**The Trial of Don Juan de Onate**

**Lesson overview**

This lesson is designed to give students an understanding of trial procedures used during the Spanish colonial period. After reading the accusations against Onate, the students will conduct a trial before the Audiencia of New Spain. At the conclusion of the lesson students will compare the system still used in Latin America today with trial procedure used in the united States.

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<tr>
<th>Law and Government in New Mexico History</th>
<th>New Mexico Language Arts Standards and Benchmarks</th>
<th>New Mexico Social Studies Standards and Benchmarks</th>
<th>National Standards</th>
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<tr>
<td>Lesson I Rules of Don Juan de Onate Settlement</td>
<td>Benchmark I-A: Listen to, read, react to, and analyze information Strand: Reading and Listening for Comprehension Demonstrate critical thinking skills to evaluate information and solve problems</td>
<td>Strand: History Content Standard I: Students are able to identify important people and events in order to analyze significant patterns, relationships, themes, ideas, beliefs, and turning points in New Mexico, United States, and world history in order to understand the complexity of the human experience. 5-8 Benchmark I-A—New Mexico: Explore and explain how people and events have influenced the development of New Mexico up to the present day. 9-12 Benchmark I-A—New Mexico: Analyze how people and events of New Mexico have influenced United States and world history since statehood. Strand: Geography Content Standard II: Students understand how physical, natural, and cultural processes influence where people live, the ways in which people live, and how societies interact with one another and their environments. Strand: Civics and Government Content Standard III: Students understand the ideals, rights, and responsibilities of citizenship and understand the content and history of the founding documents of the United States with particular emphasis on the United States and New Mexico constitutions and how governments function at local, state, tribal, and national levels</td>
<td>Social Studies Learning Standard 5: Civics, Citizenship, and Government. Key Idea I: The study of civics, citizenship, and government involves learning about political systems; the purposes of government and civic life; and the differing assumptions held by people across time and place regarding power, authority, governance, and law.</td>
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Objectives.

- To understand the fate which awaited Onate after his governorship in New Mexico?
- To understand the role of the audiencia in the Spanish colonial system of law.

Time

Three or four class periods

Materials

- Handout 1, The Case Against Don Juan de Onate
- Handout 2, Decision
- Handout 3, Rubric for assessment

Procedure

1. Distribute Handout 1, The Case Against Don Juan de Onate. Discuss with the class the problems of governing and protecting a colony in the remote regions of the Spanish empire. Ask students to think about some of the important responsibilities of the governor. (these were discussed in the lesson on writing rules for the colony) What problems might the governor encounter as a result of having to enforce the rules?

2. Ask students to read about the charges against Onate. Using the case study method, ask students to identify the important facts in the case. Ask them to distinguish the facts from the opinions. Record their responses on the board. Ask students to determine the key issues or questions in the case.

3. Discuss with the class the section "The highest court in America," making sure they understand the difference between a trial before the audiencia and trials today.

4. Assign students the following roles:
   - four judges of the audiencia
   - Chief judge, Don Diego Fernandez de Cordova. His titles include: Marquis of Guadalcazar, Viceroy and Lieutenant of the King of Spain, Governor and Capitan-general of New Spain and President of the Audiencia and Royal Chancery in Mexico.
• the fiscal, or prosecutor: Doctor Antonio de Morga
• witnesses for the prosecution: Don Diego Manjarres de Villavicencio, Don Sebastian) Ruiz de Castro, , Juan Benitez Camacho (colonists)
• attorney for the defense: Doctor Manuel de Ramirez (note: the identity of Onate's attorney was not mentioned in the documents. This is a fictitious name; the title, however, is correct.)
• the defendant: Don Juan de Onate
• witnesses for the defense: Don Alonso de Onate (Onate's brother), Juan de Herrera Galindo, Thomas Hernandez Aguado (both citizens of Mexico)
• Bailiff

5. There are a total of fifteen roles. In order to accommodate all students in the class, you may have them work in pairs or small groups of three to prepare the roles of the attorneys and the witnesses. The students working on the roles of the defendant and defense witnesses will need special attention, as these are difficult to prepare. Much of the defense should be based on what the students learned from their textbook about Onate and the difficulties he encountered in establishing the settlements at San Juan and San Gabriel.

6. Allow students time to prepare their roles. In the case of the witness, they will have to write accounts of what they know about the case. The attorneys will have to prepare arguments to present to the audiencia. The judges and the viceroy should prepare questions to ask of the attorneys and the witnesses.

7. Conduct the hearing before the audiencia using the following procedure:
   • the bailiff announces the instructions. The judges opening and of the court (see viceroy enter and are seated at the front of the classroom.
   • the prosecutor gives an opening argument setting forth the charges against the accused. The judges may interrupt and ask questions at any time and the students playing these roles should be encouraged to do so.
   • the defense attorney may make an opening argument setting forth the position of his client.
   • the attorneys may call forth witnesses which tell their story and are questioned by the judges. The witnesses should be sworn in by the bailiff. Prosecution witnesses should be called first. Be sure that students resist the temptation to follow formal rules of evidence to which they have become accustomed by watching trials on television. They must remember that the judges are the inquisitors whose job it is to discover the evidence in the case.
   • attorneys may make closing statements.
   • the judges deliberate, vote, and announce their decision. They may also pronounce sentence at this time or defer to another session of the court.
8. Debrief the lesson. Ask the students whether they are satisfied with the decision. Do they think it is fair? Read the decision from Handout 2, Decision: The Case Against Don Juan de Onate. Discuss whether they think the punishment imposed on Onate was fair. Discuss the following two questions:

a. what might be some of the advantages of the way in which trials were conducted in New Spain?

b. what might be some of the problems that could arise from this method of conducting trials?
**Handout 1 The Case Against Don Juan de Onate**

The Spanish settlers found New Mexico a difficult place to live. Food was a problem. The settlers were unable to grow enough to feed themselves. Their search for riches had had no results. Some of the Indians were hostile, too. Their governor, Don Juan de Onate, made life harder by enforcing the rules harshly.

**Charges against Onate.**

Onate's strict exercise of authority angered many settlers. They accused Onate of cruelty. They claimed he abused them physically with his cruel punishments. He also criticized their work as well as the work of the military and the clergy. The settlers accused Onate of murder.

The settlers said that Onate ordered the death of Andres Martin Palomo, a soldier. He ordered Captain Juan Ruiz to cut off the head of Captain Julian Resa. When a band of settlers tried to leave, he ordered two of the would-be deserters to be hanged.

Onate abused, and permitted others to abuse, the Indians. He took their food and their possessions. Some witnesses reported the death of a young Taos man after Onate hurled him from the roof of the pueblo. Onate also ordered the hanging of two Acoma men for the murder of a soldier. The soldier later returned alive.

After an attack on Onate's troops, the governor sent seventy soldiers to Acoma. They went there to avenge the killing of Onate's nephew, Juan Zaldivar, and thirteen others. The soldiers killed hundreds of Acoma people. Onate severely punished the Indians who survived. He sentenced them to twenty years of hard work. He also ordered his soldiers to amputate one foot off each male over twenty-five years of age.

When Onate left to explore lands to the east, many of the settlers saw an opportunity to escape. During Onate's long absence, many of the embittered colonists left New Mexico. When they reached Mexico, they filed charges against Onate. They became witnesses at his trial.
**Onate investigated.**

In 1606 the Council of the Indies in Spain received negative reports about Onate from the viceroy. The Council was a special group created by the king to regulate the colonies and to keep watch that the laws were followed. The Council ordered Onate recalled from New Mexico. They wanted the charges investigated. In 1607 Onate resigned as governor and capitán general of New Mexico. He returned to Mexico in 1609. Eventually, his case went to trial before the audiencia.

**The highest court in America.**

The audiencia was the highest court in America. It was administered by the viceroy. The court had the power to investigate and to decide civil and criminal cases. The audiencia also heard complaints against the governors of the provinces and other officials. The audiencia was located in the capitals of the administrative units, places like Santo Domingo, Chihuahua, and Mexico City. Four oidores, or judges, investigated and decided cases. A fiscal, or prosecutor, assisted the audiencia by preparing the case against the accused.

Trials before the audiencia were not like trials today. A jury did not decide the guilt or innocence of the accused. The right to trial by jury did not exist in Spanish law. The role of the judge(s) was largely investigatory. The judge usually interviewed the witnesses for each side. The judge(s) decided the case after discovering the evidence. If the accused was guilty, the judge passed sentence.

An attorney helped the accused prepare his defense. The attorney could speak for his client if necessary. The process was the same for criminal, civil, and administrative cases. This system is still used in most of Latin America today.
**Handout 2** Decision in the case against Don Juan de Onate

The judgment against Adelantado, Don Juan de Onate, was pronounced on May 16, 1614. The affidavit of the sentence was issued in the name of the Marquis of Guadalcazar, Viceroy of New Spain, for crimes and excesses committed in the provinces of New Mexico.

The accusation against Onate was divided into twenty-nine parts. Twelve of the charges were held to be true. For these offenses Onate was condemned to perpetual banishment from New Mexico. He was exiled from the city of Mexico for four years. He was ordered to pay a fine of six thousand ducats, and to pay the costs of the case.

**Instructions for the Bailiff**

Opening of the court by the bailiff:

Bailiff: All rise. The Royal Audiencia for the District of Mexico city is now in session. His Excellency, Marquis of Guadalcazar, Viceroy of New Spain, Don Diego Fernandez de Cordova presiding.

Viceroy and the judges enter.

Viceroy: You may be seated. Today we will hear the case of the people of the Province of New Mexico against Adelantado governor Don Juan de Onate. Counselors are you ready to present your case?

**Handout 3** Rubric for Assessment
<table>
<thead>
<tr>
<th>Objective 1: To understand the fate which awaited Onate after his governorship in New Mexico.</th>
<th>Proficient 3</th>
<th>Apprentice 2</th>
<th>Novice 1</th>
<th>Incorrect or no attempt 0</th>
<th>Score</th>
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<tr>
<td>Demonstrates knowledge through role playing of the responsibilities of the governor, roles of 4 judges, prosecutor, witnesses, attorney for the defense, defendant witnesses, bailiff.</td>
<td>Can state in writing the charges against Onate and the consequences of the investigation</td>
<td>Can give orally the reasons Onate has to resign as governor</td>
<td>No written or oral demonstration of the fate which awaited Onate after his governorship</td>
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| Objective 2: To understand the role of the audiencia in the Spanish Colonial system of life. | Can compare and contrast factual information orally or written that audiencia differs from trials today – they do not decide guilt or innocence. The judge decides after the evidence | Student can give 3 or more facts about decisions in the case orally or written. | Can orally state that Onate was banned from New Mexico as a result of the audiencia | Cannot orally or written give any facts on audiencia’s part in the Spanish Colonial life |