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## **HEATHEN ACUERA, MURDER, AND A POTANO CIMARRONA: THE ST. JOHNS RIVER AND THE ALACHUA PRAIRIE IN THE 1670s**

translated and edited by JOHN H. HANN

**T**HE 1655 mission list was believed to have contained the last mention of the little-known Acuera branch of the Timucua, who “probably occupied the area between the Ocklawaha and St. Johns Rivers.” That belief fostered speculation that the Acuera, the missions among them, and other Spanish interaction with them ended with the Timucua rebellion of 1656.<sup>1</sup> A recently unearthed record of a 1678 criminal case reveals the existence of at least a few heathen Acuera a generation after the rebellion. It also provides information about life in the 1670s from the Potano region of present Alachua County east to the St. Johns River.

The inquiry focuses on a series of murders committed by one or more of the surviving Acuera and on the waywardness of a Christian Potano woman who had fled the ordered life of her mission village to live in the woods as a cimarrona for most of the year.<sup>2</sup> In its course, the investigation sheds light on significant aspects of the warrior ethos, the blurred line that distinguished killing of enemies in pursuit of noroco status from simple murder, the adornment warriors wore to proclaim their exploits, and the intermixture of Indian women and Negro slaves in the

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1. Kathleen Deagan, “Cultures in Transition: Fusion and Assimilation among the Eastern Timucua,” in Jerald T. Milanich and Samuel Proctor, eds., *Tacachale: Essays on the Indians of Florida and Southeastern Georgia during the Historic Period* (Gainesville, 1978), 111-12.
2. The word cimarrona, meaning “wild” or “unruly,” became associated with runaway slaves early in the Spanish New World experience. In Florida it was applied to Indians who abandoned settled village life after having been converted to Catholicism and to natives who threw off their allegiance to established native leaders. The latter use is believed to be the origin of the name Seminole. Because Muskogean languages lack “r,” natives pronounced the name as cimallon.

Potano region that may have set a precedent for the black Seminoles of a later period.<sup>3</sup>

The record also reveals the marriage of a Potano woman to a slave on the Lachua Hacienda and the flight of another who became a cimarrona after abandoning her Indian spouse to run away with a slave. The charges against this cimarrona and the severity of the punishment meted out to her aptly illustrate the point of a recent article on the relationship between Catholic ritual and the friars' insistence on sedentism for their native converts and on the civil authorities' enforcement of that sedentism.<sup>4</sup> Although the record does not indicate the runaway slave's domicile prior to his flight, it is probable that he lived in San Francisco Potano in violation of regulations that forbade Spanish civilians and blacks to tarry in native villages more than three days. The Spanish husband of San Francisco's cacica seems likely to have been the slave's owner.<sup>5</sup> Legal acculturation of the Potano leaders is reflected in their delivery of the apprehended murderer to Spanish authorities at Salamatoto on the St. Johns River for trial and punishment in St. Augustine rather than submitting him to private revenge by kinsmen of the murder victims.

The case reveals the continued existence of people belonging to the early Potano mission of Santa Ana (seemingly not mentioned after 1607-1608 when Fray Martín Prieto began his work in the province) who, with their cacica, were living at San Francisco in 1678.<sup>6</sup> The cimarrona, María Jacoba, was a vassal of Santa Ana's cacica. The murderer, Calesa, was a nephew and subject of Chief Jabajica of Acuera's village of Alisa. The record's reference to a "trail of San Nicolás" leading from St. Augustine to a St. Johns River crossing point suggests the existence of an unidentified mission or visita. The name survives in modern Jacksonville's St. Nicolas district at the old Cow Ford.<sup>7</sup> The in-

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3. A warrior achieved noroco status by killing three enemy.

4. Amy Turner Bushnell, "The Sacramental Imperative: Catholic Ritual and Indian Sedentism in the Provinces of Florida," in David Hurst Thomas, ed., *Archaeological and Historical Perspectives on the Spanish Borderlands East* (Washington, 1990), 475-90.

5. Domingo de Leturiondo's 1678 visitation of Timucua provides details on the cacica and her husband. See John H. Hann, "Visitations and Revolts in Florida, 1656-1695," *Florida Archaeology* (forthcoming).

6. Santa Ana's people constituted a majority of San Francisco's inhabitants.

7. Wayne W. Wood, *Jacksonville's Architectural Heritage, Landmarks for the Future* (Jacksonville, 1989), 229.

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quiry also provides new details on the habitat and harvesting of an as-yet unidentified native staple known as ache, which was gathered in the wild and to which Spaniards also had recourse in times of want.<sup>8</sup>

This record is one of four such inquiries that are part of the residencia for Pablo de Hita Salazar, who governed Florida from mid 1675 until late 1680.<sup>9</sup> The document is from the General Archive of the Indies in Seville, Escribanía de Cámara, Legajo 156A, folios 169-199. The translation was made from a microfilm copy, reel 27-I of the residencia series of the P. K. Yonge Library of Florida History, University of Florida, Gainesville.

In this document there is a variation in the spelling of words and names such as Calesa, Salazar, Alonso, María Jacoba, Juan de Pueyo, Chief Jabajica, and others. These are not typographical errors even when they are not followed by a [sic]. The variations in the native names are maintained for their potential ethnographic value.

Criminal Case Against Calesa

I have come to this [village] of San Francisco at the call of this village's cacica, who had apprehended that heathen Indian man and that Christian Indian woman, who wandered about absent [from their villages] causing great harm and many deaths, as your lordship will learn from the ones who are bringing them. Your lordship's servant. August 12 of the year 1678. Your servant, at your lordship's service, who kisses your hand.

Alonso Días Mexía

To the governor and captain general, don Pablos de Yta y Alasar

The bearer of this, who is a cacique, and three Indians from this place are bringing that heathen Indian and that Christian Indian

8. For details see John H. Hann, "The Use and Processing of Plants by Indians of Spanish Florida," *Southeastern Archaeology* 5 (Winter 1986), 91-93.

9. Two of the other records are an inquiry by Apalachee's deputy-governor into a tumult among the Chacato in 1675 and a 1677 inquiry by the governor into Chisca attacks on mission villages that were linked to the Chacato troubles. For translations of both, see John H. Hann, "Visitations and Revolts." The third is an inquiry into the killing of a Yamasee living in Apalachee. For a translation see B. Calvin Jones, John H. Hann, and John F. Scarry, "San Pedro de Patale, A Seventeenth-Century Spanish Mission in Leon County, Florida," *Florida Archaeology* 5 (1991), 152-58.

woman, whom the cacica of San Francisco sent to me, to your lordship's presence. And she informed me how he had caused six deaths because, having followed the Indians from Cale, the captain don Tomás brought a Timuqua Indian and others who joined up with them, [and] they met with the said faithful one.<sup>10</sup> That as the Indian woman previously killed the two Timuquans and that the Indian woman confessed in addition that he killed two heathens.<sup>11</sup> The said cacica also sent word to me that this heathen had committed another two murders, which he did in this place, Salamatoto, during the time that the sergeant-major don Nicolás was governing.<sup>12</sup> That these said deceased were an Indian man and woman, who were found murdered in Pupo, which is directly opposite to geraca. And that the said heathen whom I am sending to your lordship has confessed to all this because of my wearing him down. The said cacica also reported that that heathen had entered San Francisco at midnight with a view to seeing whether he could kill some Christian and carry off some women (gachines) on the way.<sup>13</sup> And on the way back he was going to the abandoned site (hicapacha) of San Luis where another five of his heathen companions were on the lookout waiting to see if they could kill some cowboy from Lachua or any other Spaniard.<sup>14</sup> I am also sending your lordship a xadote, which that heathen had on his head [and] which was where he placed little strips of deerskin (gamuzitas cortadas) to indicate the killings he has done.<sup>15</sup> And from what the Indian woman said, he has indicated that he has caused four deaths. And when I questioned the said heathen if it was true that he had killed some people, he replied to me that it was, [and] that he had

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10. Don Tomás could be either don Tomás Medina, chief of Potano's Santa Fé, or don Tomás Menéndez Marquez, owner of LaChua Hacienda. The rendition of this and the following sentence is tentative. Both seem to be elliptic and have a script that is difficult to decipher.
  11. Although the Spanish here is "la india mató los dos timuquanos," the statement seems to be at variance with much of the testimony presented subsequently. However, during the prosecution the governor repeatedly made statements holding her as well as Calesa responsible for the murders.
  12. Nicolás Ponce de León served as interim governor prior to Hita Salazar's arrival because of the death in office of Hita Salazar's predecessor.
  13. This is possibly a diminutive of gachi, a familiar expression meaning "bird" or "chick" in the sense of "woman."
  14. The abandoned site could be either San Luis de Eloquale, an Ocale mission, or San Luis de Acuera. Hicapacha is Timucua for abandoned village site.
  15. The rendition of xadote is tentative, as the script is badly blotted.

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killed the two Timuquans at his cacique's order. I have nothing else about which to inform your lordship. God save you. Salomototo, August 17 of 1678. Your servant at your lordship's service, who kisses your hand.

Diego de Jaen

To the sergeant-major don Pablo de Hita Salazar, God save him, . . . On the third of August [?]

Summary Auto of Accusation and Inquiry.

For the First Accusation

In the city of St. Augustine, provinces of Florida on the twenty-second day of the month of August of the year 1677 the señor sergeant-major don Pablo de Hita Salazar . . . stated that as Alonso Díaz Mexía, one of the soldiers stationed on garrison duty in the Province of Timuqua, informed him by a note dated August twelfth of this present year about how he was called by the cacica of San Francisco so that she might hand over to him a Christian Indian woman and a heathen Indian man who were wandering through the woods, committing murders and other harm. And after they had been brought to the village of Solomototo through the agency of Alonso Díaz Mexía, Diego de Jaen, whom his lordship has placed as squad leader for the said village, sent them on to this presidio as prisoners under close guard. And on the seventeenth of the said month and year he apprised him by means of a note about the murders and atrocities that the said heathen Indian has committed, as is manifest and apparent from the said note. And as it is a matter of such gravity and one that demands punishment corresponding to the nature and importance of the [crimes] that it is evident the said heathen Indian has committed and so that it may serve as an example and warning that they must live in peace, equity, and justice, his lordship orders the holding of a summary inquiry examining the witnesses in accord with the tenor of this auto and the other questions that may be appropriate, and that the papers cited be attached to these autos. And by this his auto his honor so provided, ordered, and signed.

Pablo de Hita Salazar

Before me Alonso Solana, notary for the public and for the government.

[Omitted documentation authenticates the naming and swearing in of Alonso García and Juan Bautista de la Cruz as interpreters for the Timucua who were to testify as witnesses follows.]

Statement of Diego, native of San Francisco de Potano In the city of St. Augustine . . . on the twenty-second day of the month of August of the year 1678, . . . don Pablo de Hita Salazar . . . summoned to appear before his honor an Indian native from the village of San Francisco de Potano in the Province of Timuqua, who was one of those who brought to this presidio the Christian Indian and heathen Indian mentioned in the auto that is at the head of this case. Before me, notary, in the presence of his honor, and by means of Juan Bautista de la Cruz and Alonso García, interpreters nominated by his honor, the oath was received from him, and he made it to God and a sign of the cross in the form of the law. And after being given to understand the seriousness of the oath through the said interpreters, he promised to tell the truth. And on being questioned in accord with the tenor of the said auto and head of the process, this witness said that in the village of San Francisco de Potano the cacica of the said village and the one from Santa Ana delivered to him a Christian Indian named María Jacoba and a heathen Indian man to bring them to this presidio and to deliver them to the señor governor, which he has done. And after having delivered [them], he was asked whether he knows or has reports that the said heathen Indian and the said Indian woman have committed any murders. This witness said that he has heard the said heathen Indian say, with reference to an Indian who died from two wounds to the head on the Lachua Hacienda belonging to Captain don Thomás Menéndez, that it was the said heathen Indian who gave them to him. And, similarly, the said María Jacoba had told this witness that, after having gone out from and left this presidio and after having brought a Christian Indian with her to the place of Piriaco, the said heathen Indian had killed him and the said María Jacoba strove to bring him to a Christian village so that they might apprehend him, as was done. He was asked whether he knows or has other news that they have committed other murders. To this this witness said that he does not know anything else other than what he has stated. And after his statement had been read to him and explained to him

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through the said interpreters, he stated that it was the truth and what he knows under the oath that he has taken and that he reaffirms and ratifies it. And he said that he was thirty years of age more or less. And one of the interpreters signed it together with his honor the said señor governor.

Pablo de Hita Salazar, Alonso Garsía Delavera  
Before me Alonso Solana, notary for the public and for the  
government.

[Santiago, the second witness, a twenty-year-old native of San Francisco de Potano who had assisted Diego in bringing the prisoners to St. Augustine, stated that he knew nothing other than that the cacicas of San Francisco and Santa Ana had handed over the prisoners for delivery to the governor. On August 23, 1678, the governor formally suspended the process to await the arrival from Potano of natives who could shed more light on the validity of the charges against the two accused. He reopened the hearings on October 6, 1678, on learning of the arrival in St. Augustine of two natives from San Francisco sent in response to his request for witnesses and "who might know with more certitude" about the crimes of which his two prisoners were accused.]

Statement of Marcelo, native of San Francisco Potano.

In the city of St. Augustine of Florida on the sixth day of the month of October of the year 1678, . . . don Pablo de Hita Salazar . . . summoned Marselo to appear before him . . . who stated that such was his name. The oath was received from him. . . . And on being questioned in accord with the tenor of the auto that is at the head of this process, he said that he knew the Christian Indian who was named María Jacoba, and that for three years more or less she has wandered through the woods as a runaway (fugitiba) and two months ago more or less she was apprehended in the company of a heathen Indian in his said village of San Francisco de Potano. Its cacica and the cacica of Santa Ana questioned the said heathen, asking him about the murders he had committed. And he replied to them that on various occasions he had killed four Christians and one heathen. That they stated this to this witness when the said chiefs handed him over imprisoned together with the said María Jacoba in

order to deliver them to the corporal for the village of Solomototo; that it was not hearsay. And although they put other questions to him, he stated that he did not know anything more than what he has said and reported. . . . He did not know how to tell his age. From his looks he appeared to be forty years old, more or less. And he did not sign because of not knowing how. One interpreter signed it together with his honor.

Pablo de Hita Salazar, Alonso Garsía Delavera  
Before me Alonso Solana, notary for the public and for the  
government.

Statement of Martín, native of San Francisco de Potano.

In the city of St. Augustine of Florida on the said sixth day of October of the said year for more proof and justification of this case his honor the said señor governor ordered Martín to appear before him, who said that such was his name. . . . And his oath by God and a sign of the cross was received in the form of the law. . . . He stated that he knew the Christian Indian who was named María Jacoba and who is a native from San Francisco de Potano, who for a long time has been a runaway (simarrona) through the woods. And, similarly, he knows the heathen Indian who is named Calesa, a very evil name. That last year, while this witness was in Apalachee Province, he heard it said that the said Calesa had killed a kinsman (pariente) of his. And as soon as he learned of it, he returned to his said home and found it to be true. And a few days later, while he was at the ranch (ato) named la Chua of Captain don Tomás Menéndez in the company of Diego Jiriba, slave of the said captain, and of an Indian woman, wife (mujer) of the said Diego, this witness and the aforementioned found a badly wounded Christian Indian. When they questioned him about who had put him in that state, he said Calesa. And he died from the wounds a short time later. He was asked whether he knows or has reports that the said Calesa has committed other murders. He said that while Calesa was being held a prisoner in the said village of San Francisco in the company of the said María Jacoba about two months ago more or less, the cacique of the said village and the cacica of Santa Ana and other leading persons (principales) asked the said Calesa how many murders he had committed. And he replied to them in the presence of this witness, who heard him and understood

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that those whom he had killed on different occasions were four Christians and one heathen. And at once the said caciques handed him over imprisoned along with María Jacoba and ordered this witness to bring them to the corporal of the village of Salamototo and to deliver them to him, as he did. And that under the burden of the oath that he has taken, this is the truth and what he knows. . . . He did not know how to tell his age. From his looks he appears to be forty-six years old, more or less. And he did not sign because of not knowing how. One of the interpreters signed it together with his honor, the said señor governor.

Pablo de Hita Salazar, Alonso Garsía Delavera  
Before me Alonso Solana, notary for the public and for the  
government.

Statement of Captain don Tomás Menéndez

In the city of St. Augustine, provinces of Florida, on the eighth day of the month of October of the year 1678, . . . don Pablo de Hita Salazar . . . summoned Captain don Tomás Menéndez, a resident of this city, to appear before his honor. The oath to God and a sign of the cross was received from him. . . . And when the auto was read to him . . . in accord with its tenor, he said that it was four months ago, while he was on his hacienda in Lachua, that such is its name, a very badly wounded Indian arrived. And as owner of the said hacienda, he sought to learn who had wounded him. And he replied that [it was] a heathen Indian. If he mentioned his name, he did not grasp it. And he died three or four days from then. He does not know who it was who killed him. And this was his reply. He was asked whether he knew María Jacoba, an Indian woman, a native of the village of San Francisco de Potano. And this witness stated that he knows for more than fourteen or fifteen years that she wanders through the woods as a runaway (fugitiva) and that a slave brought her to the woods and kept her with him for some days. And this witness having captured her, he sent her to this presidio and he had her in his house. And an Indian in his service, who was named Alonso, brought her to the woods from it. He heard it said that a heathen Indian had killed the man. And although they addressed other questions to him, he stated that he did not know anything more than what he has said and reported under

the burden of the oath . . . . And that he is thirty-five years old. And he signed it along with the governor.

Pablo de Hita Salazar, Thomás Menéndez Marquez  
Before me Alonso Solana, notary for the public and for the  
government.

[The next two documents attest to the naming of don Juan del Pueyo as defender for both of the accused prior to their statements being taken on October 10, 1678, and to his acceptance and swearing-in because "it is necessary to substantiate it (the process) with the legitimation that is appropriate and not give cause for any nullification in the autos for taking the confession because of the incapacity of the said defendants."]

Confession of María Jacoba.

In the city of St. Augustine of Florida on the tenth day of the month of October of the year 1678, . . . don Pablo de Hita Salazar, . . . being in the fort of this presidio, summoned an imprisoned Indian woman to appear before his honor for this case. In the presence of his honor and of Captain don Juan del Pueyo, her defender named by the said señor governor, and before me, notary, and through the medium of Juan Bautista de la Cruz and Alonso Garsía, interpreters named for this case, the oath by God and a sign of the cross was received from her in the form of the law. And having taken it well and faultlessly and having explained to her the solemnity and gravity of the oath through the medium of the said interpreters, she promised to tell the truth. . . . She was asked what her name was, where she was a native of, and what age, and what manner of life she led. She said that she was named María Jacoba and that she is native to the village of San Francisco de Potano, a vassal of the cacica of Santa Ana. She did not know how to tell her age. From her looks she appears to be thirty-five years old, more or less. [She said] that she was married and lived with her husband for six years and then she went to the woods, from whence she came every year to go to confession at the proper time and she lived with her husband for some days while he was alive and then she went back and forth to and from the woods,<sup>16</sup> and that this has

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16. This refers to Catholics' obligation to confess and to receive communion at least once a year during the Easter season.

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been her style of living (*su modo de bibir*) up until now. And this was her response. She was asked about the whereabouts of the Indian named Alonso, whom she carried off from this presidio while she was in the house of Captain don Thomás Menéndez. She said that she had not carried off the said Alonso, but, rather, on various occasions he was ready for them to go off to the woods together, and she had dissuaded him because of not wanting to take him with her. And after this witness had fled alone from the said house of Captain don Thomas Menéndez, carried off an axe, and taken the trail of San Nicolás, she encountered the said Indian Alonso, who was following her, and both together built a raft (*balsa*) and crossed the River of Salamototo.<sup>17</sup> While they were camped near an arroyo on the other side for four days, on the last of them the said Alonso, having heard the noise of birds (*pájaros*), went out, thinking there were deer, and plunged into a field of very tall thick grass (*pajonal*). And she grabbed a stick (*palo*) for pulling out ache. And on going in search of it, she found a thicket (*mata*) of the said ache and she stopped to pull it out (*asacarla*).<sup>18</sup> And the said Alonso followed the trail he was taking. And this witness, hearing the noise of people and turning around, saw a troop of men. And one of them came up to her and put his hands on her shoulders. And the other two men of the said troop, brothers, one named Calesa and the other *Pequata nalis*, went to the said Alonso and killed him in the sight of this witness.<sup>19</sup> And they left him there and turned to her and those of the said troop, all of whom were heathen, carried her off among all of them to where they were camped. And while making arrangements for killing her, for which they held her tied up, another troop of heathens came along. And after they had managed to join up with them, they suspended her execution and went off, while this witness remained alone with an *ynija*, who had come in the second troop,

17. The trail led to a narrow crossing point Spaniards called "Pass of San Nicolás" and the English, "Cow Ford." The location became the site of the town of Jacksonville in 1822. A fort built there in the second Spanish period bore the name San Nicolás. (See Wood, *Jacksonville's Architectural Heritage*, 229.)

18. Mata might be rendered also as plant, bush, or copse. In Portuguese, mata has the sense of thicket, thick woods, or jungle.

19. Julian Granberry, *A Grammar and Dictionary of the Timucuan Language*, 2nd ed. (Horseshoe Beach, FL, 1989), 175, 179, gives the meaning of *pecuata* as vassal, servant, or boy, and *nale* as yellow.

[and] who had grieved over what had happened.<sup>20</sup> They let her live because he told them not to kill her. And he untied her and brought her with him. And she was asked how, if the ynija brought her to his place with him, was she captured in the village of San Francisco with the said Calesa? She stated that the said ynija brought her along as she has said and that the said Calesa and Pecuatana nali mentioned earlier followed along after them. And the aforesaid ynija told them that they were to go with her and bring her to her place and that they were not to leave her until she was safe. And the said ynija told this witness secretly that, on reaching her place, she should give an account of things to its caciques so that they might apprehend them on account of being evil men. And after all three of them had traveled together to the said village of San Francisco, the said Pecuatana nali turned back. And this witness and the said Calesa entered into the said village of San Francisco. And as soon as she arrived, she told the tale so that they might apprehend them, as they did. She was asked if a heathen Indian named Calesa, imprisoned along with her, whom they brought from the said village of San Francisco, is the aggressor who killed the said Indian Alonso and if she knows him. She said yes, that he is the very one who killed him with a hatchet (achuela) in her presence and that she knows him very well. She was asked if she knows or has reports that the said Calesa has committed other murders. She stated that the ynija, who freed her from death as she has testified, told her in secret that the said Calesa and Pecuatana nali were treacherous and evil men and that Calesa alone had killed two Christians and one heathen at the urging or order of his chief, and that she should make this known in her place as a reason for his imprisonment and that this is what she did. For that reason they apprehended him. She was asked if she knows the name of the chief who ordered the said Calesa to go about killing men and where he is. She said that he was called Yabajica and that he is heathen and that he is in a little place (lugarcillo) called Biro Zebano close to (cercana a) Piriaco.<sup>21</sup> And that there are up to six people with the said cacique, all kinsmen (parientes), and the said Calesa one of them. And they are all commanded and

20. Among Timucua and Apalachee the ynija was second in command in the native hierarchy and served as village administrator.

21. Granberry, in *A Grammar*, gives the meanings of biro as man, male, lover, humanity, and son. He lists no word beginning with z.

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under orders from the said Chief Yabajica to kill people. And when this, her statement, was explained to her through the said interpreters, she said it was the truth and what she knows under the burden of the oath that she has taken, which she reaffirms and ratifies. And she did not sign because of not knowing how. Her defender signed and one of the interpreters together with his honor the said señor governor. . . .

Pablo de Hita Salazar, Joan de Pueyo, Alonso Garsía Delavera  
Before me Alonso Solana, notary for the public and for the  
government.

Confession of Calesa, heathen.

In the city of St. Augustine of Florida on the said tenth day of October, . . . don Pablo do Hita Salazar, . . . being in the fort of this presidio, summoned a heathen Indian held for this case to appear before him. Because the latter was not a Christian, the oath was not received from him. And in the presence of Captain don Juan del Pueyo, his defender, before me, notary, and through the medium of Juan Bautista de la Cruz and Alonso Garsía, nominated interpreters, he was admonished to tell the truth concerning what he was questioned about. And having done so, he promised to do it. He was asked what his name was, where he is a native of, how old he is, and what occupation he has. He said that in his childhood they named him Calesa and now that he is a man, Yazah. He did not know how to tell his age. From his looks he appears to be twenty-five to thirty years old. And [he said] that he is a native of the village of Alisa in Acuera Province, and that his occupation has been hunter and that he is a vassal and nephew of cacique Yabajica. He was asked if, on the other side of the River of Salamatoto close to (junta a) an arroyo, he killed a Christian Indian named Alonso, who was in the company of an Indian woman, María Jacoba, held for this case. He said that it is true that he killed him at the order of his said chief, Yabajica, even though this witness sought to dissuade him, telling him that he did not wish to kill him because he was a Christian and that if they were to capture him sometime, they would punish him. At this the said cacique replied to this witness that the said Alonso had wanted to kill him and, accordingly, that he should kill him. And if he did not, then he would kill him. And then this witness went to Sante Feé and killed him with a hatchet. He was asked if he has committed other murders.

He said that he took a Christian Indian named Lorenzo, who arrived at his place, out to the woods of la Chua to hunt alligators (ciamanes). And when the opportunity arose he hit him with a hatchet. And leaving him for dead, he returned to his place. And within his own house he killed another Indian, a heathen of his own nation. And he has not killed any others. He was asked . . . as he now says that he has not killed more than three men, whether he said four Christians and one heathen in the council house at San Francisco de Potano when he was imprisoned by the caciques of the said village and they asked him how many murders he had done. He stated that he has not wounded or killed more than the three he has spoken of and admitted to. And so that he might be believed, this confessant made the sign of the cross, saying by it that he has not done any more than the three murders that he has admitted. As he denies having killed more persons than he stated, he was asked if he had stated in the said council house of San Francisco that he had killed an Indian man and woman within the limits of the village of Salamototo in a spot called Pupo. He said that he has not killed more than the three and that if there were more he would say so. This confessant heard that said while he was in his place, but he did not do it. He was asked if he knows that his cacique has commanded his vassals to kill people. He said yes, that he knows it. He was asked if in those environs of his place there are other injurious Indians who go about doing harm. He said that he is not aware of it. And this, his confession, having been explained to him through the said interpreters, he said that it was the truth and what he has stated, which he reaffirmed and ratified. He did not sign because of not knowing how. His defender and one of the interpreters signed it together with his honor, the señor governor.

Pablo de Hita Salazar, Joan de Pueyo, Alonso Garsía Delavera  
Before me Alonso Solana, notary for the public and for the  
government.

[In the following two documents the governor stated that the confessions of the accused justified the filing of the charges and set a deadline of six days within which they might present their pleas and arguments for acquittal. A series of certifications follow in which each of the testifying witnesses ratified the statements that they had made earlier. María Jacoba and

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Calesa's ratifications of their confessions concluded this phase of the process on November 7, 1678.]

I, the captain don Juan de Pueyo, nominated defender in the case that is officially lodged in Royal Justice against María Jacoba and Calesa, Indians imprisoned in the fort for the said case, appear before your lordship in the best form that is appropriate to my rights and theirs. I state that, whereas my said parties have been notified about the auto of guilt and responsibility with a deadline of six days within which to present their defense and make a presentation in their favor and, being their defender, in order to do so, I beg and petition your lordship in the name of my clients that he order the present notary to give me the criminal autos so that, in view of them, I may present arguments appropriate for them. That the giving of that order will be the justice I seek for what is necessary.

Joan de Pueyo

Let the present notary hand over the criminal autos that have emanated from this case, asking for a receipt for them.

[Certification for that having been done follows.]

I received this process from the present notary on seventeen sheets, and for evidence of it I signed for it in St. Augustine on the eighth of November of the year sixteen hundred and seventy-eight.

I, Captain don Juan de Pueyo, nominated defender for María Jacoba and Calesa, Indians imprisoned for this case, appear before your lordship in name of the aforementioned in the best form that is appropriate to my rights and I state that, after having seen the auto of guilt and responsibility which your lordship lodged against my said clients, taking their confessions into account and what appears in them that is favorable, your lordship should and must revoke the two [autos] and annul the guilt which is attributed to them for all the following general reasons that there are in their favor.

One is that, even though in the said auto your lordship charges the said María Jacova with the death of Alonso, a Timuquan Indian who went away with her, your lordship should and must take note of her statement in which, as is evident, she dissuaded him many times from going away with her because he was in the service of his employer. And that, after having gone off

alone, he followed her and came out on the trail to meet her. And, even though she urged him to return home, it is certain that it was his persistence that won out over the pressing arguments which she made to him as a woman. And he followed her insistently. For when she set out from here she had no intention of bringing anyone else with her but, rather [went] alone. And it is certain that the said Alonso in having followed her, as a man, would do what he was disposed to do, to stop and set up camp or to keep traveling. And the two, having set up camp and stayed there for four days, his murder occurred. That in fleeing by herself my said client would not have stopped so long until she reached a place she was acquainted with and felt secure in, for she lived by fleeing. And it is clear that they tarried there at the orders of the said Indian [Alonso]. And that his enemies caught and killed him when he set out in search of something to eat. That even if they had caught the said Maria there alone, as she did not owe them anything, they would have continued their trip and would have left her alone. But, in having found her in his company, she was condemned to death because of him as she said. Another [reason] is that, even though she may be charged with having lived in the woods as a runaway (zimarona), she was not harmful to anyone while she was in them. And during the time that she lived there, she came to confess as a good Christian and to spend some time with her husband. And being an inhabitant of the woods by nature, she lived there without harm to anyone. And if she were a source of harm, it is certain that her chiefs would have punished her for it during one of the times she returned to her village. And in being without guilt, she went from the enija's place to her own to hand over the Indians, whom he gave her, and to present the accusation about what they did. Being free and in the woods, she would remain with them [if she had been guilty] as did the said Pequata nali, who fled the punishment, recognizing that he was guilty. And as an innocent one the said María came to her place to hand him over; . . . she would not have done so if she had done something over which they could build a case against her. And as she came there to serve justice, she is one who should be protected with the innocence that accompanied her. And as to the guilt and responsibility that attaches to the said Calessa for the deaths of the said Alonso and Lorenzo and a heathen, your lordship should and must take note that my said

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client is a heathen who does not recognize any other authority or superior in his land than his uncle the chief, Jabahica. And as his vassal, he and the rest were doing what he ordered them [to do] (as they were obligated to do). And in the killing of the said Alonso, it is established by his statement [that] he objected to it thrice. But as a vassal and inferior in fear of punishment from the said cacique, he did what he had ordered him [to do]. And he killed the other two as a result of the order that he had given to his people. And it being a general rule as it is among the Indians, both heathen and Christian, [that] their greatest exploit (valentía) and trophy is to kill their enemies to obtain the name of noroco, he and the rest killed those whom they were able to in virtue of the said order both for the said [status] and to serve their chief. And as savages (Barbaros) ignorant of the evil that they were doing, if they knew that they would be punished for it, they would not have done it. Neither would my said client have come to hand himself over to justice, being able to flee as did his companion. But, like a barbarian and [as] ignorant thus of what he did as [he was] about what they would do [to him], he came to the place of San Francisco where they apprehended him. And this barbarism and ignorance can be perceived in his confession and statement. For whereas he spoke of those whom he killed as a brave exploit, among us it would be the general rule to deny the crime and to confess to it only on the occasion of torture, while he said it plainly and clearly. And an assurance accompanies this ignorance, which he has because he did not do it on his own initiative, but rather at the order of and obliged by his lord and chief, whom he was obeying as were the rest. And the guilt that there could be in this belongs to the said chief and not to my said client, who was commanded [to do it] and had an order for it like the rest, as is established by his own statement and by that of the said Indian woman. Because of all this that is here by allegation and what he does and is able to do in my favor, I ask and beg your lordship to deign to order that my clients be adjudged to be free because, as I have said, no guilt nor responsibility is established against them because the woman is innocent and the other one is saved by ignorance and by being ordered [to do] it. That ordering it thus will be the justice that I seek and strive for niz. notary &

Joan de Pueyo

This brief is accepted as presented and let it be placed with

the other autos and let them be considered in providing what is justice. . . . Don Pablo de Hita Salazar . . . published it on the ninth day of November of the year 1678, I certify.

Before me Alonso Solana, notary for the public and for the government.

In the litigation and criminal case, which has been officially prosecuted in the Royal Justice against Calesa, heathen Indian native to the village of Alisa in Acuera Province concerning the murders of two Christian Indians and one heathen that he has done in the woods and against María Jacoba, a Christian Indian woman [illegible word] fugitive, having seen the autos and their merits and the rest that there was to be seen,

I find that I must condemn and I do condemn the said Calesa to be taken from the prison in which he is with a rope around his neck in the form of justice and that he be brought through the public and usual streets with the town crier so that he may publish his crimes; and that he be brought to the gallows, where it is customary to do justice, and that he be garroted at its foot until he dies naturally and that afterward he be hung from the said gallows. As a notice and example to all, he is not to be removed from them without my permission. And because of the guilt that is established in the said autos against María Jacoba, Christian Indian woman native to the village of San Francisco de Potano in Timuqua Province, because of wandering through the woods as a fugitive without paying attention to the divine precept, being the cause of murders and atrocities, I condemn her to perpetual exile in the city of Havana for all her life and let her not dare to come back to these provinces under the penalty of death. And, likewise, I condemn her to be taken in way of justice from the prison where she is and marched through the public streets with the town crier, who will publish her crime. And that she be given one hundred lashes as a notice and example to all. And that she be returned to the prison where she is until there is a vessel going to the said city of Havana where she is to serve her exile. And by this my sentence I pronounce and give orders accordingly, judging definitively without condemning the accused for the costs because of the notoriety of the proof.

Pablo de Hita Salazar

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[In the following document, the notary certified that the governor signed the sentence.]

In the city of St. Augustine, provinces of Florida, on the sixteenth day of the month of November of the year 1678, I, the present notary, went to the fort of this city and presidio and in the presence of Captain don Juan del Pueyo, judicial defender for these said defendants, and through the medium of Juan Bautista de la Cruz, interpreter, I read the sentence of this other part to them in person. This was explained to them by the said interpreter [so] that they heard it and understood it. And in the name of his clients the said defender stated that he was appealing the said sentence by word of mouth before the King our lord and the gentlemen of the Royal Council of the Indies and he publicly declares [his intention] to do it more formally within the limit of six days. And this was his response, Captain don Jerónimo de Hita, lieutenant of the said fort, Captain Lásaro Llaca, and the ensign Bartolomé Pérez de los Reies, and other soldiers who were present being witnesses. I certify that their said defender signed it.

Juan de Pueyo

Before me Alonso Solana, notary for the public and for the government.

The Defender's Appeal of the Sentences.

I, Captain don Juan de Pueyo, nominated by your lordship as defender of Calessa, heathen Indian, and of María Jacoba for this case, appear before your lordship for which there is place in the law for my said clients. And I say that the present notary made known to me the sentence of death that your lordship has decreed against the said Calessa for the murders which he has committed. And because of having presented what is contained in my petition for his defense, which I ratify and present anew, your lordship ought and must deign to look at this case mercifully and revoke the said death sentence commuting it to another punishment such as exile from these provinces or to be a slave for his majesty, keeping in mind the necessity for them that exists for the royal works because the aforesaid acted under orders from his chief and because all the guilt belongs to the latter. Also in the sentence of whipping and exile that your lordship pronounced at the same time against the said María Jacova for being a runaway and not attending to her obligations

as a Christian, it is established by her statement that she went to confession every year, for this reason and because of her being a woman, and because she came in as an innocent party, your lordship must deign to revoke the punishment of whipping because of her being very ill and debilitated from the long stay in prison that she has had and that awaits her and because of what I have presented earlier in her favor, to which I refer. If what I am asking for by this my plea is not granted, speaking in their name with all due respect, from this moment I appeal both sentences to His Majesty and to the lords of his Royal Council so that they may provide a sentence that is appropriate with attention to the said autos prepared for this case. Let me be given the depositions and affidavits necessary for this. I ask for justice and what is necessary.

Juan de Pueyo

#### The Governor's Response.

In the city of St. Augustine, provinces of Florida, on the eighteenth day of the month of November of the year 1678, . . . don Pablo de Hita Salazar, . . . having seen the plea presented on the part of Captain don Juan de Pueyo as defender of Calesa and of María Jacoba, imprisoned and sentenced because of the merits of the said case, concerning which he asks that the sentence of death pronounced against the said Calesa be lifted. And, similarly, that the said María Jacoba be free from the whipping, commuting the said sentence to exile, I say that the sentence that was lately pronounced on the fifteenth day of the present month should be maintained and executed notwithstanding the appeal that has been interposed, not leaving way in the suspensive and restorable, his honor declares that he be given copies that he asks for so that he may seek recourse for the rights of his clients where it is most appropriate. And his honor provided, ordered, and signed this.

Pablo de Hita Salazar

Before me Alonso Solana, notary for the public and for the government.

#### Governor's Order for the Apprehension of Chief Jabajica.

In the city of St. Augustine, provinces of Florida, on the eighteenth day of the month of November of the year 1678,

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. . . don Pablo de Hita Salazar . . . said that whereas his honor has officially proceeded in royal justice against Calesa, heathen Indian, for three murders that he treacherously committed and likewise against María Jacoba, their introducer and principal cause, and whereas it has become apparent from their statements that a cacique named Jabajica, who lives with few vassals in the area they call Alisa, had given orders to his subjects that they should kill all the Christian Indians whom they came across however they might be able to, and because so serious a crime is worthy of a remedy, chastisement, and punishment, not only for the elimination of such atrocious crimes but also so that the Christian natives who are subject to the Evangelical Law and who have given obedience to his majesty may be able to travel through the trails, valleys, and woods with full security without fear that such enormous crimes can be committed against them, it has appeared to be very appropriate to his honor that every possible effort be made to apprehend and punish the said Chief Jabajica. And to achieve what is of such importance for both majesties, he is entrusting its execution . . . to don Tomás de Medina, cacique of the doctrina and place of Santa Feé so that, as the most prestigious defender of the Evangelical Law and of all those things that pertain to the service of his majesty, as soon as he receives a copy of this auto he may set out with the vassals under his jurisdiction who appear to him to be adequate for the area where he has reports that the said Chief Jabajica may be, attempting to capture him, and until he achieves it, making all the appropriate and necessary efforts for that purpose. And as soon as he has captured him, he will bring him to this presidio in shackles under full and good security with all of his vassals who are available with the said Chief don Thomás de Medina personally bringing them for greater security. And his honor so provided, ordered, and signed.

Pablo de Hita Salazar

Before me Alonso Solana, notary for the public and for the government.

The Governor's Order for the Execution of His Sentences.  
Don Pablo de Hita Salazar, governor and captain general. . . .  
By the present, I order and command the adjutant Juan Antonio de Aiala, who is sergeant-major of the companies of this presidio,

that on the Monday that is reckoned to be the twenty-eighth of this present month of November at nine in the morning he take out from the fort of this presidio where they are imprisoned Calesa, heathen Indian, and likewise María Jacoba, Christian Indian woman, and have them pass through the usual public streets in accord with the sentence pronounced against the aforementioned. And in the course of that passage he will have one hundred lashes given to the said María Jacoba and then return her to the said fort. He will have the said Calesa brought to the foot of the gallows where he is to be garroted until he dies naturally. And afterward he is to be hung from the said gallows. And under this order I command Captain don Gerónimo de Hita Salazar, lieutenant of the said fort, to deliver the aforementioned to the said adjutant Juan Antonio de Aiala for the purpose alluded to and to receive the said María Jacoba again as a prisoner in accord with it. Issued in St. Augustine of Florida on the nineteenth day of the month of November of the year 1678.

Pablo de Hita Salazar

By order of the señor governor and captain general  
Alonso Solana, notary for the public and for the government.

This is the justice which the King our Lord orders to be done to this man for the murders that he has treacherously committed with malice aforethought and the señor don Pablo de Hita Salazar, governor and captain general of this city and its provinces by his Majesty, in his royal name. Whoever does such pays such a price.

Pablo de Hita Salazar

Before me Alonso Solana, notary for the public and for the  
government.

This is the justice that the King our Lord orders to be done and in his royal name the señor don Pablo de Hita Salazar . . . to this woman for wandering through the fields as a fugitive without attending to the divine precepts and for being the cause of the deaths and atrocities. Whoever does such pays such a price.

Pablo de Hita

Before me Alonso Solana, notary for the public and for the  
government.

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Verification.

In the city of St. Augustine, provinces of Florida, on the twentieth day of the month of November of the year 1678, . . . don Pablo de Hita Salazar . . . said that, although his honor has given sentence definitively against Calesa, native Indian from Acuera Province, so that he would die naturally and afterward be hanged, and likewise, against María Jacoba, Christian Indian woman, that she was to be whipped and exiled from these provinces for the crimes that are established by the autos, he was calling up the said sentence relative to the death sentence pronounced against the said Calesa, and he was ordering that he should be publicly placed at the foot of the gallows to carry out the said death sentence to set an example so that the natives of these provinces would be dissuaded from committing scandalous crimes. And he was commuting the said sentence so that he would be exiled for all the days of his life serving at forced labor as a slave of his majesty in the Castillo del Morro of the city of Havana. This sentence is to be carried out and executed with the first vessel that leaves this presidio by sending a copy of this auto to the señor don Francisco de Ledesma, Knight of the Order of Santiago, governor and captain general of the said city. And by this his auto his honor so provided, ordered, and signed. I certify this.

Pablo de Hita Salazar

Before me Alonso Solana, notary for the public and for the government.

In St. Augustine of Florida on the said day, month, and year I, notary, in fulfillment of the auto of this other part, went to the fort of this presidio where Calesa, a heathen Indian, is imprisoned, and I read it and made it known to him through the medium of Juan Bautista de la Cruz, nominated interpreter, and I certify that he understood it.

Alonso Solana, notary for the public and for the government.

I, the adjutant, Alonso Solana, notary for the public and for the government of this city and presidio of St. Augustine of Florida, certify and give true testimony that on the twentieth day of the month of November of this present year of 1678 the sentence pronounced against Maria Jacoba, Timuquan Indian

woman, was carried out relative to the lashes. And, likewise, Calesa, Indian man native to Acuera Province, was passed through the usual public streets of this city and placed at the foot of the gallows. And from there he was put back in the royal fort of this city and redelivered to its lieutenant. And so that it may be evident, I am putting this present copy in these autos in St. Augustine of Florida on the said day, month, and year.

Alonso Solana, notary for the public and for the government.

[End of the record for this case.]