

Hopi Land and Water Rights under Spain and Mexico:
An Endorsement of and Supplement to David J. Weber's Report of the Same Title
(March 2009)

Prepared for the Hopi Tribe

For

General Adjudication of All Rights to Use Water in the
Little Colorado River System and Source
Superior Court of Arizona
Case No. CV-6417

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April 2010

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I. Preface

Spaniards had word of them early on, these town-dwelling Pueblo Indians who inhabited the high desert plateau and basin-and-range country of today's New Mexico and Arizona. In 1598 an estimated sixty thousand Pueblo men, women, and children resided in eighty or more compact, multistoried towns (*pueblos* in Spanish). The Pueblo world was large. Three hundred miles separated the farthest Hopi pueblo of Oraibi in the west from Pecos in the east, and from south to north along the Rio Grande, Senecú nestled two hundred miles downriver from northernmost Taos.

Each Pueblo community, home to a few hundred or as many as two thousand or more residents, was largely self-governing, although seven or eight geographical groupings or confederations clustered loosely within specific drainage basins and spoke that many distinct languages: Piro-Tompiro, Tiwa, Towa, Tewa-Tano, Keresan, Zuni, and Hopi. The Eastern or Rio Grande Pueblos—where Spanish colonizers had a greater and more enduring impact—are often distinguished from the Western Pueblos, namely Acoma, Zuni, and the Hopi towns.

The Spanish Kingdom and Provinces of New Mexico, founded in 1598 by developer Juan de Oñate and fewer than a thousand culturally Hispanic but racially mixed colonists, came to encompass the entire Pueblo world, including the dry, geographically remote and (to Europeans) uninviting Hopi country. Always part of that world, the Provincia de Moqui, from the early 17th century to the mid-19th century, never lay beyond the sphere of Spanish and Mexican influence. Despite a mostly missionary presence in the 1600s, a successful revolt in 1680, and strained relations after that, Spain (and later Mexico) continued to claim (and to show on regional maps) Moqui as an integral part of New Mexico and the Pueblo world.

Inhabitants of Moqui – the Hopis – even after the Pueblo revolts of 1680 and 1696, maintained habitual contact with other New Mexicans reinforcing the cultural sutures that bound them together. Pueblo Indians from the east migrated back and forth, using the Hopi villages as safe-havens. Hopis traded with Spaniards and other Pueblo Indians, and individual Hopis from time to time lived among other Pueblos. Such persistent intercourse sustained the Hopis as vital members of the Pueblo cultural body and part of the Spanish dominion.

Hopi communities, like many other pueblos, experienced intense factionalism. Some Hopis, especially those of Oraibi, resisted all efforts by Spaniards to reintroduce Christianity. Other Hopis vacillated, as did the numerous disenchanted Pueblo peoples who moved constantly between Moqui and the Rio Grande Valley. Whenever it suited their purposes—visits to relatives, ceremonials, trade, diplomacy, or aid in times of famine or warfare—certain Hopis dealt with Spaniards, largely on Hopi terms, but hardly as strangers. When Hopi leaders showed up in Zuni or Santa Fe, Spanish and Mexican officials never failed to recognize them as Pueblo Indian subjects. In the eyes of Spain and Mexico, the Hopis were often apostates, but never expatriates.

Like all Pueblo Indian communities, the Hopi villages held their land and water rights under Spanish law by prior occupation and use. But because no competing users – Spanish or Indian – ever challenged the Hopis for their land or water during the colonial period, no specific legal instruments were required. Their protection resided at the foundational level of Spanish law and custom. Had competitors appeared, the Hopis, just as other more vulnerable Pueblos to the east, would have relied on the weight of Spanish legal tradition, which favored sedentary Indian communities. Royal justice assured that neither Hopi land nor water would be taken by others. Indeed, in 1819, the Spanish governor of New Mexico sent troops to protect the Hopis

from Navajo incursions. The result was a Navajo defeat and a treaty of peace in which the Navajos agreed to respect the persons and properties of the Hopi Tribe. See App. 1 Chronology, 1819 entries.

In 1848, at the conclusion of the U.S.-Mexican War, the Treaty of Guadalupe Hidalgo honored the right to every kind of property belonging to peaceable Mexican citizens, which included the Hopi Indians. When, the following year, the first U.S. Superintendent of Indian Affairs for New Mexico (which at the time included Arizona) upheld Spanish tradition and treated the Hopis as entitled Pueblo Indians, the trust relationship, imposed by Spain and let be by Mexico, passed to the United States. See David J. Weber, *Hopi Land and Water Rights under Spain and Mexico* (March 2009) (Weber Report) at pp. 54-55, Whiteley, *Historic Hopi Use and Occupancy of the Little Colorado Watershed* (March 2009), at 57-58; See generally Kessell, *Pueblos, Spaniards and the Kingdom of New Mexico*, University of Oklahoma Press, Norman, 2008; Kessell, *Spain in the Southwest: A Narrative History of Colonial New Mexico, Arizona, Texas and California* University of Oklahoma Press, Norman, 2002.

II. Endorsement of David J. Weber, “Hopi Land and Water Rights under Spain and Mexico,” March 2009

This report is not to replace the Weber report or to repeat its contents here. Having studied the Weber report and familiarized myself with the sources he cites, I find myself in full agreement and hereby endorse his discussion and conclusions and retain that report as part of this report. Typical of the well-written, well-reasoned, and meticulously documented studies for which he is widely known, Weber’s report begins with due homage to the Spanish Crown which, he rightly observes, looked upon “Indians as legal minors in need of special protection” (Weber p. 10).

Laws set forth in Book IV, Title XII of the codified *Recopilación de leyes de los Reynos de las Indias* (1681) sought to protect the land and water rights of sedentary native peoples, obviously the Crown’s intent. These laws provided: that no competing grant encroach upon what the Indians needed to sustain themselves (law 5); that no land be allotted to others that prejudiced the Indians and, if it were, such land be returned to the rightful owners (laws 6, 9); that Spanish livestock be kept away from Indian fields, and that damages be recompensed (law 12); that Indian farming and grazing land be guaranteed along with whatever they might need in addition (law 14); and that the adjustment of properties and sale at public auction always look to the welfare of the Indians (laws 16, 17, 18). Such fundamental property rights did not extend to non-sedentary tribes – in and around New Mexico: Apaches, Navajos, Utes, and later Comanches – often characterized by Spaniards as wild or barbarous. Hence, sedentary Indian communities enjoyed what historian William B. Taylor has termed “a special, sometimes preferential, status” (Weber p.10).

For the most part, Spanish officials in New Mexico recognized that Pueblo Indians had prior and therefore senior – but not absolute or exclusive – rights to water for domestic and agricultural uses. While compromise, flexibility, and customary law prevailed in frontier New Mexico, where trained lawyers and law books were lacking, decisions did not often stray far from codified law. Local judges, in Weber’s words, “sought to balance the principles of equity and need with the principle of prior rights and special protections to Indian communities” (Weber p. 24). When non-Indians and Indians contended for the same stream or river water, pragmatic Spanish officials, in the interest of equity and the public good, decided the matter based on 1) availability, 2) prior use, 3) needs, and 4) the safeguarding of Indian communities.

Availability of course came down to, was there water or was there not? Prior use, need, and special protection Weber considers in detail. The authorities he cites most frequently are William B. Taylor’s two essays, “Land and Water Rights in the Viceroyalty of New Spain,” *New Mexico Historical Review* 50 (1975), and “Colonial Land and Water rights of New Mexico Indian Pueblos” (Weber, Appendix 3, typescript, 1979), and Michael C. Meyer’s book *Water in the Hispanic Southwest: A Social and Legal History, 1550-1850* (Tucson: University of Arizona Press, 1984). While agreeing with virtually all of Taylor’s conclusions, Weber takes respectful issue with Meyer on several counts.

While Meyer concedes that prior use was “a very important consideration,” he maintains that it never allowed for exclusive use, even when water was scarce. Although Taylor cites one rare example of adjudicated exclusivity to three Indian communities in southern Mexico, he agrees that the superior right of the oldest user was usually not an exclusive right, especially if there were surplus waters. Need then entered the equation. Community needs bore more weight than those of individuals. New Mexico’s Pueblo Indian communities, by their very compactness,

stood out against the relatively scattered Hispanic settlements. Still, both Indians and non-Indians had to demonstrate their need for the water they used or would likely use. As needs changed, as populations rose or fell, judges could and did alter the distribution of water (*repartimiento de aguas*). Although some such repartimientos endured for long periods, they were never meant to be permanent.

Most often land grants contained no specified rights to water; whether to Indians or non-Indians. Such rights were implied. Weber argues convincingly that Meyer's distinctions between various types of land grants (with their usually unstipulated water rights) to individuals or corporations (including rural acequia associations) for irrigated farming, dry farming, grazing, milling, or mining – related mainly to Spaniards, not to Indians. The Crown sought to encourage and transform Indians into productive mostly agricultural subjects of the empire, and therefore, Weber asserts, “their land came with an express right to water by virtue of their existence as Indian communities” (Weber p. 17).

But did colonial judges regularly favor Indian communities? Meyer answers no, claiming that ethnicity, Indianness, did not confer a preferred status. Then, to the contrary, he cites cases in Indian areas where water was to be allocated only if the allocation did not injure *Indians*, or ANY OTHER third party. Plainly, Indians were a special protected category. Meyer appears to associate the concept of exclusive or absolute rights with ethnicity, raise it up as a man of straw, then knock it down by denying the Indians' preferred status. Weber, who considers this the main disagreement between Meyer and Taylor, rallies numerous scholars in support of his assertion that being Indians did count, especially when combined with their prior use. “Indian pueblos dating back to first contact had superior [not absolute or exclusive] rights to [land and] water not just because of their ethnicity but due to their ‘prior existence and usage

of water” (Weber p. 27). Not only were Indians favored legal minors but also most often the region’s first settlers (*primeros pobladores*).

As for the period of Mexican sovereignty (1821-1848), Weber himself is a leading authority. He turns as well to Daniel Tyler, “Land and Water Tenure in New Mexico: 1821-1846” (Weber, Appendix 4). Upon gaining independence from Spain in 1821, Mexico’s Plan de Iguala proclaimed all Mexicans, regardless of ethnicity and social class, citizens of the new nation. The racial designation “Indian” was to be swept away. Liberals spoke in the 1820s (just as they had since the 1760s) of breaking up collective Indian lands, especially those of mission communities. They would privatize such lands and allot them individually. But that hardly happened in distant New Mexico.

The most prominent case of Pueblo Indians invoking their new status as Mexican citizens involved the survivors at Pecos Pueblo, probably because theirs was a dying Indian community of just a few families. As citizens, they defended their surplus lands during 1820s. Yet no significant redistribution of Pueblo lands and water occurred in New Mexico during the Mexican period. The Spanish tradition of protecting Indian pueblos carried on. Authorities continued to honor their “Pueblo league” (a government-guaranteed minimum allotment of protected Pueblo land, about 18,000 acres). The Pueblo Indians remained, after all, New Mexico’s most conspicuous sole-owner communities with prior rights. As Weber explains, “Spanish laws regarding land and water continued to function in New Mexico because no Mexican laws superseded them and because Spanish law did not violate Mexican law” (Weber p. 32).

Weber summarizes key moments in the long history of Hopi-Spanish relations under Spain and Mexico, acknowledging throughout that Hopis and Spaniards often saw those moments very differently. After the Pueblo Revolt of 1680, many Hopis may have considered

themselves independent, yet Spaniards, as Weber points out, “treated the Hopis as Spanish subjects who happened to be in rebellion” (Weber p. 39).

Dealings between the two people, rarely violent, actually increased. As Eastern Pueblo populations stabilized and the Hispanic population grew – reaching an approximate parity around 1750 at some 10,000 each – trading, migrations to and fro of other Pueblo Indians, and the repeated vain efforts of missionaries to reconvert the apostates kept breathing life into Hopi-Spanish affairs. But because no Spanish settlers competed for Hopi land and water, there was no need for adjudication, no need to call for measurement of the traditional Pueblo league or to provide specific, written land grants to any of the Hopi towns. “At its heart,” writes Weber, “Spanish law protected Indian lands and water at a more fundamental level than did legal instruments” (Weber p. 48).

When in 1848 New Mexico and the entire Pueblo world passed from Mexico to the United States by the Treaty of Guadalupe Hidalgo, the Hopis as “peaceable inhabitants” carried with them implicit rights to their lands and waters from time immemorial as guaranteed by the previous sovereigns. How to interpret such rights henceforth resided with the federal government and courts of the United States.

III. Comments on Michael M. Brescia's "Hopi Water Rights under the Treaty of Guadalupe Hidalgo with Special Reference to the Spanish and Mexican Civil Law of Property," (March 25, 2009) and "An Assessment of David J. Weber's Report on Hopi Land & Water Rights under Spain and Mexico" (June 4, 2009)

Like Meyer, Brescia seems to imply that the Hopis are intent upon a monopoly of natural resources, "all rights to use water" (Brescia, March 25, pp. 2, 6). No scholar, as Weber demonstrates, believes that the Spanish Crown ever intended to grant absolute, exclusionary, monopolistic land and water rights to sedentary Indian communities or to anyone else, but rather preferred or special rights because of the Indians' status as first users and legal minors before the law. Also like Meyer, Brescia links the usage of surface water to various types of land grants and judicial procedures, "none of which show up for the Hopi Tribe in the extant documentary record" (Brescia, March 25, p. 7). Such distinctions applied mainly to Spaniards involved in adjudication with competing Spaniards, not primarily to Indians. And the Hopis, because of their unique environmental isolation, had no competitors. No other users bumped up against Hopi land forcing a measurement of any kind. Hence there never existed a need for specific documentary proof. The Hopis simply enjoyed the overarching codified and customary land and water rights of sedentary Pueblo Indians.

Brescia agrees with most scholars that Mexican authorities adjudicated land and water cases "by employing the very same legal principles that had governed Mexico when it was Spain's most prized colony in the New World" (Brescia, March 25, p. 12). Admitting too that Spain "never surrendered its sovereignty over its portion of North America" (*Ibid* p. 10), Brescia believes however that active domination was required to validate Spain's paternal interest in Hopi land and water. "With little to no meaningful interaction between Spain and the Hopi peoples outside of some trade, particularly after 1680, a trust relationship within the context of Spanish notions of sovereignty . . . never developed (*Ibid* p. 10)." Yet even a partial chronology

of Hopi-Spanish relations (Appendix 1), as well as contemporary maps of Spanish New Mexico (Appendix 2), demonstrates that, to the contrary, the trust relationship implied in Spanish sovereignty never lapsed.

In a subsequent assessment of the Weber Report (Brescia “Assessment of David J. Weber’s Report,” June 4, 2009), Brescia is concerned mainly that Weber’s alleged reliance on the notorious, long-running Aamodt case in northern New Mexico does not provide “the appropriate context for understanding the Hopi Tribe’s water rights under the laws of Spain and Mexico” (Brescia, June 4, p. 3). In reality, Weber refers not at all to the judicial proceedings of Aamodt, but only to the historical research generated by the case (which includes the works of both Meyer and Taylor).

Interestingly, both Weber and Brescia cite the two cases of Taos Pueblo versus its neighbors, adjudicated in 1823 and 1837 during the Mexican period. In the first, the town council of Hispanic Taos ruled that “these natives [of Taos Pueblo] from time immemorial have been the sole owners and have complete rights to the water of the Río Lucero” (Weber p. 34). When the river flowed normally, satisfying the Indians’ needs, the settlers of Arroyo Seco were entitled to a set amount during times of abundance, one surco (just over fifty-one gallons per minute), and proportionately less in drier times. But man proposes (no one be without), and God disposes (occasional times of extreme drought). Evidently the Taos Indians were not obligated to share when the Río Lucero dropped to a mere trickle.

My own belief is that Pueblo Indians, while technically citizens under Mexico, remained “indios” in the eyes of New Mexico’s “españoles” – governors cabildo members, militia officers, justices of the peace, and priests – right on through the brief Mexican period, with both groups stubbornly devoted to a dual cultural identity. Not only was the Mexican Province of

New Mexico geographically remote from its chaotic, largely mestizo center, but, because of the region's abiding poverty, waves of fortune-seeking outsiders never overwhelmed the Pueblo Indians. The Pueblo world remained essentially bi-cultural, Pueblos and Hispanos living together yet apart, as they do to this day.

In his June 4 report, Brescia reiterates his argument that “the Hopis remained outside the effective control of the Spanish colonial enterprise” (Brescia, June 4, p. 5), and that “a primary right to water use did not necessarily convey an exclusive or superior right to use all waters” (*Ibid.* p. 5). Again he tilts – in the Navajos' behalf – at the notion of a monopoly of natural resources, then resorts to his own hypothetical. Without documenting any such initiative, he argues that “Spanish efforts to transform the Navajos into a completely sedentary society would have been meaningless if the intent was to deny them water and give it all to other Indians in the region” (Brescia, June 4, p. 6). In theory, he is absolutely right. Indeed had Spaniards intended such a transformation of the Navajos – of which they repeatedly despaired – they would never have given all available water to anyone else. Neither would they have allowed Navajos – or for that matter Spaniards – to settle new areas that took water needed by the Hopis. In fact, the Spaniards came to the Hopis defense in 1819 when Navajos threatened Hopi lands.

APPENDIX 1

Partial Hopi-Spanish/Mexican Chronology, 1540-1850

Although partial, this brief chronology addresses the assertion that there was “little to no meaningful interaction” between Hopis and Spaniards, especially after the Pueblo Revolt of 1680 (Brescia, Mar. 25, 2009, 10), illustrating instead their almost constant contact. As far as Spain and Mexico were concerned, the Hopi towns remained a constituent province of the Spanish and Mexican polity of New Mexico.

The historian (among outsiders) who knew most about Hopi-Spanish relations died in 1996. Prof. Eleanor B. Adams of the University of New Mexico had collected from a dozen archives in Spain, Mexico, and the U.S. photocopies of pertinent documents, especially for the post-Pueblo Revolt 18th century. She intended to write a book on the subject, but never did. Today the documents reside in the Center for Southwest Research at UNM (Eleanor B. Adams Papers, Col. 826 BC). The folders cited below contain photocopies of original documents, typed transcriptions, some translations, and often Adams’ handwritten notes or cards.

1540 Pedro de Tovar of Francisco Vázquez de Coronado’s expedition reaches “Tusayán” (the Hopi pueblos). Ritual Spanish possession, probably at Awátovi. See Reference 1 at end of Chronology, hereafter ref. 1 etc.

1583 Antonio de Espejo with 80 armed Zuni auxiliaries reaches “Mojose” (Hopi pueblos). Received peaceably. Again ritual possession, at Awátovi and elsewhere. Ref. 2

1598 Juan de Oñate founds the Kingdom and Provinces of New Mexico. Exacts “obedience” from “Mojoqui” (Hopi pueblos). Ref. 3.

1604 Oñate passes peaceably through Hopi pueblos en route to the Gulf of California. Fray Francisco de Escobar’s description of “Moqui” (Hopi pueblos). Ref. 4.

1629 First three resident Franciscan friars to Moqui with armed escort; mission at Awátovi, then at Shongopavi and Oraibi, with visitas at Mishongnovi and Walpi. Other Spaniards present. Ref. 5.

1639 Former Gov. Francisco Martínez de Baeza implies that soldiers were being maintained among the Hopis. Ref. 6.

1653-55 Fray Alonso de Posada at Awátovi. Bartolomé de Salazar, alcalde mayor of Zuni and Moqui jurisdictions. Ref. 7.

1659 Wheat and corn seed provided to Hopis of Shongopavi and Oraibi during famine. Ref. 8.

c. 1659 Gov. Bernardo López de Mendizábal appoints controversial Diego de Trujillo alcalde mayor of Moqui jurisdiction. Ref. 9.

1661 Gov. Diego de Peñalosa refuses to grant escort and aid to Father Custos Alonso de Posada on the friar's visitation of Zuni and Moqui. Fray José de Espeleta, long-serving missionary at Shongopavi. Ref. 10.

1662 Peñalosa visits the Province of Moqui on inspection tour. Ref. 11.

1662 Francisco Gómez Robledo holds in encomienda half of Shongopavi, 80 units of tribute. Ref. 12.

1662 Bartolomé Cisneros, alcalde mayor of Zuni and Moqui. Ref. 13.

1664 Elena Gómez holds Awátovi in encomienda, collected by Capt. Francisco Javier. Ref. 14.

1672 Friars at the Hopi pueblos are coping with New Mexico's widespread famine. Ref. 15.

c. 1675 Peñalosa's map showing Moqui, "Xongopavi," "Aguatubi," "Santa Fe de Peñalosa," and the Sierra Azul. Ref. 16.

1675-80 Diego López del Castillo, alcalde mayor of Moqui. Ref. 17.

1680 Hopis join most of the Pueblo Indians in massive revolt; Spaniards flee south to El Paso district. Ref. 18.

1692 Vargas leads Spanish recolonization; ritual repossession of Hopi pueblos, November. Hopis all now living on mesa tops. Ref. 19.

1693 Vargas suggests that Hopis be moved to the Rio Grande Valley to the abandoned pueblos of Alamillo and Sevilleta and the area between them. Ref. 20.

1699 Gov. Pedro Rodríguez Cubero sends José Naranjo, "el Mulatto," alcalde mayor of Zuni, with fray Francisco de Garaicoechea and fray Antonio de Miranda to Awátovi. Threat by Oraibi's cacique Francisco de Espeleta. Naranjo thwarts attack, goes to Walpi, and brings out the Santa Claras who were ready to return to their eastern pueblo. Ref. 21.

1700 Naranjo goes back to Awátovi with Father Garaicoechea. The friar stays for a time, baptizing 73 babies, then returns to Zuni. Naranjo boasts in 1701 that on this and the previous trip he brought out the Santa Claras, eight families from San Juan, six from San Ildefonso, nine from Cochiti, four from Santo Domingo, all the Jemez, and six families from Galisteo. Ref. 22.

1700 Oraibi Cacique Espeleta to Santa Fe at head of a Hopi delegation. Received by Gov. Rodríguez Cubero. Espeleta suggests that friars come to baptize Hopi infants successively in

each of the six pueblos over a period of six years. The Spanish governor balks, and the Hopis leave. Ref. 23.

1700-1701 Hopi destruction of Awátovi that winter. Gov. Rodríguez Cubero's failed punitive expedition to Moqui with 150 men-at-arms and 300 Pueblo auxiliaries. Ref. 24.

1702 Roque Madrid, alcalde mayor of Santa Cruz de la Cañada, reports that Awátovi traders showed up seeking animal hides. He knows these Hopis. Ref. 25.

1706 Drought. Gov. Francisco Cuervo y Valdés provides Hopis with wheat and maize seed for sowing. Ref. 26.

1707 Cuervo y Valdés sends soldiers twice to Moqui with fray Juan Mingués. Ref. 27.

1707 Viceroy Duque de Alburquerque to Gov. Marqués de Peñuela, Aug. 29, responding to the good news that Hopis in June sent a cross to Zuni as a sign of peace. Ref. 28

1716 Gov. Félix Martínez expedition to Moqui with fray Antonio Camargo and fray Domingo de Araos. Ref. 29.

1718 Three Tanos of Galisteo ask Gov. Antonio Valverde for a license to visit their relatives who fled to Walpi in 1696 but now want to come home. Rumors that many Tewas and Tanos want to leave Moqui but fear punishment. Ref. 30.

1723 Capt. Antonio Becerra Nieto of Janos presidio supports the plan of Father Agustín de Campos, S.J., to make an entrada to Moqui via the Gila. Says Hopis want "padres prietos," i.e., Jesuits, instead of Franciscans. Ref. 31.

1724 Fray Antonio Miranda and fray Francisco Irasábal to Moqui for four days, 24 hours at Oraibi. Ref. 32.

1728 Gov. Juan Domingo de Bustamante reports that Spaniard Jacinto Sánchez and Zuni leaders were welcomed at Moqui in the pueblo of the Tiwas. The 48 years of apostasy (since 1680) predicted by Father Espeleta has now run its course. Ref. 33.

1729 *Reglamento para todos los presidios* comments on Pueblo Indians of other jurisdictions fleeing the abuses of their New Mexico alcaldes mayores to Moqui. Ref. 34.

1730 Fray Francisco Manuel Bravo de Lerchundi to Moqui. Ref. 35.

1730 Francisco Álvarez Barreiro lists Hopis among the 24 pueblos of New Mexico. Ref. 36.

1731 Father Bravo de Lerchundi reports flight of Isletas to Moqui because of alcalde mayor's abuses. Ref. 37.

1740 Fray Carlos Delgado and fray Pedro Ignacio Pino to Moqui. Ref. 38.

1742 Friars Delgado and Pino back to Moqui, bringing out 441 converts, mostly Tiwas settled temporarily in various Rio Grande pueblos. Another friar asks for an order to resettle them in their former pueblos of Pajarito, Alameda, and Sandia. At Isleta, Father Delgado baptizes 78 children brought from Moqui. Ref. 39.

1743 Montoya family brings 17 “Moquis (Hopis)” to Santa Clara Pueblo for baptism. These will form the nucleus of the Abiquiu resettlement of 1750. Ref. 40.

1743 Three “Moquis” baptized at Laguna. At Isleta, Father Delgado baptizes 53 adults from Moqui. Ref. 41.

1744 At Jemez, on Oct. 15, fray José Irigoyen baptizes 17 men and 20 women born in Moqui; all men Cristóbal, all women Bárbara. Ref. 42.

1745 Friars Delgado, Irigoyen, and Juan José Toledo to Moqui with an escort of 80 Pueblo Indian auxiliaries from Acoma, Laguna, and Zuni. Ref. 43.

1745 Delgado describes the Province of Moqui and the reception he and his two friar companions received there: six pueblos, 10,846 people. Residents will let them know when they are ready to receive baptism. Ref. 44.

1747 “Father Menchero’s campaign:” 700 soldiers, civilians, and Indian auxiliaries from Sonora, Nueva Vizcaya, and New Mexico set out to defeat the Gila Apaches, clear the road between New Mexico and Sonora, and reconvert the Province of Moqui. An utter failure, they get no farther than Zuni, while Apaches attack behind them. At Zuni, a large delegation of Hopi leaders assures Capt. Alonso Vitores Rubí de Celis and the friars “that already they were completely loyal, even as before their rebellion.” Ref. 45.

1748 Father Menchero refounds Sandia with 70 families of 350 people, mostly Tiwas brought out from Moqui in 1742, but also including a few Hopis, among them a former cacique of Oraibi, hinting at Hopi factionalism. Ref. 46.

1748 Capt. José de Berroterán reports that the Franciscans want the presidio of El Paso moved to Moqui. Ref. 47.

c. 1748 “Menchero map” shows “56. Provincia de Moqui” as an integral component of Spanish New Mexico (with pueblos numbered and labeled): “57. Gualpi Peñol Poblado,” “58. Tanos Peñol,” “59. Moxonavi Peñol poblado,” “60. Manxopavi poblado,” “61. Pueblo Antiguo d. Moxi.s.xong.os,” “62. Mesas de los tiguas,” “63. Oraibe.” Ref. 48.

1749 Friars Menchero, Toledo, and Juan Sanz de Lezaun by a new route to Walpi. Ref. 49.

1755 Fray Mariano Rodríguez de la Torre visits Moqui, blames their recalcitrance on bad Pueblo Christians who fled there because of bad Spanish Christians. The only thing the Hopis lack, according to the friar, “is being Christian, for they already have such essentials as sweet dispositions, cheerful faces, and generosity.” Ref. 50.

1756 Fray Tomás Murciano de la Cruz baptizes eight “Moquis” in Santa Fe. Ref. 51.

1758 Bernardo Miera y Pacheco’s map of New Mexico details the “Provincia de Moqui” (with the pueblos of “Oraibe,” “mazanavi,” “Jongopavi,” “gualpe,” “Aguatubi” (as a ruin), as well as “llano de Oraibe,” the spring of “Cañutillo,” and to the west “tierra de los coninas”). Gov. Francisco Antonio Marín del Valle sends Miera on a mission to map the provinces of Moqui and Navajo. Ref. 52.

1760 Another Miera y Pacheco map shows the Provincia de Moqui west of the Provincia de Nabajo. Ref. 53.

1771 Nicolás de LaFora’s map depicts 6 unlabeled mesatop pueblos of “Moqui.” Ref. 54.

1775 Hopis come to Zuni to trade. Visit of fray Silvestre Vélez de Escalante and the alcalde mayor of Zuni to the Province of Moqui, 8 days, mixed messages from Hopis. Rumors of a planned Navajo ambush. Like Menchero before him, recommends that a presidio be established in Moqui. Accompanying map lists communities, now including “Xipaolabi,” “Colonia de Xipaolabi,” and “Colonia de Gualpi.” Population estimate 7,494.59. Ref. 55.

1775 Father Vélez de Escalante to Gov. Pedro Fermín de Mendinueta, Zuni, Oct. 28, stating that although the Hopis of the seven pueblos of Moqui are “rebels they are really vassals of Our Sovereign.” Ref. 56.

1776 Fathers Vélez de Escalante and Francisco Atanasio Domínguez in November pass through Moqui with a small party, are received courteously, and buy provisions. Ref. 57.

1778 Miera y Pacheco’s map of the territory covered by the Domínguez-Escalante expedition of 1776 labels “Oraibe,” “Jongopavi,” “Masasanavi,” “thanos,” “Aguatubi” (as a ruin), and the spring “Ojito.” Ref. 58.

1779 Gov. Juan Bautista de Anza writes of the shriveling drought that has scourged the Hopis since 1777. Prospect of resettling Hopis at Sabinal on the Rio Grande. Ref. 59.

1779 Thirty-three Hopis flee from Moqui and are escorted to Sandia. Ref. 60.

1780 Fray Andrés García brings 77 Hopis to Santa Fe who are distributed among Rio Grande missions they select; number of such emigrants rises to 150. Ref. 61.

1780 Anza’s expedition to Moqui distributes food, offers trade, but fails to reconvert the Hopis. Drought and famine have reduced their seven pueblos to five. Anza reports that the cacique of

Oraibi confirms that he and all the Hopis have always recognized the Spanish king as their own sovereign. Ref. 62.

1780 Map of the Provincias Internas by Manuel Mascaró, based on Miera's maps, etc., shows "Provincia del Moqui" as part of Spanish New Mexico. Ref. 63.

1781 Croix reports that Anza's peaceful policy towards Moqui has resulted in the resettlement of more than two hundred Hopis in the eastern pueblos. Ref. 64.

1782 In his "Geographical Description of New Mexico," fray Juan Agustín de Morfi includes the Provincia de Moqui. Ref. 65.

1799 Second-hand report of Lt. José Cortés calling the Hopis "the most industrious Indians of all those . . . in that part of America." Ref. 66.

1801 People of Zuni, beset by Apaches, seek refuge and trade with the Hopis. Ref. 67.

1810 Pedro Bautista Pino's *Exposición* reports that the seven Moqui pueblos have been unable to protect themselves from the forays of surrounding peoples and "are left with little more territory than that which their forefathers inhabited." Ref. 68.

1819 Five Hopis to Zuni requesting Spanish protection against Navajos. Gov. Facundos Melgares sends detachment that attacks Navajos near Walpi and Hano. Ref. 69.

1819 Melgares reports Hopis hard pressed by Navajos at Ojo de la Vaca and asking for Spanish aid. Expresses hope of founding a Hopi mission. Ref. 70.

1819 Treaty of peace between Spaniards and Navajos, August, Santa Fe, article 16: Navajos to respect the persons and property of the Hopi Tribe "in view of the fact that this government is taking them under the protection of our kind sovereign, in whose shadow they have taken refuge." Treaty reprinted in Mexico City newspaper. Ref. 71.

1821 Mexico becomes independent from Spain.

1823 Hopis aid Gov. José Antonio Vizcarra's campaign against the Navajos. Ref. 72

1829 New Mexican trader Antonio Armijo goes by way of the Hopi pueblos en route to southern California. Ref. 73.

1848 Treaty of Guadalupe Hidalgo, Spanish New Mexico, including all of present-day New Mexico and Arizona, is ceded to the United States by Mexico. 9 Stat 922 (Feb.2.1848)

1850-51 Hopi delegations arrives in Santa Fe to meet with Supt. John S. Calhoun, complaining bitterly of Navajo depredations and appealing for the help of a U.S. "Great Father". Ref. 74.

1848 Treaty of Guadeloupe Hidalgo. 9 Stat. 922 (Feb. 2, 1848). Spanish New Mexico, including all of present day New Mexico and Arizona is ceded to the United States by Mexico.

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APPENDIX 2

Three 18th-Century Maps of Spanish Colonial New Mexico Showing the Provincia de Moqui

Not infrequently, viceregal officials in Mexico City fumed that they had not a single good map of the remote Kingdom and Provinces of New Mexico. The three charts (c. 1748, 1758, and 1778) described below include the Provincia de Moqui as an integral component of the kingdom.

1. “Trabajo Personal que en la inspeccion . . .” (c. 1748), attributed to fray Juan Miguel Menchero and dedicated to Viceroy Juan Francisco Güemes y Horcasitas, Conde de Revillagigedo (1746-55).

From the key in the upper right corner: “56. Provincia de Moqui” (with pueblos numbered and labeled): “57. Gualpi Peñol Poblado,” “58. Tanos Peñol,” “59. Moxonavi Peñol poblado,” “60. Manxopavi poblado,” “61. Pueblo Antiguo d. Moxi.s.xong.os,” “62. Mesas de los tiguas,” “63. Oraibe”.

Although the Provincia de Moqui is plainly part of New Mexico, the map maker has skewed the lower left side, placing the Gila River and Moqui far east of where they should be and below (instead of to the west of) the Provincia de Navajo.

Detail on extreme left of Jesuit Fr. Ignacio Keller en route to Moqui being ambushed in 1743. Redrawn in John L. Kessell, *Kiva, Cross, and Crown: The Pecos Indians and New Mexico, 1540-1840* (Washington, DC: National Park Service, 1979), 328.

Map originally in Koenigl. Kartograph. Institut. Berlin; photocopy, Eleanor B. Adams Papers, Col. 826 BC, Center for Southwest Research, University of New Mexico, Albuquerque [EBA].

2. “Mapa que mando hacer el Señor D.n franz.co Antt.o Marin de el Valle . . .” (1758), by Bernardo Miera y Pacheco. Shows Provincia de Moqui and lists Moqui as a language spoken by New Mexico Pueblo Indians.

“Provincia de Moqui,” with the pueblos of “Oraibe,” “mazanavi,” “Jongopavi,” “gualpe,” “Aguatubi” (as a ruin), as well as “llano de Oraibe,” the spring of “Cañutillo,” and to the west “tierra de los coninas.”

Map originally in the Archivo General de la Nación, Mexico City, Californias, 39, removed from the archive between 1930 and 1951. Reproduced from a photocopy. See Kessell, *Kiva, Cross, and Crown*, 508-12, with reproduction, 510-11 and end papers.

Miera made several such maps for Governor Marín during the period 1758-1760 (see e.g., *ibid.*, fol. 166).

3. 1778 “Plano Geographico, de la tierra descubierta . . .” (1778), by Bernardo Miera y Pacheco, Chihuahua, resulting from his odyssey and visit to Moqui with fray Francisco Atanasio Domínguez and fray Silvestre Vélez de Escalante in 1776.

Shows detailed Provincia de Moqui, with pueblos labeled: “Oraibe,” “Jongopavi,” “Masasanavi,” “thanos,” “Aguatubi” (as a ruin), and the spring “Ojito.

Original map in the British Museum, Additional Manuscripts, 17661.D. Reproduced, color tinted, in back pocket of Herbert E. Bolton, *Pageant in the Wilderness: The Story of the Escalante Expedition to the Interior Basin, 1776* (Salt Lake City: Utah Historical Society, 1950). Faded photocopy in four sections, EBA, maps.

Cartographer Bernardo Miera y Pacheco (1713-1785), a Spaniard who moved to El Paso del Norte during the 1740s and to Santa Fe in the 1750s, drew another map in 1779 focusing on the Rio Grande Valley. On that map he placed the wordy legend in the northwest, over the Provincia de Moqui. Earlier, Gov. Francisco Antonio Marín de Valle (1754-1760) had commissioned Miera to map the provincias de Moqui and Navajo. That, as well as other Miera maps, has gone missing.

APPENDIX 3

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Teaching and Related Experience:

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Professor, History, UNM, 1994-96
Associate Professor, History, UNM, 1983-94
Research Associate Professor, History, UNM, 1980-83
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Honors:

Gilberto Espinosa Prize for best article, *New Mexico Historical Review*, 2004
Angie Debo Award, University of Oklahoma Press, for *Spain in the Southwest*, 2003
Excellence in the Humanities Award, New Mexico Endowment for the Humanities, 1998
Board of Director's Award, Historical Society of New Mexico, 1998
Distinguished Visiting Professor, Fort Lewis College, Durango, Colorado,
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Best non-fiction book 1990: Historical Society of New Mexico; Mountains and Plains Booksellers, for *Remote Beyond Compare*
Comité Hispano-Norteamericano Travel Grant, Oct. 1982
Guggenheim Fellowship, 1980-81
American Association for State and Local History Award of Merit, 1980
Westerners International Co-Founders' Award, Best Book of Verbal Emphasis, 1979
Western Writers of America, Spur Awards, finalist, Best Western Nonfiction Book, 1976, 1980
Western Historical Quarterly Herbert E. Bolton Award, 1973, and Oscar O. Winther Award, 1982

Selected Publications:

Mission of Sorrows: Jesuit Guevavi and the Pimas, 1691-1767, foreword by Ernest J. Burrus, S.J. (Tucson: University of Arizona Press, 1970)

"Friars versus Bureaucrats: The Spanish Mission as a Threatened Institution on the Arizona-Sonora Frontier," *Western Historical Quarterly* 5 (1974), 151-62

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