

## ***Gaspar Castaño de Sosa: process, sentence, and death***

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**Abstract:** *A few months after the death of Luis de Carvajal, governor of Nuevo Reino de León, his lieutenant in Almadén, Gaspar Castaño de Sosa, abandoned that village taking with him all its inhabitants. The purpose was to re-settle in Nuevo México, an area to the north not yet under Spanish dominion. Although he reached that province, his colonizing efforts were ended by Viceroy Luis de Velasco II, who sent after him a small army under captain Juan Morlete to apprehend him and to take him to Mexico City for punishment, because, according to the viceroy, Castaño's entrada was illegal. Based on documents that contain what Velasco and Morlete said, several historians have reached the same conclusion. In this work we consider the events that took place in Almadén, the charges against Castaño, his sentence and his death. Based on the same documents and of others we found recently in the archives, we conclude that the entrada was legal, and that Castaño's persecution had more to do with political matters than with what his detractors said.*

**KEYWORDS:** **NUEVO MÉXICO; NUEVA ESPAÑA; LUIS DE CARVAJAL; ALMADÉN; NUEVA VIZCAYA**

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# Gaspar Castaño de Sosa: proceso, sentencia y muerte

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**Resumen:** Unos meses después de la muerte de Luis de Carvajal, gobernador del Nuevo Reino de León, su lugarteniente en Almadén, Gaspar Castaño de Sosa, abandonó esa villa, llevando consigo todos sus habitantes. A pesar de haber llegado a esa provincia, sus esfuerzos colonizadores fueron terminados por el virrey Luis de Velasco, hijo, quien envió tras Castaño un pequeño ejército bajo el mando del capitán Juan Morlete, con órdenes de tomar preso a Castaño y llevarlo a la Ciudad de México para castigarlo pues, según él, la entrada fue ilegal. Con base en los documentos que contienen lo que Velasco y Morlete dijeron, varios historiadores han arribado a la misma conclusión. En este trabajo consideramos lo que sucedió en Almadén, las acusaciones contra Castaño, su sentencia, y su muerte. Con base en los mismos documentos y en otros, encontrados en los archivos recientemente, concluimos que la entrada fue legal y que la persecución de Castaño tuvo más que ver con cuestiones políticas que con lo que sus acusadores dijeron.

**PALABRAS CLAVE:** NUEVO MÉXICO; NUEVA ESPAÑA; LUIS DE CARVAJAL; ALMADÉN; NUEVA VIZCAYA

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In April of 1591, Juan Morlete, a captain of viceroy Luis Velasco II, accompanied by 40 soldiers, a priest, and a few others, arrived in Santo Domingo Pueblo in Nuevo México,<sup>1</sup> then a distant province of New Spain. His mission was to seize Gaspar Castaño de Sosa, a lieutenant of Carvajal, and forcibly take him and his companions to Mexico City, some 3000 km away. Nine months earlier, Castaño's group had abandoned Almadén, a village in the northern parts of Nuevo Reino de León, carrying with them as many of their possessions as they could in what was intended to be the first European attempt to colonize Nuevo México.

Morlete's arrival in Santo Domingo ended that attempt. One and a half months later, he, his soldiers, his prisoners, and supposedly everybody else in Castaño's group, left that *pueblo*, and began the journey to Mexico City, where some of them arrived in January of 1592. More than a year later, Castaño was sentenced to exile in the Philippines, where he died during an uprising of the rowers of the galleon in which he traveled.

Modern accounts of some of these events have appeared in several works dealing with the early history of New Mexico, of which those of Hammond and Rey (H&R) have been the most influential. Indeed, in their *Rediscovery of New Mexico*, they dedicate considerable space to Castaño's colonizing expedition and to Morlete's punitive one.<sup>2</sup> They also analyze the events that led to Castaño's imprisonment and sentencing.

Hammond and Rey's analysis relies, almost entirely, on two documents written between 1590 and 1591: one signed by the viceroy, and the other produced by Juan Morlete. The first is an order to Morlete to pursue Castaño and to take him back to Mexico City; the second includes several testimonies against Castaño that were offered by witnesses who either accompanied Morlete, or by some members of Castaño's group who had been taken prisoner at the same time Castaño was seized.<sup>3</sup>



1 The territory discovered by the Spaniards in 1544 and later called by them Nuevo México, differed significantly from present-day New Mexico. To preserve that distinction, we denote that province of New Spain by its Spanish name.

2 George P. Hammond and Agapito Rey, *The Rediscovery of New Mexico, 1580-1594* (Albuquerque: University of New Mexico Press, 1966).

3 Another document cited by H&R is an information about Domingo Martínez Cearreta and his son D. Pedro de Cearreta, but is of little importance to the case against Castaño. February, 1593, Archivo General de Indias, Sevilla (AGI), México, leg. 220, n. 24.

On the basis of these two documents H&R concluded that Castaño had no right to enter Nuevo México, and that he had committed a variety of crimes for which he had to be punished. That is the current view of those events.

Regrettably, several documents escaped the attention of H&R, including a particularly important letter that reveals the viceroy's plans to do away with Castaño while he was still in Almadén. The contents of that letter, its implications, and the events surrounding the departure from Almadén, were examined in an earlier work by this author.<sup>4</sup> Those events, summarized below, show that it was the viceroy's plan to eliminate Castaño that induced him to leave Almadén when he did.

In this work we examine the second part of the viceroy's actions; the steps that Morlete took after apprehending Castaño; the document he produced; the sentence against him; the execution of that sentence; and the events that ended Castaño's life. Close examination of the available contemporary evidence shows that Castaño was correct in thinking that he could enter Nuevo México without permission from the viceroy, and that the accusations against him were fabricated by the viceroy and by those close to him, primarily because of political reasons that related to the territorial disputes between Nuevo Reino de León and Nueva Vizcaya.

## BACKGROUND

Before we address the events that took place after Morlete apprehended Castaño, it is useful to review the conditions that existed in Almadén prior to July 27 of 1590, when its inhabitants abandoned it. Almadén had been founded in 1585 by order of Gov. Luis de Carvajal as an outpost intended to prevent incursions into his Nuevo Reino de León by soldiers from Nueva Vizcaya, who had been entering that province to take Indians.<sup>5</sup> Before 1585 there were three European settlements in Carvajal's territory: Cueva de León, Léon, and San Luis. However, all three were destroyed in 1587 by Indian uprisings, which forced their settlers to abandon them and to seek refuge in Saltillo, a village founded earlier by Alberto



<sup>4</sup> Samuel Temkin, "Castaño de Sosa's 'illegal' entrada: A historical review", *New Mexico Historical Review*, vol. LXXXV, no. 3 (2010): 259-280.

<sup>5</sup> Among the transgressors was Capt. Francisco Leyva Bonilla. AGI, Guadalajara, leg. 47, n. 47, doc. 1, fs. 134-35.

In 1593, Leyva led an expedition to Nuevo Mexico (Hammond and Agapito, *The Rediscovery*, 48-50).

del Canto on behalf of Nueva Vizcaya but incorporated in Nuevo Reino de León by Carvajal in 1581.<sup>6</sup>

Soon after the destruction of the settlements, Carvajal went to Almadén to hide from the persecution of Viceroy Álvaro Manrique de Zúñiga, Marqués de Villamanrique (Villamanrique), who had tried to jail him on two occasions.<sup>7</sup> However, in late 1588, a captain of Villamanrique arrived in Almadén with many soldiers, apprehended the governor and took him to Mexico City where he was first put in the jail of the Court and then transferred to the Inquisition. There he was subject to a *proceso*, or *trial*, in which he was found guilty of covering up for his Judaizing relatives. Sentenced to exile in an *Auto-da-Fe* that took place on February 24, 1590, Carvajal was sent back to jail, where he died a year later.<sup>8</sup> Before Carvajal was taken prisoner in Almadén, he had named Gaspar Castaño de Sosa as his lieutenant in that part of Nuevo Reino de León.<sup>9</sup> Many people were living there, among whom were some of the colonizers that Carvajal had recruited in Spain. The *vecinos* of Almadén were engaged in mining, agriculture, and in raising cattle. Castaño's captains and soldiers continued to provide protection from the Chichimeca Indians living nearby who would attack them when-

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6 Alonso de León, “Relaciones y discursos del descubrimiento, población y pacificación de este Nuevo Reino de León, 1649”, published as “Historia de Nuevo León, con noticias sobre Coahuila, Tejas y Nuevo México por el Capitán Alonso de León, un autor anónimo y el General Fernando Sánchez de Zamora”, in *Documentos inéditos para la historia de México*, edited by Genaro García (Mexico: Librería de la viuda de Ch. Bouret, 1909), vol. xxv, 75.

7 The first time that Villamanrique attempted to imprison Carvajal took place in September of 1586, when he invited the governor to Mexico City to “discuss some issues of importance to this government” (AGI, México, leg. 110, r. 5, n. 51). Although Carvajal complied, he realized what the viceroy wanted and left that city after four months. The second occasion took place a year later, when soldiers of Villamanrique took him prisoner in Guadalajara. However, the Audiencia de Nueva Galicia freed him because “the charges against him were insignificant” (AGI, Guadalajara, leg. 6, r. 12, n. 80). Villamanrique’s version of those events appear in AGI, Mexico, leg. 22, n. 158, and AGI, México, leg. 21, n. 52.

8 In a letter dated February 23, 1591, Viceroy Velasco stated that “Carvajal died ten days ago” (AGI, México, leg. 22, n. 14).

9 The appointments of Carvajal’s lieutenants appear in a 1644 document transcribed and published by Eugenio del Hoy, *Documento del Parral* (Mexico: Al Voleo, 1992).

ever they could.<sup>10</sup> These attacks invariably resulted in punitive Spanish *entradas* (incursions into Indian territory) against the Indians. Sometimes the incursions would be made without a reason. Either way, like other soldiers in the northern frontiers of New Spain, Castaño's soldiers would, with or without a reason, and often without permission from him, take Indians prisoner to sell their services to increase their meager salaries.

In January of 1590 Villamanrique was replaced as viceroy of New Spain because of the many complaints about him received in Spain. Confined to house arrest while his actions as viceroy of New Spain were examined, Villamanrique sent Luis de Velasco II, the new viceroy, the required *Advertimientos*, mainly recommendations and warnings about the governance of New Spain. One important item in the list referred to the people that Carvajal had left in Almadén. Noting that Carvajal had been sentenced by the Inquisition, Villamanrique stated that

Y ahora es entendido que con estar preso allí ha dado poder a un Gaspar Castaño para que sea su teniente de gobernador, y ha nombrado otros ministros, que todos han seguido sus pasos y están en aquel sitio de Caula [Coahuila] y Almadén con más de sesenta soldados forajidos delincuentes y homicidas que ni tienen justicia ni doctrina y están alzados sin conocer a Dios ni al Rey, y entran la tierra adentro y sacan indios mansos y los venden en Mazapil, Saltillo, Sombrerete y toda aquella tierra. [...] v.s. proveerá en el castigo de los unos y de los otros.<sup>11</sup>

In another document he repeated the news about the appointment of Castaño as his lieutenant, adding that: "Y hanme informado que tiene pasado el derecho

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10 Chichimeca was the name by which the Spaniard referred to several Indian tribes, mostly nomadic, that had not been vanquished by them and who lived north of New Spain.

11 Álvaro Manrique de Zúñiga, *Copia de los advertimientos generales que el Marqués de Villamanrique deja a su sucesor D. Luis de Velasco*. February 14, 1590. AGI, México, leg. 22, n. 24: "And now it is understood that [...] from jail he [Carvajal] has given power to a Gaspar Castaño so that he can be his lieutenant governor and he has named other ministers, all of whom follow his steps and are in [...] Almadén with more than sixty soldiers, delinquent *forajidos* [outlaws], who have no justice nor doctrine and have risen without God or King, and they [...] take *peaceful* Indians to sell them in Mazapil and other places. Your Lordship will provide their punishment", emphasis added.

de la gobernación a otro. Es negocio que pide remedio".<sup>12</sup> The new viceroy did not need encouragement to act against Castaño. He had been present at the *Auto-da-Fe* where Carvajal had been sentenced and knew well that many of his colonizers were New Christians of Jewish descent. More importantly, Velasco's brother-in-law, Diego de Ibarra, a past governor of Nueva Vizcaya, had told him about the territorial conflicts that he had with Carvajal and his lieutenants.

Heeding the advice of his brother-in-law and of Villamanrique and being told that Castaño had expressed a keen desire to be given Nuevo México, Viceroy Velasco and his advisers devised and executed a plan to destroy Castaño and to disband his soldiers in Almadén. The plan consisted in inviting Castaño to Mexico City to discuss the details of his journey to Nuevo México. This, Velasco knew, would entice Castaño to accept the invitation. However, the real purpose was to imprison him, because, as he told the king in a letter dated October 8, 1590, what he wanted was to "desbaratar esta gente de allí, o la mayor parte de ella, quitándoles los caudillos y capitánes que los bandean".<sup>13</sup> As discussed in more detail later, Velasco was asking permission from the king to execute the plan, even though he had already carried it out.

Indeed, Velasco's invitation letter was delivered in May of 1590 to Castaño, in Almadén, by Capt. Juan Morlete.<sup>14</sup> The exchange that ensued between Castaño and Morlete is remarkable. Obviously Castaño remembered well the invitation that Villamanrique had sent to Carvajal in 1586,<sup>15</sup> and correctly guessed Velasco's

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12 *Capítulo 29 de las respuestas del Marqués de Villamanrique a un cargo hecho contra el por el Obispo Diego Romano, su visitador*. Undated. AGI, México, leg. 22, r. 158, n. 2: "And I have been informed that he transferred the government to another. This is an issue that requires remedy". The rumor that Carvajal transferred his government was also expressed by fiscal Luis de Villanueva Zapata in a letter to the king where he said that "Carvajal renounced his position, passing it to a man of this city, taking advantage of the faculty, given by Your Majesty of naming a successor", October 8, 1590. AGI, México, leg. 71, r. 4, doc. 57.

13 Letter from Luis de Velasco to the king. October 8, 1590. AGI, México 22, n. 25: "without their leader the people of Almadén would disband".

14 Although Morlete hand-delivered the letter to Castaño in Almadén, Velasco had assigned that task to Domingo Martínez de Cearreta, one of Carvajal's colonizers, who had served as treasurer of Nuevo Reino de León and "knew well the people of Almadén".

15 Villamanrique's letter to Carvajal. September 1586. AGI, México, leg. 110, r. 5, n. 51.

intentions. Nevertheless, he tried to excuse himself arguing that he had no money to go to Mexico City, nor clothes to wear before the viceroy, arguments that were set aside when Morlete offered to lend him money for both purposes. This forced Castaño to accept the invitation. However, a reversal took place the day of departure because the *vecinos* protested vehemently the possible departure of their leader, saying, among other things, that they would abandon Almadén if he left. Although false, their protestation succeeded because, seeing the commotion, Morlete gave up his attempt to convince Castaño to go to Mexico City. For his part, Castaño proposed to send a letter to the viceroy explaining his actions and asking him for instructions as to how to make the journey. Morlete agreed to this and allowed one of his soldiers, Alonso Ruiz, to take Castaño's letter to the viceroy. However, before leaving Almadén, on June 24, Morlete supposedly warned Castaño not to go to Nuevo México.

Of course, the decision to go to Nuevo México had already been taken and the preparations for the journey had already begun. Castaño and his group had learned what had happened to Carvajal and were, with good reason, afraid of what might happen to them. Also, the invitation letter made Castaño worry even more. Furthermore, the viceroy's letter implied that he approved Castaño's journey. Therefore, Castaño decided to leave sooner than originally intended, ordering that the preparations for the journey be expedited. Indeed, only one month after Morlete left Almadén, all the European inhabitants abandoned it, taking with them their possessions, cattle, provisions, and, importantly, the *Caja Real*,<sup>16</sup> a clear signal that they intended to settle elsewhere. An Indian who saw the departure said: "y le vio este testigo [...] salir de esta villa con muchas carretas, con las cuales se había encaminado hacia donde se pone el sol y nunca mas regresaron".<sup>17</sup>

## THE VICEROY'S ACTIONS

Although Almadén was abandoned, not all the inhabitants joined Castaño in his journey. Among those who did not was Diego Ramírez Barrionuevo, an important



16 The *Caja Real* was, then, a wooden box that contained the Crown's silver, tools to mark it, and some official documents.

17 Testimony of D. Justo before Gov. Martín Zavala. April 12, 1644. In Eleuterio J. González, *Notas y documentos para la historia del estado de Nuevo León* (Monterrey: Universidad de Nuevo León, 1867), 101. "And this witness saw them [...] leave this village with many carretas to where the sun sets and never returned".

official under Carvajal since 1580. By the mid-1580s Ramírez had become *factor* (agent) of the Nuevo Reino de León, and as such he carried one of the three keys to the *Caja Real* (also known as the *Caja de Tres Llaves*). The other two keys were in possession of Melchor de Paiba, the treasurer of Nuevo Reino de León, and of Castaño. For some unknown reason, differences between Castaño and Ramírez occurred soon after the group left Almadén. It is possible that Ramírez disagreed with Castaño's decision to go to Nuevo México. In any event he left the group and went to Mazapil, where he told Morlete what had happened in Almadén. It appears that both Ramírez and Morlete wrote letters to the viceroy describing what Castaño had done.

The news reached the viceroy sometime in September of 1590. Sensing the urgency of the situation, Velasco met with his brother-in-law Diego de Ibarra and with Rodrigo del Río Losa, both past governors of Nueva Vizcaya, to decide what to do. Two issues were at hand: Castaño had foiled the viceroy's plans to jail him and had left Almadén without receiving the viceroy's instructions. Although Velasco was probably incensed, he realized that Castaño's journey to Nuevo México provided him with a stronger reason to punish him than Villamanrique's fabrications.

The second issue facing Velasco was to decide whether he should inform the king of those events, and if so, what to tell him. In the first place, he had followed Villamanrique's advice and had tried, without consulting the king, to destroy what remained of Nuevo Reino de León, a province that the king had awarded to Carvajal and to one successor chosen by him, perhaps Castaño himself. Eliminating that political entity might not please the king. Secondly, Velasco had to protect himself from any unforeseen consequence resulting from Castaño's *entrada*. Below we discuss the two actions taken by Viceroy Velasco in response to the news about Almadén.

## INSTRUCTIONS TO MORLETE

On the first day of October of 1590 the viceroy sent a letter to Juan Morlete in which he ordered him to do several tasks.<sup>18</sup> In essence, the document, called



18 Luis de Velasco, *Instrucción al capitán Juan Morlete para ir al Nuevo México en seguimiento de Gaspar Castaño y sus compañeros*. October 1, 1590. AGI, México, leg. 220, n. 275.

here the *Instrucción a Morlete*, ordered him to follow Castaño's path into Nuevo México and not to return to New Spain until finding him, apprehending him and his principal captains, and taking them to Mexico City, where they could be tried for their offenses. That was the main purpose of the order. However, the document is couched with such rectitude and unblemished rhetoric that it is easy to understand why, upon reading it years later, the king ordered that the viceroy should be commended for having issued it.<sup>19</sup>

Indeed, the *Instrucción* told Morlete to confront Castaño and his principal captains in a gentle manner, but that, nevertheless, he should not trust them: "advirtiendo siempre a que los traeis presos y que de su mala conciencia no os podeis fiar";<sup>20</sup> that he should set free the Indians that Castaño had supposedly captured; that in his return he should treat the women in Castaño's group with dignity and respect and so on. There is not one item in the list that could be criticized by anyone who believed that the viceroy's charges against Castaño were based on facts.

The document refers to certain crimes that, the viceroy alleged, were committed by Castaño. In short, the presumed crimes were that he had acted against the orders of both the viceroy and the king, and that he had committed excesses against the Indians. Both accusations will be considered later in more detail. It should nevertheless be noted that the supposed crimes were stated as facts, not as charges requiring proof. It is also necessary to ask where the information about the supposed crimes originate. As for having entered Nuevo México without his permission, there is no doubt that the source was the letters that Ramírez and Morlete sent to the viceroy. However, the charge that Carvajal and his lieutenants mistreated the Indians were first made by Villamanrique in a letter he wrote to the king in 1586;<sup>21</sup> he repeated them in his *Advertimientos* to Velasco, who included them in his *Instrucción* to Morlete to add support to his desire to eliminate Castaño.



19 On the margin of a letter from Velasco to the king dated February 23, 1591 (AGI, México, leg. 22, n. 25) the king ordered that a letter be sent to Velasco telling him that his *Instrucción* was very good.

20 "[B]ut should not forget that you are bringing them as prisoners", that is, in shackles.

21 Villamanrique to the king. November 15, 1586. AGI, México, leg. 20, n. 135, fs. 24-28 and 38.

## VELASCO'S LETTER TO THE KING<sup>22</sup>

One week after having sent his order to Morlete, the viceroy sent a letter to the king informing him about the problems that Castaño and his people were causing in Almadén.<sup>23</sup> The letter outlines the two plans that Velasco and his advisors had devised to eliminate Castaño and to disband his people in Almadén. The first was to invite Castaño to go to Mexico City to consult with him on how the journey to Nuevo México should be made, although the purpose was, as we have seen, to imprison him. In any event, the letter implicitly stated that the viceroy agreed that Castaño should go to that province, but wanted to iron out the details because, according to him, “en [su] ausencia se puede mal tomar asiento en negocio de tanta consideración”.<sup>24</sup> Eliminating a Crown officer that held a position sanctioned by the king was not a trivial action, even by a viceroy.<sup>25</sup> It is therefore remarkable that Velasco was seeking approval from the king for a plan to eliminate Castaño which he had already executed and, furthermore, knew it had failed.

The second plan was to give Castaño and his people a *comisión* to make the journey to Nuevo México because, as he said in the same letter, “de ella resultará echar esta gente de donde puedan ser muy perjudiciales y a parte donde toparen poblaciones de indios y minas o el tiempo los gastarán”.<sup>26</sup> This shows that Velasco was willing to let Castaño go to Nuevo México to “waste” him. However, it should be remembered that the letter was written after he was informed that Castaño and his people had begun that journey more than two months earlier. A possible explanation for that statement is that Velasco did not know what would happen to them there. In any event, to support the second plan he also stated that:

Solo digo que la jornada del Nuevo México, para los que tienen alguna noticia de las cosas antiguas deste reino y de jornadas qu a lo de Cibola y Culiacán y Sinaloa se han

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22 A transcription of the October 8, 1590 letter of Viceroy Velasco appears in Temkin, “Castaño”.

23 Velasco to the king. October 8, 1590.

24 “[I]n their absence it is possible to err in such an important business”.

25 Of course, on less weighty matters, the viceroy would do exactly as he wanted, most times without even informing the king.

26 “[A]nd because of the commission they will leave those places where they can do damage and will go to places where conditions and the Indians would finish them”.

hecho, es de poca importancia por los pocos indios que hay. Y así ninguno que tenga caudal lo querrá emplear allí, y sin el si no fuese a mucha costa de la Real Hacienda de v.M., no habrá quien de ello se encargue.<sup>27</sup>

This is patently wrong. Velasco knew that at least two wealthy Spaniards who lived in New Spain at that time wanted to spend their capital in Nuevo México. In fact, one of them, Juan Bautista de Lomas y Colmenares, had for some time been pressing the Crown that he be awarded that province and Villamanrique had endorsed the petition. However, the petition was stalled in Madrid. More significantly, months before Velasco wrote his October 8, 1590 letter to the king, he had been negotiating that award with Francisco de Urdiñola.<sup>28</sup>

One final point about this remarkable letter by the viceroy: although signed a week after the *Instrucción* to Morlete was issued, it reached Spain more than a year later. And when it arrived, no one, including the king, connected it with Velasco's *Instrucción*, which the king had liked so much. As described later, it took an additional year before Phillip II would react to Velasco's actions against Castaño.

## OTHER EVENTS

It is possible that the *Instrucción* was given to Morlete in Mexico City the day it was signed, but the first time he referred to it was on October 28, in Mazapil. That day he named a scribe who was to record certain *autos*<sup>29</sup> related to his commission and stated that he had recruited 40 soldiers to accompany him in Castaño's pursuit. It is likely that he and his soldiers departed soon after that date. Among them were Juan Gómez, a Franciscan friar, Diego Ramírez Barrionuevo, Domingo

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27 "To those who have heard about the old things in this kingdom, I can only say that the journey to Nuevo México is of little importance because it has only a few Indians, so that no one who has capital would want to spend it there".

28 *Información de Oficio sobre Francisco de Urdiñola*. January 8-31, 1592. AGI, Guadalajara, leg. 28, r. 5, n. 18. The arrival of Morlete with his prisoner in Mexico City prompted Juan Bautista de Lomas y Colmenares to renew his 1589 petition to be named Governor and General Captain of Nuevo México. February 22, 1592. AGI, Patronato, leg. 22, r. 8.

29 Documents expressing orders, appointments, or some other legal actions.

Martínez de Cearreta, his son Pedro, and Agustín de Lesaca.<sup>30</sup> On the road, Morlete dictated several other statements, including one, discussed later, that was to play an important role in the demise of Castaño.

At about the same time that the viceroy sent his *Instrucción* to Morlete, Castaño and his people crossed the Río Bravo and were searching for a river that he thought would lead them to the Indian *pueblos*. The distance between the two groups was not as large as the four months between their different dates of departure seem to indicate. The reason was that Castaño had spent more than two months waiting for the return of his emissaries to the viceroy. In any event, it was not until the following Spring that Morlete caught up with Castaño.

Castaño's trek through the Indian *pueblos* in Nuevo México is described in a lengthy document —usually referred to as Castaño's *Memoria*— that tells the day-to-day events that took place between July 27, 1590, when the group led by Castaño left Almadén, and the day when Morlete arrived in Santo Domingo and took him prisoner.<sup>31</sup> Although the date of his arrival is not mentioned in the *Memoria*, another document states that it was Holy Week Monday, or April 8, 1591 in the Gregorian calendar, then in use.<sup>32</sup>

The *Memoria* has received considerable attention and needs not to be considered here, although it should be mentioned that it was presumably written, as its first page implies, to document the journey to Nuevo México, as required by the 1573 *Leyes para Nuevos Descubrimientos*,<sup>33</sup> not to make Castaño appear better in the eyes of the viceroy, as stated by H&R.<sup>34</sup>



30 Agustín de Lesaca had been since 1581 a captain under Carvajal. In 1590 he was one of those opposed to Castaño, although, according to Velasco, he also wanted to lead the Almadén people to Nuevo México.

31 Anonymous, “Memoria del descubrimiento que Gaspar Castaño de Sosa hizo en la jornada al Nuevo México”, in *The New York Public Library. Digital Collection*, Obadiah Rich Collection, Manuscripts and Archives Division, no. 3, doc. 6 (1590-1591): 2118-2408.

32 Hammond and Rey give the date of arrival of Morlete in Santo Domingo Pueblo as 29 March (*The Rediscovery*, 44), but that date is incorrect as it is based in the Julian Calendar, not used in the Spanish colonies since the mid-1580s.

33 Diego de Encinas, *Cedulario indiano* (Madrid: Ediciones Cultura Hispánica, 1945-1946), vol. iv, 232-246.

34 Hammond and Rey, *The Rediscovery*, 47.

## RETURN TO NEW SPAIN

In his *Instrucción* to Morlete, Viceroy Velasco told him that: “Y como he dicho, el principal fin de esta jornada es que cese la de Gaspar Castaño, convendrá que no os volvais sin traerlo en vuestra compañía y los que con él van”.<sup>35</sup> Of course, women had to be treated better: “y si con los delincuentes van mujeres, procurareis su buen tratamiento y comodidad y la honestidad de sus personas”.<sup>36</sup> In other words, Morlete was ordered to take everybody that had gone to Nuevo México with Castaño. According to the *Memoria*, the group that left Almadén consisted of more than 160 individuals. This number included men, women, children, and servants, both European and Indian. Supposedly, Morlete took with him every member of the colony when he left Nuevo México, although at least two servant Indians remained behind. The document also mentions the deaths of two or three individuals in Castaño’s group, including a child. Hence, if Morlete did as told, the number of people going with him back to New Spain was about 200, including the fifty Europeans that had joined him in Mazapil. Clearly, the return journey could not be started without a great deal of preparation.

A most important item in the list of things that had to be done was gathering enough food for a trip that would surely last a few months. However, the Europeans had little of their own. Fortunately, the Pueblo Indians cooperated, probably after forceful coercion, and provided them with maize, turkeys, and other provisions. To carry these, Morlete ordered that Castaño’s *carretas* be repaired. Noting that the *Caja Real* that Castaño had taken from Almadén was rather large, he ordered that the few things that it contained be placed in a smaller one.

According to one of the soldiers of Morlete, the preparations took forty days,<sup>37</sup> which means that the contingent left Santo Domingo mid-May of 1591. Twenty years later the journey from that *pueblo* to Mexico City would normally require no more than three months, but, on this occasion, the road was still unknown. By

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35 “And as I have said the principal goal of your journey is to stop Castaño’s, it would be convenient that you do not return without bringing him here with his companions”.

36 “And if there are women with the delinquents, you should try to [bring them] comfortably and with the honesty of their persons”.

37 Testimony of Juan Calderón in *Información de Domingo Martínez de Cearreta y de Don Pedro de Cearreta*. February 27, 1592. AGI, México, leg. 220, n. 24.

July 10, nearly 40 days after departure, the group had traveled a mere 40 leagues. The reason for the slow progress was that they would have to make camp and wait while scouts searched for places where the *carretas* could pass. The record shows that they were detained several times during the first part of the route. In each of these, Morlete labored to fulfill another requirement stipulated in the *Instrucción*.

## MORLETE'S DILIGENCIAS

As noted earlier, the *Instrucción* also required Morlete to obtain a certain *Información* about Castaño. Customarily, an *Información* consisted then of sworn affidavits presented before a Crown officer by witnesses responding to a number of questions posed to them that would normally be prepared ahead of time. Even before reaching Santo Domingo, Morlete had obtained some of the required information and had dictated the initial part of a long document that mainly consists of several sworn testimonies obtained from July 10 to August 24, 1591. A list of the main contents of the document appears on its cover.<sup>38</sup> For simplicity we denote the document as *Morlete's Diligencias*.

On March 5, 1591, while still in pursuit of Castaño, Morlete decided it was time to start obtaining the information that Velasco had asked for. For that purpose, he dictated a lengthy statement that included a list of charges against Castaño. Although this section was followed by the testimonies of the witnesses, it does not contain the questions to be asked of them, as it was customary in sixteenth century *Informaciones*. The section begins with an introduction and is followed by a series of accusations against Castaño. We treat the two parts separately. The first begins with the following:

A 5 días del mes de enero de 1591 años, el capitán Juan Morlete, *juez comisario* por el Rey nuestro señor, *contra* todas las personas que sin orden del señor virrey, gobernador

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38 *Traslado de las Informaciones, autos y otras diligencias que se hicieron contra el capitán Gaspar Castaño de Sosa y sus soldados sobre haber ido al Nuevo México, y confesiones que se les tomaron, y acusaciones que les puso el fiscal, y otras informaciones en ciento y ochenta y una hojas*. AGI, México, leg. 220, n. 27. The actual number of folios in the document archived under this bibliographical citation is only 42, or 84 pages. It is possible that the missing folios included Castaño's Memory or his trial.

y capitán general de esta Nueva España han hecho presas en indios e indias naturales y hécholos esclavos y sacádolos de sus tierras y naturaleza y vendídolos, y se han entrado a las provincias del Nuevo México y gente vestida, cuya conquista y población por s.M. está particularmente cometida a su señoría del dicho virrey, dijo que por cuanto en cumplimiento de su comisión pagó de la Real Hacienda cuarenta soldados y con ellos va a cumplir lo contenido en ella. Y para que conste de los delitos y excesos que Gaspar Castaño y los capitanes, soldados, y otras personas que con él han entrado a las dichas provincias del Nuevo México han hecho que así en lo tocante a las dichas presas como a la dicha entrada.<sup>39</sup>

This statement is remarkable on several grounds. First, Morlete identifies himself as a *Juez Comisario*, but Velasco's *Instrucción* does not refer to him as such, calling him instead Captain Morlete. It is possible that he had been appointed *Juez Comisario* on another occasion, but no evidence for such appointment has so far surfaced. Truthful or not, Morlete thought of himself as such. Given that the title does not define the functions of such a judge, it is pertinent to ask what did Morlete think his role was, and what did the viceroy asked him to do. The second part of the question is easier to answer: In addition to imprison Castaño, Velasco had ordered Morlete to obtain an information about Castaño "para saber

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39 "On January 5, 1591, the Captain Juan Morlete, *Juez Comisario* for the King our lord, *against* all persons that without order from the viceroy, governor, and general captain of this New Spain, have imprisoned Indians born in these lands and made them slaves, taking them out of their lands and birthplace and sold them, and have entered into the provinces of *Nuevo México y Gente Vestida* whose conquest and settlement H.M. has particularly committed to his lordship, the viceroy, said that to as required by his Commision he paid from the Royal Treasury forty soldiers and with them he is going to fulfill what is contained in it. And so that the crimes and excesses that Gaspar Castaño and the captains and soldiers and other persons that have entered with him to said provinces of Nuevo Mexico have done may be a matter of record [...] both in regard to having taken said prisoners and having made said entrada", emphasis added. *Juez Comisario*: A person appointed via a *Comisión* as judge; the term does not declare for what purpose was the appointment made (that purpose would normally be included in the *Comisión*). *Nuevo México*: This is the name by which Nuevo México was cited in some of the earlier documents. The term *Gente Vestida* (people who wear clothing) was used to emphasize the more advanced nature of its inhabitants, relative to the Chichimeca.

el intento de su jornada y quienes fueron los movedores y con que comisión y consentimiento la han hecho”.<sup>40</sup> It is evident that this was an investigative task.

The only material we have got to answer the first part of the question are Morlete’s actions and words, as described in his *Diligencias*. The paragraph transcribed above shows that he was not conducting an investigation, as the *Instruction* ordered him to, but a prosecution against certain persons.<sup>41</sup> The charges against Castaño, some of which are described later, lead to the same conclusion. In other words, Morlete thought that his tasks were to prosecute Castaño and his companions and to prove their guilt on every charge he listed in the document.

As it turns out, the paragraphs that follow the charges listed in the initial section of the document also hint at Morlete’s prosecutorial actions. Although involving legal terms no longer in use, they are pertinent to this discussion and are therefore repeated here.

Y el dicho capitán en cumplimiento de su comisión haga las prevenciones y diligencias que convengan y que conste de la justificación que en ello tiene, mandó hacer y fulminar cabeza de proceso que se reciba la información que sobre ello hubiere.<sup>42</sup>

The dictionary of the *Academia de la Lengua Española*<sup>43</sup> defines *fulminar* as “acusar a alguien en proceso formal o sin él y condenarlo”, and *Cabeza de Proceso* as “auto de oficio que provee el juez para la investigación del delito y de los delincuentes”.<sup>44</sup> Given Morlete’s actions and statements, we believe that his role in obtaining testimonies against Castaño was much closer to that of a prosecutor

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40 “[To] learn what was the purpose of his journey and who motivated it, and with whose order and permission did they make it”.

41 This was not the only time he referred to his actions in that manner. Thus, on his returning journey, he wrote to the viceroy telling him that: “I am proceeding *against* Castaño and his companions”. *Trozo de Carta del capitán Juan Morlete al Virrey D. Luis de Velasco*. July 25 and September 16, 1591. AGI, Patronato, leg. 22.

42 “And said captain. [Morlete], in obedience of his commission, [can] make the preventions and the necessary diligencias [... he] ordered make and *fulminar Cabeza de Proceso*”.

43 *Diccionario de la lengua española* (Madrid: Real Academia Española, 2001).

44 “[...] *fulminar* is to accuse somebody with or without a formal trial and sentence him; *Cabeza del Proceso* is an official act provided by the judge for the investigation of the crime and of those who committed it”.

than that of an investigator. But, if so, why would Morlete disregard Velasco's *Instruction* and adopt an antagonistic attitude toward Castaño? One possible reason is that, as stated by seventeenth century historian Alonso de León, Morlete "[fue] hombre belicoso y no de buen natural [... y] fue fama que, envidioso de su bien, quiso tomar venganza de él".<sup>45</sup> Although León does not say what caused Morlete to want revenge, it is possible that Castaño's deception in Almadén may have been a cause. Another reason, described later, was political.

Let us now consider the charges against Castaño. In addition to the main charges, the *Cabeza de Proceso* also lists several others. Here are some of them.

Teniendo nueva que [...] Villamanrique le enviaba a prender [...] se fortificó e hizo una casa fuerte con troneras y piezas de artillería diciendo que allí se había de resistir y defender juntando y apellidando [apelando] gente para ello.<sup>46</sup>

This charge does not appear in Velasco's orders.

Y ahora, últimamente, habiéndole mandado [...] don Luis de Velasco [...] que por ningún caso hiciese las dichas presas y enviado para el efecto al capitán Juan Morlete para que de su parte le admonestase y apercibiese que no las hiciese [...] lo cual el dicho Gaspar Castaño consintió [...] Y después acayendo contra ello los ha mandado hacer y hecho repartido y vendido los dichos naturales.<sup>47</sup>

We know that Velasco sent a letter to Castaño inviting him to go to Mexico City to discuss the details of his journey to Nuevo México, and we also know that Morlete delivered it. However, that letter made no reference to the taking of Indians. As stated before, we believe that this charge was added after Castaño left Alma-

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45 León, "Historia", 93-94. "Morlete was an aggressive man of bad nature who, invidious of Castaño wanted to take revenge".

46 "Having learned that [...] Villamanrique had sent soldiers to take him prisoner, Castaño fortified Almadén, making a fort in which he placed artillery, saying that he would defend himself gathering people for that purpose".

47 "And now, recently, having been ordered by Viceroy Velasco not to take Indians, and having sent Capt. Morlete to admonish him not to do. And after having agreed not to allow the practice Castaño ordered that more Indians be taken".

dén to strengthen the case against him. “Y [a]demás de esto despobló la villa del Almadén y minas de Coahuila, donde había [...] Casas Reales y caja Real de s.m., [...] oficiales, contador, factor y tesorero, lo cual hizo sin tener orden para ello”.<sup>48</sup>

Here Castaño is accused of having abandoned a well-established Crown settlement. But the charge is invented. In those early days, settlements would be founded and abandoned as needed. Besides, Nuevo Reino de León was an autonomous entity, meaning that no permission from the viceroy was needed to found or abandon any settlement in it. Also, it is revealing to compare the description of Almadén given above by Morlete to that given by Villamanrique, who said that Almadén had “cuatro o cinco casas de banareque y palos”.<sup>49</sup> “Y con la dicha caja real, como hombre alzado, haciendo presas y cometiendo delitos, él y los que con él van se han entrado a las dichas provincias del Nuevo México”.<sup>50</sup>

This repeats the main charges against Castaño, labels him as a rebel and adds some unspecified crimes. Together with the first paragraph of the *Cabeza*, this closes the case against Castaño. In due time, the witnesses would appear before Juan Morlete, prosecutor and judge.

## THE TESTIMONIES

The second part of the *Diligencias* presents the sworn testimonies of several witnesses, all chosen by Morlete.<sup>51</sup> The witnesses belong to three different categories: soldiers or captains under Morlete; soldiers or captains under Castaño; and private individuals, among whom was Diego Ramírez Barrionuevo, who had left Castaño's group due to some disagreement with him. The composition of the second group is interesting because it included several officers of Nuevo Reino de León: Andrés Pérez and Melchor de Paiba; three captains, and one *alférez*. Except for Castaño's

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48 “In addition, he abandoned the village of Almadén, where there were Casas Reales, Caja Real, and several Crown officers, without having permission”.

49 “[...] four or five houses made of wooden sticks” (capítulo 29 de las respuestas del Marqués de Villamanrique).

50 “And that with the Caja Real, he has risen against the king. And he, and those with him, has entered Nuevo México where they are taking Indians and committing crimes”.

51 Samuel Temkin, *Gaspar Castaño de Sosa: conquistador, explorador, fundador* (Mexico: Universidad Autónoma de Coahuila, 2015), 89.

*Maese de Campo*, Cristóbal de Heredia, who did not testify, the group included all the principal members of Castaño's group.

Before considering some affidavits by the witnesses, it should be noted that the *Diligencias* document now available is a copy of an original that was prepared during Morlete's journeys to and from Nuevo México. This implies that the signatures of the witnesses appearing in the document were those of the copyist, not of the witnesses. Nevertheless, it is important to emphasize that the copy contains those signatures in the same location as the original did, and that no additional material was introduced when the copy was made.

In their *Rediscovery of New Mexico*, H&R cite some of the testimonies that appear in the *Diligencias*, and state that while they might have been biased, they provided information not found elsewhere. In this we agree. However, we believe that H&R underestimated the extent of the bias. They also stated that "two witnesses, Diego Ramírez Barrionuevo and Bartolomé de Aviña, told almost exactly the same story of how Castaño conducted himself in the colony at Almadén [...] and his practice of seizing natives [...] and selling them".<sup>52</sup> Indeed, that is what those two witnesses said. However, almost identical statements about this and other charges also occur in every testimony. Not to tax the patience of the reader we present only one short example. This has to do with Morlete's claim that the viceroy had sent him to Almadén to admonish Castaño not to take Indians. To save space we show the related comments of only three witnesses, noting that they differ little from what other witnesses stated. This is what these three said.

Juan Rodríguez Nieto: vido este testigo que el dicho capitán Juan Morlete por su mando fue a la dicha villa de Coahuila con una carta de su señoría e apercibió al dicho Gapar Castaño que por ningún caso consintiese hacer ni hiciese las dichas presas.

Cristóbal Martín: vido este testigo como el dicho capitán Juan Morlete por su mandado y con una carta suya fue a las minas de Coahuila y apercibió al dicho Gaspar Castaño que por ningún caso consintiese hacer ni hiciese las dichas presas.

Pedro Íñigo: vido este testigo como el dicho capitán Juan Morlete por su mandado y por una carta de su señoría fue a las dichas minas de Coahuila y apercibió al dicho Gaspar Castaño que no hiciese ni consintiese hacer por ningún caso las dichas presas.

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52 Hammond and Rey, *The Rediscovery*, 44, emphasis added.

This nearly verbatim repetition of “the evidence” against Castaño exists regarding all issues raised in the *Diligencias*. For example, the last three witnesses also gave the names of Castaño’s soldiers, numbered 30 or so. Without exception, the names, and the order in which they were stated by each of them, are identical. This indicates that the witnesses were given a list from which they read those names. It could be argued that, in order to save time, the scribe copied the names from one list, after the testimonies were made. This could not have occurred because the names appear above the witnesses’ signatures and because the identification of some individuals in the three lists contain small differences that could not have been added afterward.<sup>53</sup> All of this shows that the testimonies that appear in the *Diligencias* were obtained while the prisoners were being taken to Mexico City and were not added later. In turn, this implies that the witnesses were saying what they had been told to say. Of course, this does not prove that their testimonies were false, although the nearly verbatim statements point in that direction. More important is the credibility of the witnesses, considered next.

We begin with Morlete’s soldiers. We think we are justified in believing that this group of witnesses would not disagree with anything presented to them by their captain and salary provider. This is not to say that they lied about everything they said, but that their confirmation of the charges against Castaño is questionable.

Next is Diego Ramírez Barrionuevo. His testimony carried more weight than those of Morlete’s soldiers and captains because he did not receive a salary from Morlete and because he had been an important officer in Nuevo Reino de León under both Carvajal and Castaño. However, his testimony is just as doubtful for several reasons. First, it should be remembered that he separated himself from the people he had belonged to and had lived with for almost ten years. It could be speculated that the break was caused by Castaño’s decision to go to Nuevo México, but it was probably the result of deeper differences. For example, Ramírez probably felt that he should have been named lieutenant by Carvajal because of his longer service to him. In addition, it appears that Morlete promised that he

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53 For example, Juan Pérez de los Ríos begins his list by saying “El dicho Gaspar Castaño, y este testigo”, whereas Cristóbal Martín says “El dicho Gaspar Castaño, Teniente de Gobernador y este testigo”. Similarly, whereas Pedro Yñigo says “Juan de Contreras, alférez”, Juan Pérez de los Ríos says “Juan de Contreras, persona que servía en el oficio de contador”. And whereas Cristóbal Martín says “Andrés Pérez, Secretario de Gobernación”, Pedro Yñigo says “Secretario del reino de León”.

would endorse Ramírez's petition to the Crown for some compensation for what he had done, which he (Morlete) did in a letter he wrote to the viceroy.<sup>54</sup>

This may have helped Ramírez a few years later when he petitioned, and was awarded, a large territory that included the area around Almadén.<sup>55</sup> This leaves the testimonies of the seven witnesses that belonged to Castaño's group. This includes the three individuals cited above, who read and said what they were told. The same is true of the other four. However, because there are other issues that are also relevant to Castaño's defense, it is simpler to deal with all seven later.

## CASTAÑO'S LETTER TO VELASCO

As stated above, the testimonies in the *Diligencias* unanimously "proved" the charges leveled against Castaño. Some of those charges were minor and were considered earlier. Later we will consider the documentary evidence backing and refuting the main charges: taking peaceful Indians prisoner and entering Nuevo México without permission. First, we consider the letter that Gaspar Castaño wrote to the viceroy on 27 July 1591.<sup>56</sup> Surprisingly, H&R disregarded this letter, calling it "pathetic";<sup>57</sup> forgetting the conditions in which it was written, and apparently missing the importance of what Castaño wrote in it. In our opinion, Castaño's views of what happened are, at least, as valid as those of his detractors. In fact, given the lies in the viceroy letter of 8 October 1590, and the antagonistic actions of Morlete, it would appear, on that basis alone, that Castaño's views are far more credible than the viceroy's or the testimonies obtained by Morlete.

The date of Castaño's letter is significant. The first group of his men had given testimony two weeks earlier, on 10 July 1591. Undoubtedly, Castaño had learned what his one-time subordinates had said, and therefore felt he had to defend himself. It is likely that he asked Morlete to have his views included in the *Diligencias*, but, if so, this was not something that Morlete would be willing to allow. The only



54 *Trozo de una Carta*. Juan Morlete's letter from the road to Mexico City. July 22, 1591 and September 16, 1581. AGI, Patronato, leg. 22.

55 *Provisión Real* naming Diego Ramírez Barrionuevo as *Justicia Mayor* in the provinces of Coahuila, Río Bravo and Valle de los Caciques. October 8, 1597. AGI, México, leg. 25, n. 10, doc. 2.

56 Letter of Gaspar Castaño to Viceroy Luis de Velasco. July 27, 1591. AGI, leg. 22, n. 88, doc. 2.

57 Hammond and Rey, *The Rediscovery*, 45.

recourse left to Castaño was to write to the viceroy. Of course, he could not openly contest the charges leveled against him because he knew what the viceroy had said. He also knew that Morlete would not forward the letter unless he approved its contents. Therefore, Castaño's wording was vague. For example, instead of openly denying each of the charges against him, he said "y que alguna cosa se ha sonado por acá que a mi no me ha pasado por la imaginación ni a ninguno de los hombres que en mi compañía han estado porque, aunque estoy en mala reputación".<sup>58</sup> In other words, he had heard what was said by the witnesses and knew they were lies, but could not say so openly. A slightly more direct statement addresses the charge of having abused peaceful Indians. Here are his words:

Y a lo que a v.s. le han informado que hacía piezas en gente de paz bien lo pueden decir. Y soy mas porque quien ha de poner puertas al campo principalmente el que tiene a cargo algo siempre es odioso y envidiado y no podrá dar gusto a todos. Y a esa causa dijeron eso y mas porque algunos de los hombres que andamos por estas tierras remotas no acudiendo los que mandan a nuestras voluntades decimos lo que queremos y se nos antoja. Solo a Dios nuestro señor y en esto y en lo demás pongo por delante por verdadero juez y sabedor de todo.<sup>59</sup>

This shows that Castaño rejected the charge that he took peaceful Indians, claiming that those subordinates who testified against him were lying because he had prevented them from doing precisely what the charge stated. As we describe later, there was a more important reason for their betrayal. Castaño's letter also says that, if he took some Indians, it was because they had killed Spaniards and had caused excessive damages. In this he was referring to the war-like Chichimeca. Of course, while it is certain that he had taken such Indians in Nuevo Reino de León

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58 "And some things that have been said here because I am in bad reputation [that is, 'because I am prisoner'], which have not even crossed my mind".

59 "And about what they have informed your lordship, that I have been making slaves in the east, where the Indians are at peace, they can easily say that and more because I have the impossible task of controlling an unfenced territory, especially because who is in charge is always hated and envied, and I cannot please everybody. And about that case [taking peaceful Indians] they said that and more because we, some of the men who are in these remote lands, say what we want and please. God knows all in this, and only He is my true judge".

and had sold their services in Saltillo, Mazapil, and Zacatecas, it is incorrect to claim, as the accusations do, that he also took Indians in Nuevo México and sent them to those places in New Spain, for as the journeys of Castaño and Morlete and others show, traveling the enormous distances between Nuevo México and those places in the sixteenth century was an exceedingly difficult endeavor.

It should be also stated that if Castaño profited from the slave trade, he was not the only one who did so in New Spain at that time. Many other European soldiers from Nuevo León, Nueva Vizcaya, and Nueva Galicia did the same. However, he alone was persecuted by Velasco. We shall return to this issue after we discuss the viceroy's most important charge, namely, having entered Nuevo México without permission.

## PERMISSION TO ENTER NUEVO MÉXICO

Velasco's letter of 8 October 1590 makes it clear that he had no objection to Castaño's entering Nuevo México, and that he thought that it was a good idea to send him and his people there as a means to finish them. Nevertheless, after being told that Castaño had departed from Almadén, he claimed that only he had the authority to permit Spaniards to enter that province. In this he was not entirely correct. Previous *entradas* to that province had taken place without viceroyal permission. A notable example was Espejo's *entrada* which, according to him, was authorized by an alcalde mayor of Cuatro Ciénegas, a small settlement in Nueva Vizcaya.<sup>60</sup>

Velasco's claim originated in the 1573 *Leyes para Nuevos Descubrimientos*, cited earlier. The first part of the first law says:

Ninguna persona de cualquier estado que sea, haga por su propia autoridad nuevos descubrimientos por mar, ni por tierra entrada, nueva población ni ranchería en lo que estuviere descubierto o se descubriese sin licencia y provisión nuestra. [...] Y mandamos a nuestros visorreyes, Audiencias y Gobernadores y otras justicias de las Indias que no

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60 La *Relación* de Antonio de Espejo, in Joaquín Francisco Pacheco y Francisco de Cárdenas y Espejo (eds.), *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas* (Madrid: Imprenta José María Pérez, n.d.), 42 vols.

den licencias para hacer nuevos descubrimientos sin enviarnoslo primero a consultar y tener para ello licencia nuestra. Pero permitimos que en *lo que estuviere ya descubierto* puedan dar licencia para hacer las poblaciones que convengan.<sup>61</sup>

The territory that later become known as Nuevo México had been discovered many years earlier. It had been so named during the Chamuscado exploration of 1581-1582,<sup>62</sup> and had, by 1590, received several visits, including those of Espejo and Leyva. Thus, Nuevo México had certainly been discovered, which meant that no license from the king was necessary. All that was required then was permission by any of the officers named in that law, including governors and other officers. Indeed, that is what Espejo did. Certainly, Castaño, as lieutenant governor of Nuevo Reino de León, could license others to go to Nuevo México to settle there. But, could he license himself? Although the *Nuevas Leyes* do not say so explicitly, the answer is that he could because it would be incorrect to let somebody under him be the leader of a group of people that included himself. In any event, this is what Castaño said in his letter to Velasco:

Y si he errado ha sido con la sinceridad que Dios sabe y debajo del poder de s.m. mandó dar de gobernador y capitán general del Nuevo Reyno de León a Luis de Carvajal [...] Y el haberme movido a hacer esta jornada [...] ha sido entendiendo lo podía hacer con los poderes y recaudos que de s.m. tengo.<sup>63</sup>

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61 “No person, regardless of their condition, can make by his own authority new discoveries by sea or by land, nor new settlements or ranches in what has been discovered without our license and written rule. [...] And we order our viceroys, audiencias, and governors and other officers in the Indies not to give permissions to

make new discoveries without first sending [the requests] to us for consultation and having our permission. But we permit that in *what has already been discovered* they can permit to make the settlements that are suitable”, emphasis added.

62 In a 1585 book written by Friar Pedro Oroz, it is stated that three Franciscan friars, members of Chamuscado’s expedition, named Nuevo México. Oroz’s book was transcribed and translated into English by Pedro Orozco, *The Oroz Codex* (Washington: Academy of Franciscan History, 1972), 337.

63 “If I have erred it has been [...] under the power that His Majesty ordered give Luis de Carvajal as governor and general captain of the Nuevo Reino de León. [...] And my decision to make the journey [...] was made because I understood I could do it with the powers and documents I have”.

That is, Castaño's claim was that he thought he had the right to make the *entrada* because the king had given Gov. Carvajal that power, and he, as his lieutenant governor had that right as well. Indeed, Carvajal and his people had felt since 1582 that they could enter Nuevo México.<sup>64</sup> Furthermore, he had even asked the king that the province be officially given to him because, he said, it was next to his.<sup>65</sup> Thus, Castaño had good reason to think that he had the right to make the journey. This, and the viceroy intentions, made clear by his invitation letter, were sufficient to make the move.

## THE TESTIMONIES ABOUT THE TREATMENT OF INDIANS

Castaño's officers and captains certainly knew that the charge about taking Indians was false and had very likely seen the documents that enabled him to enter Nuevo México without permission from the viceroy. Why then, did they give false testimony? Morlete claimed that most of them were against Castaño, but this unlikely. It is true that some of Castaño's men were, but their number was small. One was Capt. Alonso Jaimes, who during the journey to the Pueblos had twice been disciplined by Castaño. It also appears that Cristóbal Martín and Juan Rodríguez Nieto were among those soldiers mentioned in the *Memoria* as having risen against Castaño. But the remaining four captains were loyal officers of Castaño, and some, like Juan Pérez de los Ríos, had pushed Castaño to make the journey.

The reason for the false testimony of these individuals is not difficult to find. It is recalled that the viceroy had ordered Morlete take to Mexico City as prisoners not only Castaño, but also his principal captains. As described below, every one of those subordinates who testified against Castaño was not taken to Mexico City but was set free before reaching it. In fact, we see most of their names in other contemporary documents that place them a few years later in those towns



64 The oldest known document where the name Nuevo México appears is a letter to Archbishop Pedro Moya de Contreras by Juan de la Magdalena, a Franciscan friar in Nuevo Reino de León. In that Letter Magdalena says he wishes to go to Nuevo México. April 23, 1582. AGI, México, leg. 336b, doc. 160.

65 Letter of Gov. Luis de Carvajal to the king asking that he be given Nuevo México. Doc. No. 1, J. Lloyd Meecham Collection, Nettie Lee Benson Latin American Collection, University of Texas Press, Austin. Undated.

or in Monterrey.<sup>66</sup> Thus, the conclusion is evident: Castaño's subordinates lied to gain their liberty.

The charge that Carvajal mistreated Indians is also refuted by many independent sources as we have described in other works. One of them is particularly relevant. Some 50 years after Castaño wrote his letter, testimony was taken from various individuals regarding the jurisdiction of Almadén. Among the testimonies, there were those given by two seventy-some years old peaceful Indians of Almadén who had personally known both Carvajal and Castaño. Here is what one said: "Porque como Viejo que es se acuerda que antiguamente estaba en esta villa [...] un Tatuane que se llamaba Carvajal [...] y que cuando se iba dejaba un hombre muy bueno que se llamaba Castaño".<sup>67</sup>

Although the statement was made many years after Castaño left Almadén, it is important because it was given by an Indian who knew him personally and who, contrary to his detractors or subordinates, had nothing to gain by what he said.

## THE VICEROY'S CASE

We now consider the charges made by the viceroy. Of course, his initial case against Castaño had been strengthened by the charge that he was abusing the Indians in his territory and beyond. As indicated earlier, the origin of this charge can be traced to Villamanrique's fabrications. Velasco accepted these statements that Castaño was doing the same in Nuevo Reino de León and in Nuevo México but did not present any credible evidence to substantiate the charge.

The reader may be asking why the highest Crown officer in New Spain would take the trouble to prosecute Castaño using unproven charges, and furthermore spend considerable effort and Crown money in the process. It is true that he might have felt that his authority had been diminished by Castaño's journey. However, the motivation was political and originated a few years earlier, in Carvajal's times.



66 Most of Castaño's captains were released in Mazapil but seem to have gone elsewhere soon after. Among those who remained in Mazapil was Alonso Jaímez. Others, like Juan Pérez de los Ríos and Pedro Yñigo probably went to Saltillo; their names appear in the 1596 deed of foundation of Monterrey by Diego de Montemayor.

67 Testimony of D. Justo before Gov. Martín Zavala. April 12, 1644. In González, *Notas*, 100-101. "Because he is old, he remembers that a long time ago there was [...] a Tatuane [meaning benefactor father] named Carvajal [...] and when he was leaving he left a very good man named Castaño".

The issue is discussed at length in recent works by the author to which the interested reader is referred.<sup>68</sup> Briefly, Carvajal was persecuted by Viceroy Villamanrique because certain powerful individuals who had lost some lands to Nuevo Reino de León wanted to recover them. However, the audiencia had ruled the corresponding jurisdictional *pleito* about those lands several times in favor of Carvajal, the last one in a decisive manner.<sup>69</sup> It was after that final ruling that Villamanrique arrived in New Spain and that Eugenio de Salazar fabricated the lie that Carvajal and his people had abused the Indians. The fabrication was made possible because Salazar was then the fiscal of the Audiencia de México, and as such had the responsibility of protecting the Indians. However, that advice had nothing to do with that protection but with the fact that he had lost the *pleito* mentioned above and fabricated the charges as a means of invalidating the audiencia's rulings. Although no credible evidence was ever presented to back the accusation, the lie achieved Villamanrique's goals and resulted in Carvajal's demise.

Castaño's persecution follows the same pattern as Carvajal's and was based on Villamanrique's obsession to rid his New Spain from what he believed were delinquent soldiers "sin doctrina". Of course, Villamanrique had no evidence to back the charges. Nevertheless, he strongly advised Velasco to eliminate Castaño. It was therefore natural for Velasco to use the same fabricated charges that Villamanrique had used against Carvajal to go after Castaño.

However, Castaño's persecution was also aided by Nueva Vizcaya's leaders, Diego de Ibarra and Rodrigo del Río Losa, who wanted to eliminate the Nuevo Reino de León in order to increase Nueva Vizcaya's territorial possessions. In this, the cooperation of Juan Morlete proved useful because there had been a long-standing animosity between him and Castaño. While this animosity may have played a role in Morlete's actions against Castaño, there was a more powerful force behind them: Nueva Vizcaya. In a letter to the king, Velasco stated that he had selected Juan Morlete to seize Gaspar Castaño "por la relación que de él me hizo



68 Samuel Temkin, "The downfall of governor Luis de Carvajal de la Cueva, 1580-1590", *Revista de Humanidades*, no. 26 (2009): 117-154, and *Luis de Carvajal: the Origins of Nuevo Reino de León* (Santa Fe: Sunstone Press, 2011).

69 *Real Ejecutoria dada en favor de Luis de Carvajal*. June 7, 1585. AGI, México 110, r. 1, s.n.

Rodrigo del Río y otros".<sup>70</sup> This is revealing because Juan Morlete was an agent of Nueva Vizcaya who, for years, had undermined the efforts of Carvajal and his lieutenants in Nuevo Reino de León. A short account of Morlete's interference was given by Alonso de León fifty years later.<sup>71</sup>

Clear evidence of Morlete's character and actions is found in a letter from the Count of Monterrey, who succeeded Velasco as viceroy of New Spain. A few years after Castaño had died, Diego de Montemayor, another lieutenant of Carvajal, attempted to re-settle Carvajal's province and founded the city of Monterrey where the village of San Luis had been. News about the foundation reached the Count of Monterrey, who wrote to the king saying that

I agora, dos años o mas tuve aviso de que se había entrado en aquella provincial un Montemayor con cierto título antiguo de Teniente de Gobernador [...] que le había dejado un hijo de Carvajal [...] Y después fueron viniendo relaciones de que se conseguía algún fruto en aquella población. Y comunicándolo con la Audiencia pareció se disimulase por entonces, mandándole por una parte que pareciese aquí como Reo, y por otra darle cierta comisión en el ynterín para regir una pequeña población que habían hecho. Hizose así aunque con ocasión de la falta que él haría allí y que durante su ausencia le descompondría todo aquello un capitán Morlete, que en nombre de la gobernación de la Nueva Vizcaya pretendía excluir al Montemayor y compañeros se fue excusando la venida.<sup>72</sup>

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70 Viceroy Velasco informs the king that Rodrigo del Río, and others, recommended Morlete to him. February 23, 1591. AGI, México, leg. 22, n. 34.

71 Alonso de León, "Historias", 100.

72 "I had received notice that a certain Montemayor had entered that government [Nuevo Reino de León] with a title of Lieutenant of Governor [...] And afterwards there arrived other communications saying that he was achieving some progress. And discussing the case with the Audiencia it seemed a good idea to pretend ignorance for some time, ordering, on the one hand, to bring him here as a prisoner, and on the other, to give him a certain commission to rule a small settlement he had made [...] However] it was felt that in his absence everything that he [Montemayor] had done would be ruined by a captain Morlete, who on behalf of Nueva Vizcaya wanted to exclude Montemayor and his group". Letter from the Count of Monterrey to the king about Diego de Montemayor and Juan Morlete. June 8, 1599. AGI, México 24, n. 18.

There is no question that Nueva Vizcaya was to profit greatly from the demise of Gaspar Castaño. Fortunately for Diego de Montemayor (and for the future of Nuevo Reino de León), the influence of Diego de Ibarra and of Rodrigo del Río had decreased with the appointment, in 1595, of the Count of Monterrey as viceroy. However, the conflicts between the two political entities lasted several additional decades as shown to the jurisdictional *pleito* about Almadén.<sup>73</sup>

## IN MEXICO CITY

Morlete's journey from Santo Domingo Pueblo to Mexico City proceeded slowly. En route he wrote to the viceroy informing him that he had found a shorter way and that he was going directly to Mazapil.<sup>74</sup> It appears that his group was disbanded there, and that most of the members of Castaño's expedition were released there as well. However, Morlete, Castaño, Diego Ramírez Barrionuevo, Domingo Martínez de Cearreta, and some others continued the journey to Mexico City. Further delays must have occurred along the way for the group had not arrived in Mexico City by late November of 1591.<sup>75</sup> The arrival probably took place soon after because in January, Morlete and some members of his party appeared before the audiencia as witnesses in two *Informaciones de Oficio*. One was about Francisco de Urdiñola, a rich landowner who wanted to be awarded the governorship of Nuevo México. One of the witnesses supporting his petition was Morlete.<sup>76</sup> The other was to support a petition, by Domingo Martínez de Cearreta and his son that they be compensated for their participation in Castaño's imprisonment. Among its witnesses was Diego Ramírez Barrionuevo. Confirming the arrival is a letter by Lomas y Colmenares, dated February 22, 1592, in which he expresses alarm that "Gaspar Castaño y sus secuaces" had entered Nuevo México without

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73 Between 1642 and 1644 there was a jurisdictional *pleito* between Nuevo Reino de León and Nueva Vizcaya about Almadén. See Eleuterio J. González, *Noticias y documentos para la historia del estado de Nuevo León* (Monterrey: Universidad de Nuevo León, 1867), 91-120.

74 Juan Morlete, *Trozo de una Carta*.

75 Viceroy Velasco informs the king that Morlete had not yet arrived in Mexico City. November 6, 1591. AGI, México, leg. 22, n. 62.

76 *Información de Oficio sobre Francisco de Urdiñola*. January 8-31, 1592. AGI, Guadalajara, leg. 28, r. 5, n. 18.

permission while he was still waiting for the Crown to rule on his petition to be given that province.<sup>77</sup>

Although the viceroy stated that the principal officers of Castaño were tried, not one of those who testified against him was. In fact, as mentioned before, captains Juan Pérez de los Ríos, Pedro Iñigo, and Alonso Jaimes, and the secretary Andrés Pérez, were released en route. The only captain of Castaño who remains to be accounted for is Cristóbal de Heredia. As the most important captain under Castaño, Heredia must have been imprisoned by Morlete. However, we do not know whether he was tried. On the other hand, we do know that he *did not* testify against Castaño; unlike his peers, he did not want to gain his freedom by betraying his superior.

This leaves Castaño himself. Even before he arrived in Mexico City, Morlete had sent several documents to the viceroy, among which was a *Relación*. These were sent to the king on 6 November 1591.<sup>78</sup> A few months later, on 28 February 1592, the viceroy informed the king that he had ordered that Castaño be tried and that some *diligencias* had been made about the case, which he was sending with his letter. Apparently, these documents included Castaño's *Memoria*. After reading that letter, the king ordered that the previous letter should be found and brought to him together with all related documents. Upon reading all documents the king ordered that a letter should be sent to the viceroy saying that:

Ya que estaba poblado el Gaspar Castaño y descubierto tantos pueblos conforme a la relación que envía, se tuviera por mejor no sacarle, sino ordenar que se pasase adelante en la población, e fuera bien haber dado aquesta orden al que entró tras él que sería bien dé orden como se pueble aquello pues hay tanta gente e sin resistencia se vienen de paz.<sup>79</sup>

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77 Juan Bautista de Lomas y Colmenares. February 22, 1592. AGI, Patronato, leg. 22, r. 8.

78 The king's order expressing disappointment appears on the margin of Velasco's letter of November 6, 1591. AGI, México, leg. 22, n. 62.

79 "Since Gaspar Castaño was already settled and had discovered many pueblos according to the documents that he sends, it would have been better not to take him out, but to order to go forward in the settlement, and it would have been better to have ordered the person who went after him that it would have been good to order how should it be done given that it has so many people and are pacified without resistance".

The king's disappointment with Velasco's actions is evident. The last letter that the viceroy seems to have sent the king about Castaño is dated 26 May 1592; it was received in Madrid a year later. In it the viceroy says: "La causa [proceso] se va siguiendo contra estos hombres [Castaño y sus capitanes] en esta Real Audiencia y queda en estado de prueba y concluida y determinada a enviar si pareciese necesario".<sup>80</sup>

Of course, Velasco knew that the king would not request a copy of the trial. Whether a complete record of the trial existed is uncertain. The only available evidence that a trial took place stems from a document written on a single folio on 7 October 1593 by Nicolás Scoto, chamber scribe of the audiencia.<sup>81</sup> In it, Scoto certified that a *pleito criminal* against Castaño had taken place and that a sentence against him was passed on 13 February 1593, more than eight months after Velasco said that the trial had been concluded. This long delay puts in question the assertion by the viceroy and raises the possibility that a normal-length trial never took place.

Nevertheless, a trial, even if cursory, did take place and a sentence was passed. As the title of Scoto's document indicates, that sentence is contained in it. In addition, it also contains the rejection, on 5 March 1593, of an appeal made by Castaño. Excerpts of the sentence and of the rejection are shown below:

Fallamos, por la culpa que deste proceso resulta contra el dicho Capitán Gaspar Castaño, le debemos condenar e condenamos en seis años de destierro precisos de la gobernación desta Nueva España, los quales sirva a Su Magestad pagándole su sueldo en las Yslas Philipinas en lo que le mandare el gobernador dellas, pagándole en esta ciudad su sueldo como a los demás soldados, y no quebrante el dicho servicio, so pena de muerte [...] Y por esta nuestra sentencia definitiva así lo pronunciámos e mandamos con costas, y se execute sin embargo de suplicación que della se interponga. Lienciado Saavedra Valderrama, el doctor Santiago de Bera, el licenciado don Francisco Tello. En la ciudad de México, treze días del mes de febrero de 1593.<sup>82</sup>

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80 "The trial [against Castaño and his men] has continued in this audiencia [...] and is concluded and determined and is ready to be sent [to Spain] if necessary".

81 *Copia de la sentencia que se dió en el negocio de Gaspar Castaño*. AGI, México 103, r. 5, f. 50.

82 "Because Gaspar Castaño was found guilty in the trial against him, we decide that he should be sentenced, and do sentence him, to exile from New Spain for precisely six years, during which time he should serve H.M.

Thus, a little more than a year after arriving in Mexico City, Gaspar Castaño was sentenced to a six-year exile from New Spain. The sentence is interesting on several grounds: it stated that no appeal should be admitted, it prescribed the place of exile, and, furthermore, it stipulated that Castaño was to serve the Crown in whatever the governor of the Philippines ordered. The reason for these clauses will be discussed later.

In any case, Castaño appealed the decision. The appeal was contested by the *fiscal* of the *audiencia* and was promptly rejected. Even so, more than a year had passed between Castaño's arrival in Mexico City and the first time the *audiencia* ruled against him. It is possible that the *audiencia* required extra time to deal with the case, but this is unlikely given that Morlete had essentially tried Castaño en route to Mexico City; all that was needed to close the case was to sentence him.

As it turns out, the delay was due to other reasons. It appears that Castaño's long imprisonment had caused a strong reaction among the *vecinos* of Mexico City. Velasco probably wanted to keep Castaño in jail in perpetuity, just as he had done with Carvajal after his trial by the Inquisition ended. However, it seems that the clamor of the *vecinos* forced the viceroy to do something else with Castaño. That something else was, of course, sending him to the Philippines. This alternate idea was not the result of careful planning but was due to the arrival in Mexico City of a series of letters from the governor of the Philippines, Gómez Pérez das Marinas, in which he urgently requested military support because he felt the Japanese were threatening his islands.<sup>83</sup> Those islands, far as they were from New Spain, were under its jurisdiction. Thus, Velasco felt he should send him as many soldiers and weapons as he could. It was natural, and useful to the Crown, to send Castaño there as well.

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in the Philippine Islands doing whatever its governor orders him; his salary, like that of any other soldier, paid in this city from the Royal Treasury, provided his service is uninterrupted, under the penalty of death [...] By means of this definitive sentence we pronounce and order that the sentence be executed despite any appeal that might be made". Licenciate Saavedra Valderrama, Doctor Santiago de Vera, Licenciate Francisco Tello. Mexico City, 13 February 1593.

83 Letter of Gómez Pérez das Marinas to the king about Japan's threats. May 31, 1592. AGI, Filipinas, leg. 18B, r. 2, n. 7.

Although the ships in which the governor's letters traveled arrived in Acapulco in late November and early December of 1592,<sup>84</sup> they had not arrived in Mexico City by 5 January, 1593 when Velasco wrote to the king telling him that the ships from Manila had not yet arrived, as it was customary.<sup>85</sup> However on February 25 Velasco wrote again to inform the king that he had seen the letters and that he had sent to the Philippines a galleon with about 300 soldiers and sailors. The departure of that galleon took place on February 8. A second one was being prepared. As for its departure, all that the viceroy could say was that "y procuraré que para mediados de marzo, a lo largo, haya salido del Puerto".<sup>86</sup>

The dates of the governor's letters are important to better understand Castaño's sentence and the dates when it was made and affirmed. We believe that Castaño was in jail when those letters reached Mexico City in January of 1593, and that he had not yet been subject to a formal trial. The viceroy knew that Castaño would have to be either tried and sentenced, or released, because the news of his imprisonment would sooner or later reach the king. Pérez das Marina's request for military support provided him with a way out of his quandary: send Castaño to the Philippines to serve there. However, appearances had to be met. Castaño was probably subject to a short trial, if at all, and was sentenced on February 13, 1593. By then the first galleon had left. According to the viceroy the second was going to leave by mid-March. It is no wonder that the audiencia rejected Castaño's appeal, and that it did so quickly, for had they accepted it, it would not have been possible to send him to the Philippines that year.

We return to the events that took place in Mexico City after Morlete arrived there with his prisoner, about which almost nothing is known. Fortunately, one of the documents we found during our investigations throws some light on those events.<sup>87</sup> The document is important because it predates, by more than 50 years, what Alonso de León wrote about the case, because it expresses the views of someone who was in Mexico City when prisoner Castaño arrived in 1592, and because those views were presented in the highest Spanish court that dealt

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84 Letter of Viceroy Velasco to the king. February 25, 1593. AGI, México, leg. 22, n. 113.

85 Letter of Viceroy Velasco to the king. January 5, 1593. AGI, México, leg. 22, n. 105.

86 "I try to make sure that it would depart no later than mid-March".

87 Testimony of Lázaro Suárez de Córdoba. January 17-18, 1597. AGI, leg. 82.

with the Indies, the *Consejo de Indias*, a fact that gives them a higher degree of credibility. That someone was Lázaro Suárez de Córdoba. He had been alcalde in Antequera (now City of Oaxaca) in New Spain and had gone to Spain in 1595 or 1596 to try to obtain from the king a more rewarding position in that Spanish colony. His efforts were successful for Phillip II appointed him as alcalde mayor in the province of Tabasco.<sup>88</sup> During his stay in Madrid he gave testimony before the president of the *Consejo*, who was examining the deeds of Viceroy Velasco. The last part of Suárez' testimony deals with Castaño and is shown below.

Es cosa pública y notoria en México que un capitán Castaño, teniente que fue de la gobernación que dicen de Carvajal, que por aquellas partes linda terrenos por lo que dicen el Nuevo México, el cual dicho capitán Castaño, como teniente de gobernador, a su costa y munición, que en ello gastó más de 25,000 pesos, entró con cantidad de más de 50 hombres por aquellas partes a conquistar el dicho Nuevo México. Y habiendo servido a s.m. y puesto más de veinte y tantos pueblos debajo de su real corona sin genero de guerra ninguno.

Y era público y notorio en México que luego que D. Luis de Velasco, virrey, supo que el dicho capitán Castaño estaba en la dicha conquista, le mandó prender con gente que envió para ello, y que por no alborotar a los indios se dejó prender él y los mejores soldados que con él estaban y los trajeron presos a México, puede haber cinco años, poco más o menos, donde este testigo vio preso al dicho capitán Castaño en la cárcel de Corte, en la cual le hacían cargo que había entrado sin orden del dicho virrey a hacer la dicha conquista. Y aunque se descargaba, la tenía del dicho su gobernador a quien atañía y tocaba por estar vecinos más de 200 leguas que el dicho virrey D. Luis de Velasco, de manera que no le valió el dicho descargo.

Y habiéndose dado en fiado la ciudad por cárcel, desde allá enviaba un hombre, que no se acuerda este testigo de su nombre, criado del dicho capitán, con los papeles y testimonios secretos que pudo sacar para que de este agravio contase a s.m., fue público y notorio que sabido el dicho virrey que venía el dicho hombre a Castilla con los dichos recaudos, le envió a prender y prendió en la Veracruz, y le quitaron los papeles. Y al dicho hombre embarcaron para las Filipinas.



88 *Provisión Real* appointing Lázaro Suárez de Córdoba as *alcalde mayor* of Tabasco. March 7, 1597. AGI, Patronato, leg. 293, n. 19, r. 3.

Y al dicho capitán Castaño volvieron a prender y le tuvieron en la cárcel de Corte mucho tiempo en cuya persecución de agravios todo México estaba escandalizado de verlos y de ver que no le querían dar testimonio para con él ocurrir a su rey y señor natural. Y él que le dieron fue en premio de su servicio, que no fuera menos que el de Cortés si le dejaran proseguir la dicha conquista como la tenía empezada, que fue sacarle entre galeotes con una atoba y embarcarle para las Filipinas, para que no se supiese de él y del agravio que se le hacía.

Y este testigo le vio sacar y enviar en una canoa entre galeotes con la dicha atoba de hierro, lo cual con mucha lástima puso en grandísimo escándalo a México [...] Y entendió en México este testigo que habiendo conocido el valor de la persona del dicho capitán, [el gobernador de las Filipinas] le hacía mucha cortesía y caso de su persona. Y al fin vino a morir con el dicho gobernador.<sup>89</sup>

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89 "It is well known in Mexico [City] that a Captain Castaño, who was lieutenant of a province said to have belonged to Carvajal, which has a common border with what is called Nuevo México, and that said Captain Castaño, as lieutenant of governor, entered Nuevo México to conquer it, with more than 50 men, having spent in that conquest more than 25,000 pesos, and having served H.M. and placed more than twenty some pueblos under his Royal Crown without having wars of any kind.

And it was well known in Mexico City that when D. Luis de Velasco, viceroy, found out that said Capt. Castaño was in said conquest, he sent people to seize him. And he let himself, and his best soldiers, be apprehended so that the Indians would not be alarmed. And about five years ago they were taken in chains to Mexico City where this witness saw said Capt. Castaño incarcerated in the jail of the Court, where he was being charged with having entered [Nuevo México] without an order from said viceroy to make said conquest. And even if he rejected the charge, for he had permission from his governor, to whom it pertained because he was more than 200 leagues closer to it than said viceroy D. Luis de Velasco, the discharge was not accepted.

And having been given the whole city as jail, he [Castaño] was sending a man, whose name he [Suárez] does not remember, servant of said captain, with the documents and secret testimonies that he could obtain, so that he could inform H.M. However, on learning that an envoy from Castaño was coming to Castile with said documents, [the viceroy] ordered him be taken prisoner in Veracruz, and that the documents he was carrying be taken from him. And he was sent to the Philippines.

And said Captain Castaño was apprehended again and was kept a long time in the jail of the Court, in which persecution all in México City were scandalized to see him aggravated and to see that they did not want to give him testimony so that he could appear with it before his king and natural lord. And what he was given

This concludes Suárez's testimony. Its salient points are that Castaño did not spend a year and a half in jail, having been initially confined to the city; that he used that time to collect documents to send to Spain so that somebody could present his case before the *Consejo de Indias*; that Velasco intercepted the documents; that Castaño claimed that he let himself be taken prisoner so that the Indians of Nuevo México would not be alarmed; that the *vecinos* in Mexico City were well acquainted with the case and were scandalized by Velasco's treatment of Castaño; that Castaño's accomplishments were very significant; and that Castaño had the right to go to Nuevo México. Suárez also tells us that the governor of the Philippines had highly regarded him and that they died together. These last statements are reminiscent of what Alonso wrote many years later in his *Relaciones y Discursos*.

It is interesting to read in Suárez' testimony that Castaño's actions in Nuevo México were then regarded as having been of considerable importance, and that he might have accomplished much more had he been allowed to continue the effort. Of course, this is what the king stated after reading a letter from Velasco. Apparently, the king's opinion of Castaño and of what the viceroy had done were well known in New Spain. Evidence of this knowledge also appears in a small book about Nuevo México written by a Juan de Montoya in 1602, a facsimile copy of which appears on pages 77 to 136 of an earlier work by H&R. Surprisingly, this important reference to Castaño was ignored by them in their subsequent work on Nuevo México.<sup>90</sup> This is what Montoya wrote:<sup>91</sup>

El año 87, como ya había noticia de esta tierra, determinó de irla a conquistarla el Capitán Castaño, teniendo licencia para ello del gobernador de la Nueva España [sic]

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as award for his services—which would have been no smaller than that of Cortes if they had allowed him to continue the conquest he had started—was to take him out between galleons with a heavy iron shackle and sent him to the Philippines so that no one would know about him and of the harm done to him.

And this witness saw him being taken and sent in a canoe with said iron shackles, which with much grief scandalized Mexico City [...] and this witness learned in Mexico City that [the governor of the Philippines] having seen the valour of said captain, he treated him with great deference, and paid much attention to him. In the end, he died with said governor".

90 George P. Hammond and Agapito Rey, *New Mexico in 1602: Juan de Montoya's Relation of the Discovery of New Mexico* (Albuquerque: The Quivira Society, 1938).

91 The English translation, by the present author, differs slightly from that given by H&R.

por Nuevo León], el cual llevó consigo 30 hombres, los mas de ellos casados; llevando su ropa y carros por ser toda tierra llana y buen camino. Llevaron también, cantidad de bueyes, vacas, carneros, ovejas, y cabras para poblar de hecho aquella tierra. Y recibiendose en paz los indios de la primera provincia donde Espejo el año pasado había llegado pasó adelante, conquistando. De suerte que halló 300 leguas adelante, y teniendo rendidos a la corona Real, mas de quince mil indios; Porque los indios primeros que halló en la primera Provincia le ayudaron. Y mandando a pedir socorro y gente a México para que le ayudasen a seguir la dicha conquista el Virrey que entonces gobernaba, le envió a prender, de suerte que por entonces se dejó la dicha conquista. Y habiendo informado al Rey Don Phelipe Segundo de este caso, le pesó en extremo, de que se hubiese estorbado la conquista de aquella tierra, y conversión de aquellas almas.<sup>92</sup>

Despite the errors contained in the above excerpts of Montoya's 1602 book (e.g., the year Castaño's journey actually took place), and the exaggerations in Suarez' testimony (e.g., comparing Castaño's accomplishments to those of Hernán Cortés), it would appear that Castaño contemporaries in New Spain thought that his *entrada* was legal and highly meritorious. They also knew that the king had expressed disapproval that Castaño's expedition was interrupted, and that the inept actions by Velasco had been contrary to the intended purposes of the Crown. Nevertheless, Castaño was sentenced to exile from New Spain and to service in the Philippines.

In his 1649 *Relaciones y Discursos*, Alonso de León stated that the *Consejo de Indias* had pardoned Castaño, but that the order arrived in New Spain after his



92 "In the year of 87, Captain Castaño, having previous information about this land [Nuevo México], determined to conquer it, having permission to do so from the governor of New Spain [sic for Nuevo León], taking with him 30 men, most of them married; taking their clothes, and wagons because the land was flat and the road not difficult. They also took a good quantity of oxen, cows, sheep, and goats to, in effect, settle that land. And having been received in peace by the Indians of the first province that Espejo had visited the year before, they went forward in the conquest, having discovered 300 leagues ahead and surrendered, to the Royal Crown, more than 15,000 Indians, because those of the first province helped him. And having sent [somebody] to seek succor and people to Mexico [City] to help him in his conquest, the viceroy, who then was, sent for him to take him prisoner, so that the conquest was then interrupted. And having informed the king Don Phelipe II of what had happened, he [the king] was extremely sad that the conquest of that land and the conversion of those souls had been thwarted".

death. Given the king's reaction to what had been done to Castaño, it would seem that this statement is true. However, no evidence for this has been found. On the contrary, on 17 January 1593 the *Consejo de Indias* ordered the Audiencia in Mexico City that Castaño and his soldiers be punished for taking Indians. Nearly two years later, the audiencia responded that Castaño had been sentenced and that the sentence had been executed.<sup>93</sup> Thus, at least as late as October 26, 1594, the date of the response, no pardon order had been received in Mexico City.

## TO THE PHILIPPINES

According to the copy of the sentence against Castaño, the audiencia re-affirmed the original sentence on March 5, 1593 and stated that he should be taken to the Philippines by Felipe de Sámano in a galleon that was about to sail to those islands from the port of Acapulco. That Castaño was taken to those Islands is evident from the report of Lázaro Suárez. Although he did not name the ship in which he was taken to the Philippines, or the name of Crown officer who accompanied him other contemporary documents provide that information.

In early 1593, two galleons were getting ready in Acapulco to transport to the Philippines Islands the military support that their governor had requested. Their names appear in a report from Velasco to the king.<sup>94</sup> They were the *San Felipe* and the *Santiago*. Initially, the viceroy had wanted both ships to sail together but for some reason there was some delay in getting the *Santiago* ready on time. Therefore, the *San Felipe* departed first. The date was February 8, 1593. This date shows that Castaño did not go to the Philippines on that ship.

Almost two months later, on April 4, the *Santiago* left Acapulco. Its destination, like that of the *San Felipe*, was Manila. In the sixteenth century, the voyages from Acapulco to and from Manila followed different routes, a southern one on the outgoing voyage, and a northern, longer and more dangerous, on the return.



93 The *Consejo de Indias* orders that Castaño and his captains be punished. January 17, 1593. Archivo General de la Nación, México (AGN), *Instituciones Coloniales, Reales Cédulas*, vol. D2. The response of the audiencia appears in the sixth paragraph of a report to the king. October 26, 1594. AGI, México, leg. 71, r. 8, n. 108.

94 Viceroy Velasco informs the king about the ships that he is sending to the Philippines. February 25, 1593. AGI, México, leg. 22, n. 113. A few months later, he informs the king of the dates of departure of the two ships he sent to those islands, October 8, 1593. AGI, México, leg. 22, n. 118.

Records exist that show that the *San Felipe* arrived in Manila on April 27, 1593, two and a half months after leaving Acapulco. The voyage of the *Santiago* is not so well documented, but a letter written by Cristóbal de Azcueta, captain of the *San Felipe*, after his ship returned to Acapulco in November of 1594, indicates that the *Santiago* had arrived in the Philippines by the end of June of 1593.<sup>95</sup> The same letter includes the following note: “El capitán Castaño, que aquel año [1593] llegó a las Islas Filipinas de esta tierra con don Felipe de Sámano”.<sup>96</sup> Thus, Castaño was sent to the Philippines in the exact manner prescribed by his sentence.

It is likely that Sámano took Castaño to the governor and explained to him who the prisoner was and for what purpose had he been brought there. So far as Gómez Pérez das Marinas was concerned, Castaño’s arrival could not have been better timed. Although he had written that the king of Japan was threatening the Philippine Islands, the real need for soldiers was that he was getting ready to begin a military expedition against the Moluccas, or Maluco as the document calls that archipelago in present-day Indonesia. It is evident that Pérez das Marinas saw in Castaño an experienced officer who could help him both in the preparations for the expedition and in the government of the Philippines. From the moment he arrived, Castaño was probably regarded as second in command in the Philippines, a statement that seems to be corroborated by original documents that relate the tragic events that ended the expedition to the Moluccas.

## THE JOURNEY TO THE MALUCO

The *Jornada al Maluco*, as it is called in Spanish documents, is briefly described in a 1609 book by Antonio de Morga entitled *Sucesos en las Filipinas*.<sup>97</sup> Far more



95 Letter from Cristóbal de Azcueta, captain of the *San Felipe*, which arrived in Acapulco on November 7, 1594, after a long delay, from the Philippine Islands. AGI, México, leg. 22, n. 153f. Before its arrival at this time, the *San Felipe* had sailed twice from the Philippines. The first on 30 June 1593, having to return to the departing port because of a severe storm in which the ship nearly capsized. According to Azcueta, the second departure took place on June 26, 1594. If so, the second return voyage of the *San Felipe* lasted more than four months.

96 “Captain Castaño, who that year [1593] had arrived in the Philippines from this land [New Spain] with D. Felipe de Sámano”.

97 Antonio Morgan, *Sucesos en las Filipinas* (Cambridge: Haklyut Society, 1971). For a transcription of the original text, see Francisca Perujo, *Sucesos de las Filipinas* (Mexico: Fondo de Cultura Económica, 2007).

detailed descriptions appear in two, little-known, documents that were written soon after the death of the governor Gómez Pérez das Marinas.<sup>98</sup> In what follows we limit the discussion to those portions of these remarkable documents that are relevant to the topic of this work.

In October of 1593, after a long preparation, a large fleet congregated in the city-port of Cebu (or Zebu) in the Philippines. The fleet included five *galeras* and many small vessels, which together carried more than 1000 Spaniards, including soldiers, merchants, and *vecinos* of the islands. The galera *capitana*, that is the leading ship in the fleet, left Manila on the 18th of that month to join the other vessels in the fleet. Some of the passengers in the *capitana* are listed by name in one document:

Iban en la galera el gobernador y seis criados suyos y entre ellos el Capitán Castaño y el Capitán Sotomayor, y otros hombrss muy belicosos, y 13 marineros de manera que por todos eran 60 españoles y 260 sangleyes Buenos remeros que iban pagados cada uno 60 pesos por ida y Vuelta al Maluco.<sup>99</sup>

In addition to people, the galera carried a small treasure: 12 000 pesos from the Crown to pay the soldiers, more than 30 000 pesos that belonged to the governor, and 20 000 that belonged to others. After traveling some 20 leagues, the galera had to be detained for some days because of strong winds. To pass the time the governor and some of his associates would amuse themselves listening to music and playing card games. This they did on the 25th, going to bed past midnight. Both documents describe the events that followed. Here is one of those descriptions:

Dos horas antes que amaneciese, teniendo los sangleyes ya concertada su traición [...] acudieron todos y mataron las centinelas y los soldados dormidos dandoles crueles

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98 *Relación de cosas que han sucedido en estas islas desde 24 de septiembre que fue el día que surgió la nao de s.m. Santiago en el puerto de Cavite*. AGI, México 22, n. 153b. *Relación de el orden que tuvo el gobernador Gómez Pérez das Marinas en el intentar y ordenar la jornada de el Maluco y lo sucedido en ella u su desgraciada Muerte en las yslas Philippinas*. AGI, México, leg. 22, n. 153c.

99 "In the galera capitana were the governor and six of his servants, 40 soldiers, among them *Capt. Castaño* and *Capt. Sotomayor*, other military men, and 13 sailors, so that in all there were 60 Spaniards and 260 Sangleyes, good rowers that were paid each 60 pesos for the round trip to the Maluco", emphasis added. *Memoria de la gente que mataron en la galera Capitana con el Gobernador*. AGI, México, leg. 22, n. 153d.

cuchilladas con las catanas que les abrían las cabezas y les hacían pedazos sin poder escapar de esta fiera残酷 sino algunos pocos que heridos se arrojaron a la mar, de los cuales algunos se [...] Al ruido de esto salió el gobernador de su cámara, que estaba debajo de la popa [...] y allí le aguardaban y en asomando la cabeza le dieron gran cuchillada que se la abrieron todo.<sup>100</sup>

Among those in the cabins only two were spared: Francisco de Monsilla, a young friar, and Juan de Cuellar, the governor's secretary, both of whom hid while the massacre took place and saw how the governor was killed. A few days later they were traded for water and food in another island.

In the end 56 Spaniards in the galera *capitana* were killed. One of the archival documents lists their names and says that in addition to those listed many more were killed. The heading of the recto side of the folio listing the names says: *Memoria de la gente que mataron en la galera Capitana con el Gobernador*.<sup>101</sup> Leading the list is Governor Gómez Pérez das Marinas; immediately below it says "capitán Castaño". The position of Castaño's name in the list indicates his importance in the Philippines. Thus, in death he received the respect that he much deserved for all he had done on behalf of the Crown. It was thus that two hours before sunrise on October 26, 1593, Gaspar Castaño de Sosa accompanied the governor of the Philippines in death. His body, like those of the others killed that sunrise, was thrown overboard, half a world away from Portugal, the country of his birth.

## CONCLUSIONS

This work has considered several events that are related to Gaspar Castaño de Sosa, lieutenant of governor of Nuevo Reino de León, and the leader of the first European attempt to colonize Nuevo México. That attempt failed because he and the large group of people who had accompanied him were forced to return to New



100 "Two hours before sunrise the Sangleyes [Chinese individuals who then resided in the Philippines] having pre-arranged their treason [...] rose and killed the guards and the sleeping soldiers [...] cutting their bodies with their catanas [sabers] so that they could not escape this cruelty, except for some of the wounded who jumped into the sea, some of whom drowned. Hearing the noise, the governor came out of his cabin, which was under the stern [...] and they were waiting for him. And when he looked out [...] they cut his head open".

101 *Memorial of the people killed in the galera capitana with the governor*.

Spain by orders of the then viceroy of New Spain, Luis de Velasco II, who claimed that he had not authorized Castaño to enter Nuevo México and that Castaño was taking peaceful Indians for the purpose of selling their service. However, examination of the available contemporary evidence shows that Castaño did not need that permission, that the accusation that he took peaceful Indians prisoner was fabricated in good part for political reasons promoted by the governors of Nueva Vizcaya, and that the testimonies used to prove the viceroy's contentions were false.

The work has also considered Castaño's sentence to exile in the Philippine Islands, the execution of that sentence and his death. Although Alonso de León wrote about these events in the seventeenth century, his remarks were limited to stating that they took place. This work has presented details related to those events that are based on recently found contemporary documents. These documents provide previously unknown information about how the sentence was carried out and how did Castaño died.

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