Inside Historic Santa Fe

In this issue of the eZine, we share a book review by Pete Warzel on *Fresh Farm Journey: Santa Fe Farmers Market Cookbook* (https://www.farmfreshjourney.com/) along with numerous illustrations from photographer and author Douglas Merriam of delicious dishes, New Mexico farmers and scenic landscape of this great state. We also include a lengthy interview with HSFF Board Director, scholar and researcher Linda Tigges on her newest book, *Spanish Colonial Women and the Law: Complaints, Lawsuits and Criminal Behavior. Documents from the Spanish Colonial Archives of New Mexico, 1697-1749*. Tigges elaborates on many of the questions demonstrating not only her knowledge, but passion, for the subject. We hope you enjoy both pieces and share with your interested friends and family, as well as fellow foodies and bibliophiles.

November always seems harried. Here, we struggle to finish any last-minute projects before the weather changes and, with the advent of the much-dreaded and maligned daylight savings time, before the days get shorter and we lose precious sunny working hours. The holiday season starts next week and this adds to the madness while we are preparing for the Thanksgiving feasts and the desire to shed the few extra pounds gained from all the holiday goodies that somehow appear almost every day on the kitchen counter of El Zaguán. It is also the time that we, of course, set the budgets for the next year and prepare for our end of year fundraising.

In the upcoming printed newsletter, we share information about the repairs of our offices and structures at El Zaguán and how our staff and volunteers work diligently to maintain this treasured property, both for all at the Foundation, and for the history of Santa Fe. We hope you will stop by to see the new brick work outside of the artist apartments, the opening of 2B into the new archives room and, in February 2018, the repairs to the roof in the sala. For members, look for your copy of the printed newsletter in the mail in late November or early December with an article by HSFF Preservation Specialist Mara Saxer on the repairs, and remember to give some extra as a tax-deductible donation to the Foundation to help with projects like those around El Zaguán. To renew your membership or give in person or by snail mail, call us at 505-983-2567, email info@historicsantafe.org or mail the donation to our address below. Renew or give online at http://historicsantafe.org/join-give/.

Thanks for all your generous support and Happy Thanksgiving from HSFF!
A storm cloud pours down rain over Santa Fe mid-summer during “monsoon” season, while a maturing chile pepper shows rain drops after a downpour. © Douglas Merriam from Farm Fresh Journey

Annie milks her goat at Gemini Farms. © Douglas Merriam from Farm Fresh Journey
**WILLARD CLARK PRINTS ON DISPLAY – A FUNDRAISER FOR HSFF**

Historic Santa Fe Foundation received a donation of Willard Clark wood engravings in 2017 and has issued an invitation for appointments of private viewings of the 24 works. The pieces have been individually appraised and are for sale as a fundraiser for the foundation.

Twelve of the pieces are currently on display in the Archives and Research room. To arrange an appointment and view the wood engravings, please contact Jacqueline Hill, Jacqueline@historicsantafe.org or Melanie McWhorter, Melanie@historicsantafe.org or call us at 505-983-2567.

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**EL ZAGUÁN HOLIDAY SHOPPING**

We are expanding the gift shop at El Zaguán with Mara Saxer’s recycled jewelry made from the interiors of old computers, Jacqueline Hill’s pottery of clay and melted glass, Michael Rael’s tinworks, Nicola Heindl’s pottery and paintings, and different works by three photographers: Jim Gautier, Melanie McWhorter and Pete Warzel. We still have our selection of books and cards and we will have more artworks in the upcoming weeks.

Stop by and purchase your holiday gifts of hand-crafted affordable art.
Admittedly we are a few hours late to this party. *Farm Fresh Journey: Santa Fe Farmers Market Cookbook*, was published earlier this year, 2017, and we missed it. Only while walking through the Santa Fe Farmers Market the last weekend of October did I see the sales stand and talk to Doug Merriam about this handsome book. Then I sat down with it for the weekend.

Also, admittedly I have never reviewed a cookbook before. I was never asked to or found it necessary. This book changes that. There is an aesthetic to it that makes it simply a very good book.

Douglas Merriam is the photographer, the visionary of the book, the driving force in herding farmers who brought their recipes and produce for memorialization. He also has written the first three introductory chapters. Lesley King picks up from there and writes four framing essays that divide the book proper into four sections - recipes by season. That is the ideal design for the meals governed by seasonal ingredients and for the farmers who live by the turning of the earth and sky.
There is more to this book than recipes, although that certainly is the heart of the book and rightfully so. They are simple, hearty, alluring, and made with 90% plus of ingredients found at the Santa Fe Farmers Market. The photography is extraordinary and covers fields and farmers, admiringly, in 200 crisp and colorful images. On the book’s website, www.farmfreshjourney.com, there is an exemplary section on individual farms and farmer profiles with detailed narrative and more photographs of land and people.

Lesley King writes the essays prefatory to each of the season’s recipes, focusing on the work of farming and the weather effects that steers it for that particular season. She captures the sense of struggle in bringing this produce to market and setting these cooked dishes on the table, spring, summer, autumn, winter.

The recipes themselves have been gathered from the source - the farmers and their families - as well as from some of the customers of the farmers market, and took Doug many years to collect and test, ensuring a quality product of taste and visual appeal for the book. We are now in the pure light of autumn, coming on winter, and the following recipes are in the Autumn and Winter sections of the book.

- Blue Corn, Pinõn Pancakes
  - We added local green chile bacon on the side on a recent test run.
  The recipe is from Talon de Gato Farm near Dixon, N.M. and has simple, wonderful ingredients, including drizzled honey rather than syrup. Perfect autumn brunch fare and in the eating excellent, homey, very New Mexico.

- Autumn Harvest Cherry Tomato Pasta
  We tried this the same day at dinner and again it offered simple, fresh, clean tastes with cherry tomatoes, olive oil, garlic basil and mozzarella. Living in a city of incredible restaurants it is easy to forget how simple food works so well.
Roasted Brussels Sprouts with Bacon, Piñon Nuts and Bok Choy
This is a variation on the staple side dish at many of the gastro pubs in town. Includes piñones and some good red chile powder, hopefully Chimayo. Then looking to winter when the market is less active, or as Lesley King says in her Winter introduction, “WINTER AT THE FARMER’S MARKET brings a quiet, nesting feel.”

- Warm Winter Salad, with yogurt, eggs and greens.
- Lamb Stew with Fennel
- Carne Adovada...thank God.

There are some 100 recipes in the book, all tested and tweaked by the authors and their families. Anyone who has tried to put recipe in exactness to paper knows that cooks cook, they do not document the process. Merriam says it so, “In my naïveté I forgot that the farmers are just that, farmers, and not chefs....and while everyone was enthusiastic about what they were cooking, many of them could not recall quantities (other than a “a dash of this” or a “pinch of that’) or even all of the ingredients they used.” One of my favorite photographs in the book is a close-up of a farmer’s handwritten recipe on yellow, lined paper, listing ingredients, with no measurements in sight (see page 6 illustration).

A percentage of sales of the book is given to the Santa Fe Farmers Market to help with their programs and perpetuation of the market. I remember when the market was a makeshift affair, spread out on the corner of Cerrillos Road and Guadalupe Street where the Railyard Park is now. The permanent structure that now houses the Tuesday and Saturday gatherings is a mark of the persistence and quality of the Market in Santa Fe.

So is this book.

Timing is right for holiday gifts and you could not do better than to give this elegant, well-crafted, and finely produced cookbook. Isn’t everyone a foodie in this city? This book will help you understand the makings from seed to plate of how the good food gets done. It is a well-wrought ode to local farmers, a look at a true cultural landscape in Santa Fe and anywhere farmers work to bring their product to local market.

Purchase the cookbook online at https://www.farmfreshjourney.com/
INTERVIEW
Linda Tigges
with Melanie McWhorter

*Spanish Colonial Women and the Law: Complaints, Lawsuits and Criminal Behavior. Documents from the Spanish Colonial Archives of New Mexico, 1697-1749*

Linda Tigges’ Salon El Zaguán on *Spanish Colonial Women and the Law* will be held on Thursday, December 7, 2017 at 3pm. More info on [HSFF’s event page](#).

Melanie McWhorter: What prompted you to do this book? Was there a particular case that sparked your interest?

**Linda Tigges:** This book and its companion, the earlier published *Spanish Colonial Lives*, were written to support on the continuation of New Mexico Spanish colonial research. Today the amount of research on the Spanish Colonial period has decreased from, say, thirty years ago, partly because of the difficulty of transcribing and translating the handwritten documents. Not many people can do it. A second reason for the book was to publish materials useful for the genealogical work of the many Hispanics now living New Mexico, southern Colorado, California, and elsewhere whose ancestors are named and often speak in the book. This book, and the previous volume, *Spanish Colonial Lives*, allows these descendents a chance to hear what their ancestors have to say, (for better or worse). A third and essential reason is that Richard Salazar and I had so much fun translating the documents. Most of the documents included transcripts of court cases, with the New Mexico residents giving testimony about their neighbors, often outraged and violent, sometimes defensive, and quite often using sexually explicit language. Most of the documents were at the very least interesting and, at best, a joy to read. We thought other people might enjoy them too.

**MM:** Why limit the cases to 1697-1749?

**LT:** The 1697 beginning date was used because at that time the colonists were still thinking and acting like residents of El Paso, Zacatecas, Mexico City, and the other Mexican towns from which they came. (For instance, see the rock throwing women in Document 1). The end date of 1749 was chosen because it marks the beginning of another era. By then many of the original settlers had died. The new governor, Tomás Velez Cachupin, a professional, legally minded official, somewhat different from his predecessors, was about to enter office.

A second reason was that we also wanted a manageable number of cases. In the first book, *Spanish Colonial Lives*, we got carried away and ended up with 54 documents and a 700 plus page...
book. We wanted to do another book, but not such a big book.

**MM:** You highlight many cases that deal with topics affecting women in the Spanish colonial period. Did you attempt to make the case selections an overview of the varied legal issues that affected women (and possibly many men) at the time? Will you discuss some of the legal issues that you discovered and illustrated with the selected cases?

**LT:** In regard to the case selection, we chose documents, mostly complaints and lawsuits, that showed the variety of cases in which women were in some way involved. Most of them were legal cases, with the women involved who wanted to further or protect their own interests or those of their families. In other cases, women were the cause of the complaints by other, sometimes women, with the objectionable behavior being throwing rocks, trespassing, adultery, cohabitation, spreading scandal, or loss of someone’s honor.

The legal issues and the illustrating cases can be grouped in three categories, the most common being cases of spousal abuse (*mal vida*), cohabitation, or concubinage. The second group are cases about dowries, inheritance, and property ownership. The third most common group are cases relating to marriage: breach of promise, adultery, bigamy, and divorce.

In all of these cases, women took advantage of their status as separate entities under the law giving them the legal right to make complaints and file petitions, give testimony in court about others and on their own behalf. For instance, in Document 6 when the sister of Francisca Gomez de Torres of Santa Cruz found her bloodied from a beating by her husband, she asked for Governor Flores Mogollon’s intervention because she was afraid for her sister’s life. (She may have had good reason because her sister’s brother-in-law had recently been convicted of murdering his spouse.) Flores Mogollon took testimony from numerous witnesses, heard evidence that supported Francisca’s claim and sentenced her husband to banishment. The legal issue was the right of women to give testimony and the presence of evidence.

In a civil case relating to a dowry and inheritance, Rosalia de Noriega, daughter of wealthy rancher Luis Garcia de Noriega and wife of Salvador Martinez, was in a position of control when her husband wanted to compromise on the amount of her dowry. The legal point was that under Spanish law, a dowry and the mother’s inheritance belonged to the woman after she became an adult (age 25) or was married. If the husband, as in this case, wanted to change or spend the dowry or inheritance, the wife had to give him permission through a power of attorney. The husband could manage the property, but could not change the property that belonged to her throughout her life and was, in fact, hers to will to her daughters. In this case, when her husband wanted to reduce the value of the dowry about 15% after making a side agreement with the heirs of the Luis Garcia estate, he had to ask her to give permission in court through a power of attorney. She did agree to this, but only after being warned by court official Antonio Rael de Aguilar that she was giving up the ancient protections of the law granting her control of her affairs. She later rethought her position, perhaps belatedly understanding his warning or convinced by other, and asked the court to return control to her, which it did.

A third type of legal issue is that regarding cases associated with marriage, or in this case, a breach of promise of marriage. This example represents a sorrowful situation that is found often enough in the documents and church records. Margarita Brito was betrothed to a presidio soldier, Antonio de Abeyta and was given gifts as part of the betrothal. Because a betrothal and gift giving was often seen as equal to marriage or for other reasons, she engaged in sex with him and found herself pregnant. Her father, Juan de León Brito, a Tlaxcalan Indian, took the case directly to the governor, as was allowed. Abeyta, defended by a verbose presidio legal advisor, however, while agreeing that he had asked Margarita to marry him

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and had sex with her, had decided to marry another. He said that just because they engaged in sex, that did not mean that they he was the father of the child. He and other soldiers said that she had been seen with a soldier from the El Paso presidio, that he was probably the father, and anyway by now she was a *mujer mundane* or “well-known” woman. The case ends without a decision by the Governor Felix Martinez, suggesting that it was settled out of court, probably with money exchanged. The case shows the shady definition of marriage, betrothal sometimes being considered a marriage in all but fact. Legal representatives were allowed even though they were not trained attorneys and are seen most often in cases that involved soldiers. Because the father who initiated a case was not a Spaniard, but an Indian, he could take the case directly to the governor.

**MM:** Did you find that there was relatively equal treatment of both genders in the judgements of the governors?

**LT:** The immediate answer to that is “no”. While under Spanish law, both men and women were considered separate entities under the law, the laws were not necessarily the same for both. The Spanish did not hold with the idea that all persons are equal under the law. Instead they had different rights and privileges for separate categories and ranks of people. Women of the Spanish empire had separate laws and privileges that protected them, as did the various ranks of men. They, unlike the women of many European countries and later of the United States, were considered separate entities under the law. They were not chattels or in control of their husbands, fathers or brothers. But their rights and privileges were not the same as those men. Women could not hold public office or act as notaries, or sign their names (if they were literate) to documents as witnesses. In regard to marriage, correcting a wife was acceptable but injuring her or killing her was not. (This may be why so many women, when taking a case of spouse abuse to court, stated that they were afraid their husbands would kill them, whether he would have or not.) Adultery was more severely punished in women that in men. On the other hand, the laws for various ranks of men were not equal. For example, men of a higher rank were punished through a fine or banishment. Those of a lower rank were whipped or banished or a similar crime. As stated above, Indians had direct access to the governor and viceroy, not needing to go through the alcalde, and were not subject to Inquisition investigations.

The Spanish did, however, believe justice for all which they saw as partly being provided by equal or due process of law for all people, a concept also supported by the constitution of the United States in two constitutional amendments. Once a case, even a minor one, was accepted in a Spanish court, both the petitioner and the accused could expect that a certain procedure would be followed. For example, in Document 19, in 1719 Manuel Dominquez began to plant prickly pear cactus in a side yard to prevent the neighbors from using it as a public through-way. As he was planting them, the neighboring children and eventually their older sister Catalina Villapando, appears and began pulling them up, insisting that they be allowed to use the passage. Manuel strongly disagreed with the resulting fracas involving pushing, hitting of feet with a stick, name calling, and throwing rocks. Manuel ended with a cut on his head, whereupon his family brought this before the alcalde Don Francisco Antonio de Bueno de Bohorques y Corcuera (usually called Bueno) who carefully followed Spanish procedure for an assault. He went to the site with a scribe, and two witnesses. A curandera was called twice, first to investigate the wound and then to determine if it had healed. Catalina, the only adult in the case, was placed in confinement until the case was heard. Testimony was taken before both Catalina and Manuel, but not the young children. All testimony was written down and provided to both parties. In the end, Alcalde Bueno, pointing out that it was a minor case, considered that the process of law had been satisfied even though Catalina, the adult in this case and who bloodied Manuel’s face, was not punished. She was, however, required to pay for
the court costs such as paper and ink and the time of the curandera. The transcription was placed in the Palace of the Governor archives where it remains to this day.

**MM:** The case of Augustín de la Palma is referenced a few times in the introduction. Will you mention some of the issues in this case? Why was this one so compelling to warrant the references in the introduction?

**LT:** Just as today some people turn up again and again in court, the same was true in New Mexico. One such person was Augustín de la Palma with known Agustin del Rio and Toribio. In the first case in 1713 Agustin, a presidio soldier, was charged with rape of his lover’s daughter. The charge was made by the mother and supported by the daughter who claimed that it happened four times after being tied up. During this time, her mother was in Albuquerque where she had been banished by the governor for unspecified reasons. Augustin swore that the mother was his lover, not the daughter. He did say that most of time he was not in Santa Fe being on patrol at Pecos, but that he did bring them food whenever he returned. He asked that a midwife examine the daughter to show that she was not molested, though the mother did not agree to this. The case, after a convoluted defense by the presidio legal representative, ended without a final verdict. This likely meant that the two parties settled out of court. It may have meant an exchange of goods from the Agustin or maybe to the presidio officers to the mother and daughter. The legal issue is that the case was decided against the mother because of lack of proof that a rape had taken place and the mother’s unwillingness to have an investigation of her daughter.

A few years later in 1717, Agustín, now known as Agustin del Rio or Toribio, was arrested by the Inquisition for bigamy. After several months of interrogation, he was found guilty of being married to a second woman while still married to his first wife. (Actually, the second wife, an Indian woman, named Lucia, left him before the investigation began). While the Inquisition had evidence that could be held against him for some time, their procedures required a confession (known as the queen of evidence) and public contrition, before any final decision and a sentence. Subsequently, Agustin gave a confession and stated his contrition or “abjuration” before a packed church congregation in Santa Fe. The sentence was chilling: 200 lashes and (if he survived that) five years at the penal servitude. Of interest here is the power of the Inquisition to carry out its own procedures and enforce its own laws outside the Spanish civil and criminal justice system.

**MM:** Were there some threads or themes that were common in some of the cases?

**LT:** There are any number of common themes among the cases in this book, with military defense and violence themes probably predominant, intertwined with women’s issues with husbands and lovers, cohabitation and marriage.

In regards to defense of the province, governors, alcaldes and provincial officials continually urged the viceroy in Mexico City for help in defending the colony from the raids of the nomadic Indians. These included the various groups of Apaches, Navajos, Utes, and by the 1720s, the escalating attacks of the Comanches. The presidio was provided with 100 to 120 or so soldiers (at best) with the squadron of ten soldiers stationed at Albuquerque. These few soldiers were intended to protect all of New Mexico. As a result, every resident was expected to be armed and to participate in military activities, including smaller counter-raids and scouting expeditions as well as formal campaigns.

Santa Fe, and to a lesser extent Albuquerque, were frontier military bases with soldiers continually coming and going on campaigns, scouting expeditions, escort service, and guarding of the scattered royal horse herds. Soldiers arrived from the presidios of El Paso and San Elizario and those further south, many of them cousins of the...
colonists that came north after the re-entry of the Spanish in 1692.

Co-habitation and concubinage are associated with a military life. Especially in Santa Fe, the population included wives, daughters, or lovers of the soldiers that were killed or somehow left the province and were never heard from again. Some women applied for leave from the province such as the widows of the men killed in 1696 at Santa Cruz (Document 4). Others, like the lover of Agustin de la Palma, lived off the irregular bounty of a soldier in the form of food and companionship.

The most advantageous and perhaps the only choice for these women may have been to become dependents (but not wives) of presidio soldiers or employees. Co-habitation seems to have been common and maybe even necessary for the survival of some women, and it was not prosecuted unless it involved scandal. Though in anger some women are called *putas*, there is no evidence of organized prostitution. It may have occurred in an informal way.

The military presence and an active militia probably contributed to the continual violence that took place, with even assaults of a minor kind being investigated by the alcaldes and governor. Cousins from Chimayo got into a fight because of a horse eating some ears of corn from another’s field. The case was reported to the alcalde by the mother of one of the cousins. The husband of Rosalia Garcia, Salvador Martinez was accused of trying to ride down his father-in-law Luis Garcia while Garcia himself was twice accused of assault once for drawing a knife on another man. Salvador was accused of hitting a servant women at the time of the building of the Albuquerque church. The case was brought forward by her son, Marcial Rael, who had himself been accused of an assault. In a case not included in this book, Alonso Rael de Aguilar killed a fellow soldier in a knife fight at the presidio guardhouse. Witnesses said that it happened so fast that it had barely started before one soldier was dead. Professional and military soldiers carried swords, knives, lances and an occasional gun (though these were not always particularly accurate). Even without weapons, the soil of New Mexico provided a great many rocks easily used as weapons. In addition to their many other duties the alcaldes and governors were kept busy trying to keep the peace and deal with these assaults. The possibility of feuds and retaliations in a colony with so few residents surrounded by so many enemies was not acceptable.

Another theme is that of a legal culture, with established rules and procedures, regularly carried out, though administered in a variety of ways. This would seem to be unusual in a frontier community and probably contributed to the survival of the colony.

As seen in the Francisca Torres spouse abuse case described above, Spanish law had no jury system, with justice carried out by taking of testimony from a variety of people, this leisurely procedure slowing the process down and allowing for tempers to cool. The survival of so many extant court cases in the New Mexican Spanish archives when we know that there were at one time a great many more attests to the presence of the viable, lively legal system.

**MM:** Are you aware of the legal legacy of the period you explored? Do you know of radical changes in women’s standing and legal rights with the different governments in the years following 1749?

**LT:** New Mexico operated on Spanish law, (though less so during the Mexican period) until the American occupation. It was then replaced by laws mostly drawn from those of American states, reflecting the legal attitudes toward women of the time. The remains of Spanish law regarding women were apparently greater in Texas, a legacy of the Texas Republic. There are also remains in California, and Colorado. In New Mexico the one (and perhaps the only) legacy of Spanish law as it affects women is the community property laws for married couples, which remains in the New Mexico Law Code today.
The best sources on this subject are:


_Spanish Colonial Women and the Law: Complaints, Lawsuits and Criminal Behavior. Documents from the Spanish Colonial Archives of New Mexico, 1697-1749_
Linda Tigges, Editor
J. Richard Salazar, Transcriber and Translator
Sunstone Press, 2016, $40.00

Linda Tigges’ Salon El Zaguán and book signing for _Spanish Colonial Women and the Law_ will be held on Thursday, December 7, 2017 at 3pm. More info on HSFF’s event page.

**HSFF MISSION**

Our mission is to preserve, protect, and promote the historic properties and diverse cultural heritage of the Santa Fe area, and to educate the public about Santa Fe's history and the importance of preservation.

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Left image shows Adam Mackie walking in the fields on his farm, Talon de Gato, which is tucked within the landscape on the right, the Embudo Valley. © Douglas Merriam from Farm Fresh Journey

The Historic Santa Fe Foundation
NOVEMBER/WINTER 2017 CALENDAR

For a list of all HSFF events, visit our website, historicsantafe.org/events.

Continues through November 27, 2017 - Kuzana Ogg: True Blue Exhibition. El Zaguán, 545 Canyon Road, Suite 2. Monday – Friday, 9am-5pm.

Thursday, November 16, 2017, 3pm - Salon El Zaguán with Heloise Jones, New Mexico’s Allure for Writers: A Perspective Beyond Landscape

Friday, December 1, 2017, 5-7pm - Anna Booth: New Works Opening. Exhibition continues through December 29.

Thursday, December 7, 2017, 3pm - Salon El Zaguán with Linda Tigges, Spanish Colonial Women and the Law

To share events please contact the HSFF Development Associate Melanie McWhorter at 505-983-2567 or melanie@historicsantafe.org