the \textit{Watchman and State Journal} argued that Southerners were pressuring New Mexicans by threatening to remove the military, but this is doubtful. The editor was more likely correct when he wrote that Otero was assured that slavery would not be introduced to the territory: the slave code was needed to protect the slave owners while they transported their slaves through New Mexico.\textsuperscript{586} Otero and the local strongmen wanted the railroad to pass through New Mexico, and Southerners wanted their property protected on the way to California.

\textsuperscript{583} Larson, \textit{New Mexico’s Quest for Statehood}, 64.

\textsuperscript{584} Sunseri, \textit{Seeds of Discord}, 117.

\textsuperscript{585} Ganaway, \textit{New Mexico and the Sectional Controversy}, 66-68.

\textsuperscript{586} Ganaway, \textit{New Mexico and the Sectional Controversy}, 68-69.
Again the Hispanos made a business decision, but the Radical Republicans in Washington D.C. condemned them on moral grounds. On January 29, 1861 Thaddeus Stevens railed against the New Mexican Hispanos from the House floor:

They (Southerners) offer to admit as a State about two hundred and fifty thousand square miles of volcanic desert, with less than a thousand white Anglo-Saxon inhabitants, some forty or fifty thousand Indians, Mustees, and Mexicans, who do not ask for admission, and who have shown their capacity for self government by the infamous slave code which they have passed, which establishes the most cruel kind of black and white slavery. 587

Stevens was correct to condemn the Slave Code of 1859: the politicos passed a cruel and morally reprehensible code, but for the opportunistic caudillos it was pragmatic decision. They wanted a railroad, they needed political support in Washington D.C., and the Southerners offered a quid-pro-quo. The politicos repealed the slave code when the South succeeded because it no longer served their interests. From her home in Valencia, New Mexico Miguel Otero’s wife voiced her support for the South, but Miguel Otero offered no opinion. 588 It was not in his interests to do so.

The local strongmen cared about personal economics, family interests, and loyalty to their kinship networks. Their interests superseded both morality and Anglo party alliances. Hispanos could ally with a party for a single interest, like slavery, but disagree and stand against that party on the next issue. For the Anglos in New Mexico, this was difficult to understand. The Anglos thought in terms of two-parties and party agendas: in their world, when you endorsed one issue you endorsed the entire platform. In New Mexico, these Anglo politicians wrote of the intense party divisions that they perceived

587 Ganaway, New Mexico and the Sectional Controversy, 80.
588 Ganaway, New Mexico and the Sectional Controversy, 90.
and it is true that Anglos were embittered political enemies. However, Anglo politicians vastly overestimated the importance of these divisions in New Mexico. The two party system was an Anglo American construction and the Hispanos refused to be categorized. The Hispanos continued to work together, in spite of the divisions among the Anglos in New Mexico. The Anglo parties were only a thin veneer.

The local strongmen had their own agenda, which had nothing to do with Anglo party politics, and it can best be summed up in one simple phrase: no taxes, no Texas. The *politicos* refused to implement taxes because they believed that the United States should fund the local government. From their perspective, the local government was a tool to promote their interests and to provide them with economic security. For the local strongmen, economic security included repelling Native American attacks and keeping the *vecinos* under heel. In addition, the local strongmen wanted to secure their territorial integrity, which meant repudiating the Texans, who claimed that New Mexico was part of Texas. The Hispanos also wanted to keep Texans out of New Mexico, which local Anglo officials wanted as well.\(^{589}\) As such, the Hispanos composed and passed laws and regulations to facilitate their interests, but they were not about to pay for them.

For the *politicos*, it was in their best interests to work with the Anglo courts to punish criminals and they supported the colonial style punishments laid out in the Kearny Code. The local strongmen backed the code because the laws dealing with crime and punishment were drawn from the Mexican and American military legal traditions. They empowered the Anglo judges and juries to treat *vecinos* like colonized people, just as the old Spanish colonizers did. The local strongmen preferred the corporal punishments of

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\(^{589}\) Larson, *New Mexico’s Quest for Statehood*, 47-51.
the Spanish period to the fines, exiles, public labor, forced labor in the mines, and service at the presidio that marked the Mexican period. In 1850, the politicos made their position clear at their first meeting of the territorial legislature. Ralph Emerson Twitchell noted, “The people of New Mexico, as soon as power was given to them, adopted the code and laws prescribed by the military governor.”

In the 1850s, the politicos passed laws that expanded on the crime and punishment section in the Kearny Code, and these additional laws illuminated the interests of the local strongmen. During the second session, the politicos passed laws that regulated gambling in the territory. The politicos sought to fund their government with regulatory taxes and they targeted gambling because it was a lucrative business. They taxed gaming in New Mexico, which they perceived was an alternative to property taxes. The politicos also realized that Anglo gambling was a problem in Santa Fe County. Anglo soldiers frequented gambling halls where they drank, fornicated with harlots, and committed violent crimes. Thus, the politicos and their Anglo allies regulated gaming in order to raise capitol and curb violence. They established high fees for gambling licenses, which amounted to six hundred dollars for a six-month license.

The politicos also outlawed several games, including monte, faro, ten pins, dice, and

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590 Mocho, Murder and Justice in Frontier New Mexico, 18.


592 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4863, Laws of the Second Session, 1852, 285.

593 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4863, Laws of the Second Session, 1852, 285.
roulette, and they assigned large fines to soldiers who broke that law. The *politicos* established such high fees for licenses that the *vecinos*, who ran smaller gaming halls, were either pushed out of business or forced underground. Between March and June of 1851, eleven *vecinos* and two Anglos were arrested for illegal gaming and their cumulative fines amounted to two hundred seventy-five dollars. After June, there were only two more cases of illegal gaming in Santa Fe County; the *politicos* succeeded in boosting tax dollars and the *vecino* gambling halls were out of business.

From 1852-1853, the *politicos* in the legislature targeted Anglos when they passed laws against vagrancy and carrying small arms into settlements and fandangos during the third session; during the fifth session in 1855-1856, they added new crimes that included cursing in the plaza, slander in the Church, cohabitation out of wedlock, enticing minors, and prostituting minors. The *politicos* primarily targeted Anglo settlers with these laws as well. The law “Against Persons Who Disturb Good Order” targeted people who appeared drunk “Within the plaza or streets (and), use, in a loud voice, scandalous or obscene language” and sentenced them to jail and a fine. Additionally, the *politicos* passed a law that targeted Anglo ministers who slandered the Catholic Church:

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594 By 1853, monte and faro were being played at the licensed gambling hall in the Exchange Hotel. This part of the law lasted a very short time, but the licensing fees endured.

595 TRNMSF, District Court Records, Box 2: (1851).

596 TRNMSF, District Court Records, Box 1-3: (1847-53).

597 See: Chapter 2, *The Politicos and Representation*; New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial # 4863, 1851-54.

598 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4866, Laws of the Fifth Session, 1855-1856.
Whereas, various ministers of the gospel are frequently committing grave slanders against particular persons in temples and chapels, loosing sight of charity and evangelical meekness, and profaning those sacred places, which are dedicated exclusively to the worship of the Supreme Being; therefore… If in the future any minister of the gospel of any denomination whatever, or any other person, shall, by word of in any other manner, slander any other person or persons within any temple, upon conviction… (they will pay) any sum not exceeding fifty dollars, nor less than twenty-five dollars.\textsuperscript{600}

The \textit{politicos} knew that the Catholic Churches were the only places that qualified as sacred, because only they could afford to use their chapels exclusively for worship.\textsuperscript{601}

Thus, their law only protected the Catholic Church from slander. During the same session, the \textit{politicos} also passed an act “Requiring and Authorizing Judges of Probate and Justices of the Peace to Punish Depraved Persons in Cases Herein Prescribed.”\textsuperscript{602}

These included more Anglo crimes, such as cohabitation out of wedlock with Hispano females, enticing female Hispano minors, and prostituting female Hispano minors. More specifically, they targeted Anglo settlers who preyed on Hispano women and young girls.

Section 2 concerned women and dictated that persons living out of wedlock needed to either marry or separate and pay a fine of eighty dollars; a second offence carried a one-year jail sentence.\textsuperscript{603} Section 5 targeted Anglos who seduced, enticed, or carried away

\begin{footnotes}
\item[\textsuperscript{599}] New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4866, Laws of the Fifth Session, 1855-1856, 26-28.
\item[\textsuperscript{600}] New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4866, Laws of the Fifth Session, 1855-1856, 28.
\item[\textsuperscript{602}] New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4866, Laws of the Fifth Session, 1855-1856, 90-92.
\end{footnotes}
female minors from their families. “Such persons who shall so do, or shall have them in their possession for evil purposes” were fined between eighty and one hundred dollars and sentenced to between eight months and a year in jail. Finally, section 6 targeted “Any father, or mother, or guardian, who shall surrender up in bad faith, any women under their charge” and they received the same punishment as those in violation of section 5. The politicos passed these laws to block Anglo males from invading their daughters, which was enough of a problem by 1855 to warrant legislation.

The politicos authorized the probate judges to prosecute these “depraved persons,” which was significant because probate judges were usually Hispanos; by doing so, the politicos took a major step toward reclaiming power from federally appointed Anglo judges. In 1853, the politicos confronted a new challenge: The United States Government appointed new judges to the territorial courts in New Mexico. Shortly afterward, the politicos composed a petition intended for the President of the United States. They protested the appointment of Anglo judges from outside the territory and asked the president to replace them with native New Mexicans:

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603 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4866, Laws of the Fifth Session, 1855-1856, 90.

604 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4866, Laws of the Fifth Session, 1855-1856, 92.

605 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4866, Laws of the Fifth Session, 1855-1856, 92.

606 Twitchell, The Bench and the Bar During the American Occupation, 10.
Petition of the Legislative Assembly of New Mexico Territory for the President of the United States

We representatives respectfully submit that the administration of justice in this territory is an extreme embarrassment, for the District Court Judges don’t understand the language of the land. We lament this difficulty, which has arisen because the male and female litigants in the courts are natives of the Territory and understand only the Spanish language; the witnesses and jury don’t speak other languages either.

The judges are incapable of understanding the different sides of affairs from those testifying, and the jurors are incapable of understanding the instructions from the judges except through the medium of the interpreters, of which very few in the Territory can truly understand and interpret the traditional language anywhere near perfectly – due to its idiomatic particularities – and consequently much illegal evidence reaches the jury and so the judge is able to win out over the existing evidence and the jury, who are often ignorant of his instructions because of the stupidity and incompetence of the interpreters, and it is in this manner that the administration of justice is as embarrassing as it is imperfect.

The judges themselves, named by the United States, are generally indifferent and when family or personal interests require their attention – and on many occasions when they are needed in court – they are absent from the territory for months at a time.

We representatives respectfully petition that in the future the judges for this territory be men who know the language of this land and who can understand both the testimonies of the witnesses and the jurors. We respectfully and humbly request that you appoint from the residents of our Territory and secure the removal of the current judges from their duties.

We representatives do not wish to condemn and provoke the judges of the territory and we especially don’t have any motives against your Excellency, but we do not believe that the current system is in the best interests of the territory and the administration of justice. We would like all future appointed judges for this territory to be persons competent with the language of the territory.

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607 New Mexico State Records Center and Archives, New Mexico Secretary of State Records, Serial # 7417, G-xxx Legislature – Laws, Originals, 1848-1860, hereafter designated NMSSR.

608 Portions of this letter are no longer legible; this appears to have been an early draft of a letter that was never completed. Where the language is extremely awkward, I have taken the liberties to modernize the structure and word selection. Translated from Spanish to English by the author. See: NMSSR.
The letter exists only in draft form, and it is unlikely that it was completed and mailed to the President of the United States.\textsuperscript{609} It is free floating and at some point it was tucked between numerous bills that were passed from the 1853 legislative session. It is unlikely this letter was ever circulated; if it had been, it would have sparked quite a controversy among the judges.

The problems laid out by the politicos were numerous and troubling: the new judges struggled with the language, their interpreters did not know the local dialect, and the judges and interpreters confused the jury with garbled instructions. The longtime Anglo residents who became judges knew the language, but the Anglo judges appointed by the federal government had difficulties with the local Spanish dialect in New Mexico, if they knew Spanish at all. The interpreters who accompanied these judges did speak Spanish, but were not familiar with the local dialect.\textsuperscript{610} The politicos described the problems this caused: a judge could not communicate clearly without an interpreter; the interpreter did not understand the local dialect; and their awkward messages to the jury caused confusion. The politicos betrayed their true feelings when they accused the Anglo judges of trying to “win out over the existing evidence and the jury, who are often ignorant of his instructions because of the stupidity and incompetence of the

\textsuperscript{609} It was likely written between 1853 and 1854. Because the document has no true proper place, and because one needs special permission to see this collection, it is unlikely that it moved from its current file folder. However, as a precaution the author has taken a personal copy for his own records and created a digital copy.

\textsuperscript{610} The early folklorist Aurelio M. Espinosa was a pioneer of early linguistic studies in New Mexico. Espinosa maintained that the Spanish dialect in New Mexico was an old Castilian variety, while others contend that New Mexican Spanish has been strongly influenced by Pueblo and later American English interaction. See: Aurelio Espinosa, \textit{The Folklore of Spain in the American Southwest: Traditional Spanish Folk Literature in Northern New Mexico and Southern Colorado}, ed. J. Manuel Espinosa (Norman: University of Oklahoma Press, 1986), 18.
interpreters." In New Mexico the judge’s guidance had a major bearing on the verdict because they established the parameters of what a jury could decide. The appointed judges wielded more power in the Santa Fe County courtroom because their case summaries confused the Spanish-speaking jurors. Hispanics jurors took their duty seriously, and they must have assumed it was their duty to convict when there was doubt. The *politicos* were concerned by these problems, but they were equally as bothered that the federal government appointed foreigners to judgeships in the Territory. They responded to this threat by empowering the probate judges.

In 1853 the *politicos* authorized the probate judges to prosecute “depraved persons;” in 1858, they fully empowered the probate courts to hear criminal court cases. They decreed that the courts should be comprised of the probate judge, plus two associate judges to be appointed by the governor, subject to the approval of the legislature. They gave jurisdiction to the probate judges for all crimes, except for murder. They kept the procedural rules: the grand jury indicted, the petit jury was selected by the same rules, and court fines remained the same.

However, the *politicos* demonstrated their support for corporal punishment when they rewrote the punishments for petty crime and increased the penalties handed down to convicted criminals. They increased the punishment for burglars, who afterward received

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611 NMSSR.

612 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4869, Laws of the Seventh Session, 1857-1858.

613 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4869, Laws of the Seventh Session, 1857-1858, Chapter IX.
fifty lashes instead of thirty-nine and were sentenced to two to five years jail. They rewrote the larceny laws and instituted thirty to sixty lashes for those convicted of stealing more than ten dollars in goods, along with a jail term of one to two years. They dictated that those who committed petty larceny, meaning those who stole less than ten dollars in goods, should receive fifteen lashes for their actions, but no jail time. Before the 1858 law, the Anglo judges and juries gave lashes to vecinos for all forms of larceny, which was not legal. In 1858, the politicos legalized their punishments, instead of protesting what the Anglo judges had done.

The politicos dominated the New Mexican territorial legislature and continued to prosper in the territorial period, but for the vecinos punishment continued to get worse. The politicos confirmed and redefined the Kearny Code and they increased the punishments that vecinos faced for petty crimes. At the same time, they allowed the Anglo judges and juries to mete out guilty verdicts and punishments along racial lines. While the Anglo judges and Anglo jurors passed lighter sentences against Anglos, the vecinos and their peers received colonial style punishments. The local strongmen used their political power defend their personal interests, but they turned a blind eye to the manner in which Anglo judges and territorial juries victimized the vecinos.

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614 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4869, Laws of the Seventh Session, 1857-1858, Chapter IX, Section 13.

615 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4869, Laws of the Seventh Session, 1857-1858, Chapter IX, Section 14.

616 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4869, Laws of the Seventh Session, 1857-1858, Chapter IX, Section 15.
Anglo Judges and Territorial Juries

The Anglo judges used their influence to encourage guilty verdicts against vecinos and they convicted along racial lines in Santa Fe County; the territorial jurors, who carried their own prejudices into the courtroom, were equally to blame and they convicted the vecinos at higher rates than they did Anglo settlers. The Anglo judges and Anglo jurors were driven by their prejudices against vecinos; at the same time, Hispano jurors were compelled by similar biases against these same pobres. Together, the Anglo judges and territorial jurors were motivated by both fear and their desire to keep the vecinos under heel. They convicted vecino prisoners at rates similar to those that blacks faced in the courts and slave courts of the Deep South, where fear or rebellion was rampant. The Anglos in Santa Fe complained that criminals went unchecked, but only the Anglo defendants escaped punishment.

The first Anglo judges were appointed because they knew Spanish and many were business partners with the local strongmen; these judges were convinced that the vecinos needed to be controlled by the territorial courts. During the Mexican period, the alcaldes used punishment to repair the damage a criminal did to society and to deter potential criminals from repeating their crimes. However, Anglo judges believed that the Chimayo Rebellion of 1837 and the Taos Rebellion of 1847 were revolts that would have been prevented if the alcaldes and been harder on the vecinos, genizaros, and Puebloans. They blamed lax laws for vecino unrest in New Mexico, and they were determined to see

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618 Charles R. Cutter, The Legal Culture of Northern New Spain (Albuquerque, New Mexico: University of New Mexico Press, 1995), 133.
vecino criminals brought to justice. As a result, the Anglo judges used their power and influence over the juries to ensure that the vecinos were convicted of their crimes.

The Anglo judges demonstrated their power when they gave instructions to the jury; they recounted crimes in a leading way and dictated the verdicts and punishments that jurors could hand down. From 1847-1853, Anglo judges gave verbal instructions to the jury, but after 1853 they wrote out detailed instructions for the jury. By 1853 the early judges, like Joab Houghton, were replaced by the federally appointed judges in the District Courts.619 Beginning in 1853, the politicos compelled the Anglo judges were to write down their instructions to the jury. They resented that the federal government appointed judges from outside the territory and this was a law that demonstrated their jurisdiction over the courts. In addition, the politicos believed that the Anglo judges were purposefully misleading Hispano jurors in order to secure guilty verdicts. To demonstrate their authority over the federally appointed Anglo judges, the politicos decreed, “The judges shall give their instructions to the jury in writing only, and such instructions thus given shall be filed with the papers in the case.”620

After 1853, the federally appointed Anglo Judges recorded their instructions to the jury and some of these documents were preserved in the case files; they revealed the extent to which judges influenced jurors.621 In 1856, a vecino named Eligio Gutierrez was accused of assaulting Monico Gonzales with a knife. According to Gonzalez, he stabbed


620 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial # 4863, Laws of the Third Session, 1852-53, 57.

621 The jury instructions survived for assault and homicide cases, but very few survived for larceny and burglary; TRNMSF, District Court Records, Box 4-5: (1854-56).
Gutierrez when the latter attacked him with a stick. Gutierrez maintained that Gonzalez stabbed him without provocation. Judge Theodore Wheaton believed Gonzalez and he offered the jurors two options in this case: either guilty of assault with intent to kill or guilty of assault and battery. Judge Wheaton did not give the jurors the option to rule that Gonzalez was not guilty by reason of self-defense; his only question to the jury was which crime Gonzalez committed. Judge Wheaton’s opinion was revealed in his instructions to the jury for assault with intent to kill. He wrote that if the jury believed Gonzalez meant to kill they must find him guilty, “although Monico might have used his stick to defend himself.” His instructions for assault and battery contended that if Eligio “used more violence in his defense than was necessary” they must find him guilty of assault and battery. The jury ruled as Wheaton argued and they convicted Gonzalez of assault and battery.

The federally appointed Anglo judges were informed by the same racism that distinguished the Anglos jurors and recently arrived Anglo settlers in Santa Fe County, much of which was residual from the U.S. Mexican War. Anti-Mexican propaganda became common in the years leading up to the war. In 1844, Josiah Gregg painted a picture of uncivilized strongmen who abused both the legal system and the dirty, slavish savages that were beholden to their whims. Gregg’s racism was on full display in his

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622 TRNMSF, District Court Records, Box 4-5: (1854-56), Territory of New Mexico vs. Eligio Gonzalez, September 15, 1856, Judges Instructions to the Jury.

623 TRNMSF, District Court Records, Box 4-5: (1854-56), Territory of New Mexico vs. Eligio Gonzalez, September 15, 1856, Judges Instructions to the Jury.

624 TRNMSF, District Court Records, Box 4-5: (1854-56), Territory of New Mexico vs. Eligio Gonzalez, September 15, 1856, Jury Verdict.
then best selling *Commerce of the Prairies*, a widely read book that Fray Angélico Chávez called a “Bible of Bigotry.” Gregg wrote, “The most desperate and blood-stained criminals escape with impunity, after a few weeks of incarceration, unless the prosecutor happens to be a person of great influence; in which case, the prisoner is detained in the calabozo at will, even when the offence committed has been of a trivial character.” Gregg articulated the racist perceptions of many older Anglo traders, but worse he incited racism in new Anglo settlers. His writings were part of the anti-Mexican rhetoric that caused new Anglo settlers to dehumanize the Hispanos.

The United States government and its pro-war contingent used racist propaganda to rally support for the U.S. Mexican War; during the war they distributed printed diatribes and carefully crafted images to fuel Anglo hatred against the Mexican people. George Lincoln’s short book *Mexican Treacheries and Cruelties* is great example of the propaganda that was in circulation. Lincoln tells the story of Father Ray, a Catholic Chaplin in the service of the U.S. Army. According to Lincoln, Father Ray was walking on the road between Camargo and Monterey when a party of Mexican lancers attacked him (Image 4.1). Lincoln wrote, “What ignorance, combined with fanaticism will do, may be judged by the murdering of this venerable old man, a faithful minister of the

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625 Gregg, *Commerce of the Prairies*, 70-74.


peace!” In fact, Father Anthony Rey was a French born Jesuit and a Professor of Philosophy at Georgetown University, who was named Vice-President of Georgetown in 1845. Bandits killed Father Rey with their lances near the village of Ceralvo, but Lincoln blamed Mexican lancers for the attack to incite outrage against the Mexican people. Lincoln’s book contained other stories of Mexicans behaving ignobly during the war; according to Lincoln, they mutilated bodies, murdered innocent civilians, and behaved in a cowardly fashion. Lincoln disparaged Mexican soldiers with claims that they “cowardly killed our wounded me when they met them… They stripped and robbed several of our officers and many of their own.” Lincoln’s pamphlet, and others like it, continued to inform American impressions of Mexicans after the war. The Anglo settlers and soldiers that were informed by this propaganda came to Santa Fe County, and ultimately they joined the older Anglo settlers in the jury pools of the Santa Fe County District Court.


631 The irony, of course, is that American soldiers were guilty of everything Lincoln described, and much more. See: Paul Foos, A Short, Offhand, Killing Affair: Soldiers and Social Conflict during the Mexican-American War (Chapel Hill: University of North Carolina Press, 2002), 113-137.

632 Lincoln, Mexican Treacheries and Cruelties, 12.
The Hispano landholders who served as jurors were no better than the Anglo jurors; they too harbored racist beliefs and they considered the vecinos to be half-breeds that were beneath them. In 1846, the Kearny Code established property and citizenship qualifications for jurors, and in 1850s, the politicos passed laws that secured property qualifications. As a result, Hispano jurors came from the families of the local strongmen, especially those who were primarily farmers and artisans. They were middling classes, kin to strongmen but not active caudillos. They harbored the same prejudices against the vecinos, genizaros, and Puebloans as the local strongmen, who kept servants and abused vecinos with little restraint. In 1857 the politicos passed a law that made the selection qualifications more stringent: they decreed that jurors must be landholders and heads of

633 Images like this one were distributed in an effort to rally support against Mexico. Ironically, there is a story just below detailing an incident that ended with American soldiers hanging forty Mexican citizens, supposedly to avenge several murdered soldiers. See: Lincoln, Mexican Treacheries and Cruelties, 7.
households to qualify for selection.\textsuperscript{634} Over time, the local strongmen used jury appointments as a form of patronage to reward their kin; Hispanics often wanted to serve because jurors were paid for their service.\textsuperscript{635}

From 1847-1853, Hispanic jurors only judged Hispanic defendants as a general rule, while Anglo jurors judged both Hispanic and Anglo defendants; either way, the Anglo judges continued to push for guilty verdicts. Hispanic jurors showed no mercy on vecino prisoners, and Anglo jurors were determined to convict vecinos. They and had little more sympathy for Anglo criminals, who proved to be a rowdy lot. The Hispanic and Anglo jurors were racist, the Anglo judges were determined to convict, and the local strongmen were preoccupied with their own interests. From 1847-1853, Anglo judges and the territorial juries convicted sixty-six percent of all defendants in the Santa Fe District Court (Figure 4.2).\textsuperscript{636} Anglo officials, disenchanted Anglo settlers, American soldiers, and newspapers throughout the country claimed criminals escaped punishment in New Mexico, but the conviction rates in Santa Fe County proved otherwise. Of the remainder, twenty-four percent were found not guilty, six percent never reached jury deliberations, and four percent were dismissed by the grand jury.\textsuperscript{637}

\textsuperscript{634} New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4867, Laws of the Sixth Session, 1856-1857, Chapter XXVII, Section 2.


\textsuperscript{636} TRNMSF, District Court Records, Box 1-3: (1847-53), one hundred seven individuals were found guilty, thirty-eight were found not guilty, nine were not prosecuted, and seven dismissed.

\textsuperscript{637} TRNMSF, District Court Records, Box 1-3 (1847-53), Alcalde Tomas Ortiz was responsible for dismissing the majority of these cases, which involved selling booze without a license.
However, the Anglo dominated courts passed down guilty verdicts along racial lines, which meant that *vecino* defendants were far more likely to be found guilty than Anglo defendants. The *vecinos* had no friends in the courtroom: Anglo judges, Anglo jurors, and Hispano jurors all harbored racist feelings against them. From 1847-1853, Anglo judges and territorial juries convicted three out of every four Hispano defendants; while less than half of Anglo defendants were convicted in the Santa Fe County District Courts. In total seventy-three percent of Hispanics defendants were found guilty, twenty percent not guilty, three percent dismissed by the judge, and four percent were dismissed by the grand jury (Figure 4.3).
Anglo defendants fared better because they faced fewer issues: the judge spoke English, witnesses were usually fellow Anglos, and the juries were comprised exclusively of Anglo settlers. As a result, only forty-nine percent of Anglos who entered the courtroom were found guilty of their crime, thirty-four percent of Anglo perpetrators were declared not guilty by the jury, nine percent of the cases were dismissed by the judge, and eight percent were dismissed by the grand jury. In essence, fifty-one percent of the Anglos who went before the Santa Fe County courts were judged innocent of their crimes. Anglo settlers fared better than their vecino counterparts in every statistical

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638 TRNMSF, District Court Records, Box 1-3: (1847-53), eighty-three Hispanics were found guilty, twenty-two were found not guilty, five were not prosecuted, and three dismissed.
category, largely because they benefitted from the pro-white biases of the Anglo judge and the all white jury (Figure 4.4).\footnote{TRNMSF, District Court Records, Box 1-3: (1847-53), twenty-three Anglos were found guilty, sixteen were found not guilty, four were not prosecuted, and four dismissed.}

![Pie chart showing conviction rates](image)

**Figure 4.4. Anglo Conviction, 1847-53**

The vecino conviction rates in Santa Fe County were deplorable; statistically they were comparable to the rates that blacks were convicted at in both regular courts and the slave courts in the Deep South and the slave courts in colonial Jamaica (Figure 4.5). The Anglo judges and territorial jurors convicted the vecinos in seventy-three percent of the cases they heard, which was higher than the Virginia Slave Trials (1786-1865, 57\%) and the South Carolina conviction rates for slaves and free blacks (1851-1860, 68\%).\footnote{TRNMSF, District Court Records, Box 1-3: (1847-53), twenty-three Anglos were found guilty, sixteen were found not guilty, four were not prosecuted, and four dismissed.} The
vecino conviction rates more closely resembled the St. Andrews Slave Courts in Colonial Jamaica (1746-1782), which convicted seventy-six percent of the slaves that were accused of crime. They were only slightly lower than the Georgia Reconstruction era conviction rates for blacks in Chatham County, Georgia (1866-1879, 77%) and Greene County, Georgia (1866-1879, 80%).


641 Ayers, Vengeance and Justice, 323.
The *vecinos* committed crime at lower rates than Anglos, but they were forty-nine percent more likely to be convicted in the Santa Fe County District Court. Although the black conviction rates were higher in Reconstruction era Chatham and Greene

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643 73/49 = 1.49; TRNMSF, District Court Records, Box 1-3
Counties, blacks were only thirty-five percent more likely to be convicted than whites in Chatham County and thirty-three percent more likely to be convicted than whites in Greene County. In essence, the disparity between vecinos and Anglos in Santa Fe County was higher than the disparity between blacks and whites in these two counties in Reconstruction Georgia. South Carolina (1818-1860) was more comparable to New Mexico, as blacks were twice as likely to be convicted as whites.

The Anglo judges and Anglo jurors were responsible for the disparity between Hispano and Anglo conviction rates in Santa Fe County because they were less inclined to convict Anglo defendants. The Anglo judges oversaw the territorial jurors and provided them with different instructions; Anglo jurors had more leeway to acquit Anglo defendants than Hispanics did to acquit Hispano defendants. In addition, Anglo judges sometimes behaved in ways that favored Anglo defendants. This was the case when the Anglo judges tried Oliver P. Anderson for murder in Santa Fe County.

Not much is known about Anderson, except that he had recently arrived in Santa Fe. Soon after, Anderson attacked a young vecino boy named Joseph Garcia without provocation. According to one account Anderson beat Garcia senseless, then pulled out his revolver and shot him in the head. The vecino community was outraged by the attack and the local authorities arrested Anderson and placed him in the county jail.

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644 In Chatham County, GA eighty percent of black and sixty percent of whites were convicted (80/60=1.33). In Greene County, GA seventy-seven percent of blacks and fifty-seven percent of whites were convicted (77/57=1.35); Ayers, Vengeance and Justice, 323.


646 Chapter 3.

Anderson hired an attorney who petitioned to have the case dismissed on September 4, 1851, but Judge Grafton Baker rejected his appeal and ordered Anderson remanded until trial.\(^{648}\) It is possible that Baker rejected the motion to dismiss in the name of justice, but it is equally likely that Baker feared that the vecinos may riot if Anderson was acquitted so soon after the his crime. On March 17, 1852, Anderson’s trial finally commenced; a full six months passed since he was charged, which was time enough for the vecinos to cool down. The judges usually tried cases within six weeks of an arrest, which made this an unusually long delay in the Santa Fe County court system. Anderson was also in favor of the delay: he and his attorney calculated that Judge Grafton Baker was more likely to convict him than the other judges might be. Anderson and his unnamed attorney filed extensions until Baker was away and Judge Horace Mower presided over his trial.

Judge Mower behaved irregularly: he selected twenty-four Anglo settlers to serve on a new jury, he reopened the investigation, and he oversaw a jury that acquitted Anderson of all charges. Judge Mower formed this jury and ordered them to determine the validity of the charges against Oliver P. Anderson, which a grand jury had already done.\(^{649}\) Judge Mower’s move was an act of unprecedented judicial discretion in Santa Fe County; there is no evidence of a jury being formed in this manner within the criminal docket books, the court docket books, or the district court records. On March 22, 1852 the all Anglo jury returned the verdict of not guilty. Anderson was released from custody and

\(^{648}\) TRNMSF, District Court Records, Court Docket Book, 1850-53, 16.

\(^{649}\) TRNMSF, District Court Records, Court Docket Book, 1850-53, 80.
Anderson executed Joseph Garcia and the evidence was overwhelming, but Judge Mower and the Anglo jurors allowed him to go unpunished because Garcia was a vecino.\textsuperscript{651}

Anglo judges and territorial jurors worked together to ensure that the vecinos were convicted for their crimes in Santa Fe County. The courts functioned as tool of racial domination, one that placed the state in opposition to local vecinos. The Anglo judges and Anglo jurors allowed Anglo settlers to escape punishment not matter how violent their crimes were. Ironically, Anglos continued to cry foul: in December of 1853 the editor of the Santa Fe Weekly Gazette wrote, “We hear much complaint, and we fear there is some truth in it, that even after a man is arrested and bound over for a crime there is no certainty of his being convicted, if guilty.”\textsuperscript{652} It is difficult to imagine higher conviction rates, especially among vecinos, but Anglo settlers complained no matter how high they became. They called for more convictions and harsher punishments.

**Racialized Punishment**

The Anglo judges and territorial juries used lashes and servitude to demonstrate their power over those they perceived as non-white; they sentenced vecinos to corporal punishment to accentuate the differences between themselves as colonizers and the vecinos as the colonized.\textsuperscript{653} The Anglo judges and territorial juries utilized lashes, servitude, and other forms of corporal punishment to reinforce their power and control over the vecinos. The court system served as a tool of racial domination, one that systematically excluded vecinos from the benefits of the law and punished them with corporal punishment for their alleged crimes.

\textsuperscript{650} TRNMSF, District Court Records, Court Docket Book, 1850-53, 113.

\textsuperscript{651} Chapter 3, 22-24.

\textsuperscript{652} SFWG, December 17, 1853, 2.

\textsuperscript{653} Paton, “ Crimes and the Bodies of Slaves in Eighteenth-Century Jamaica,” 923.
indentured servitude, jail, and fines as their four basic punishments in Santa Fe County, however they sentenced prisoners along racial lines: they condemned *vecino* defendants to lashes and servitude, but for the same crimes they sentenced Anglo defendants to short jail sentences. They condemned *vecinos* at a higher rate, sentenced them to lashes and servitude, and gave them longer jail sentences than they assigned to Anglo settlers for the same crimes. They used the legal system to reinforce their colonial power over the *vecinos*, but they ignored punishment laws for Anglos perpetrators in order to spare them from indignity.  

Both Spain and England used indentured servitude as a form of punishment, and subsequently Mexico and the United States followed suit. In Spanish New Mexico, fledgling strongmen pressed *vecinos*, *genizaros*, and Puebloans into indebted peonage. By the nineteenth century, the New Mexican caudillos conducted slave raids against the Navajo, Ute, and Apache nations. The local strongmen took captives to punish nomadic nations, such as the Navajo; between 1804-1845, the local strongmen captured three hundred and seventeen Navajo women and children, all of whom were pressed into servitude. During the Mexican period, the alcaldes sentenced *vecinos* to public labor, forced labor in the mines, and service at the presidio. The caudillos benefitted from these sentences and they secured their peons by pushing them hopelessly into debt.

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655 Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 323.


In the seventeenth and eighteenth centuries, English courts sentenced prisoners to indentured servitude in the American colonies and they disguised it as an alternative to the gallows.\textsuperscript{658} By the nineteenth century, local judges in Delaware offered prisoners indentured servitude as a way to repay their debts and avoid prison sentences. However in 1840, the Delaware courts racialized servitude as a punishment and thereafter only blacks were sentenced to servitude.\textsuperscript{659} The Delaware Legislature pushed black prisoners into servitude with a series of acts: they passed the Servitude Act of 1807, which decreed that blacks convicted of larceny must pay four times restitution and could be bound for up to eleven years; they passed the 1828 law that determined that blacks were to be indentured if they were a burden to the state; they passed the 1837 law, which dictated that whites who committed assault could be discharged from their obligation to become indentured; and they passed the 1839 law that ruled that whites could be exempted from all obligations of servitude. In 1852 the Delaware Legislature passed a law that required all “idle and vagabond free Negroes and mulattos” to be pressed into servitude.\textsuperscript{660}

In 1850 the California Legislature legalized selling Native Americans into indentured servitude and as a result the California judges opened markets in several counties that resembled the old slave markets of the South. Their law applied exclusively to California Native Americans and was part of a vagrancy act. In it, they stated that any unemployed Native Americans “found loitering and strolling about, or frequenting public


places where liquors are sold, begging, or leading an immoral or profligate course of life shall be liable to be arrested on the complaint of any resident citizen.” They permitted the justice of the peace to hire out prisoners to the highest bidder for up to four months. In San Diego, the justice of the peace leased out Natives, who were jailed or convicted, to labor gangs that worked on the ranches. Miroslava Chávez-García writes, “In Los Angeles, where they had a similar city ordinance, California Indians were sold to the highest bidder, akin to a slave market, according to Horace Bell, a contemporary resident.”

During Reconstruction, legislatures in Georgia and places throughout the South implemented the convict lease program to bolster their labor force and utilize black prisoners in overcrowded prisons. Southern courts used black prisoners like the Mexican alcaldes used vecinos: blacks were lent out and labored in fields, swamps, mines, and public works, while vecinos were directly sentenced to public labor, forced labor in the mines, and service at the presidio. During the 1850s, the courts in Greene County sentenced forty-seven blacks to Georgia’s convict lease system, but only three were sentenced to jail. Meanwhile, the courts in Chatham County sent seventy-six percent of

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663 Chávez-García, States of Delinquency, 28.

664 Ayers, Vengeance and Justice, 185-186; Mocho, Murder and Justice in Frontier New Mexico, 18.

665 Ayers, Vengeance and Justice, 197.
convicted blacks to prison, many of who ended up working on the railroads and in the mines.666

In 1846, the Kearny Code legalized servitude as a punishment in New Mexico and during the next thirteen years the politicos passed numerous laws that reinforced both sentencing prisoners to servitude and the right to keep servants indebted. The Kearny Code stated, in Article III, section 14, “If such convict shall not discharge and satisfy the fine and costs it shall be lawful for the sheriff of the county in which the convict may be imprisoned, if the circuit judge of that county shall so direct, to bind such convict to labor for any term, not exceeding five years, to any person who will pay such fine and costs.”667 From 1847-1853, Anglo judges handed down this punishment and the local strongmen utilized the opportunity to increase their number of household servants. However, the state sold a minuscule number of servants at auction, especially when compared to the servants already indebted to the local strongmen. In 1850, the local strongmen held 242 servants in bondage in Santa Fe County: 28 were born in Mexico, 20 were Native American, and the other 194 were New Mexican born vecinos.668 Still, like Delaware, the code in New Mexico camouflaged indentured servitude as an alternative to prison. Like in California, the sheriff took his prisoners to a central location and auctioned them off to the highest bidder.669

666 Ayers, Vengeance and Justice, 197, 329.

667 Laws, 67.

668 The 1850 U.S. Census data for Santa Fe County reveals that there were 253 servants: 28 were born in Mexico, 20 Native Americans, 9 African, 2 European, and 194 New Mexican Vecinos. Servitude was a major issue in the territory, as it was throughout the United States. Like slavery, many Hispano and Mexicano servants were born into servitude and passed on by local caudillos.
The Anglo judges and territorial juries rarely sentenced *vecinos* to indentured servitude, but when they did it was a public event. In 1853, U.S. Marshall John Jones wrote to Judge Grafton Baker, “I certify that I have this 14th day of Feb 1853, sold the written the named Jose Sena at public auction, after having given due notice.” Only two weeks before Grafton Baker – who had replaced the recently deceased Judge Rufus Beach – ordered Jose Sena sold into indentured servitude. Judge Baker found Sena guilty of larceny and threatening two Hispano women; as punishment he was fined $1,000. Baker fined him an amount that no *vecino* could satisfy, and by doing so he pushed Sena into servitude. Marshall Jones noted that he told Sena he would be sold to pay the fee, but that Sena said nothing. Marshall Jones stood next to Jose Sena in front of the Governors Palace, where the local strongmen gathered to bid for the convicted *vecino*. Jones wrote, “He objected not… and Miguel E. Pino did bid him off for the Sum of $61 – and that was the highest and best bid offered for him the said Jose Sena.” Marshall Jones sold Jose Sena into servitude for the term of five years, that quickly and that cheaply. Baker’s punishment meant that Sena was bound to Miguel E. Pino, one of the most prominent New Mexican caudillos in modern memory; a statesman, and eventual Civil War Colonel in the First Regiment, New Mexican Volunteers, of the Union Army.

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669 The only existing evidence documenting this practice are the on small scraps of paper scribbled in the hand of Marshall Jones. See: TRNMSF, District Court Records, “New Mexico v. Jose Sena (1853), New Mexico v. Luis Rivera (1853), New Mexico v. Guadalupe the Navajo (1853),” Box 2-3.

670 New Mexico State Records Center and Archives, *Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951*, “New Mexico v. Jose Sena,” February 14, 1853, hereafter designated TRNMSF.

671 TRNMSF, District Court Records, “New Mexico v. Jose Sena,” February 14, 1853.
The Anglo judges and juries punished Jose Sena severely by any measure: Sena had stolen a large sum of money, but he had not physically harmed anyone. However, both Anglo officials and local strongmen realized that larceny was the biggest problem in New Mexico and they were determined to discourage vecino criminals. In most cases, they assigned Anglos perpetrators short jail terms for larceny, but they viewed the vecinos as child-like and in need of firm guidance. The politicos, Anglo judges, and territorial juries meted out harsher punishments against vecinos who committed larceny than they did against Anglos who committed assault. Over the next fourteen months, Marshall John Jones – who himself was robbed by career criminal Jose Francoso three years earlier – sold three more vecinos into servitude as punishment, all of them for the crime of larceny.673 However, the Anglo judges and territorial juries sentenced many more vecinos to lashes.

The local strongmen and their Anglo allies remained convinced that corporal punishment was the only sure teacher for the vecinos, genizaros, and Puebloans.674 In 1847, the Anglo judges and territorial jurors sentenced Jose Sena to thirty-nine lashes; he was the very same Jose Sena who was sold to Miguel E. Pino for $61 six years later.675 Between 1847-1853, Jose Sena was the only person who was both lashed and sold into servitude in Santa Fe County. In 1847, Jose Sena was an eighteen year old laborer. He

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673 The New Mexico sociopolitical structure made indebted servitude a permanent institution, not unlike slavery. Though New Mexicans called their institution indebted peonage, there was little difference between peons in New Mexico and slaves in the American south.

674 Gutiérrez, *When Jesus Came, the Corn Mothers Went Away*, 191.

675 TRNMSF, District Court Records, “New Mexico v. Jose Sena,” February 14, 1853.
broke into the residence of Phillip McGuire and stole several items including: two guns, one lance, and $150 worth of goods.\textsuperscript{676} The fact that Sena stole two guns and a lance makes this case very interesting; Sena is one of thirteen Hispanics indicted for stealing firearms.\textsuperscript{677} It is possible that Sena wanted a gun for self-defense, but it is more likely that he was preparing for a life of violent crime. Only a few months after Jose Sena was sold into servitude he escaped the Pino household, but several weeks later Sena was caught trying to steal a double barrel shotgun.\textsuperscript{678}

In 1846, the Americans reinstituted corporal punishment against robbers, burglars, and those who committed perjury in New Mexico; Jose Sena became one of the twenty-three vecinos sentenced to lashes in the Santa Fe County between 1847-1853.\textsuperscript{679} The Anglo judges stretched the law so that the jurors could sentence vecinos to lashes. They sentenced vecinos to lashes for petty larceny, despite the fact that the law was reserved for individuals convicted of burglary and stealing livestock.\textsuperscript{680} Initially, the Kearny Code called for thirty-nine lashes, but in 1857 the politicos increased that number to fifty and raised jail sentences from two years to five.\textsuperscript{681} They also legalized lashes for petty larceny and grand larceny: the decreed fifteen lashes for petty larceny and thirty to sixty lashes,

\textsuperscript{676} TRNMSF, District Court Records, “New Mexico v. Jose Sena,” March 12, 1847.
\textsuperscript{677} Chapter 2, figure 2.10.
\textsuperscript{678} TRNMSF, District Court Records, “New Mexico v. Jose Sena,” June 13, 1853.
\textsuperscript{679} New Mexico State Records Center and Archives, “Secretary of State Collection: Laws of New Mexico,” #4863, 59, Kearny Code, hereafter designated Laws.
\textsuperscript{680} New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951,” Box 1-3, hereafter designated TRNMSF, District Court Records.
\textsuperscript{681} New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4869, Laws of the Seventh Session, 1857-1858, Chapter IX, Section 13.
and one to two years in jail, for those convicted of stealing more than ten dollars in goods.\textsuperscript{682}

In 1851, the Anglo dominated California legislature also passed laws against larceny, but their punishments were significantly tougher than the Kearny Code. They decreed that grand larceny and petty larceny carried the penalty of one to ten years in prison, death, a fine not to exceed $500, “Any number of lashes not exceeding fifty upon the bare back, or…such fine or imprisonment and lashes in the discretion of the jury.”\textsuperscript{683} The legislature gave the juries the power to select punishments in larceny cases, and this proved to be a recipe for disaster in the predominantly white California. In 1852 George Tanner stole $400 worth of food; he was tried, found guilty, and sentenced to death. Tanner appealed the decision and the California Supreme Court heard the case. Chief Justice Hugh C. Murray delivered the unanimous opinion, in which he stated that the sentence was legal because it was the law, and it was not the court’s “purpose to discuss the policy of the law.”\textsuperscript{684} Chief Justice Murray concluded that sentencing a criminal to the death penalty for anything less than homicide was “alike disgusting and abhorrent to the common sense of every enlightened people.” However, the California legislature passed the law, the jury gave the verdict, and George Tanner was executed for larceny.

\textsuperscript{682} New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4869, Laws of the Seventh Session, 1857-1858, Chapter IX, Section 14.

\textsuperscript{683} Gordon Morris Bakken, “The Courts, the Legal Profession, and the Development of Law in Early California” (California History: Vol. 81, No. 3½, Taming Elephants: Politics, Government, and Law in Pioneer California, 74-95, 2003), 75.

In Santa Fe County the Anglo judges and juries convicted vecinos at similar rates as free blacks and slaves and sentenced them to some of the same punishments as free blacks and slaves in the South; however, in most cases the vecinos received these punishments far less often than did free blacks and slaves. During the 1850s the judges in Savannah, Georgia passed sentences similar to those in Santa Fe County: they sentenced white men convicted of misdemeanors to pay fines, but slaves and free blacks to thirty-nine lashes, which was the maximum under the law. However, blacks in both the South and other slave societies were lashed far more frequently than the vecinos in Santa Fe County. From 1847-1853, the Anglo judges and territorial juries sentenced vecinos to lashes twenty-seven percent of the time (Figure 4.6). From 1818-1860, judges and juries sentenced ninety-five percent of convicted blacks to lashes in South Carolina. Meanwhile, the slave courts sentenced fifty-seven percent of slaves to lashes in colonial Jamaica.

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For both the Anglo judges and territorial jurors in Santa Fe County and the slave societies in South Carolina and St. Andrews, lashing functioned as a symbolic tool of racial domination, but for practical reasons they were applied with different frequency. First, the Kearny Code and the *politicos’* addendums to the code prescribed lashes in limited cases, while the courts in Virginia and St. Andrews proscribed lashes for every crime. Next, there were more practical reasons: Anglo authorities in slave societies wanted their slaves for labor, so it was better to whip and maim slaves and return them to work. Judges in slave societies, like Antebellum South Carolina and colonial Jamaica,

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sentenced blacks to earcropping, amputation, quartering, and death. For them, either the slave was ready to work or he was better dead. After 1847, Anglo judges and territorial jurors sentenced vecinos to lashes to demonstrate their dominance, but most Anglo courts outside of the South abandoned unusual punishments and ceased to maim and disfigure prisoners. The Anglo judges and territorial jurors had more options for punishment, such as jail, but the slaveholders wanted their slaves back to work. The vecinos had it bad in Santa Fe County and they faced similar prejudices, but for blacks living in slave societies life was dramatically worse.

The Anglo judges and territorial jurors sentenced both vecinos and Anglos to jail, but vecinos were more likely to be jailed and served longer sentences on average. They sentenced vecinos to jail forty-three percent more often than they did convicted Anglos. Additionally, the Anglo judges and territorial jurors sentenced vecinos to an average of thirteen months in jail, while Anglos were sentenced to six months on average. In 1850, they sentenced Charles Porter to two months in jail when he stole two gold rings ($20), clothes ($25), and a black silk ($25); that same year, they sentenced Jose Francoso to one year for stealing a watch and some tools and Jose Benito Gonzales to three years for stealing a fork and two pounds of candles.

During the 1850s, the courts in Greene County, Georgia sentenced only three men to jail; they preferred to sentence blacks to Georgia’s convict lease system instead, in

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order to impress black prisoners into forced labor.\textsuperscript{691} South Carolina seldom sentenced blacks to prison for similar reasons. Michael S. Hindus explains, “This was an unpopular sentence because it deprived owners of their slaves’ labor ever more thoroughly than death (for which the owner might be compensated) and forced owners to endanger the health of their slaves in overcrowded, decrepit local jails.\textsuperscript{692} The slave courts in Virginia and Jamaica also refused to imprison their slaves and instead preferred to lash them and return them to their labors. In Chatham County, Georgia the Judges sentenced seventy-six percent of blacks to jail; they sentenced blacks to jail sixty-nine percent more often than they did white prisoners, which was a bigger disparity than in Santa Fe County (Figure 4.7).\textsuperscript{693} However, in Chatham County the judges used jail sentences as a ruse to force blacks into the forced labor.

\textsuperscript{691} Ayers, \textit{Vengeance and Justice}, 197.


\textsuperscript{693} Ayers, \textit{Vengeance and Justice}, 329.
The politicos in the territorial legislature were responsible for the high percentage of fines that both Hispanics and Anglo settlers paid; they passed laws that required licenses for gambling and selling booze in lieu of property taxes. The politicos targeted gambling and selling alcohol because they were profitable businesses. The Probate Judge Tomás Ortíz enforced the law and he collected $750.50 in fines and added it to the local treasury. Judge Tomás Ortíz and Diego Archuleta plotted together against the Governor Bent during the Taos Rebellion, but he was a member of the powerful Ortíz

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694 TRNMSF, District Court Records, Box 1-3: (1847-53); Ayers, Vengeance and Justice, 329; Hindus, “Black Justice Under White Law,” 589.

695 New Mexico State Records Center and Archives, New Mexico Secretary of State Collection, Laws of New Mexico, Serial #4863, Laws of the Second Session, 1852, 285.

696 TRNMSF, District Court Records, Box 1-3: (1847-53).
clan and through his connections he regained his judgeship. Judge Ortiz prosecuted both Hispanics and Anglos with equal vigor: he collected $375 from Hispanics and $375.50 from Anglos in Santa Fe County. The Hispano defendants were small time merchants and owners of poor gambling houses, while the Anglo defendants included many longtime Anglo businessmen. In 1851, Judge Ortiz had James Josiah Webb arrested for illegal gaming, found him guilty, and fined him fifty dollars. In 1852, Judge Ortiz ordered William Messervy and James Josiah Webb arrested for failure to obtain a licenses. Judge Ortiz did not care that Messervy and Webb were among the powerful Anglos in New Mexico. He issued fines against everyone, including fourteen Hispanics and thirteen Anglos

Anglo judges and juries passed down fines for assault and battery, perjury, and larceny and they did so along racial lines; they fined seventeen Hispanics, but only one Anglo. In 1848, an Anglo judge convicted the vecino Antonio Tafoya of assault and battery against Maria Candalera Gonzalez and fined him fifty dollars. The Anglo judge demonstrated his power in the courtroom: he found Tafoya guilty and fined him fifty dollars, despite the fact that there was a hung jury. In 1851, another Anglo judge and jury ruled that the vecino Gregorio Ortega assaulted Jose Ochoa and fined him twenty dollars; they ruled that Ortega was guilty of stoning Ochoa in a fight that escalated into


698 TRNMSF, District Court Records, Box 1-3: (1847-53)


700 TRNMSF, District Court Records, “New Mexico v. Antonio Tafoya,” September 26, 1848.
assault and battery.\textsuperscript{701} In 1851, the Anglo judges also convicted Aniceito Abeytia of perjury and fined him fifty dollars; specifically, they found him guilty of “willful and corrupt misleading and swearing at the Sheriff.”\textsuperscript{702} This was the only case of perjury that resulted in a fine. The Anglo judges issued fines for larceny in three cases, two of which featured female defendants. In 1849, they ruled that Maria Pacheco stole six yards of material and she escaped with a ten-dollar fine; in 1850, they convicted Martin Delores of stealing a pair of earrings and a breast pin and she was fined twenty-five dollars.\textsuperscript{703} That same year they convicted Felipe Basques of stealing one pair of pants, which normally resulted in lashes; they sentenced him to a twenty-five dollar fine. For the Anglo judges this sentence was an anomaly, so it is possible that Basques was very young.

The territorial authorities were determined to secure their holdings, and they punished vecino larceny more harshly than any other crime. When larceny is removed from the punishment data, corporal punishments and incarcerations all but vanish: eighty-five percent of those sentenced to crimes other than larceny received only fines and only ten percent were sentenced to jail (Figure 4.8). The Anglo judges and jurors gave lashes to crimes outside of larceny in only two cases. In 1849, they convicted an unknown vecino of perjury and he received sixty-five lashes in the plaza.\textsuperscript{704} That same year, they

\textsuperscript{701} TRNMSF, District Court Records, “New Mexico v. Gregorio Ortega,” February 16, 1851.

\textsuperscript{702} This was the same Aniceito Abeytia who accused Manuel Armijo of fomenting the 1837 Rebellion during his 1909 interview with L.B. Prince. It is another indicator that, although he denounced Armijo, he remained a loyal Hispano; see Chapter 1, \textit{The Chimayo Rebellion of 1837}; TRNMSF, District Court Records, “New Mexico v. Aniceito Abeytia,” December 18, 1851.

\textsuperscript{703} TRNMSF, District Court Records, “New Mexico v. Maria Pacheco,” October 23, 1849; “New Mexico v. Delores Martin,” June 27, 1850.

\textsuperscript{704} Elliot, \textit{The Mexican War Correspondence of Richard Smith Elliott}, 157.
convicted Santos Sandoval of forgery and sentenced him to twenty-five lashes and one month in jail; he presented a forged document to the U.S. Army for the release of shoes, which meant he committed a form of larceny.\textsuperscript{705}

Figure 4.8. Anglo and Hispanic Punishment without Larceny, 1847-1853

In practice, Anglo judges and territorial jurors punished criminals in a manner that the effected the lives of everyday vecinos; they victimized vecinos for petty crimes, but allowed Anglos to escape severe punishment. Individuals like Jose Seguro – who stole one pair of pantaloons and a blanket to warm himself – were arrested, convicted, and then marched out to the plaza. Sheriff E.L. Vaughn wrote, “Seguro is to receive six months

\textsuperscript{705} TRNMSF, District Court Records, “New Mexico v. Santos Sandoval,” October 24, 1849. 290
jail and no less than thirty-nine lashes with cowhide to his bare back.706 Thus, Seguro and his accomplice – the ever-unlucky Jose Francoso – each received this vicious punishment in a plaza full of onlookers.707 Meanwhile, Charles Porter was found guilty of stealing two gold rings ($20), clothes ($25), and a roll of black silk ($25). The recently arrived Porter was sentenced to two months in the Santa Fe County jail and nothing more.708

**Capitol Punishment and the Lynch Mob**

From 1847-1853, the death penalty in Santa Fe County was statistically insignificant and there were two reasons for this: first, Hispano jurors did not believe in capital punishment; and second, Anglo judges and jurors were reluctant to hang fellow Anglos that were not from Texas. Among Hispanos there was no tradition of capital punishment; from 1827-1846, there was not a single incidence of capital punishment in New Mexico. The Anglos called for capital punishment in newspapers and in the letters they wrote to their friends, families, and political allies, but in practice the Anglo judges and jurors refused to sentence Anglos to capital punishment. The Anglo judges and territorial jurors heard at least eleven cases in which the perpetrator was guilty of first degree murder in the Santa Fe County District Court, but they only sentenced one of them to capital punishment. In fact, Anglos lynched more men then they legally put to death; they lynched two Texans who committed homicide in Santa Fe County, which was one

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more than they legally hanged. The Anglos judges and territorial jurors demonstrated their reluctance to sentence perpetrators to capital punishment, but they continued to complain that murderers were going unpunished in Santa Fe County.

From 1827-1846, the New Mexican alcaldes heard nineteen homicide cases and they did not execute a single person. However, the alcaldes discussed capital punishment in two cases. In 1834, Manuel Gallego murdered his wife María Espíritu Santo Ruival. According to the records, Gallego confessed to his crime and explained to the alcalde that he strangled his wife with a sinewy cord because she always argued with him. The prosecution maintained that Gallego was a scoundrel by nature, and that he was “alienated from all sentiments of humanity” when he killed her. The defense agreed that Gallego was guilty and that he should be punished. At the same time, the defensor maintained that capital punishment should not be invoked because Gallego was clearly remorseful; he noted that Gallego stayed with the body of his dead wife all night, which proved his remorse. Interestingly, María’s brother Antonio Ruival contended that Gallego should be forgiven for his transgression; however, María’s mother believed that Gallego should be banished from New Mexico. Neither thought he should die for his crime.

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711 The defensor was the person selected to defend the accused, much like a public defender, but not formally schooled in law.
The prosecution and the defense were at an impasse and alcalde Juan Madrid decided to seek outside help, so he forwarded the case to a legal advisor in Chihuahua. Alcalde Madrid waited one year, but there was no response from Chihuahua. Alcalde Juan Gallego y Martínez, succeeded alcalde Madrid and he decided to resend the case to Chihuahua; later, he followed up with another letter in which he asked for closure on the case.\textsuperscript{712} If alcalde Martínez received a response that record is now lost, but we know that Gallego was not executed for his crime. The alcaldes in the Mexican period were obsessed with protocol, and it is extremely unlikely that Gallego would be executed without a massive paper trail.\textsuperscript{713} The alcaldes held Gallego in jail, which was probably the only punishment they gave him; there is a good chance Gallego was sitting in jail when the Chimayó Rebellion broke out. In 1846 the alcaldes heard the case against Juan Antonio Chaves, who murdered his wife Maria Angelina Herrera by bashing her in the face with a rock. Chaves told the court that his wife hit him with a rock, so he hit her back. Their verdict did not survive in this case, but again it is certain that Chaves did not receive capital punishment.

The New Mexican alcaldes could have sentenced Gallego and Chaves to death, but capital punishment was not part of Hispano culture. In the end, they left both Gallego and Chaves in jail. The alcaldes avoided carrying out capital punishments within the community, even when the laws called for it. The alcaldes likely had Chaves in jail when Kearny marched into Santa Fe. After the Americans came, Hispano jurors displayed the same aversion to capital punishment that the alcaldes did before them. The Hispano

\textsuperscript{712} Mocho, \textit{Murder and Justice in Frontier New Mexico}, 27.

\textsuperscript{713} Cutter, \textit{The Legal Culture of Northern New Spain}, 138.
jurors heard at least one case that called for capital punishment – the double murder committed by Ignacio Tapia – but they ruled that he was insane and sent him home with his family.\textsuperscript{714}

Anglo judges and territorial jurors rarely sentenced convicted persons to capital punishment in New Mexico, and as a result the capital punishment rates in New Mexico were significantly lower than California. In the years before the railroad, capital punishment in New Mexico was statistically irrelevant. However, Howard W. Allen and Jerome M. Clubb situated New Mexico into the mountain regions, and they noted that from 1846-1855 the capitol punishment rate was .68 per 100,000 (N=9), which was six times lower than the Pacific region at 4.19 per 100,000 (N=73).\textsuperscript{715} In California, capital punishment occurred along racial lines: from 1850-1900, Anglo Judges only executed Anglos when they killed other Anglos, but they commuted sentences to life in prison for Anglos who killed non-whites.\textsuperscript{716}

In New Mexico, that rarely happened because Anglo judges and jurors rarely convicted other Anglos; they gave Anglo defendants racial preference during the verdict, which rendered sentencing moot. From 1847-1877, the Anglo judges and territorial jurors sentenced a total of four men to death in New Mexico, of which two were Hispano and two were Anglo; they sentenced two Anglos to death in Santa Fe County, one

\textsuperscript{714} TRNMSF, District Court Records, “New Mexico v. Ignacio Tapia,” June 1, 1853.


\textsuperscript{716} McKanna, \textit{Race and Homicide in Nineteenth-Century California}, 99.
Hispano in Taos, and one Hispano in San Miguel.\textsuperscript{717} From 1847-1853, Anglo judges and Hispano jurors heard one clear case of homicide, and they found the defendant insane. During the same period, Anglos judges and juries heard six Anglo homicide cases that ended with execution-style gunshots to the head, but they convicted only one defendant.\textsuperscript{718}

From 1847-1853, the Anglo judges and jurors sentenced only one person to capital punishment; in 1849 Andrew Jackson Simms became the only person who was legally hanged in Santa Fe County.\textsuperscript{719} Little is known about Simms, but it is likely that he was yet another recently arrived Anglo settler in Santa Fe County.\textsuperscript{720} Simms must have been an outsider and he may have even been from Texas, because the Anglo judge and all-Anglo jury convicted him and sentenced him to death.\textsuperscript{721} According to the indictment, Simms assaulted a man named Jackson Johnson and gave him a through beating. Afterward, Simms pulled out his pistol, placed it to Johnson’s right temple, and fired a

\textsuperscript{717}West Gilbreath, \textit{Death on the Gallows: The Story of Legal Hangings in New Mexico 1847-1923} (Silver City, New Mexico: High Lonesome Books, 2002), 135, 149, 192.

\textsuperscript{718}The other five case files contain sparse details and do not reveal the weapon used by the perpetrators; TRNMSF.

\textsuperscript{719}Robert Tórrez mistakenly concluded that a Hispano jury was responsible for hanging Simms; he even accused Hispanics of sentencing Simms to capital punishment because Simms was an Anglo settler. However, Horace Long was the foreman in the Simms case, and it is very unlikely there were any Hispanics in the jury. Tórrez insinuates that New Mexican juries were unwilling to pass the sentence against individuals with a Spanish surname and uses Andrew Jackson Simms as an example of the New Mexican community willing to deal capital punishment against an Anglo settler. Tórrez, \textit{Myth of a Hanging Tree}, 53.

\textsuperscript{720}TRNMSF, District Court Records, “Territory v. A.J. Simms,” (1849).

\textsuperscript{721}TRNMSF, District Court Records, “New Mexico v. A.J. Simms,” (1849), Simms traveled from Santa Fe to Taos, and there committed the murder. The case was tried in Santa Fe County as it was the residence of Simms.
shot that instantly killed the victim. Simms’ homicide was similar to the murders of both Maria Antonia Lenoia and the young vecino named Joseph Garcia; the sole difference is that Simms’ victim was an Anglo settler. The judge’s instructions to Sheriff C.H. Merritt dictated that Simms be “Hanged by the neck till he be Dead! Dead! Dead!” but did not dictate Simms be hanged immediately. Uniquely, the sentence called for a six-month period of incarceration, after which Simms was legally hanged. If the judge was waiting for a pardon, it never came.

In the nineteenth century, Anglo settlers strongly believed that capital punishment was a sentence that should be utilized more frequently in New Mexico, but despite their complaints it rarely was. Even Anglo judges and jurors in places like Chatham County, Georgia rarely sentenced convicted persons to capital punishment during Reconstruction: they sentenced only three percent of blacks and two percent of whites to death by hanging. In Santa Fe County, Anglo judges and jurors sentenced eleven men to death by hanging, but only three of these occurred before 1895.

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724 TRNMSF, District Court Records, “New Mexico v. A.J. Simms, instructions to the Santa Fe County Sheriff (1849).

725 Santa Fe New Mexican, 28 November 1849, 2, the prison sentence was carried out, as Simms is described as being in jail awaiting his execution.

726 Ayers, Vengeance and Justice, 329.

727 Gilbreath was unaware of the conviction and execution and Andrew Jackson Simms; Gilbreath, Death on the Gallows, 148.
Anglo judges and Anglo juries failed to condemn perpetrators in obvious homicide cases, such as when Henry Wheeler murdered Captain Alexander Papin. In 1849, Wheeler and Papin got into a verbal disagreement that turned violent; when Papin struck Wheeler with his cane, Wheeler shot Papin in the head with his gun. The all-Anglo jury was presented with a solid case, which included several eyewitnesses, but Henry Wheeler escaped capital punishment. The jury’s verdict is missing, but Henry Wheeler was listed as a prisoner in the Santa Fe County Jail in the several months after perpetrating the murder. The turnaround for trials in Santa Fe County was fast. In the case against Andrew Jackson Simms, the court convicted him quickly, though the judge stalled his execution. Wheeler was still sitting in the Santa Fe County Jail in 1850, despite the fact that he was clearly guilty. It’s possible that the jury decided that Wheeler killed in self-defense, because he was not sentenced to death. Again, the Anglo judges and jurors were unwilling to mete out capital punishment against a fellow Anglo.

The Anglos settlers remained convinced that crime was going unpunished in New Mexico and that Hispanos were responsible for it; consequently, Anglo settlers began to take the law into their own hands. These Anglos blamed Hispano jurors for the not convicting criminals, despite the high conviction rates and harsh punishments that

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729 1850 United States Census, Santa Fe County, Santa Fe City, 85, regulators of the justice system prided themselves on expeditious punishments and two months was longer than citizens normally waited for punishment. The Census lists Wheeler as in Jail for the crime of murder.


vecinos endured. When Gillion Scallion and his friend Stephenson came to Santa Fe County they entered a society that was predisposed to violence. Scallion killed Judge Hugh N. Smith, and the lynch mob hanged him for it. There was no public remorse in they wake of Scallion’s death. Instead, an eyewitness – and a rather insincere person – recounted the lynching for his readers in the Santa Fe Weekly Gazette:

“Another reason that had its effect in producing the closing scene in this sad affair, is the fact that many murders have been committed in this Territory within the last two or three years, some of them of the most unprovoked character, and the guilty parties have invariably escaped without punishment; some from the insufficiency of the jails, and others from being acquitted by jurors when the proof was most positive against them, and others from being permitted to escape without even an arrest.”

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The Anglos’ negative perception of justice in New Mexico was both inaccurate and ironic. They voiced their displeasure with the entire legal system, but it is likely that the Anglo settlers were dissatisfied because homicides went unpunished. Of the homicide cases heard by the Santa Fe District Court, more than fifty percent of the accused were found guilty, which was very high for homicide litigation. However, only forty-two percent of those indicted for homicide never saw the inside of a courtroom. Regardless, the Anglo judges and juries usually exonerated Anglos who

732 SFWG, 19 November 1853, 2.

733 TRNMSF, District Court Records, Box 1-3 (1847-53), numerous verdicts are missing for the territorial era, especially from homicide cases. This seems to be a byproduct of the manner in which verdicts were delivered, on small strips of torn paper, generally 6 by 8 ½, with the verdict scribbled and signed by the foreman. For all criminal cases, including homicide, assault, and larceny (totaling 422 cases), 191 verdicts are known and sixty-two percent of these verdicts were returned guilty.

734 TRNMSF, District Court Records, Box 1-3 (1847-53), the actual number of adjudicated cases is certainly much higher, but documentation of the proceedings remains lost. Gilbreath, who has thoroughly researched the topic, claims that there was only one capital punishment in Santa Fe during this period, but already evidence of a second individual, Andrew Jackson Simms, has been documented here. Having conducted my research, I contend that the missing files, if discovered, would reveal forty percent
appeared in court. The Anglo settlers had only themselves to blame when Anglo perpetrators left the courtroom as free men, because they exclusively selected Anglo jurors to hear those cases.

The Anglo settlers committed twelve homicides during the territorial period, but only one guilty verdict was returned, a second likely returned, and a third was pronounced against Gillion Scallion by a rogue jury. Additionally, there were at least two not guilty verdicts, at least one decision not to prosecute, and two were granted changes of venue; only four remained undocumented. The Anglo judges and jurors deserved criticism, but those who criticized blamed the Hispanos instead. As a result of their skewed perceptions, the Anglo settlers responded with mob violence on two occasions.

From 1847-1853, the Anglo lynch mobs killed two men in Santa Fe County, and both of them were transients from Texas. Through the Santa Fe Weekly Gazette, we learn that Anglo settlers lynched another Texan in Santa Fe County before Gillion Scallion. On June 14, 1851, a lone Texan entered the Exchange Hotel, took a glass of brandy, and commenced firing his pistol at random. The Texan discharged his weapon four times before he was tackled and shackled, and he stuck one person in the arm and an

735 Many case files from this era are incomplete, especially for cases that were never prosecuted. Rather than making an assumption that incomplete cases were never prosecuted, this study leaves the possibility open that verdicts were simply lost. Statistically, this is why rates are implemented, rather than using aggregate numbers as foundational data.

736 Clinton Brook and Frank Reeve, Forts and Forays: James A. Bennett, a Dragoon in New Mexico, 1850-56 (Albuquerque, New Mexico: The University of New Mexico Press, 1948), 27.
unknown lawyer in the abdomen. The sheriff asked the Texan for his motive, and the Texan said that “a friend of his from Texas was killed in Santa Fe, and all the inhabitants of the place were cut-throats, robbers, and murderers.” The lynch mob arrived at the jail later that night, took the Texan, and hung him in the backyard of the Exchange Hotel.

In 1853, the Anglo lynch mob captured Gillion Scallion, who had shot Judge Smith. This time the Anglo lynch mob behaved more formally. They called together a lynch court, appointed a judge, and feigned an objective trial against Scallion. The mob took pains to follow legal protocol, which meant there were Anglo officials and well-known Anglo citizens present. For them, the illusion of justice was important. They were mindful of how the affair would be perceived; one of them wrote about it in the Santa Fe Weekly Gazette. Their actions were illegal but they could not be prevented. The public officials – who were likely in the Exchange and perhaps a little drunk themselves – wasted no time and facilitated a guilty verdict. Although local officials went through the motions to ensure that justice was done, the mob acted with the goal of punishing the insolent Texan.

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737 Brook and Reeve, Forts and Forays, 27.

738 SFWG, 19 November 1853, 2.

739 Lynching was a gruesome business in Santa Fe County, especially because there were no gallows behind the Exchange Hotel. Scallion was strangled, a process that would have been slow and painful. Normally, a person condemned to hang would have their neck snapped by the quick drop, which supposedly spares the victim from an extended period of pain and thus prevents an execution from being construed as torture. But when the lynch mob came, there was no time for building gallows. Thus, in an age that had supposedly moved beyond violence against the body, the lynch mob in territorial Santa Fe reveled in the justice that slow asphyxiation by strangulation afforded. See: Torrez, Myth of a Hanging Tree, 42-43; Michael Foucault, Discipline and Punish: The Birth of the Prison (New York, New York: Vintage Books, 1995), 7-9.
It is significant that the lynch mobs only targeted Texans; their actions demonstrated that lynch mob violence in New Mexico was part of a larger dispute between Texans and Anglo settlers in New Mexico. During the Mexican period, Texans represented a direct threat to Hispano and Anglo sovereignty; during the American period, Texans continued to threaten to annex parts of New Mexico, including Santa Fe County. The Anglo settlers perceived crime by Texans as an attack on their community. To them, Texans were outsiders and illegitimate strangers who wronged the community. They responded with community violence against the Texans. For them, lynch mob violence was a political statement in Santa Fe County.

From 1847-1923, there were only two other lynchings in Santa Fe County: one in 1857 and the other in 1880. During that same time, Anglo lynch mobs committed 151 illegal lynchings in other parts of New Mexico. Comparatively, the residents of Santa Fe County were not prone to mob justice. They were, however, prone to lynching Texans. The Anglo settlers feared that the Texans meant to invade and rob them of their chance for success, which was something that vecinos always fretted over. It seemed that everyone in New Mexico supported lynching Texans as part of an interstate rivalry, even if Hispanos did not actively participate.740 The Anglos who lynched the two Texans never faced charges, even though everyone in town knew precisely who they were.

The Anglo settlers in Santa Fe County resented the Texans because they were arrogant, violent, and disrespectful foreigners who came to Santa Fe to make a quick dollar; they never saw the irony, that they too were arrogant, violent, and disrespectful foreigners who invaded Santa Fe to make their fortunes. The Anglo judges and jurors

issued lashes and servitude along racial lines and they allowed two Anglo murders to go free, even though they slayed a Hispano woman and young Hispano boy. Still, Anglo settlers were outraged when Ignacio Tapia was found not guilty for the July 4th, 1853 attack on Anglo settlers at the Exchange Hotel. From the Anglo perspective, the justice system was against them.

Anglos settlers wanted more sentences like the one Joab Houghton bellowed at Don Antonio Maria Trujillo in March of 1847. Trujillo was one of many prominent Hispanos involved in the plot that claimed the life of Governor Charles Bent at Taos. The Anglo judges allowed the other local strongmen who planed the rebellion to go free, but they charged Trujillo with treason. The evidence consisted of letters that Trujillo had written, which called for Hispanos to rise up against the Americans and “Shake off this yoke of a foreign government.” Trujillo had written patriotic letters that he hoped would inspire Mexican pride, but instead he was convicted of treason. Trujillo was seventy-five years old when Judge Houghton presented the following verdict:

Your age and grey hairs have excited the sympathy of both the court and jury. Yet... It would appear that old age has not bought you wisdom, nor purity, nor honesty of heart; while holding out the hand of friendship to those whom circumstances have brought to rule over you, you have nourished bitterness and hatred in your soul. For such foul crimes an enlightened and liberal jury... find you guilty of treason... sentence... you be taken thence to the place of execution and there be hanged by the neck till you are dead! dead! dead! And may the almighty God have mercy on your soul.”

741 See Chapter 3, Public Homicides.
742 Gilbreath, Death on the Gallows, 149.
743 Gilbreath, Death on the Gallows, 150.
Donaciano Vigil petitioned Washington D.C. on behalf of Trujillo; he made the case that treason could not be committed because New Mexico was not yet part of the United States.\textsuperscript{744} There are no records to indicate that Trujillo was executed, which meant he was pardoned; Trujillo was still a local strongman, and New Mexican caudillos were never hanged! At least fifteen other conspirators were hanged for treason in trials stemming from the Taos Rebellion: all of them were either Pueblos or vecinos.\textsuperscript{745}

**Conclusion**

New Mexico resembled a colonized society in some ways and a racist Southern society in others, but what differentiated it from both was the presence of the local strongmen in places like Santa Fe County. The vecinos suffered conviction rates that resembled colonial slave courts, received punishments based on their race, and endured violence from their colonizers. However, the local strongmen separated New Mexico from slave societies; they had guns, influence, superior numbers, and political power. They dominated New Mexico during the Spanish and Mexican periods, so that when the Anglos invaded they encountered a developed society with an established hierarchy. They allowed the Anglo judges and jurors to dominate how criminal law was executed, but only within the limits of local tradition. They permitted lashing, which was a local punishment, but they did not allow Anglos to maim. As a result, the vecinos did not


endure many of the punishments that marked colonial slave societies, California, and the white dominated slave societies of the South.

The local strongmen dominated the New Mexican territorial legislature and they passed laws to exercise indirect control over the criminal courts in New Mexico. They used their political power to protect their own interests and left the execution of criminal law to the Anglo judges and territorial juries; they abandoned the vecinos to the courts. The politicos passed criminal laws that reflected their interests and restricted the power of federally appointed judges after 1853. In doing so, they transformed the legal system into a place where power was negotiated between them and the Anglo authorities that sought to rule New Mexico. At the same time, they ignored the manner in which Anglo judges and territorial jurors meted out justice along racial lines.

Anglo judges and territorial juries used lashes and servitude to illuminate the differences between whites and non-whites in Santa Fe County. In essence, the Anglo judges and territorial jurors treated the vecinos in Santa Fe County in a similar manner as the judges in Georgia treated slaves and free blacks. They condemned vecinos at a high rate, sentenced them to lashes and servitude, and gave them long jail sentences. In contrast, they allowed many Anglos to escape justice, ignored physical punishments for Anglo civilians, and sentenced them to shorter jail terms. They used the harshest punishments the law allowed and stretched the law to demonstrate their power over the vecinos, who they considered volatile and prone to rebellion.


From 1847-1853, the Anglo settlers bemoaned the failed justice system and called for capital punishment, but in practice they refused to convict their fellow Anglos. Publically, Anglo settlers called for hard justice, much like what was dealt to Andrew Jackson Simms. Privately, the Anglo settlers refused to convict and punish their own once they got into the courtroom, but they blamed the older Hispano community for what they viewed as leniency. Their failure to punish murderers fueled their misconceptions of lawlessness: from 1847-1853, they convicted only three perpetrators out of the nineteen homicide cases in Santa Fe County. Of the three they convicted, only Andrew Jackson Simms was sentenced to capital punishment.\footnote{748}{New Mexico State Records Center and Archives, “Records of the United States Territorial and New Mexico District Courts for Santa Fe County 1847-1951,” Box 1-3, hereafter designated TRNMSF, District Court Records.}

The American Richard W. Weightman – who called himself the protector of the people – defended the Hispanos against this criticism. As a reward, the local \textit{políticos} elected Weightman as the first territorial delegate to Congress and asked him to take their message to Washington. Weightman argued in favor of home rule for New Mexico before the U.S. House of Representatives, which what the local strongmen always wanted. Weightman explained to Congress that it was unnecessary to “prolong your apprehensions that crime will go unwhipped of justice; you may safely lay them aside; the criminal courts will be held, murder will not go unpunished.”\footnote{749}{Congressional Globe, House of Representatives, 32\textsuperscript{nd} Congress, 1st Session, “Contested Election in New Mexico - Mr. Weightman,” 15 March, 1853, 330, hereafter designated Globe.} Weightman’s contention was supported by the criminal court records: although all-Anglo juries
returned verdicts of not guilty in three of every four cases they heard, all-Hispano juries convicted seven out of every ten perpetrators for their crimes.\textsuperscript{750}

Regardless, as late as 1857, Governor Abraham Rencher echoed the falsehoods promulgated by the \textit{Gazette} in 1853; he lamented the current state of affairs in New Mexico and decried the importance of a penitentiary, “The necessity of which is seen and felt every day as a consequence of the insecurity of most of the county prisons as well as from the great unwillingness on the part of our juries to find a verdict in favor of capital punishment.”\textsuperscript{751} Anglo settlers, press members, and public officials remained blinded by racism. Their hatred prevented them from seeing that the conviction rates in New Mexico were very high and that the punishments were hard. At the same time, they exonerated Anglo murderers, no matter the evidence against them. Their dissatisfaction manifested in several ways, including expressions of public outrage, petitions to modify the laws, and ultimately vigilantism that was aimed to combat the violence that they themselves brought to Santa Fe County.

Among \textit{vecinos}, their bodies remained the target of penal repression in early Santa Fe. The \textit{vecinos} were being lashed in the plaza sixty years after Michel Foucault contended that the practice of punishment as public spectacle was in decline.\textsuperscript{752} In fact, \textit{vecinos} continued to suffer lashes in Santa Fe County until 1870, when lashing was

\textsuperscript{750} TRNMSF, District Court Records, Boxes 1-3 (1847-53), It is important to note that the Hispanos invited to participate in the jury process were landed, and most of them were either landholders or craftsmen.

\textsuperscript{751} New Mexico State Records Center and Archives, “Governors’ Office Affiliates, Governors’ letterbook,” Serial #13892, 1853-1862, 167-68, hereafter designated Governors’ Book.

\textsuperscript{752} Foucault, \textit{Discipline and Punish}, 7-9.
abolished as a punishment in New Mexico.\footnote{753} In 1867 the Federal government outlawed indebted peonage in New Mexico and in 1868 nearly three hundred local strongmen were indicted for keeping slaves. None of the local strongmen were prosecuted, although those who were indicted lost their Native American slaves.\footnote{754} Still, peonage endured until the dawn of the twentieth century in rural parts of New Mexico. According to Foucault, although the practice of punishment as a public spectacle was declining, “It survived only as a new legal or administrative practice.”\footnote{755} In Santa Fe County and greater New Mexico, disciplining the bodies of vecinos symbolized the continuation of both the old power structure and the dominance of the new government. 

The politicos cared little about the bodies of vecinos. What mattered for the local strongmen was profit, and as long as nothing interfered with business it was better to mind their affairs. They passed laws that demonstrated their power and furthered their agendas, but they left Anglo judges and territorial jurors to their work. Meanwhile, the Anglo judges and territorial jurors punished the pobres: they were declared guilty and fined, jailed, lashed, and sold into indentured servitude as punishment for their crimes. Seventy years later, Isidoro Miranda spoke for all vecinos when he stood at the gallows awaiting his execution. Miranda addressed a crowd of onlookers, “In New Mexico there

\footnote{753} Tórrez, *Myth of a Hanging Tree*, 34. 

\footnote{754} Gómez, “Off-White in an Age of White Supremacy,” 47-49. 

\footnote{755} Foucault, *Discipline and Punish*, 8.
is no justice for the poor man. He is led like a helpless lamb through the courts and to his punishment. This is an injustice you are doing now.\textsuperscript{756} Apparently little had changed.

\textsuperscript{756} Tórrez, \textit{Myth of a Hanging Tree}, 49.
EPILOGUE

ADDRESS OF THE LEGISLATIVE ASSEMBLY OF NEW MEXICO.
MANIFESTO OF
The Council and House of Representatives to the Inhabitants of the Territory of New Mexico.

FELLOW CITIZENS:
...The enemy is Texas and the Texans... They threaten you with ruin and vengeance... They come to subsist upon our property and industry... We must not forget that they are our ancient enemies. Twenty years ago they came with intents like they now come. Then they were overcome, and the integrity of our soil vindicated. In 1849, they strove to set up their power over our people, and sent their agents among our people, to carry out their schemes, but our people stood firm, and the General Government silenced Texas pretension.
Now is the day to feel the tinglings of our ancient, and unconquerable Castillian blood, that our ancestors brought to this land. The fire-sparks are deathless in every drop.- Now is the day for the flame, that shall conquer and consume. The remains of our intrepid and glorious ancestors, slept in no grave, that did not entomb a hero. Their pride and honor could endure no invader...

Fecundo Pino, President of the Council
J.M. Gallegos, Speaker of the House
[T] N.M. Jan. 29, 1862

In 1862, the Hispanos faced a familiar adversary: when the Texans returned to New Mexico under the banner of the Confederate flag, the Hispanos volunteered to fight for the Union. They were threatened by the Confederate army, which was made up of General Henry H. Sibley and a force of nearly three thousand Texans. General Sibley believed the New Mexicans would welcome their arrival and issued a proclamation that encouraged the military strongmen to “drop at once the arms which degrade you into

757 Richard Barksdale Harwell, The Union Reader: As the North Saw the War (New York: Dover Publications, 1996), 77-82; for a complete transcription, see Appendix A.
tools of tyrants, renounce their service, and array yourselves under the colors of justice and freedom!"⁷⁵⁸ Among Union commanders there was concern that the Hispanos would waver in their commitment to the Union, but their fears – and the Confederate’s optimism – demonstrated how little the Anglos understood the Hispanos.⁷⁵⁹ The local strongmen were determined to repel the Texans; according to Governor Henry Connelly thirty-five hundred Hispanos volunteered for service.⁷⁶⁰ Governor Connelly claimed there was not a disloyal Hispano in the territory and that the Hispanos would never consent to be ruled by Texans.⁷⁶¹ He exaggerated, but was not far from the truth.

The Hispano soldiers and volunteers who served in the Union army were a who’s who among the local strongmen and when they were properly supported they purported themselves well. Among them were Colonels Miguel E. Pino, Nicolas Pino, and José Guadalupe Gallegos; Lt. Colonels José Francisco Chávez, Manuel Chaves, Diego Archuleta, and Francisco Perea; and Captains Rafael Chacón, Román Baca, and Rafael Ortiz y Chávez. Their family members rounded out the leadership and their ranks were filled with their vecinos and servants. Among the strongmen, Captain Chacón – who was beaten by Armijo as a child – was joined by his cousins, the Velarde brothers; Lt. Colonel Manuel Chaves served with his brother Román Baca and his cousin, Lt. Colonel José Francisco Chávez; and both the Pino brothers, Miguel E. Pino and Nicolas Pino, assumed


leadership roles in the defense of New Mexico.\textsuperscript{762} The local strongmen were pragmatic in their service: they charged when their numbers were superior and fled to fight another day when they were outnumbered. The Anglo commanders for the Union accused the Hispanics of cowardice when things went awry, but these charges were unfounded. When the commanders failed at the Battle of Valverde, they blamed the Hispanics, but in truth the Hispanics fought bravely and the Union army was only defeated because of an inept field leadership.\textsuperscript{763}

The local strongmen were not the pawns of the Union and those who volunteered did so on their own terms. Rafael Chacón embodied the New Mexican caudillo that served in the Union army. In 1861, Captain Chacón was stationed at Fort Union and under his charge was a bilingual first lieutenant named A.P. Damours. According to Chacón, Damours continuously insulted the Hispanics while at the dinner table and he soon tired of the act. Chacón was infuriated when his cousins told him that Damours was speaking against his authority. He noted that when Damours began to assail the Mexican people at dinner that evening, he warned him, “Until now I have suffered and allowed you to talk of my race, but from now and henceforth I will not allow you to return to denigrating them in my presence.”\textsuperscript{764} Chacón gave Damours another warning, and when Damours started again Chacón grabbed a board that was leaned up against the wall and struck him so violently that the board splintered. Rafael Chacón grabbed another and

\textsuperscript{762} Meketa, \textit{Legacy of Honor}, 351-354.
\textsuperscript{763} Meketa, \textit{Legacy of Honor}, 79-82.
\textsuperscript{764} Meketa, \textit{Legacy of Honor}, 131.
gave chase through the camp and Anglo officers watched as he wielded his board and
smacked Damours at every opportunity.\textsuperscript{765}

Later that year, Rafael Chacón and the Union forces stopped for the night at
Algodones; again, Chacón’s caudillo nature manifested in front of the Americans.
Chacón explained that some of the \textit{vecinos} started drinking and became drunk. He noted
that the American officers retired to their tents, in fear of a rebellion. “I took out my
sword and began to hit the drunken soldiers with blows with the flat of it. My cousins,
the Velardes, and the rest of my soldiers… put themselves on alert… but everything
calmed down.”\textsuperscript{766} Chacón noted that from that point forward the American officers
treated him with the utmost respect. In both instances Rafael Chacón behaved as Manuel
Armijo and Manuel Chaves would have – he used violence and the threat of violence to
intimidate his adversaries – and in the process he demonstrated that his caudillo ways
were well suited for military command.

The local strongmen would never have surrendered their autonomy to the Texans;
if they and the Union failed to defeat the Confederates in battle, a revolt among the
\textit{people} surely would have followed. The Hispanos were already falling into the familiar
pattern of passive resistance that marked the Taos and Chimayo Rebellions. In 1862,
Colonel Nicolas Pino of the Second Regiment, New Mexico Militia, prepared to engage
the Confederate forces near Albuquerque. Colonel Pino, like Manuel Armijo in 1846,
parlayed with the Confederate commander and postured for battle; however, like Armijo

\textsuperscript{765} Meketa, \textit{Legacy of Honor}, 131.

\textsuperscript{766} Meketa, \textit{Legacy of Honor}, 133.
he was severely outnumbered and surrendered to save the town from bloodshed.\textsuperscript{767} Although the Hispano militias surrendered there and elsewhere, the strongmen and vecinos continued to withhold supplies and harass the Confederates. In October of 1861, Lt. Colonel Baylor wrote that the “Mexican population are decidedly Northern in sentiment, and avail themselves of the first opportunity to rob us or join the enemy.”\textsuperscript{768} Later, a Confederate committee comprised of officers from the campaign wrote to the Confederate War Department:

\begin{quote}
It had been erroneously supposed also that the citizens of New Mexico would greet us as benefactors and flock to our standard upon our approach. On the contrary, however, we found that there was not a friend to our cause in the territory, with a very few honorable exceptions. Everything needed for the consumption of our command had been destroyed by the enemy or concealed by the citizens. The troops of the command were sent out some twenty miles from Albuquerque to a bleak, sterile cannon in the mountains, where the most part remained…\textsuperscript{769}
\end{quote}

The Hispanos did not have the strength to repel the Texans without full Union support, which they did not have at Albuquerque, so they adhered to the dictum “Time and patience, patience and time…” On April 1, 1862, the Confederates also marched into Santa Fe unopposed. They discovered that “there were no supplies at Santa Fe – that everything fit for consumption had been destroyed by the enemy or concealed by the citizens upon our approach.”\textsuperscript{770} The local strongmen and the vecinos worked in concert to

\begin{footnotes}
\item[768] Larson, \textit{New Mexico’s Quest for Statehood}, 85.
\item[769] John P. Wilson, \textit{When the Texans Came: Missing Records from the Civil War in the Southwest, 1861-1862} (Albuquerque: University of New Mexico Press, 2001), 305.
\item[770] Wilson, \textit{When the Texans Came}, 306.
\end{footnotes}
prevent the Confederates from foraging, and this left them solely dependent on their supply trains. Near Santa Fe, the Union defeated the Confederates at the Battle of Glorieta Pass, but the real defeat came when the Union destroyed the Confederate supply trains. It was Manuel Chaves, the caudillo who years before defied Bishop Jean Baptiste Lamy, who guided the unit of Colorado volunteers that destroyed the Confederate supplies. His actions eliminated the Confederate supply trains and forced the Texans to withdraw.

This study has challenged the conventional understandings of the relationships between Hispanics and Anglo settlers during the process of territorialization in New Mexico; it has revealed the shortcomings of the New Mexican declension model, which has portrayed Hispanics as powerless victims in the path of a burgeoning empire. In my approach, I have also shifted away from depending on Anglo chroniclers and chose instead to allow the data to guide this narrative. The data revealed three things: first, that there was a definitive economic hierarchy in Santa Fe County; second, that wealth was concentrated in select families; and third, that the Hispanics dominated the legislature and exercised tremendous influence through their legislative actions. As a result of these findings, I shifted away from focusing exclusively on race and moved toward a narrative that encompassed race, class, economics, and politics. By doing so, I have illuminated how the powerful New Mexican caudillos utilized their relationships with Anglo Americans to profit from territorialization. Statistically, the local strongmen increased their personal holdings at the expense of the vecinos. They dominated the territorial

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Simmons, *The Little Lion of the Southwest*, 185-186.  
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legislature and used their political power to demonstrate their strength to the criminal courts. They refused taxes and stood against Texas.

They were the descendants of Mexican strongmen, prominent political leaders, wealthy merchants, and regional military icons in New Mexico. The New Mexican families that bore the Chaves, Archuleta, Armijo, Ortiz, Otero, Pino, and Vigil surnames have been mistaken for ricos or elites, but they were caudillos.  

Individuals like Donaciano Vigil and Diego Archuleta ingrained themselves into the political machine, while merchants like Manuel Otero amassed massive fortunes through trade, and military figures like Manuel Armijo, Manuel Chaves, and Rafael Chacón earned acclaim for their prowess in arms. By 1862, the local strongmen were entrenched into New Mexican society at all levels: the Hispano legislature called for war against the Texans, while the local strongmen organized and funded units and pressed their vecinos into service.

With this approach we begin to see that the New Mexican landholders were not victims, but instead the victimizers who pushed the vecinos from their lands. Deena González writes, “New Mexicans could barely keep abreast of the legal code. Their lands and properties, particularly those once held in common and outside the town, were threatened with seizure if they did not pay taxes. Within ten years of the signing of the

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775 Simmons, *The Little Lion of the Southwest*, 1-6.
treaty ending the war, 90 percent of the New Mexicans had lost their lands." Other historians have made similar claims, though the percentages and the number of years varies. Robert V. Hine and Jack Mack Faragher agreed with the percentage, but suggested it took forty years longer for this displacement. These arguments were intended to show that the American regime hoodwinked, bullied, and displaced all of the Hispanics, but this was untrue.

This project transforms the local strongmen from victims of a foreign power into active participants in the process of territorialization. As my data reveal, the New Mexican caudillos neither lost their land through taxes, nor were they confused by territorial laws. Instead, the local strongmen created and controlled both. Although some strongmen resisted, such as Don Albino Chacón, most were pragmatic in the way they viewed the American invasion. They regarded the Americans as potential trading partners who could augment their holdings. At the same time, Anglo authorities viewed the local strongmen as necessary allies. They feared rebellion and they needed the local strongmen to be pacified, so that they could keep the vecinos at bay. By recognizing the partnership between the local strongmen and the Anglos, we move away from the narrative of Hispano victimization and toward one of vecino oppression.

After 1846, the local strongmen and the Anglo colonizers victimized the vecinos and pushed the vecinos deeper into poverty. During the Mexican period, the vecinos were beaten by ill-tempered strongmen; after 1846, drunken and racist Anglos and ill-


778 In 1846, Don Albino Chacón refused to retain his appointment as alcalde in Santa Fe County.
tempered strongmen beat them. The vecinos were accustomed to subsistence living, but they faced more abuses and worse poverty during the American territorial period. They lost access to public lands, became victims of Anglo violence, and were lashed and sold into servitude by the Anglo judges and juries of their peers. They were convicted at rates that rivaled slave courts and were subjected to racialized punishments.

Many vecinos resisted by departing from Santa Fe County, but others stayed and endured the strain of being colonized by two peoples at the same time. They were accustomed to a hard life and they depended on the local strongmen to represent them, which was to their detriment. In spite of everything they suffered, the vecinos remained loyal to their patrones. They remained suspicious of Anglo motives because they were part of a parochial culture that viewed Anglos as outsiders. When the Texans came the vecinos stood with their patrones, just as they had in 1836 and 1846, when the Mexicans and Americans invaded. They denied the Texans supplies, spied, stole, and consented to serve in the militia. Though we do not know much beyond their names, the crimes they committed, and the punishments they endured, we know for certain that they proved more loyal to the local strongmen than the strongmen were to them.

By 1862, the Hispanos still maintained their power in New Mexico; they endured fifteen years of American colonization, and during that time the caudillos and vecinos banded together and took whatever steps they deemed necessary to preserve their order. The key for the strongmen remained their vast kinship networks, which were built on generations of business partnerships, marriages, and alliances; along with the local vecino population’s acceptance of these networks as necessary. But for the New Mexican caudillos it was not enough to dominate the region and monopolize its sparse resources;
the landholding class wanted to expand their opportunities and increase their wealth beyond the local economy.\textsuperscript{779} They made pragmatic decisions that reflected their agendas. They passed a slave code they did not believe in, they befriended Anglos they seldom trusted, and they dealt with the Confederates to gain support for the railroad. For the local strongmen, it was always about business.

In this project, I have sought to amplify the Hispano voices and to dampen the Anglo voices that have dominated New Mexican scholarship. To hear the Hispano voices, I used numbers and I have focused on the stories that the data told, rather than those narratives that Anglo settlers wrote. I have allowed the numbers to define what was important; only afterward did I draw connections between the numbers and the existing Anglo narratives. These numbers revealed that the Hispanics were more powerful than Anglo chroniclers were willing to concede. They also revealed that the local strongmen were more culpable in the process of territorialization than previously thought. Through this analysis, it became clear that the Anglo chroniclers demonstrated a propensity to overblow Anglo power and importance. In New Mexico, Anglo’s with pens and presses seldom inked true words. For the most part, the Hispano words were reflected in their deeds, laws, and late life memories. The vecinos survived in numbers and court cases alone.

\textsuperscript{779} Boyle, \textit{Los Capitalistas}, Chapters 5-7.
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APPENDIX A

ADDRESS OF THE LEGISLATIVE ASSEMBLY OF NEW MEXICO.
MANIFESTO OF
The Council and House of Representatives to the Inhabitants of the Territory of New Mexico.

FELLOW CITIZENS:

Being at the close of the present session of your Legislative Assembly, and knowing from this Capital, the danger that threatens you, we have thought it well, to address you this MANIFESTO

That the savage tribe of Indians should be your enemies, and plunder and murder, is not a thing new or unexpected. Such has been their habits, since our brave ancestors first possessed the Valley of the Rio Grande. But we have now another enemy less excusable than the barbarians, because he has grown in the midst of civilization, and enlightenment.

Without any fault or even offense of yours, your honor and property, your families and children are now in peril, by an enemy you have not injured, and whose invasion of the peace, security, and integrity of your soil and homes, you have not provoked.

The enemy is Texas and the Texans. With their hostile armed regiments, rebels to the Government of the United States, to whose protection and flag, our good faith, our duties, our confidence, interests and hopes turn and belong, they have come upon us, in violation of every principle of right, of justice and friendship. They threaten you with ruin and vengeance.

They strive to cover the iniquity of their marauding inroad, under the pretense, that they are under the authority of a new arrangement they call a Confederacy, but in truth is a rebel organization. But this pretense cannot deceive. They come to subsist upon our property and industry. They are without money or credit.

They come to destroy the Government under which we have lived, prospered, and been happy, and whose protection and care we need. They come to turn from their places, those in offices and authority among you, and to erect by military despotism alone, a power to oppress, to harass, and to crush you. You are free and unmolested in your religion, and they who are in violation of everything held sacred by our religion pretend to come to protect our religion already protected.

They pretend to relieve you from the expenses of Government, when they have no Government, that can bring into our Territory one dollar of money or credit.

To even eat for a day, they must take and plunder your cattle, your sheep, your wheat, corn and beans. They must plunder from our people, all their living. Could they
succeed in their infamous and iniquitous attempts, they have no way of subsisting, but upon the substance of our people. A lawless body of men, banded together, hoping to kill or conquer us, would then be established among us, and our shame, injuries and suffering, we will not attempt to describe.

May a just and avenging God, not withdraw his arm from us, and leave our people to the insults, wrongs, dishonors, cruelties and oppression, that these Texan invaders will inflict, the moment they shall have the power! We must not forget that they are our ancient enemies. Twenty years ago they came with intents like they now come. Then they were overcome, and the integrity of our soil vindicated. In 1849, they strove to set up their power over our people, and sent their agents among our people, to carry out their schemes, but our people stood firm, and the General Government silenced Texas pretension.

Taking advantage of the troubles of the United States, they have now come hoping to succeed. Their long smothered vengeance against our Territory and people, they now seek to gratify. We are a free people and our fathers abhorred negro slaves and slavery. Our enemies found their rebellion upon pretenses touching the negro, negro slaves and slavery. They have set up their rebel organization upon those elements, and boast in the face of a Christian world, of their skill and wisdom in building upon such foundations. We have condemned, and put slavery from among our laws. It is not congenial with our history, our feelings and interests. The marauders come to destroy our enactments, and force upon us by the cannon and rifle, slave institutions, against our will, protests and tastes.

We have no interests to promote, by being drawn within the destinies of the rebels and rebellion. All in that direction is danger and ruin. Listen not to their agents or emissaries, whether sent for mischief, of shall be found as traitors, living among us. In the midst of our wrongs and dangers, neutrality is without excuse. He that is not for us, is for the rebels and rebellion, and his sympathies favor the invaders. The Texans may circulate their seditious papers and proclamations, by traitors to us among our people. Be not deceived by these pretensions. Put far from you, the language and sentiments of treason. Touch not the poison. A serpent’s fang is in it. Expose your loyalty to no suspicions. Look to the Government for reward for your services. Forfeit no claim by giving any favor to the enemy. Trust the justice and generosity of the Government. We are well assured, that we will be relieved from the assessment, placed upon us. The matter is brought to the attention of Congress. We have no doubt of liberality being extended to us. Could our enemies gain advantages and even battles, they could not long profit by their success. But success cannot crown so iniquitous, so unholy a cause. Success is impossible where there is not the treachery, the cowardice, weakness or folly, that condemned to undying infamy, the conduct, the affairs and surrender of Fort Fillmore. The time has fully come to wipe out that shame. The army feels it, the people and the whole government feel it. The means of your complete success, in driving the enemy from our limits, are in our hands, large columns of well armed, well disciplined, and well prepared United States of American troops, are ready for the fight. These are commanded by officers, who should know the whole art of war. It is their education and profession. We would recoil from even the approach of
the thought, that they have not the spirit, courage, conduct, skill and judgment, that they must lead the elements under their command, to victory and glory. May they and their troops, win fame that shall dazzle with its brightness, and honor that shall endure as the mountains. With out native soldier, and volunteers, our pride, our solicitude and sympathies, are too deep for expression. Side by side they are, with the veteran regular soldiers. They live at a time and are actors in the scenes when they may win wreaths of glory and renown, for themselves, their children, and their children’s children’s generations. - We know they have spirit and courage,- Let us trust to their love of country, justice and honor.

In one sense, the period and event upon us, is fortunate. The enemy is accustomed to sneer at our valor, and depreciate our force and capacity. Never did time, present to outraged men, a fairer field in which to save a country, punish an enemy, and make a name, that invaders shall ever dread, that now surrounds us. Now is the day to feel the tinglings of our ancient, and unconquerable Castillian blood, that our ancestors brought to this land. The fire-sparks are deathless in every drop.- Now is the day for the flame, that shall conquer and consume. The remains of our intrepid and glorious ancestors, slept in no grave, that did not entomb a hero. Their pride and honor could endure no invader. To violate the truth, and to commit cowardice, and their high souls scorned and abhorred.- Now is the day to show ourselves worthy of our ancestors. Now is the day in which we can make a bright name, that shall shine throughout the union and through time. Let not the veteran Regular surpass you in daring. Emulate the boldest daring he has the spirit to attempt. Let him who commands know no fear like defeat, no dishonor like flying from the face of the invader, and then the Indian marauders can be exterminated. If the invader gets a foothold further within the country, there are many modes of depriving him of any profit by his advance, more than the plunder he will gather. This people will never consent to his rule, his military, his slave despotism. The brave and just from neighboring sections will come to out aid. Already reinforcements of Regiments are organized to march to our assistance. They are coming with strong arms and hearts, and will join in driving off all enemies. The Texans will be driven from our soil. Let no one despair. Our troops are ready and eager to win their laurels and security.

Let every Mexican in the Territory rally to the brave in the field; your fathers, sons and brothers. Let no discouragement or alarm disturb you. Your deliverance from enemies is at hand. Be true, be faithful, and be courageous; them your native land will be full of songs, in honor of your glorious deeds, and New Mexico blaze with fame, and her sons and daughters glow with pride when wheresoever they may travel hereafter through the Union or other lands, they shall find how great the benefit and distinction will be, in being knows and sons and daughters of New Mexico.

Fecundo Pino, President of the Council
J.M. Gallegos, Speaker of the House
[T] N.M. Jan. 29, 1862

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780 Richard Barksdale Harwell, The Union Reader: At the North Saw the War (New York: Dover Publications, 1996), 77-82.