Case: 6:69-cv-07941-BB

EXHIBITS

- Onate Request the Titles of Hidalgo and Adelantado, September 21, 1595.
Onate
Colonizer of New Mexico
1595-1628

George P. Hammond
Agepito Rey
Coronado Cuarto Centennial
Publications, 1540-1940

Edited by
G E O R G E P. H A M M O N D
The University of California

Volume V
DON JUAN DE OÑATE
	Colonizer of New Mexico
	1595-1628

George P. Hammond  University of California
Agapito Rey  Indiana University

The University of New Mexico Press
1953
CONTRACT OF DON JUAN DE OÑATE FOR THE DISCOVERY AND CONQUEST OF NEW MEXICO

In the city of Mexico, September 21, 1595, this petition\(^1\) was read before Viceroy Don Luis de Velasco, who examined what was offered therein by Don Juan de Oñate and said that, in keeping with the royal cedula sent to his lordship dated at San Lorenzo on July 19, 1589, a paragraph from a letter of January 17, 1593, and another from a more recent one of June 21, 1595,\(^2\) copies of which are attached to these documents, he accepted the offer made by the said Don Juan and appointed him to carry out the discovery, pacification, and conquest of the provinces of New Mexico. Acting separately on each of the clauses proposed by Don Juan, he made his decision, given in the margin opposite each paragraph. DON LUIS DE VELASCO. Before me, MARTÍN LÓPEZ DE GAUNA.

I, Don Juan de Oñate, resident of the city of Zacatecas in the kingdom of New Galicia, state that, having offered to serve his majesty and your lordship in the pacification of New Mexico and on any other occasions that might arise, continuing in this respect what I have been doing for more than twenty years in

---

1. This copy of the Oñate contract is from a photograph of a certified copy in the Archivo General de Indias, Patronato, legajo 22. There are several other copies in this same archive, notably in the Audiencia de México section, legajos 20, 23, 25, and 26. There is evidence that there was a copy in the Santa Fé archives of New Mexico until some time before the American conquest in 1846, for it was used by Josiah Gregg in his Commerce of the Prairies (New York, 1844), but it subsequently disappeared, and today there are no known copies except in the Archivo General de Indias in Seville, Spain.

The Spanish text and an English translation of Oñate's contract were published in Historical Documents relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773, collected by Adolph F. A. Bandelier and Fanny R. Bandelier and edited by the late Charles Wilson Hackett, vol. 1 (Washington, 1929), pp. 224-255.

2. The Crown issued numerous cédulas relating to the proposed conquest of New Mexico, most of which are found in the Archivo General de Indias, Audiencia de México, legajo 1064. One was dated April 19, 1589, others January 26, 1586, April 19, 1991, January 17, 1593, etc. The king was solicitous that the person chosen to head the conquest be a man of adequate means and ability and that the enterprise be undertaken "sin que se aya de gastar en ello cosa alguna de la hacienda real."
guilty of entering New Mexico against the orders of his majesty, as well as for the pacification and conquest of those provinces and the protection of the natives.

Further, I am to be given the Indians of the Pataragueyes nation that are thought to be here in the city of Mexico, for they are the ones nearest to that province, and especially an Indian woman who was brought from New Mexico, in order that they may serve as interpreters on the said expedition.

Let him be given the Indians who seem to be from that province, and the Indian woman for whom he asks, if she is still living.

Upon reaching the first provinces and settlements of New Mexico, I shall proceed to found Spanish colonies in the most suitable manner, according to the climate and nature of the land.

Let him observe his majesty’s orders contained in the ordinances for new settlements found in articles 32 to 56, inclusive.

Your lordship shall grant me the following, if you approve, and order it observed, in the name of his majesty:

1. First, by virtue of the permission which your lordship has from his majesty to carry out this discovery, pacification, and colonization, you are to issue me a commission incorporating in it the royal cedula and other orders and letters received by you from his majesty. My title is to be governor and captain general of the said new discovery, with guaranties for its validation for the two lives granted by ordinance 56. Your lordship shall take it upon yourself to ask his majesty to extend it for two additional lives, to make it four, in view of the great cost and hardships of the expedition, in order that, as governor and captain general, I may, in the name of his majesty, exercise all civil and criminal jurisdiction, high and low, mero mixto imperio.10 And, after my death, these rights shall continue in the manner that I shall prescribe or as the ordinance provides.

Let him be granted everything that is authorized by his majesty in the ordinances for new discoveries to those who undertake such expeditions, without omitting anything. On

10. *Mero mixto imperio*, the power of magistrates to decide civil as well as criminal cases, including those punishable by death.
his part he is to fulfill his obligation under these ordinances. To this end, let his commission be issued. And let his majesty be requested to favor him and reward his merits and services.

2. Further, that as soon as I take possession of the land in the name of his majesty, I am to have the title of adelantado, which I and my successors are to enjoy, for the said lives, in the government, in accordance with the said ordinance, with the privileges enjoyed by adelantados. Your lordship shall likewise ask his majesty to extend this office for two additional lives, as set forth in the preceding chapter.

Let him be granted what is contained in the preceding chapter, as stated there.

3. In order that I may the better and more quickly discharge my duties and meet the extreme cost of the expedition, your lordship shall favor me with a loan of 20,000 pesos from the royal treasury at Zacatecas, I binding myself to repay this sum in six years and to furnish guarantors, for the undertaking is of much importance to his majesty and I have to spend such a large sum of gold pesos on it.

Let him be given six thousand pesos from the royal treasury of Zacatecas as a loan upon furnishing guarantors to repay the money by the end of January, 1596.

4. Further, that I be authorized to distribute among the soldiers, conquerors, and settlers who may go on the said expedition under my leadership, or under my successors, the pueblos and vassals I may think proper, and that this shall apply to those who may go as second or third conquerors and settlers, as well as to those who took part in the conquest and pacification of that land. They and their successors are to enjoy this encomienda for the three lives granted by ordinance 58. Your lordship shall likewise request his majesty to make them perpetual, or at least to extend them for three additional lives.

Let him be granted what is provided in article 58 of the ordinances, and we will write to his majesty and urge him to favor and compensate him for his services, as has been set forth in the first paragraph of this contract.

5. Further, all favor and honor shall be extended to the said conquerors and settlers and their children and descendants; they
shall be given building lots, pasture and farming lands, and
ranches; and they shall be assured of all the exemptions and
privileges granted in ordinance 85.

Let him be granted what is provided in article 85 of the said
ordinances for new settlements.

6. Further, the said conquerors and settlers shall be informed
of the favors granted them and their descendants and successors
by his majesty in ordinance 99, by which they are named
hidalgos of an established lineage, so that they may enjoy all
these honors and privileges; and they shall have the right to
do everything that hidalgos and caballeros in the kingdoms of
Castile may do, according to the traditions, laws, and customs
of Castile, in conformity with the said ordinance.

Let him be granted what is provided in article 99 of the ordi-
nances.

7. Further, I am to be granted authority to appoint at once
a maese de campo, alféreces, sergeants, captains, an inspector,
and other necessary officials that I may consider indispensable
for the expedition; and, in case it should be desirable, to remove
them and appoint others.

In regard to the naming of the said officials, inasmuch as their
functions are essential for carrying out this expedition and since
it could not be undertaken without them, he shall have
authority to appoint them; and he is reminded that he shall
choose persons with the qualifications necessary for these offices.

8. Further, considering the great cost and the excessive hard-
ships and cares that the said conquest, pacification, and coloniza-
tion will place upon me and my successors, I shall be authorized
to appropriate and allot to myself and them, in perpetuity and
for all time, thirty square leagues of land, in one or two tracts,
wherever I shall select, including all the subjects who may live
within the said territory. If any pueblo which is a capital should
fall within these boundaries, it shall be understood that the
other pueblos under the said capital, even if they should fall
outside the thirty leagues, shall be added to my repartimiento,
including the lands, pastures, waters, and woods of the districts
where the said subjects may happen to be. Together with this,
I am to be granted for myself and my heirs and successors, in
perpetuity, the title of marquis, with civil and criminal jurisdic-
EXHIBIT T

- Title of Hidalgo for New Mexico Conquistados, July 8, 1602
  - Onate, Colonizer of New Mexico, 1595-1628,
  - George P. Hammond and Agapito Rey
  - 1953
  - pages 974-975
Onate
Colonizer of New Mexico
1595-1628

George P. Hammond
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Coronado Cuarto Centennial
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The University of California

Volume VI
DON JUAN DE OÑATE

Colonizer of New Mexico

1595-1628

GEORGE P. HAMMOND University of California

ACAPITO REY Indiana University

The University of New Mexico Press

1958
TITLE OF HIDALGO FOR NEW MEXICO’S CONQUISTADORS, JULY 8, 1602

DON PHILIP, by the grace of God, king of Castile, León, . . .
Whereas Viceroy Don Luis de Velasco, by virtue of a cedula from the king my lord (of glorious memory), made a contract with Don Juan de Oñate for the discovery, pacification, and colonization of the provinces of New Mexico in New Spain, granting him, among other things, what is stated in one of the chapters of the ordinances for new discoveries and settlements in the Indies, which is of the following tenor:

"Those who pledge to establish settlements and have done so, fulfilling the terms of their contract, we name them and their legitimate descendants hidalgos of noble lineage in order to honor them and their descendants and so that they may leave a laudable memory as first settlers; and so that, in the towns they have established, or anywhere else in the Indies, they may be considered as hidalgos of noble lineage and may enjoy all the honors and prerogatives and act as do all other hidalgos and caballeros in the kingdoms of Castile, in accordance with the laws and customs of Spain."

And since I have been petitioned in behalf of Don Juan de Oñate to favor him by approving this cedula, rejecting the modifications made by the Count of Monterrey, I have deemed it proper, after consultation with the Council of the Indies, to extend the said privileges to those who may spend five years in the conquest, with the proviso that if the conquistadors should die in the said conquest before completing this period, their descendants may enjoy these prerogatives.

By these presents I order the observance of all the aforesaid rights, privileges, and exemptions, without abridging them in

1. From a photograph of the original in the Archivo General de Indias, Audiencia de Guadalajara, legajo 142; there is also a copy in the Archivo General de la Nación, Mexico, Reales Cédulas, tomo 4. It was printed in part in Gaspar de Villagrán, Historia de la Nueva México, vol. ii (Mexico, 1900), pp. 6-8.
2. This is paragraph 99 of the ordinances of 1573.

974
any detail, in accordance with the said paragraph. I charge the princes, prelates, dukes, marquises, counts, potentates, priors of orders; comendadores of military orders, castles, or fortresses; and members of my councils; the presidents, judges, alcaldes, and alguaciles in my courts and chanceries; my viceroys and governors; and all my magistrates and judges, in these kingdoms as well as in the Indies, islands, and terra firma of the ocean; and all other persons of whatever state, quality, or condition, I charge them all to observe and carry out this privilege, which I here grant the aforesaid persons, so that they may enjoy them without transgressing or infringing on what is contained in this decree; and my desire is that it have the force of law, as if it had been formulated and promulgated by the cortes, and that it be proclaimed in the suitable places. San Lorenzo, July 8, 1602. I the King. I, Juan de Ybarra, the king’s secretary, copied it at his order. Registered, Gabriel de Ochoa. Councillors, Licentiate Laguna. Licentiate Blas de Sotomayor. Licentiate Armenteros. Doctor Eugenio de Salazar. Licentiate Villagutierrez. Licentiate Luis de Salcedo. Chancellor Sebastián de Vega. [All with rubrics]

Marginal summary by the relator:

That the privileges granted by one of the paragraphs in the ordinance for new discoveries be understood to apply to those who spend five years in the conquest of New Mexico, with the proviso that if they should die before completing the five years, their children and descendants would be entitled to these honors.

In the city of Mexico, June 26, 1604, at a meeting of the audiencia of New Spain attended by the viceroy and the president and judges, Maese de Campo Vicente de Zaldívar presented this royal cédula and asked that it be enforced. After these gentlemen had examined the cédula they accepted it with due reverence and respect and decreed that it be observed as prescribed by his majesty, and that it be legally recorded; and they attached their rubrics. [Six rubrics] Before me, Cristóbal Soria. [Rubric]
EXHIBIT U

- Statement by Historian Myra Ellen Jenkins, Jenkins, 1987, pg. 63), on location of San Gabriel and when it was established.
WHEN CULTURES MEET

REMEMBERING SAN GABRIEL DEL YUNGE OWEENGE

Papers from the October 20, 1984 Conference held at San Juan Pueblo, New Mexico
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ONATE'S ADMINISTRATION AND THE PUEBLO INDIANS
Myra Ellen Jenkins

The summer of 1598 was a momentous one in the history of New Mexico, especially for the original inhabitants whose land was being invaded, and particularly for the Pueblo of San Juan. On July 10, Juan de Onate, bearing the titles of governor and captain general, led an advance party of his colonizing expedition composed of officers, scouts and two Franciscan friars into the Pueblo which he called Okke, then promptly renamed "San Juan Bautista," later called "San Juan de los Caballeros." After stopping at many pueblos along the way he established this village as headquarters for the permanent settlement of the northern frontier. On August 18, he was joined by the main body of his 129-soldier colonists, many with their families, and eight additional Franciscans who had been proceeding at a slower rate up the Rio Grande valley, and then by way of the Galisteo through the Pueblo of San Marcos to avoid the rugged mountains. The expedition had often been in straits for food in spite of the largesse of some of the pueblos through which they had come. One of them, a Piro pueblo on the opposite side of the river from which the caravan had halted on June 14, they called "Socorro" (Help) "because it furnished us with much maize."2

There is some question as to where these colonists initially settled. Most secondary accounts say it was at San Juan Pueblo proper but that the settlement was moved to the west side of the Rio Grande into the Pueblo of Yunque, renamed San Gabriel, some time during the next few months.3 There is no mention of such a move having been made in the documents, however. I submit that the colonists were probably settled at San Gabriel from the beginning, although throughout 1599 Onate signed documents at San Juan Bautista, which he apparently designated as his personal headquarters. My basis for San Gabriel as the single settlement comes from two accounts, written in 1601 during an investigation of Onate’s regime. In a letter to the viceroy dated from San Gabriel, March 22, 1601 Luis de Velasco stated that the expedition had been at the place from which he was writing for three years.4 In July a Gines de Herrera Horta also stated that Onate had established the colonists at San Gabriel in the houses of the Indians, but for which Spanish doors and windows were fashioned.5
strong pueblo, which would have been impossible had all the adults been placed in servitude.

During 1599 another punitive expedition, not quite as severe, was also launched against the Jumano Pueblo, located at present Gran Guivira monument, for which Onate was also later held to account. Charges of seizure of supplies and illegal tribute and Indian labor were also levied. In 1607 Onate resigned and returned to Mexico, only to face years of official investigation for his conduct in the residencia of his administration. When matters came to the actual trial in 1614 he was found guilty of twelve charges, one of which involved the hanging of two Acomas and another the undue severity of his sentences after the revolt was crushed. For these and offenses also against Spaniards he was condemned to perpetual exile from New Mexico, banishment from Mexico City itself for four years, loss of his titles and a whipping fine. Some of his lieutenants did not go unscathed either, and were also found guilty of crimes against Acoma, including Vicente de Zaldívar.27

The interesting thing about the whole affair is that some Spaniards felt strongly enough about failure to abide by colonial legal processes to testify against a person with the status of Onate. As the 17th century wore along (and wore along is correct), other governors were even more lax in enforcing the ordinances and regulations, and the Franciscans also all too often forgot their instructions to convert with patience and gentleness and were responsible for attacks on native rites and religious leaders. The result was 1680 and the mass uprising of the pueblo peoples which forced the Spaniards into a 13-year exile. The reconquest by Diego de Vargas in 1693 was far from moderate and he, too, failed to observe many of the laws, especially those concerning land right. But after his two administrations, a real modus vivendi between Spaniard and Pueblo Indian developed and by and large, most laws were enforced when the pueblos took their cases against Spaniards directly to the authorities. Occupation and conquest are never without pain, whatever the outcome. Credit for finally evolving coexistence as a way of life in spite of all vicissitudes throughout the Colonial period belongs of course to both groups, Hispanic and Pueblo Indian.

NOTES

1. George P. Hammond and Agapito Rey, Don Juan de Onate, Colonizer of New Mexico, 1595-1628 (Albuquerque, 1953), p. 322. The name of "San Juan de los Caballeros" is given by Villagrá writing some twelve years after the fact, but it does not appear in the contemporary documents. See: Gilberto Espinosa ad F.W. Hodge, trans. and eds., History of New Mexico by Gaspar Perez de Villagrá (Los Angeles; 1933), p. 147.
2. Hammond and Rey, Don Juan de Onate, I, p. 322.
3. Ibid., pp. 17 and 609. Fn. Although the editors make this statement in the introduction to their monumental work, no reference to a move is found in the documents which they include.
4. Ibid., II, pp. 608-609.
5. Ibid., II, pp. 644, 652.
6. Ibid., I, pp. 5-16; 42-336.
10. Haring, Spanish Empire, pp. 64-68; Charles Gibson, Spain in America (New York, 1966), pp. 143-147.
11. Recopilacion de leyes de los reynos de las Indias. (Madrid. 1681), Book IV, title 12, law 5.
16. Hammond and Rey, Don Juan de Onate, I, p. 65.
17. Ibid., pp. 342-347.
EXHIBIT V

- Papers of Archaeological Institute of America, American Series IV, Final Report, Part II
  - by A. F. Bandelier
  - 1892
Papers of the Archaeological Institute of America.

AMERICAN SERIES.

IV.

FINAL REPORT

OF

INVESTIGATIONS AMONG THE INDIANS OF THE
SOUTHWESTERN UNITED STATES, CARRIED ON
MAINLY IN THE YEARS FROM 1880 TO 1885.

PART II.

BY

A. F. BANDELIER.

CAMBRIDGE:
PRINTED BY JOHN WILSON AND SON.
University Press.
1892.
INVESTIGATIONS IN THE SOUTHWEST.

resemble the description which Gaspar Perez de Villagran has given of the village. The valley of Chamita is fertile. Situated between the Chama of the west and the Rio Grande on the east, it enjoys exceptional facilities for irrigation. For a ground plan of the ruin, I refer to Figure 10 of Plate I. Some protruding walls show that unhewn stones and rubble laid in adobe mortar entered largely into the composition of the structure. Whether the quadrangle on which a number of modern adobe houses stand to-day constituted all the village, or whether there were buildings besides, is difficult to determine, since fields extend all around the ruins. Cultivation by the Indians of San Juan, as well as by Mexicans, has obliterated every indication that might have existed formerly. The same has happened with the Spanish abodes and with the chapel of San Gabriel erected there in the fall of 1598. All has disappeared; yet the tradition exists that at Chamita the first settlement of

1 Historia de la Nueva Mexico, 1610 (Canto xxvii. fol. 228) :—

"El Pueblo, no consta ni tenia,
Mas que una sola plaza bien quadrada,
Con cuatro entradas y cinco puertas,
Despues de sueros bien fortalecido,
Con tinos de campaño, y con mosquitos."

That the village had at least two, perhaps three stories, is also indicated in the same book (fol. 228 and 229) :—

"Al arno dando todos con gran prisa,
Requirieron los pueblos, y notaron,
Que estaban ya los altos de las casas."

Also :—

"Los techos y terrados levantados."

2 Oñate, Diarios de las jornadas que hizo el Campo de su Magestad desde la Nueva España a la Provincia de la Nueva Mexico (Doc. de Indias, vol. xvi. pp. 262-264). September 8th : "Dia de Dama Señora, fue la gran fiesta de la dedicacion de la dicha Yglesia de Sant Joan Baptist." Cholula y Facion de Sant Joan Baptist (Ibid., p. 116) : "Y este pueblo de Sant Joan Baptist y el de San Gabriel el de Troomaxaquino . . . y mas, la Cibdad de Sant Francisco de los Españoles, que el presente se edifican." This might indicate that it was Oñate's intention to call the new settlement San Francisco. But it is
whites in New Mexico took place, and very old people still remember that the site was formerly called "San Gabriel del Yunque." 1

Indian folklore has much to say about Yuge-uingge. The Tchua relate that when their ancestors journeyed southward from Cibobe, and the division into summer and winter people occurred, of which I have spoken in the First Part of this Report, 2 the summer people, under the guidance of the Pay-oj-ke or Po-a-tuyo, settled at Yuge-uingge;
EXHIBIT W

- Bibliography
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National Register of Historic Places Inventory, Nomination Form, United States Department of the Interior, National Park Service, 1849 C St. NW (MS 2280), Washington D.C. 20240, Form for San Gabriel de Yunq-Ouinge.


Case: 6:69-cv-07941-BB

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EXHIBIT X

- Don Juan Onate received Title of Adelantado on February 7, 1602.
The Oliviera Society

1949

ANTECEDENTES

J. H. Bartlett Carroll

1839,notes,by

Don Jose Augustin de Escudero,

1832 an the additions by Don Jose

1812, the Oaxaca of Lic. Antonio Barreto

The Exhibition of Don Pedro Bautista Pino

THREE NEW MEXICO

CHRONICLES

NUEVO-MEXICO

NOTICIAS

DE LA ANTIGUA PROVINCIA DEL
HISTORICAS Y ESTADISTICAS

PRESENTACIONES POR ALGUIEN EN CANCER
To

Concha Ortiz y Fino
distinguished, public-spirited citizen—
direct descendant of
Don Pedro Bautista Fino

THE QUIMIRA SOCIETY

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1942

Republished by
Aroo Press
1967

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Manufactured in the U.S.A.
Aroo Press Inc.
New York

125000

EARLY HISTORY

San Juan de Otate, and in order to encourage him to

From Mexico. It is more than 300 years old. It

The district of

the title of the province to the priests and the ministers to

The revolution of 1848

of Spain, New Mexico, and

California. It was located on the south and east.

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the Holy Order of Francis. By their example and

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in the province of Nueva Mexico, and more than

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