



The Will of Eduarda Rita Garduño

Grade Level 6 and up

Curriculum Connections: Women's Rights, Latinx History

From [Amy Porter, *Their Lives, Their Wills: Women in the Borderlands, 1750-1846*](#), 130-131. Document originally from the New Mexico State Records Center and Archives, Eduarda Rita Garduño, SANM I, T 373, 2/1068-70, 5/5/1785.

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The Last Will and Testament of Eduarda Rita Garduño, 1785, Santa Fe

(Eduarda Rita Garduño, SANM I, T 373, 2/1068-70, 5/5/1785; viewed in the research room at the New Mexico State Records Center and Archives)

Know all who see this document that I, Eduarda Rita Garduño, am sick from an accident, but in my sound mind I wish to order my will before I die.

First, I believe and confess in the ineffable mystery of the Holy Trinity, God the Father, God the Son, and God the Holy Spirit, three distinct persons, but one true God. I believe that the second person, Our Lord Jesus Christ, was born from the pure womb of Our Lady the Virgin Mary. I believe that he was born from her, and she was a virgin before the birth, after the birth, and always is a virgin and the true mother of God. I believe that Jesus Christ died to save and redeem us. I believe that he arose to heaven and is seated at the right hand of the Father. I believe that he will come again to judge the living and the dead and to render judgment and punish. Last, I believe and confess in all of the beliefs and ideas of Our Holy Mother the Catholic, Roman, and Apostolic Church in whose faith I live and die.

I order my soul to God who created it and redeemed it with his precious blood.

And I declare that my body should be shrouded in the habit of my father Saint Francis and buried in the military chapel in the middle of the church.

Also, I order a novena of masses for my soul.

I order that one peso de la tierra be paid to each of the mandatory bequests.

And I declare that I was married, according to the rites of Our Holy Mother the Church, to the Commander José Mares for forty years in which marriage we had one son, who died.

I declare that I have in this town next to my house 266 varas of land that I inherited from my parents. Since my husband uses the land, he has returned to me an equal amount of land. It is my wish to divide the land between three orphans whom I have raised. Sixteen varas goes to Francisco Antonio. One hundred

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thirteen varas of land goes to José Maria. Ninety-five varas of land goes to Juan Antonio. Forty-two varas goes to my husband.

And I declare that I have a piece of land with a house and a fruit tree. It is my wish that this land and house remain with Juan Gregorio Garduño, and the fruit tree be donated to the Blessed Souls of Purgatory.

And I declare as my property that I brought into my marriage a male mule (or goat), a horse, a cow, a medium-sized copper pot, and coral bracelets. All this I leave to my husband.

I declare that 1,100 varas of land belongs to me as property acquired during marriage. It is located next to the Road de los Carros in the Cañada del Pino. It is my wish that my husband enjoy this land during his life, and when he dies it should go to the Blessed Souls of Purgatory.

Also, I declare as my executors and caretakers of my estate in the first place my husband, and in the second place my nephew Manuel Mares so that they may order and guard my last testament and so that my orphans may enjoy my estate with the blessing of God and myself. So that this testament should be validated I ask the Second Lieutenant to grant his authority, and I revoke any other will or codicil that I might have made. I, the previously named Lieutenant as is my conferred power by the Colonel and Governor Don Juan Bautista de Anza, certify this will with two witnesses present but lacking a notary public because there is not one in this governance. The testator did not sign because she does not know how to sign. I give faith to all of this.

May 5, 1785 José Maldonado

Witness: Diego Antonio de la Peña

Witness: Juan Miguel Trujillo

Questions

- What kind of source is this?
 - *An official document, a will*
- Is it a primary source?
 - *Yes, because Eduarda Rita Garduño tells us about herself, what she did and what she owned and what she wanted.*
- What information about Eduarda Rita Garduño can you find in this **excerpt**?
 - *She was alive in 1785 and had been married for forty years, so she was born in the early 1700s.*
 - *She was married to Commander José Mares and had one child who died. She raised three orphans. She was Catholic.)*
- What information can you find about what she owned?
 - *She owned 266 varas of land that she inherited from her parents; a piece of land with a house and a fruit tree; 1,100 varas of land that she acquired during her marriage; a male mule (or goat), a horse, a cow, a copper pot, and some coral bracelets.*
- Who did she leave her belongings to?
 - *The orphans she raised and her husband.*



- What questions do you have after reading this?
 - *How much land is a vara?*
 - *If she was married to a man named Commander Vares, why is her last name Garduño, and who is Juan Gregorio Garduño?*
 - *How did she acquire the 1,100 varas of land during her marriage?*

Class Discussion

Using the information in the “Background” section below, explain to students that the laws were in force in many places until at least the nineteenth century that prevented married women from owning property. Then discuss how Eduarda Garduño’s situation was different and how her personal financial authority may have affected her life.

Background

Historically, married women in many countries have not been allowed to own property, sign contracts, make wills or otherwise control any part of their financial lives. If a single woman who owned property got married, her husband became the owner of that property. If a married woman inherited property, her husband became the owner of that property. This was true in the United States until 1839, when Mississippi passed the Married Women’s Property Act, which said that a woman could own property that could not be seized for her husband’s debts. Gradually, other states began to pass similar laws and, by the 1870s, most married women in the U. S. had some control over their own property.

Texas and California, both influenced by Spanish legal traditions, had more progressive laws earlier than the other states. In Spain, married women were allowed to own property privately, although most of the family’s money was managed by the husband. Spain also had a stronger history of adoption, although it was often informal.

Additional Resources

Porter, Amy M. *Their Lives, Their Wills: Women in the Borderlands, 1750-1846*. Lubbock: Texas Tech University Press, 2015. [At the Newberry at Ayer HQ1438.M45 P67 2015](#)

[Library of Congress Research Guides. American Women: Resources from the Law Library, Property Law, “Married Women’s Property Law.”](#)

[Enstam, Elizabeth York. “Women and the Law,” Texas State Historical Association.](#)