Title
Fray Nicolás Hidalgo, Franciscan Missionary in Taos, Accused of Sodomy and Heinous Crimes by Luis de Rosas, Governor of New Mexico November 25, 1638

Permalink
https://escholarship.org/uc/item/9s0474n5

Authors
Craddock, Jerry R
Polt, John H R

Publication Date
2016-01-12
Preface

Most recent revision: April 7, 2016

The document published here for the first time, and as yet untranslated, so far as I am aware, should, one would have thought, have brought a great deal of notoriety to Fray Nicolás Hidalgo for the horrific crimes the natives of Taos pueblo attributed to him. France V. Scholes’ description of this document (1936:328, n. 16) is succinct, without excerpts, and seems rather dismissive of the charges involved, apparently on the grounds that Fray Nicolás went on after his ministry at Taos to the pueblo of Sandía and was recorded as participating in a convocation of Franciscan missionaries in 1640 (cf. Strolle et al. 2010:93), a circumstance which presumably would not have happened had he been guilty as charged.

So far as can be observed at this distance in time, no official action was taken in the case, which was brought to the attention of the viceregal authorities by the governor of New Mexico, Luis de Rosas. Hardly a disinterested observer, in the midst of his ceaseless conflicts with the Franciscan fathers of New Mexico he was no doubt eager to discredit the order as much as possible. Yet in his cover letter he mentions only the “pecado nefando”, or sodomy, allegedly committed by fray Nicolás with various Taoseños, perhaps deeming that charge sufficient to damn the Franciscan utterly in the eyes of viceregal authorities. The governor levels his chief complaint against Fray Esteban de Pereja, the Inquisition’s commissary in New Mexico, for overly ostentatious display of his Holy Office regalia, both in the Santa Fe church and in the Franciscan convent of that city.

Governor Rosas’ cover letter of November 25, 1638, accompanies sworn testimony taken by his secretary of state, Francisco de Anaya Almazán between October 30 and November 5 of that same year at Taos pueblo. The testimony is truly horrific and if it is to be believed, Fray Nicolás Hidalgo was a genuine psychopath. The description of how he snatched a nursing infant from its mother’s breast and threw it into the fireplace leaves an image that is hard to efface from the memory, an act so truly diabolical that a superstitious person would have to assume he was possessed. By comparison, his sexual abuse of members of both sexes, including the murder of a husband in order to gain access to his wife, and his torture of a man by twisting his penis, are merely heinous in a man of the cloth. Apparently neither the secular nor the religious authorities showed any concern and the document was filed away in the archives of the Inquisition. It was his successor, fray Pedro de Miranda, who in 1639 may have suffered the consequences of Fray Nicolás’s alleged crimes, when he perished in the Taos revolt of that year, though in the Franciscans’ view it was governor Rosas who provoked the rebellion by telling the Taoseños not to obey the friars (Strolle et al. 2010:91-96, report of Fray Juan de Salas, March 16, 1640; cf. Scholes 1936:320, 332n48; Knaut 1995:101, 209n35). One could speculate that the horrors of the revolt overshadowed the crimes of Fray Nicolás in the minds of his contemporaries.

In recent times, more notice has been taken of Fray Nicolás’ sexual transgressions than of his other alleged offenses, esp. in a work devoted to the erotic aspects of colonial and independent New Mexico (Gutiérrez 1991:123, 368n75; 209-210, 376n5). Fray Nicolás’s misdeeds have been taken up in two recent popular works, Lucero 2008:136-137 and Dornan 2014:31-32, primarily based on Gutiérrez’s account.

The transcription is paleographic, but abbreviations have been tacitly resolved. Punctuation, word division, and the use of capital letters have been modernized. Editorial deletions are enclosed in
parentheses ( . . . ), editorial emendations and additions in brackets, [ . . ]; scribal deletions are signaled with a caret inside the parentheses (^ . . .), scribal emendations and additions with a caret inside the brackets [^ . . .]. Parentheses that actually occur in the text are represented with the special characters “(...)” to differentiate them from editorial deletions. Curly brackets enclose descriptive terms: {rubric}; square brackets also enclose information about format: [left margin], [right margin], etc. The text of marginalia is set off in italics. The text has some passages that are difficult to read; they are signaled in this fashion: yellow highlighting = uncertain text; ?? = unreadable text. Any assistance with deciphering those passages would be most welcome.

A cross appears at the head of each page, against the usual practice which places crosses only at the head of the first page of documents, until fol. 442v and 443r, where a flourish appears. The latter was not noted in the transcription.

I would like to express my appreciation to Professor Larry Larrichio, University of New Mexico, for obtaining for this edition facsimiles of the photostats housed in the Center for Southwest Research, Zimmerman Library, University of New Mexico. John Polt, in addition to providing a translation of the document, proofed the preface and the transcription to very good purpose, for all of which I am much indebted.

References


Strolle, Martha Hidalgo, John H. R. Polt, and Jerry R. Craddock. 2010. *Dossier concerning the abuses of Luis de Rosas, governor of New Mexico (1637-1641), his murder in 1641, and the extrajudicial execution of the alleged conspirators in the murder by Alonso Pacheco de Heredia, governor of New Mexico (1642-1644).* http://escholarship.org/uc/item/0fr37213
Señor mio, estos días an dado quexa los yndios de la dotrina llamada Taos de que su dotrinero llama-do fray Niculas Hidalgo, religioso de la orden de San Francisco que asiste en estas provincias oy, hijo de Pedro Lopes Hidalgo, cometía con ellos el pecado nefando y abriendolos remitido a su custo-dio me respondio que le abian acusado aun mas feamente ante el que ante mi y abiendo pasado-se ocho meses, yendo estos días a correr la fronte-ra se bolbian los yndios a quexar porque me fue fuerça tomar la quexa por escrito y aten-diendo a que su custodio no yço caso de lo que los yndios decian ni menos el qu’es comisario de la Santa Ynquisicion sino que antes me pedia que yo lo rehobase, me a echo escrupu-lo y ansi e querido dar cuenta a Vuestra Merced para que la de a estos señores y se bea lo que declaran los yndios en ese santo tribunal.

Y por lo que a mi toca de gobernador y capitan general destas provincias suplico a Vuestra Merced se sirba de que esta republica sepa la comision que ese santo tribu-

---

n. 22
para que se siente el padre fray Estaban con otros dos religiosos que dice tienen su futura, todos con abitos de San Benito encima de los de San Francisco y ansi-mismo le trae otro religioso que el dicho fray Estaban a nonbrado para su secretario y mas

abajo pone vn banco en que sienta vn alguacil mayor que nombra de la Santa Ynquisicion y vn fiscal y otro que dice es para llebar el estandarte de la fe, todos con sus nombramientos quien no solo ponellos allí sino que esto aya de ser estando yo en la yglesia y ansimismo tiene do-sel en su celda a fuer de Santa Ynquisicion y se sienta debajo desde adonde recibe todas las bisitas que se le acen y tiene sobre vna mesa vn Christo bestido de luto, todo lo qual se les ace grande

nobedad a estos becinos y yo dudo de que ten-ga tan anplia comision que sin mas ynformacio[n] que su nonbramiento se den a onbres que no son conoc[i]-dos y casados el oficio de fiscal y los demas que e dicho e l’e suplicado en amistad me enseñe su comis[i]on]

y no lo e consegido y para que se le respete y benen-tida la que tubiere, suplico a Vuestra Merced y de parte destas pro-binçias nos la aga saber que en ello la recibire mui grande, cuya bida guarde nuestro señor como puede. De la billa de Santa Fe a 25 de nobienbre ??

Luis de Roças {rubric}

[fol. 442r]

†

Yo Francisco de Anaia Almaçan escriuano de governacion destas pro-ujuncias de la Nueua Mexico, doy fee y uerdadero testimoñio como oy que se contaron treinta dias del mes de otubre deste año de mill y seisçentos y treinta y ocho, yendo el señor gouernador y capitan general don Luis de Ro-ças en persona a correr la frontera de los taos con una tropa de soldados llego a la estançia que esta en el dicho ualle de Thomas de Ortega, en la qual estançia paresieron ante su señoria todos los capitanes del dicho pueblo de los taos y en mi presençia y por lengua de Pedro Tiguas ladino en lengua castellana, dijeron los dichos yndios que auia siete meses que dibersas ueses auian dado queja a su señoria de como el padre frai Nicolas Hidalgo su ministro cometia con ellos el pecado nefando y asimesmo tenía el dicho rreligioso dos hijos en dos yndias del dicho pueblo y disiendoles su señoria que mirasen bien lo que desian porque de ser testimonio les auia de quemar publicamente en la plasa de
su pueblo, a lo qual dijeron que ellos desian la uerdad como siempre que allí estauan para que si fuese mentira les
20 quemasen y bolbiendo su señoria a los soldados les dijo estubiesen atentos a las dichas declaraciones para que de ello fuesen testigos y preguntándoles a los yndios que si ya no auía yniado el padre custodio vnos religiosos a haser la aueriguacion de lo que ellos desian, respondie-
25 cron que si que era uerdad que vnos padres auian benido a es-
cribir, los quales escribieron en el convento y no saben que por que ellos no lo bieron ni les llamaron para que confe-
sasen la uerdad sino que escribieron con otros yndios que n[o sa]-
bian de aquello y que seruía de ynterprete el criado de ??
30 fray Nicolas Hidalgo y que el mismo padre estaua allí presente [en] el convento y que les tenia amenasados que les auía de a?? el señor gouernador y capitan general y dijeron que para que mas bien sup[ie]-
se su señoria y los españoles la uerdad presentauan y [pre]-
sentaron luego allí a un yndio que llaman el mulato, [el]
35 qual dijo que el dicho padre fray Nicolas Hidalgo abia cometido con el el pecado nefando y quitándose el cuero de cibola que traía cobijado hiso la demostraçion con las manos y el cuerpo y asimismo llamaron a otro yndio llamado Francisco Quaelene capitan que es del quartel llamado del sepo y dijo que el dicho padre fray Nicolas Hidalgo auía cometido con el el pecado nefando y hizo las mesmas demostraciones disiendo que a-
40 quelo que desia era la uerdad y asimesmo acusaron al [fol. 442v]
dicho padre todos los capitanes de como auía preso un yndio lla-
5 mado Enpanadilla y metidole en una estufa y que a la maña­na amanesio aorcado y que les dijo el dicho padre que el se abría aorcado y que luego bieron que el dicho padre trataua con su muger del dicho difunto llamada Ysabel Yantula y que tenía en ella un hijo, el qual estava en el convento bes-
tido como español, a lo qual les dijo el señor gouernador que aquello que desian lo hiziesen bueno y dijeron los dichos yndios que lo harían quando su señoria fuese al pueblo como cosa 10 publica y que sabian todos los del pueblo, todo lo qual declararon ante su señoria estando yo presente y muchos que fueron testigos como son el sargento mayor Francisco Gomes, el capitan Marcos Laso de la Bega y los capitanes Francisco de Madrid, don Roque de Cassaus, Juan Griego, Gaspar Peres, Diego Martin 15 y el alferes Juan Marques y Juan Luis y Juan Gonzales y el ayuda[n]-te Juan Lopes y Sebastían de Sandobal y Rojas y Agustín de Y-
ojos y Visente Pacheco y Luis Martín, todos los cuales yuan acompañando a su señoria. Y asimismo ser-
tifico y doy fee como yendo dentro de seis días el señor 20 gouernador y capitan general al pueblo de los taos en cumplimiento
de lo que los dichos capitanes auian dicho le enseñaron el niño que ellos dijeron que al parecer tiene como cuatro años, el qual estaua bestido a la española y se uía dentro del dicho convento y presentaron la madre del dicho niño llamada Ysabel Yantula y declaró deuajo de juramento ante su señoria abiendo primero reusado un poco dijo que era verdadero que aquel niño era su hijo abido del dicho padre fray Nicolas Hidalgo con quien ella trataba por auerle el dicho padre perseguido y obligado a ello despues que murio su marido y que al dicho marido el dicho padre fray Nicolas Ydalgo estando mal con el le metio en priçion en una estufa y amaneçio aorcado y el dicho padre dijo que auia aorcadose el mismo y que desde entones trato el dicho padre con ella y asimismo presentaron otra yndia del dicho pueblo llamada Margarita Tultamu, la qual debajo de juramento dijo que despues de muerto su marido que lo mataron los apaches tubo exceso el dicho padre con ella aunque ella lo reuso mucho y se hizo preñada del dicho padre y pario una criatura, la qual enseñó al señor gouernador y a todos los que allí estauamos que al parecer ternía un año de edad poco mas o menos y asimismo presentaron otra yndia llamada Felipa Áwuya-ye, la qual dijo debajo de juramento que estando ella en el convento del dicho pueblo moliendo arina de trigo como siempre lo hasen, entro el dicho padre fray Nicolas Ydalgo y la empeño a aporrear y ella se abrasó con un hijo suyo que criaua a los pechos y el dicho padre se lo arrebató y lo tiro a la lumbre que estaua ardiendo en el aposento o cosina donde ella estaua moliendo y se quemo todo el cuerpo el dicho muchacho de que estuvo a la muerte, el qual truio a presencia de su señoria y de los que presentes estauamos, el qual tenia el cuerpo todo quemado por las espaldas con algunas llagas de que no esta aun bien sano y asimismo presentaron un yndio llamado Pedro Acomilla del dicho pueblo, el qual dijo debajo de juramento que el dicho padre fray Nicolas Hidalgo lo cojio un día y le dio muchos asotes porque desia que el dicho yndio yuia a la uilla a desir y dar cuenta de lo que el dicho padre hasia y que despues de auerle asotado mucho se abalanso a el y le Hasio del miembro y se lo torsio mucho y que se biese lo enseño y doy fe tenia menos todo lo que dice la cabesa del miembro y aun no estaua del todo sano y asimismo presentaron dos yndios [moce-tones] naturales del dicho pueblo según dijeron, los quales dijeron que mucho tiempo auia que se auian ydo a los apaches ynfieles a viuir con ellos de temor de los
castigos que el dicho padre fray Nicolas Hidalgo les hasia, donde
abian estado hasta aora que se binieron por sauer que abia
25 ya salido del dicho pueblo el dicho padre y abia benido otro.
Todo lo qual declararon todos los aqui contenidos en
presençia de su señoría y de mi el escriuano y testigos de ay
a seis días que hizieron la declaracion los primeros que aqui
estan declarados y fueron estas postreras declaraciones
30 a cinco de nobiembre de mill y seisçientos y treinta y
ocho años y las primeras en el dicho año a treinta de otu-
bre, siendo testigos a estas declaraciones hultimas
el capitan Juan Griego y Visente Pacheco y Alonso Gu-
tieres y Pedro de Montoya y de mandamiento del señor
gouernador y capitán general don el presente en el dicho dia en el pueblo [y]
ualle de los taos. Emendado “moçetones”.
En testimonio de uerdad
?? Francisco de Anaia Almazan {rubric}
escriuano de gobernacion
Letter from Luis de Rosas, Governor of New Mexico, accusing Fray Nicolás Hidalgo of committing sodomy

[fol. 441r]

[left margin] ... this letter from the governor of New Mexico to the secretary of the prosecutor on 4 July 1639, ... when the said governor wrote it.1

[right margin] No. 22

Sir:

The Indians of the Taos mission have recently complained that their missionary, Fray Nicolás Hidalgo, a religious of the Order of St. Francis currently serving in these provinces, the son of Pedro López Hidalgo, was committing sodomy2 with them; and after I had referred them to his custos,3 that official replied to me that they had brought even more vile accusations against him before him than before me. And now, after eight months, as I was going to patrol the frontier, the Indians have been complaining again, so that I was forced to receive their complaint in writing; and since the custos paid no attention to what the Indians were saying, any more than did the friar who is commissary of the Holy Inquisition, but rather both of them asked me to disallow the charge, I have been disturbed by this, and so I have decided to inform you so that you may inform those gentlemen and that the Indians’ statements may be examined by the Holy Tribunal.

[fol. 441v]

[left margin] To the prosecutor Don Francisco de Estrada

And as governor and captain general of these provinces I beseech you that you be pleased that our citizens should learn what commission the Holy Tribunal [fol. 441v] has issued to Father Fray Esteban de Perea, because we are much surprised when we see seating here as for the Supreme Inquisition and a canopy placed in the church on the Gospel side, even covering the missal, so that Father Fray Esteban may be seated with two other friars who he says are next in line to him, all of them wearing the habit of St. Benedict over that of St. Francis, as does another religious whom the said Fray Esteban has named his secretary. And below he has had a bench placed on which a chief bailiff of the Holy Inquisition sits, whom he has appointed, as well as a prosecutor and a man who he says is to carry the standard of the faith, all of them appointed by him, and not only are they placed there but this occurs when I am in the church.

1 Italics indicate marginal text.
2 el pecado nefando, ‘the unspeakable sin.’
3 A superior in the Franciscan Order.
And he also has a canopy in his cell in his capacity as representative of the Holy Inquisition, and he takes his seat under it, from which he receives all visits to him; and on a table he has a crucifix dressed in mourning, all of which strikes our citizens as something most unusual.

And I doubt that his commission is so broad that without further ado and merely upon his appointment the post of prosecutor and the others I have mentioned should be given to men unknown and unmarried; and I have asked him in a friendly manner to show me his commission and have failed. And so that such commission as he may have may be respected and properly understood, I beseech you, [in my name] and that of these provinces, that you inform us of it, which will be a great boon to me.

May Our Lord keep you, as is in His power.

From the town of Santa Fe, 25 November [1638]

Luis de Rozas [sic]  

[fol. 442r]

⁂

I, Francisco de Anaya Almazán, clerk of the department of state of these provinces of New Mexico, do certify and witness that this day, the 30th day of the month of October of the current year 1638, as Governor and Captain General Don Luis de Rozas was on his way personally to lead a body of troops to patrol the frontier with the Taos, he arrived at the ranch of Tomás de Ortega, which is in the said valley, at which ranch all the chiefs of the said village of the Taos\(^4\) appeared before his lordship, and in my presence and through the interpretation of Pedro Tiguas, who knows Spanish, the said Indians said that for seven months they had repeatedly complained to his lordship that Father Fray Nicolás Hidalgo, their minister, was committing sodomy with them, and that the said religious also had two children by two Indian women of the said village. And when his lordship told them that they should be careful of what they said, because if they bore false witness he would burn them in public in the square of their village, they stated that they were telling the truth as they always did when they came there, and let them be burned if they were lying. And turning to the soldiers, his lordship told them to pay heed to the said declarations so that they might witness to them.

And when he asked the Indians whether the father custos had not already sent some religious to investigate what they were saying, they replied that it was true that some fathers had come to write, and they wrote in the monastery, and they do not know why they did not see it and why they were not summoned to declare the truth, but instead they wrote with other Indians who did not know about this matter, and that Fray Nicolás Hidalgo’s servant served as interpreter, and that the father himself was present there in the monastery, and that he had threatened them that the governor and captain general would [illegible] them.

And they said that in order for his lordship and the Spaniards better to know the truth, they would produce, and forthwith did produce, an Indian called the Mulatto, who stated that the said Father Fray Nicolás Hidalgo had committed sodomy with him; and taking off the buffalo hide that covered him, he showed how with his hands and his body. And they likewise called up another Indian called Francisco Cualene, chief of the

\(^4\) Taos is the name of the “nation,” or, as we should say, the tribe, after whom the town that exists to this day is named.
Cepo quarter, and he stated that the said Father Fray Nicolás Hidalgo had committed sodomy with him, and he gave the same demonstration, declaring that his testimony was the truth.

And likewise all the chiefs accused the said father of having seized an Indian called Empanadilla and put him into a kiva, and the next morning he was found hanged, and [they stated] that the said father had told them that he had hanged himself. And they saw that the said father had relations with the wife of the deceased, called Isabel Yantula, and had a son with her, who lived in the monastery dressed like a Spaniard. At which the governor told them that they should prove what they were saying, and the said Indians said that if his lordship went to their village they would do so, it being a matter of public knowledge known to everyone in the village.

All of which they declared before his lordship in my presence and before many witnesses, such as Sergeant Major Francisco Gómez, Captain Marcos Loso de la Vega, and Captains Francisco de Madrid, Don Roque de Casaus, Juan Griego, Gaspar Pérez, Diego Martín, and Ensign Juan Márquez and Juan Luis and Juan González and the adjutant Juan López and Sebastián de Sandoval y Rojas and Agustín de Hinojos and Vicente Pacheco and Luis Martín, all of whom were accompanying his lordship.

And I likewise certify and attest that when, within six days, the governor and captain general went to the village of the Taos to comply with what the said chiefs had told him, they showed him the boy they had spoken of, who seems to be about four years old and was dressed like a Spaniard and was found in the said monastery. And they presented the mother of the said boy, called Isabel Yantula, and after some initial resistance she declared under oath before his lordship that it was true that that boy was her son, fathered by the said Father Fray Nicolás Hidalgo, with whom she had relations because the said father had harried her and forced her into them after her husband had died, and that because of his enmity with the said her husband the said father had imprisoned him in a kiva and the next morning he was found hanged. And the said father said that he had hanged himself, and since then the said father had relations with her.

And they likewise presented another Indian of the same village called Margarita Tultamu, who said under oath that after the death of her husband, whom the Apaches had killed, the said father had transgressed with her despite her strong resistance and she became pregnant by the said father and bore a child, which she showed to the governor and all of us who were there and which seemed to be about a year old.

And they likewise presented another Indian of the same village called Felipa Aouaye, who stated under oath that while she was at the monastery of the said village milling wheat as they always do, the said Father Fray Nicolás Hidalgo came in and began to beat her, and she hugged to her the child that she was nursing, and the said father tore it from her and threw it into the fire that was burning in the room or kitchen where she was milling, and the said boy sustained burns all over his body, which nearly caused his death. And she brought him into the presence of his lordship and those of us who were there, and his back was all burned with some lesions that have not yet healed.

And they likewise presented an Indian of the same village, called Pedro Acomilla, who stated under oath that one day the said Father Fray Nicolás Hidalgo caught him and gave him a sound whipping because he said that the said Indian was going to Santa Fe to report on what the said father was doing; and after a thorough whipping he fell upon him and seized him by the member and twisted it violently and broke off half of it.

---

5 That is, a quarter or district of the village in which, apparently, the cepo or stocks was located. Cepo could also mean ‘trap,’ but this interpretation seems less likely.
6 ‘Patty’ or ‘pie.’
7 Marques.
8 la villa
And he showed it so that we might see, and I attest to his missing all of what is called the head of the member, and it still had not fully healed.

And they likewise presented two young Indians, natives of the said village according to what they said, who stated that for fear of the punishments that the said Father Fray Nicolás Hidalgo used to inflict on them they had long ago gone to live with the infidel Apaches, where they had remained until now, when they had come back because they had learned that the said father had left the village and another had come.

All of which the above mentioned declared in the presence of his lordship and of myself, the clerk, and of witnesses. It has been six days since the first declaration was made, and these last declarations were made on 5 November of the year 1638, and the first on 30 October of the same year, the witnesses to the last declarations being Captain Juan Griego and Vicente Pacheco and Alonso Gutiérrez and Pedro de Montoya.

And by order of the governor and captain general I issue this certification on the said day in the village and valley of the Taos.

In witness of its truth,

Francisco de Anaya Almazán {rubric}

Clerk of the department of state
Archivo General de la Nación, México. Inquisición, tomo 388, expediente 22
Archivo General de la Nación, México. Inquisición, tomo 388, expediente 22

[Texto manuscrito en español]
relleno el sáculo sintiendo algún temor de verdadera razón. Sería mejor si el santo virrey, que conoció con tal de que no hubiera fe ni esperanza en el futuro, a saber, en la historia de la Iglesia.}

*México, AGN. Inquisición vol. 368

FIN