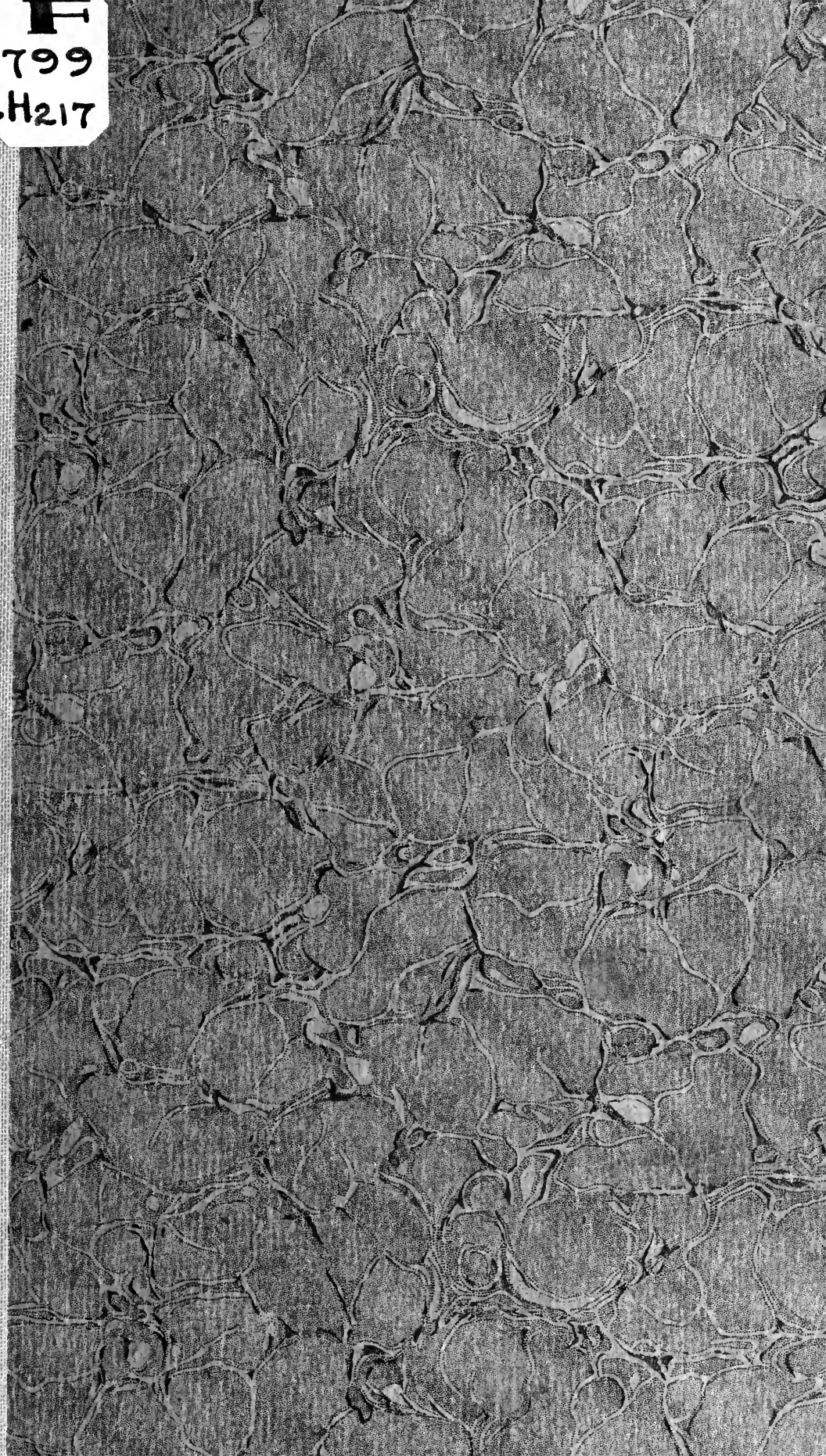


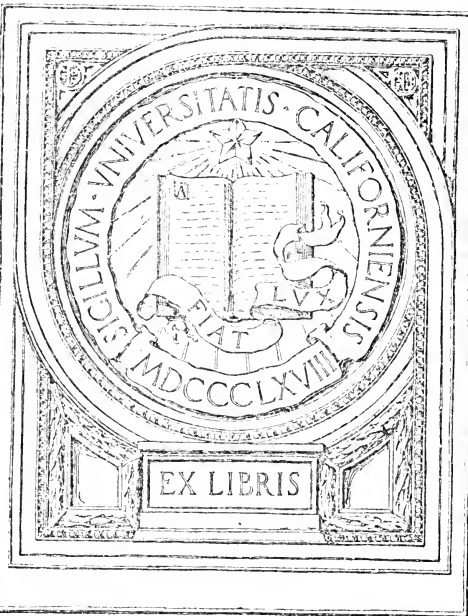
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**New Light on Don Diego de Penalosa:
Proof that he never made an Expedition from Santa Fe to Quivira and
the Mississippi River in 1662**

BY *Wilson*
CHARLES W. HACKETT 1888-
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NEW LIGHT ON DON DIEGO DE PENALOSA: PROOF
 THAT HE NEVER MADE AN EXPEDITION
 FROM SANTA FE TO QUIVIRA AND THE
 MISSISSIPPI RIVER IN 1662¹

Between the years 1678 and 1684 Don Diego Dionisio de Peñalosa Briceño y Berdugo, a discredited and exiled governor of the province of New Mexico in New Spain, made his three well-known proposals to Louis XIV to attack New Spain in the name of France. The first of these propositions, presented in 1678, looked toward the conquest of the region to the northeast and east of New Mexico, known as Quivira and Tegago (Teguayo),² probably the region between modern Wichita, Kansas, and the Wichita mountains in the present state of Oklahoma.³ The second proposal, made in 1682, called for the founding of a French settlement at the mouth of the Rio Bravo (Rio Grande).⁴ In the third proposal, presented two years later and at exactly

¹ This paper was read at the annual meeting of the Mississippi valley historical association in St. Louis, May 8, 1919.

² "Real cédula comunicando al virey de Nueva España, pidiendo informe acerca del reino de Quivira," in Fernández Duro, *Don Diego de Peñalosa, y su descubrimiento del reino de Quivira: informe presentado á la Real academia de la historia* (Madrid, 1882), 50 ff.

³ Herbert E. Bolton, *Spanish exploration in the southwest, 1542-1706* (New York, 1916), 205; F. W. Hodge, note, in Benavides, *Memorial of 1630* (Ayer translation — Chicago, 1916), 278.

⁴ "Mémoire pour Mgr. le marquis de Seignelay, touchant l'établissement d'une nouvelle colonie dans la Floride, dans l'embouchure de la rivière appelée Rio-Bravo, et les avantages qui en peuvent revenir au roy et à ses sujets," in Pierre Margry, *Découvertes et établissements des Français dans l'ouest et dans le sud de l'Amérique Septentrionale* (Paris, 1879), 3: 44 ff.; English translation in John G. Shea, *The expedition of Don Diego Dionisio de Peñalosa, governor of New Mexico, from Santa Fe to the river Mischipi and Quivira in 1662* (New York, 1882), 12.

the same time that La Salle was making preparations to found a settlement at the mouth of the Mississippi river, Peñalosa offered to seize Pánuco (Tampico), and make it a base for the conquest of the adjacent rich mining province of Nueva Vizcaya.⁵

As a result of the international importance attached to Peñalosa's proposals, his activities after leaving New Spain—his sojourn in England, his later residence in Paris, and the question of his connection with the La Salle expedition to the Texas coast—have been carefully investigated and their significance pointed out by students of French and Spanish colonization in America.⁶ Of Peñalosa's activities in America, however, especially his record as governor of New Mexico and his trial and exile by the tribunal of the holy office of the inquisition, practically nothing has heretofore been written. In 1879, the French historian, Margry, published what is apparently a brief autobiographical sketch of Peñalosa,⁷ and this, until recently, has constituted the chief *unquestioned* source for his career prior to his exile from New Spain. Yet so brief is this sketch that Houck, the well-known historian of Missouri, writing in 1908, says: "Very little is known about his administration of New Mexico while he was governor and captain-general of the province."⁸ The same year, Lea in his admirable study, *The inquisition in the Spanish dependencies*, thus dismisses the Peñalosa episode: "Another Governor of New Mexico, Diego de Peñalosa, fared even worse when, for indiscreet words about priests and inquisitors and expressions verging on blasphemy, he was exposed to the humiliation of appearing as a penitent in

⁵ "Mémoire sur les affaires de l'Amérique," in Margry, *Découvertes et établissements des Français*, 3: 48 ff.; English translation in Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 16 ff.

⁶ See William E. Dunn, *Spanish and French rivalry in the gulf region of the United States, 1678-1702: the beginnings of Texas and Pensacola* (Austin, 1917), 13 ff.; Herbert E. Bolton, "The Spanish occupation of Texas, 1519-1690," in *Southwestern historical quarterly*, 16: 6, 17, and "Notes on 'Clark's Beginnings of Texas,'" in Texas state historical association, *The quarterly*, 12: 151 ff.; E. T. Miller, "The connection of Peñalosa with the LaSalle expedition," *ibid.*, 5: 97 ff.; E. Daenell, *Die Spanier in Nordamerika von 1513-1814* (Munich and Berlin, 1911), 99 ff.

⁷ "Notice sur le Comte de Peñalosa," in Margry, *Découvertes et établissements des Français*, 3: 39 ff.; translation in Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 8 ff.

⁸ Louis Houck, *A history of Missouri from the earliest explorations and settlements until the admission of the state into the union* (Chicago, 1908), 1: 141.

the auto de fe of February 3, 1668—thus virtually incapacitating him for further service.”⁹

At the court of Louis XIV, Peñalosa capitalized his personal knowledge of the regions mentioned in his three proposals. In 1684, at the time that he offered to seize Pánuco, he presented to Monsieur de Seignelay, French minister of marine, a manuscript “Relacion,”¹⁰ purporting to be an account of an expedition made by himself in 1662, while governor of New Mexico, to Quivira and beyond to the “Mischipi” river¹¹—a stream thought by Houck to have been the Mississippi,¹² by Shea to have been the Missouri river.¹³ This “Relacion,” according to its title page, was written by Father Nicolás de Freytas, one of the Franciscan missionaries of New Mexico and the governor’s chaplain.

The Freytas “Relacion” was published for the first time by John Gilmary Shea in 1882. Taking it as his authority, which he in no wise questioned, Shea hailed Peñalosa as a great explorer of the Quivira region.¹⁴ Among scholars at large, however, the publication of the “Relacion” aroused great speculation. In Spain, the *Real academia de la historia* instructed one of its members, the erudite Fernández Duro, to investigate and report upon its authenticity. As a result of this investigation, Duro, before the end of the year 1882, published as his report a book entitled: *Don Diego de Peñalosa, y su descubrimiento del reino de Quivira: informe presentado á la Real academia de la historia*.¹⁵ In this book no definite facts are presented and no documentary material is cited which positively disprove the alleged expedition of Peñalosa in 1662. Duro, however, after

⁹ Henry C. Lea, *The inquisition in the Spanish dependencies; Sicily—Naples—Sardinia—Milan—the Canaries—Mexico—Peru—New Granada* (New York, 1908), 256.

¹⁰ “Relacion del descubrimiento del pais y ciudad de Quivira echo por D. Diego Dionisio de Peñalosa . . . escrita por el Padre Fr. Nicolas de Freytas,” in Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 25 ff.; and in Duro, *Don Diego de Peñalosa, y su descubrimiento del reino de Quivira*, 33 ff.

¹¹ *Ibid.*; Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 5, 7, 25.

¹² Houck, *History of Missouri*, 1: 146.

¹³ Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 5.

¹⁴ *Ibid.*

¹⁵ See note 2.

considerable investigation in archive and printed source material, some of which he published, in addition to the Spanish text of the Freytas "Relacion," gives his conclusions as follows: first, that Peñalosa did not make such an expedition at all; second, that Father Freytas did not write the "Relacion"; and third, that Peñalosa forged the work, adding the name of Freytas when he moved to Paris in 1673.¹⁶ Likewise, in America H. H. Bancroft in 1884—independently, as he claims, of Duro—came to the conclusion that the whole narrative was a fabrication, founded on Oñate's expedition nearly sixty years earlier, and that Peñalosa never made any such expedition.¹⁷

Since the time of Duro and Bancroft no attempt has been made, so far as is known, to prove or to disprove the authenticity of the Freytas "Relacion" and the claim made therein that Peñalosa made an expedition from Santa Fe in 1662 to what is now eastern Kansas and southern Missouri. True, most scholars have held to the belief that Peñalosa never made the expedition.¹⁸ For lack of positive proof, however, no one since the Freytas "Relacion" was published in 1882 has hitherto been able to speak with certainty on this subject. Houck, though taking into account the fact that the "Relacion" generally has been discredited, says: "Without attempting to decide as to the truthfulness of Padre Freytas' narrative of this expedition of Peñalosa, we cannot well omit to give its details as recorded by him,

¹⁶ Duro, *Don Diego de Peñalosa, y su descubrimiento del reino de Quivira*, 49.

¹⁷ Hubert H. Bancroft, *History of the North Mexican states and Texas* (San Francisco, 1884), 1: 386, and *Arizona and New Mexico* (San Francisco, 1889), 21, 24, 169. Bancroft arrived at these conclusions chiefly as a result of the fact that no mention is made of an expedition by Peñalosa to the eastern region in the famous report of Father Posadas, written shortly after 1685. Posadas was *custodio* of the Franciscan missions and *comisario* of the tribunal of the inquisition during the administration of Peñalosa in New Mexico, and the report which he made at the request of the viceroy deals chiefly with the region to the north and east of New Mexico. His failure to mention an expedition by Peñalosa at a time when he himself was living in New Mexico is excellent circumstantial evidence that Peñalosa never made the expedition which he alleges to have made. Such evidence, however, is only circumstantial. Posadas might have purposely omitted any reference to the expedition, for, as will be seen later, he and Peñalosa were the bitterest of enemies. See "Informe á S. M. sobre las tierras de Nuevo Méjico, Quivira y Teguayo," in Duro, *Don Diego de Peñalosa, y su descubrimiento del reino de Quivira*, 53 ff.; Dunn, *Spanish and French rivalry in the gulf region of the United States*, 63.

¹⁸ Bolton, "The Spanish occupation of Texas," in *Southwestern historical quarterly*, 16: 7.

leaving the reader to judge of the intrinsic probability of at least some of the main features of this narrative."¹⁹ Then, with the "Relacion" as his guide, Houck attempts to locate in a general way the regions and rivers mentioned in the narrative. Concluding, he says: "The fact that the narrative of Freytas exaggerates and magnifies the discoveries and population of the countries through which he says Peñalosa marched is in and of itself not sufficient reason for us to discredit this expedition entirely."²⁰

It is purposed now, however, to show positively that Peñalosa never made an expedition eastward from New Mexico in 1662. It is also purposed to relate, for the first time, some of the episodes in his troubled administration, and to supplement and correct Lea's brief statement concerning his trial by the inquisition, the outcome of which trial made him, when later a veritable empire—the Mississippi valley itself—was at stake, the cause of the deepest concern to two of the oldest and proudest courts of Europe.

In this connection a brief bibliographical note is in order. In 1912, while searching in the archives of Mexico, the late Mr. Adolph F. Bandelier made transcripts of a great many of the papers of the inquisition. Among these papers were documents dealing with the trial and conviction of Don Diego de Peñalosa for blasphemy, impeding the jurisdiction of the inquisition, and other crimes. After the death of Bandelier, who had been able by a special grant from the Carnegie institution of Washington to continue his investigations in Seville, Spain, his transcripts of the inquisition papers, and many others, were entrusted to the present writer to translate and edit for publication for the Carnegie institution.²¹ The inquisition papers, referred to above, throw much interesting and valuable light upon the activities of Peñalosa and his predecessor, Don Bernardo López de Mendizábal, as governors of New Mexico. The utilization of these transcripts by the writer has made possible this paper,

¹⁹ Houck, *History of Missouri*, 1: 142.

²⁰ *Ibid.*, 1: 143.

²¹ See J. Franklin Jameson, "Annual report of the director of the department of historical research," in Carnegie institution of Washington, *Year book number 17, for the year 1918* (Washington, 1919), 145.

which may be regarded as the first fruits of the final labors of the lamented Bandelier in the archives of Mexico and Spain.

On December 24, 1658, Don Bernardo López de Mendizábal, newly-appointed governor of New Mexico, left Mexico City for Santa Fe. Accompanying him were the *custodio*, Fray Juan Ramírez, Fray Nicolás de Freytas, Fray Miguel de Guebara, and sixteen other Franciscan missionaries.²² Of Freytas, who was then but twenty-four years old, and of Guebara, more will be heard; Father Freytas is the reputed author of the so-called Freytas "Relacion," Father Guebara is named in the "Relacion" as chaplain of the Quivira expedition. En route to New Mexico there were many quarrels between Mendizábal and the religious.²³ Mendizábal made many claims to extraordinary powers, and even pretended to have secret instructions from Viceroy Albuquerque to strangle or hang the religious or to banish them ignominiously from the province.²⁴ In July, 1659, Mendizábal and his retinue reached Santa Fe,²⁵ where he was to exercise the duties of governor until the latter part of 1661. During this period Mendizábal completely alienated all classes save a few of his own favorites and appointees. Especially did he antagonize and persecute the religious. So serious, in fact, was his persecution of this group that he came to be called Attila by everyone,²⁶ and within a year after his arrival the missionaries had decided, provided no relief should be forthcoming, to consume the sacrament in all the churches of the province and depart therefrom.²⁷

Mendizábal, however, was not unopposed in his high-handed acts and presumptuous claims. In particular did Fathers Nico-

²² "Testificacion de Fray Nicolas de Freytas, México, Enero 24, 1661," in *Segundo quaderno del proceso á Mendizabal*, 63 ff. (Inquisicion, A. G. M., tomo 1660; transcript in the Bandelier collection); "Primera audiencia de Don Bernardo López de Mendizabal," f. 143 (Ramo de inquisicion, A. G. M., tomo 1663; transcript in the Bandelier collection).

²³ *Ibid.*

²⁴ *Ibid.*, ff. 45, 50.

²⁵ "Testificacion de Don Juan Manso, México, 13 de Enero 1661," in *Segundo quaderno del proceso á Mendizabal*, f. 46.

²⁶ "Ratification de Miguel de Noriega, Santa Fé y 22 de Septiembre de 1661," in *Causa del fiscal del Santo Oficio contra Bernardo López de Mendizabal*, f. 51 (Inquisicion, A. G. M., tomo 1662; transcript in Bandelier collection).

²⁷ "Primera audiencia de Mendizabal," f. 53.

lás de Freytas and Miguel de Guebara take issue with him.²⁸ In June, 1660, Father Freytas charged Mendizábal with having publicly said that "he proposed to become the only and supreme head of the church," which, added Freytas, "he has fulfilled so far as I am concerned." This was followed by Freytas formally resigning his guardianship and ministry.²⁹ Early in the next year he was in Mexico and there he preferred many charges before the tribunal of the inquisition against Mendizábal.³⁰

Prior to this, however, the many complaints against Mendizábal had resulted in his recall by the civil authorities and the selection of Peñalosa as governor in his stead. Peñalosa's commission as governor and captain-general of New Mexico was issued at the end of 1660 and he proceeded to his charge in 1661.³¹ By June of the latter year the well-known mining town of Cuencamé, in central Nueva Vizcaya, had been reached.³² With Peñalosa at this time was Father Freytas, who was now

²⁸ "Declaracion de Fray Juan Ramirez, México, Mayo 14 de 1660," in *Segundo quaderno á Mendizabal*, f. 10; "Audiencia, Febrero 26, 1661," in *Causa contra Nicolas de Aguilar*, f. 32 ff. (Inquisicion, A. G. M., tomo 235; transcript in Bandelier collection).

²⁹ "Carta de Fray Nicolas de Freytas, Cuarac, Junio 18 de 1660," in *Segundo quaderno á Mendizabal*, f. 26 ff.; see also "Deposicion de Nicolas de Aguilar, Mayo 8 de 1663," *ibid.*, f. 224.

³⁰ "Declaracion de Fray Nicolas de Freitas, México 10 de Enero 1661," in *Causa contra Aguilar*, f. 25; "Audiencia de 21 de Febrero de 1661, Mexico," *ibid.*, f. 27; "Testificacion de Fray Nicolas de Freitas, Mexico, Enero 24, 1661," in *Segundo quaderno á Mendizabal*, f. 63.

³¹ "Notice sur le Comte de Peñalosa," in Margry, *Découvertes et établissements des Français*, 3: 42; English translation in Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 10. On June 25, 1665, Peñalosa testified that he was a native of the city of Lima; that his father was Alonzo de Peñalosa, a resident of La Paz and an *encomendero* of Huarina; that he was between forty-three and forty-four years old; and that he had been in Mexico eleven years. There he had been employed in the higher positions, political and military, in the king's service. "Testificacion de Don Diego Dionisio de Peñalosa Briceño. México, Junio 25 de 1665," in *Segundo quaderno á Mendizabal*, f. 231; "Primera audiencia, Junio 25 de 1665," in *Causa contra Don Diego Dionisio de Peñalosa Briceño y Berdugo, governador que fue de Nuevo Mexico, por blasfemo i impedimento del uso del Santo oficio y otros delictos*, p. 26 (Inquisicion, A. G. M., tomo 1663; transcript in Bandelier collection. References to this *expediente* are to the pages of the Bandelier transcripts, due to the fact that, in this case, Bandelier did not give all the archive folio numbers).

³² "Testimonio de Juan de los Reyes Marchena, Julio 15 de 1661," in *Segundo quaderno á Mendizabal*, f. 160.

returning to New Mexico, according to claims advanced later, with an order of the tribunal calling for the arrest of Mendizábal.³³ Between Father Freytas and Governor Peñalosa there was soon to develop a friendship as marked as was the hatred of Freytas for Mendizábal.

Mendizábal, however, was not arrested upon the arrival of Peñalosa and Freytas, some time after the first of August, 1661, the latter apparently employing himself in secretly securing depositions to be forwarded to the tribunal of the inquisition. Just what were the relations between Peñalosa and his predecessor is not clear, but by November, 1661, Peñalosa was functioning in Santa Fe as governor.³⁴ As was customary, after he had been inducted into office Peñalosa held the *residencia*—an official investigation into the conduct in office—of his predecessor. If a later statement by Peñalosa is correct, Mendizábal at this time offered his successor 6,000 *pesos* to get him safely through the *residencia*;³⁵ if one may believe Mendizábal's wife, Peñalosa's price was higher than 6,000 *pesos*, for when he had completed the *residencia* a messenger was sent to tell Mendizábal that if he would give Peñalosa 10,000 *pesos*, he might write the record of the *residencia* as he pleased, and might scratch out the records as they had been taken.³⁶

Some time before holy week of 1662, Peñalosa had learned from Father Freytas and others of the order of the tribunal of the inquisition calling for the arrest of Mendizábal and the attachment of his goods.³⁷ At first Peñalosa offered to assist Mendizábal to flee, and even suggested to Mendizábal's wife that for one thousand *pesos* he would desist from his persecution.³⁸ Later, when Mendizábal would not consent to allowing his goods to be sold by Peñalosa, he was imprisoned in his own house at Santa Fe, where a strong guard was placed over

³³ Statement of Peñalosa, in *Segundo quaderno á Mendizabal*, f. 160.

³⁴ "Testificacion de Don Diego Dionisio de Peñalosa Bricieño, México, Junio 25 de 1665," *ibid.*, f. 231 ff.; "Audiencia de Julio 1 de 1665," in *Causa contra Peñalosa*, p. 22.

³⁵ "Audiencia de Diciembre 4 de 1665," *ibid.*, p. 27.

³⁶ "Deposicion de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," *ibid.*, p. 3.

³⁷ "Primera audiencia de Mendizabal," ff. 8, 263.

³⁸ *Ibid.*, 263; "Deposicion de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," in *Causa contra Peñalosa*, p. 3.

him; afterward he was transferred from his own house to other quarters, and Peñalosa proceeded to sack the house and carry away for his own use whatever suited his fancy.³⁹ He even unswung the bed, but on returning from sacking the house he remarked: "I leave there for the inquisitors over three thousand *pesos*; let them be content if they will, or let them seek for more on Don Bernardo's *hacienda*."⁴⁰ Not being able to blackmail Mendizábal, it is clear that Peñalosa's object in imprisoning him was to get possession of his property before his formal arrest by the inquisition.⁴¹ For it was customary in such cases, pending the outcome of the trial before the tribunal, for the property of the person arrested to be attached in the name of the inquisition.⁴²

Thus it was that Peñalosa made himself liable to the charge of impeding and complicating the execution of the decree of the tribunal. When Mendizábal protested to Father Posadas, the new Franciscan *custodio* and *comisario* of the inquisition,⁴³ and asked that his goods be restored to him, the latter is said to have asked what recourse was possible "when Don Diego de Peñalosa was governor."⁴⁴ The order calling for Mendizábal's arrest not having been received by Father Posadas, he was powerless to act.

At this time Peñalosa is reputed to have said that the members of the inquisition tribunal were all rascals; that if the tribunal were present, not only would he not obey it, but he would attack with a dagger any superior minister of that body who

³⁹ "Primera audiencia de Mendizabal," ff. 8, 24, 265; "Declaracion de Don Bernardo Lopez de Mendizabal, México, Abril 28 de 1663," in *Causa cotra Peñalosa*, p. 1. Among the effects of Mendizábal were twelve hundred skins, valued at about twelve hundred *pesos*. "Declaracion de Hernando Martin Serrano, Santa Fé, Mayo 21 de 1664," *ibid.*, p. 15.

⁴⁰ "Primera audiencia de Mendizabal," f. 24.

⁴¹ Peñalosa, "having notice of the command of this tribunal to seize the accused and attach his goods, not only tried to sell the accused's goods, which would have impeded the order of the tribunal, but . . . did . . . send him" to another prison. *Ibid.*

⁴² "The Inquisition was expected to become self-supporting from confiscations, fines, and pecuniary penances." Lea, *The inquisition in the Spanish dependencies*, 212.

⁴³ Father Posadas arrived in New Mexico on April 28, 1661. "Carta de Fray Alonso de Posadas, al Santo Oficio, Mayo 23 de 1661," in *Segundo quaderno á Mendizabal*, f. 162.

⁴⁴ *Ibid.*; "Primera audiencia de Mendizabal," f. 24.

might oppose him; and that he himself was going to preside over that body. Peñalosa also boasted publicly that he had, under orders from some of the superior ministers of the tribunal, drawn up the charges against Mendizábal, all of which had been made at his own discretion.⁴⁵

In the meantime the warmest affection had developed between Peñalosa and Father Freytas. Soon after his arrival, Freytas said in a sermon that God had brought Peñalosa to take the church out of the power of a heretic.⁴⁶ Freytas served as the governor's confessor and lived and dined regularly with him,⁴⁷ the two playing cards in the government building to while away the time.⁴⁸ That Peñalosa, Freytas, and Guebara maintained concubines was public scandal.⁴⁹ At the same time so great was the hatred of Father Freytas for Mendizábal that he went from house to house to ask that no one knead bread for him or his wife; in some instances he even forbade, and threatened with evil, any one who did so.⁵⁰

Even before the arrest of Mendizábal by Peñalosa, the latter had been planning an expedition to the Moqui provinces in what is now northeastern Arizona, and not to the plains of Kansas, as the following facts will show. On Thursday before the second Sunday in Lent, Father Posadas was in Santa Fe, where he expressed his intention of preaching in the church of the *villa* on the following Sunday. The next day, Friday, Father Freytas, the *guardian* of the *villa*, informed Father Posadas that Peñalosa "had ordered him to sing a mass on Saturday and to uncover the holy sacrament, to the end that he, the governor, might have a happy journey while on an expedition which he was going to make to the province of Moqui."⁵¹

⁴⁵ "Primera audiencia de Mendizabal," f. 24; "Declaracion de Don Bernardo Lopez de Mendizabal, México, Abril 28 de 1663," in *Causa contra Peñalosa*, p. 1.

⁴⁶ "Deposicion de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," *ibid.*, p. 3.

⁴⁷ "Primera audiencia de Mendizabal," f. 265.

⁴⁸ "Testificacion de Rodrigo Rubin, Agosto 3 de 1663," in *Causa contra Peñalosa*, p. 3.

⁴⁹ "Audiencia de Diciembre 11 de 1665," *ibid.*, p. 29; "Declaracion de algunas cosas por Peñalosa," *ibid.*, p. 30; "Primera audiencia de Mendizabal," f. 179.

⁵⁰ "Deposicion de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," in *Causa contra Peñalosa*, p. 3.

⁵¹ "Carta de Fray Alonzo de Posadas, al Tribunal, conversion de los Mansos, Mayo 24 de 1662," *ibid.*, p. 5.

Father Freytas carried out the governor's instructions to the letter. For the service Peñalosa entered on horseback as far as the high altar of the church. Notwithstanding this unusual proceeding, Father Freytas ordered the ceremony performed, and not only gave Peñalosa the sacrament to kiss but he himself placed the sacrament on Peñalosa's head, "to the horror and scandal of all the settlers." Freytas excused such conduct on the ground that a similar ceremony had been held for the Duke of Albuquerque. Father Posadas, however, not only disapproved of the occurrence but promptly reported it to the tribunal of the inquisition.⁵²

Some time after the imprisonment of Mendizábal — which was just before Easter week — and the first day of April, 1662, Peñalosa with twenty picked soldiers left Santa Fe for the Moqui *pueblos*, distant about one hundred leagues to the west.⁵³ As Easter in 1662 fell on March 30,⁵⁴ the date of Peñalosa's departure was probably between the twentieth and the last day of March. At any rate he had departed for Moqui by April 1, 1662.⁵⁵ This and other facts to be noted later proved conclusively that Peñalosa did not set out for Quivira in March, 1662, and that the Freytas "Relacion," which was presented to Louis xiv in 1684 as authority for this alleged expedition, is a fabrication. For, according to that "Relacion," Peñalosa, accompanied by Fathers Freytas and Guebara and some eighty civilians, in addition to a large force of Indians, was marching during the months of March, April, May, and part of June from Santa Fe to Quivira and the "Mischipi" river.⁵⁶

Among those who accompanied Peñalosa on his expedition to

⁵² *Ibid.*; "Declaracion de Don Bernardo Lopez de Mendizabal, México, Abril 28 de 1663," *ibid.*, p. 2; "Primera audiencia de Mendizabal," f. 207.

⁵³ "Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Noviembre 24 de 1662," in *Causa contra Peñalosa*, p. 6; "Declaracion de Andres Posadas al Gobernador Juan de Miranda, 1664," *ibid.*, p. 20.

⁵⁴ *Whittaker's almanac* (London, 1918), 73.

⁵⁵ Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Noviembre 24 de 1662," in *Causa contra Peñalosa*, p. 6; "Declaracion de Andres Lopez Zambrano, Santo Domingo, Febrero 20, 1664," *ibid.*, p. 10.

⁵⁶ "Relacion del descubrimiento del pais y ciudad de Quivira, echo por D. Diego Dionisio de Peñalosa . . . escrita por el Padre Fray Nicolas de Freytas," in Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 27 ff.; also in Duro, *Don Diego de Peñalosa, y su descubrimiento del reino de Quivira*, 33 ff.

Moqui were Sargento Mayor Diego Romero and Alcalde Mayor Nicolás de Aguilar, two characters of the lowest type who were especially inimical to the religious of the province.⁵⁷ On April 1, 1662, while these two men were absent with Peñalosa on the Moqui expedition, Father Posadas received a letter from the tribunal of the inquisition containing orders for their arrest. This letter was brought to New Mexico by Alguacil Mayor Juan Manso, the predecessor of Governor Mendizábal.⁵⁸ On April 30, 1662, the Peñalosa party arrived at Isleta on its return from Moqui.⁵⁹ At that time Father Posadas was distant some eighteen leagues from Isleta; but being advised by letter that Peñalosa, accompanied by Romero and Aguilar, had arrived at the latter *pueblo*, he set out posthaste on the morning of May 1 for that place, arriving about midnight. The next day, Father Posadas, in the absence of General Manso, arrested both Romero and Aguilar.⁶⁰ Peñalosa, meanwhile, had gone on to Santa Fe, but he was promptly advised of the arrests by one of his lieutenants. Posadas by this time had crossed the river on a raft and secretly made his way to Santo Domingo, fifteen leagues above Isleta, where Romero and Aguilar and two other prisoners were incarcerated in the cells of the monastery.⁶¹

Having secured his prisoners, Father Posadas set about to prevent, as he claims to have done in the cases of other arrests, any one from taking over their *encomiendas*, for he knew full well, he said, "that the governor wanted to take them over." As a matter of fact, as soon as Peñalosa was advised of the arrest of Romero and Aguilar, he sent to have their weapons and other property collected for himself. Father Posadas, how-

⁵⁷ "Declaracion de Diego Romero, año de 1663," in *Causa contra Aguilar*, f. 66.

⁵⁸ "Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Noviembre 24 de 1662," in *Causa contra Peñalosa*, p. 6; "Testificacion de Don Juan Manso, México, 13 de Enero de 1661," in *Segundo quaderno á Mendizabal*, f. 46; "Carta de Fray Alonzo de Posadas al Tribunal, Santo Domingo, Junio 1 de 1662," in *Causa contra Aguilar*, f. 74 ff.

⁵⁹ "Testimonio de Fray Salvador de Guerra, Junio 13, 1662," *ibid.*, 80; "Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Noviembre 24 de 1662," in *Causa contra Peñalosa*, p. 6; "Declaracion de Diego Romero, México, Mayo 5 de 1663," *ibid.*, p. 3; "Deposicion de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," *ibid.*, p. 3.

⁶⁰ "Testimonio de Fray Salvador de Guerra, Junio 13 de 1662," in *Causa contra Aguilar*, f. 80.

⁶¹ *Ibid.*, 81.

ever, issued orders in the name of the inquisition for Peñalosa's *alcalde mayor* not to take over the *encomiendas*. Thwarted in his intentions, Peñalosa was deeply offended and at once instituted proceedings to get possession of the property, at the same time making complaint as to the competency of Father Posadas' jurisdiction as *comisario* of the holy inquisition.⁶²

In the meantime Father Posadas had gone to the Mansos missions in the present El Paso region, and from there, on May 24, he safely wrote a letter to the tribunal advising it of Peñalosa's action. Eight days later he was again in Santo Domingo.⁶³ Two weeks after this, Peñalosa, while at Isleta — whither he had gone to be present at the baptism of a goddaughter — wrote a letter to Father Posadas full of accusations against the religious and the inquisition.⁶⁴ The letter in question was written on June 16, 1662. This is further proof that Peñalosa did not make an expedition to Quivira in 1662, for it was just five days prior to the date of this letter, according to the "Relacion" bearing the name of Father Freytas, that Peñalosa and his party began to retrace their steps from the wonderful city of Gran Quivira to Santa Fe.⁶⁵ Clearly the "Relacion" was entirely fictitious.

Whether or not Father Freytas brought an order from the inquisition calling for the arrest of Mendizábal in the name of that body, no such order was carried out. On August 19, 1662, however, Father Posadas received specific instructions from the tribunal to arrest both Mendizábal and his wife. The order was brought from Mexico by one Diego González Lobón, who first reported to the governor and then, accompanied by Father Freytas, carried the order to Father Posadas at Santo Domingo. As soon as he read the order, Father Posadas realized that to arrest Mendizábal for the tribunal would cause trouble, since the latter

⁶² "Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Mayo 24 de 1662," in *Causa contra Peñalosa*, p. 5; "Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Noviembre 24 de 1662," *ibid.*, p. 6.

⁶³ "Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Mayo 24 de 1662," *ibid.*, p. 5; "Carta de Fray Alonzo de Posadas al Tribunal, Santo Domingo, Junio 1 de 1662," in *Causa contra Aguilar*, f. 74 ff.

⁶⁴ "Carta de Diego de Peñalosa, al custodio, Ysleta, Junio 16 de 1662," in *Causa contra Peñalosa*, p. 6.

⁶⁵ "Relacion del descubrimiento del pais y ciudad de Quivira, echo por D. Diego Dionisio de Peñalosa," in Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 40; and in Duro, *Don Diego de Peñalosa, y su descubrimiento del reino de Quivira*, 39.

was still Peñalosa's prisoner. For this reason Posadas advised "the governor's best friend," Father Freytas, "cautiously and carefully" to ask Peñalosa to remove the guards, as he "had an imperative duty to perform." Freytas returned to Santa Fe; shortly afterward, instead of being removed, the guards about Mendizábal were commanded under penalty of death not to allow any one, no matter what his quality or condition, to take the ex-governor from his prison.⁶⁶ For some part in this action, Freytas was suspected by Father Posadas.

Nevertheless, on August 26, 1662, Father Posadas formally arrested Mendizábal. About the end of September or the beginning of October of that year, Mendizábal, a prisoner of the previously been seized by Peñalosa.⁶⁸ This move infuriated Peñalosa, and from that time he persecuted the *comisario* of the inquisition in every way possible; he made inquiry into all the movements of Posadas, and made efforts to have laid before him all that the latter was doing in the name of the tribunal.⁶⁹ Thus the contest arising over the attachment of the *encomiendas* of Romero, Aguilar, and Mendizábal marked the beginning of a long struggle between Father Posadas, on the one hand, and the governor, supported by Fathers Freytas and Guebara, on the other, in behalf of the tribunal the latter's estate, which had inquisition, left Santa Fe for Mexico City, where, on April 9, 1663, he was incarcerated in the secret prison by the inquisition authorities.⁶⁷ Father Posadas had checkmated Governor Peña-

At the same time Father Posadas arrested Mendizábal, he lost a second time.

⁶⁶ "Carta de Fray Alonzo de Posadas al Tribunal, conversion de los Mansos, Noviembre 24 de 1662," in *Causa contra Peñalosa*, p. 6.

⁶⁷ "Declaracion de Don Bernardo Lopez de Mendizabal, México, Abril 28 de 1663," *ibid.*, p. 1; "Primera audiencia de Mendizabal," ff. 2, 110. Mendizábal's trial was concluded in March, 1664. At the time Mendizábal was critically ill; he died in prison on September 16, 1664. On April 17, 1671, the inquisitors voted "that the memory of . . . Mendizábal should be absolved from the odium of the judgment, and that it should be declared and ordered that his body should be exhumed and his bones . . . placed in ecclesiastical burial." *Ibid.*, ff. 294, 301.

⁶⁸ "Declaracion de Andres Lopez de Zambrano, Santo Domingo, Febrero 20 de 1664," in *Causa contra Peñalosa*, p. 11; "Carta de Fray Alonzo de Posadas al Tribunal, Enero 3 de 1664," *ibid.*, p. 9.

⁶⁹ *Ibid.*; "Carta de Fray Antonio de Ybargaray al Tribunal, Galistéo, Octubre 1 de 1663," in *Causa contra Peñalosa*, p. 7.

other, over the general question of ecclesiastical jurisdiction.⁷⁰ In the long run Peñalosa, notwithstanding the sequestration of *encomiendas* and the confiscation of their rents by the tribunal of the inquisition, actually did collect for himself the revenue from several, including that of Romero.⁷¹ In at least two instances the tributes were thus illegally collected for Peñalosa by Father Freytas.⁷² In the case of Romero's *encomienda*, Peñalosa tried to make it appear that he had given it in trust to another immediately after Romero's arrest. As a matter of fact he delayed the actual transfer of the *encomienda* until just before leaving New Mexico.⁷³

⁷⁰ "Carta de Fray Alonso de Posadas al Tribunal . . . Mayo 24 de 1662," *ibid.*, p. 5; "Carta de Fray Alonso de Posadas al Tribunal, Enero 3 de 1664," *ibid.*, p. 9; "Deposicion de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," *ibid.*, p. 3.

According to one declarant, Fathers Freytas and Guebara "were great friends of Don Diego de Peñalosa and both eulogized him in the sermons which they preached; they also praised his actions excessively in indirect words, and vituperated those of their prelate . . . all their declarations being animated by the attachment which the *comisario* had laid on the estate which Don Diego de Peñalosa was taking for his own when it was not his." "Declaracion de Juana Alvizu, estancia de San Nicolas, Sandia, Marzo 26, 1664," *ibid.*, p. 18. According to another declarant, Father Freytas, during Lent of 1663, preached two sermons against Father Posadas, the latter being referred to as "Caiaphas" and "Judas." "Deposicion de Fray Bernardo Lopez de Covarrubias, guardian de San Marcos, Enero 17 de 1664," *ibid.*, p. 17.

⁷¹ "Declaracion del Capitan Cristóval Duran y Chavez, Marzo 9, 1664," *ibid.*, p. 17; "Ratificacion de Martin Serrano," *ibid.*, p. 15; "Declaracion de Juana Alvizu, estancia de San Nicolas, Sandia, Marzo 14 de 1664," *ibid.*, p. 18.

Peñalosa, "with reference to the *encomiendas* of Francisco Gómez and Diego Romero, sent an order for the entire quota of October of the year 1662 to be collected in the town of Pecos, as was done; when the clothing pertaining to this *encomienda* was brought to the defendant, he kept it, not turning it over to any trustee whatever. This clothing consisted of nineteen *mantas* of cotton, forty-four pieces of cloth, sixty-six chamois skins, and twenty-one white buckskins, eighteen buffalo skins, and sixteen large buckskins. In the year 1663 half of the tribute was collected in the same manner in that town in the month of April. It consisted of twenty-nine large chamois skins, forty-two pieces of cloth, twelve buffalo skins, twelve white buckskins, and seven large ones. . . ." "Audiencia del 3 de Julio de 1665," *ibid.*, p. 25.

⁷² "Ratificacion de Martin Serrano," *ibid.*, p. 15.

⁷³ "Declaracion del Capitan Cristóval Duran y Chavez, Marzo 9, 1664," *ibid.*, p. 17.

"Not only did the defendant [Peñalosa] do as has been said with regard to the *encomiendas* of the prisoners, but he made a practice of anticipating the collections, receiving seven hundred and twenty-two pieces valued at one *peso* each in collections from the revenues belonging to Francisco Gómez, and one hundred and eighteen pieces of the same value from the revenues belonging to Diego Romero . . . and

This question of the sequestration of *encomiendas* in cases where the *encomenderos* were arrested by the tribunal of the inquisition was generally recognized at the time as the primary, though it was not the only, cause for friction between Peñalosa and Father Posadas.⁷⁴ One of the most serious disputes connected with the whole subject of ecclesiastical jurisdiction arose in the following way. Don Pedro Durán y Chávez, lieutenant-general of the province, was arrested by order of Peñalosa and was being carried in chains to Santa Fe, when he escaped from his guard and sought asylum in the church at Santo Domingo. As soon as he was advised of this, Peñalosa sent soldiers to Santo Domingo, who, on Sunday, August 23, 1663, after demanding the keys and being refused them, forcibly took the refugee from the church.⁷⁵ Claiming that he had authority from the pontiff to do so, Father Posadas promptly threatened to excommunicate Peñalosa unless Don Pedro was returned within twenty-four hours to the church in which he had sought refuge. Thereupon Peñalosa replied that with all due respect to the pontiff he would arrest Father Posadas, and this he promptly set about to do.⁷⁶

On Sunday, the last day of September, 1663, after all necessary precautions had been taken to safeguard the undertaking, Peñalosa placed himself at the head of twelve mounted and armed citizens of Santa Fe and set out for the nearby *pueblo* of

he delayed the transfer of the title until the time when he was about to come to New Spain." "Audiencia del 3 de Julio de 1665," *ibid.*, p. 25. After his imprisonment Peñalosa claimed that the tributes were always collected in halves, except for one year, and that the part thereof which belonged to the royal fisc was paid to the parish priests or to the persons whom the *comisario* himself designated. He also claimed that he had reported his action to the tribunal, the viceroy, and the *audiencia*. "Respuesta de Diego de Peñalosa," *ibid.*, p. 26. No corroboratory evidence for these statements was submitted.

⁷⁴ "Carta de Fray Alonzo de Posadas al Tribunal, Enero 3 de 1664," in *Causa contra Peñalosa*, p. 9; "Carta de Fray Antonio de Ybargaray al Tribunal, Galistéo, Octubre 1 de 1663," *ibid.*, p. 7; "Requerimiento de Ruiz de Zepeda al Tribunal, Mexico, Febrero 7 de 1664," *ibid.*, p. 8.

⁷⁵ "Petición é informe de Posadas al Gobernador Juan de Miranda, 1664," in *Causa contra Peñalosa*, p. 20; "Declaración de Fray Gabriel de Torija, Santo Domingo, Junio 3, 1664," *ibid.*, p. 15.

⁷⁶ *Ibid.*; "Deposición de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," *ibid.*, p. 4; "Carta de Fray Antonio de Ybargaray al Tribunal, Galistéo, Octubre 1 de 1663," *ibid.*, p. 7.

Pecos,⁷⁷ the *doctrina* at that time administered by Father Posadas. At an unseasonable hour that night, while Father Posadas was walking up and down the corridor reciting the rosary, Peñalosa entered. Indulging in the most undignified personalities, Peñalosa charged Father Posadas with having tried to instigate a revolt in the province, and chided him for not having, from the standpoint of his own interest, tried to serve the governor's pleasure, "instead of dealing with attachments by the inquisition."⁷⁸ Father Posadas was then placed under arrest by Peñalosa and carried to Santa Fe. There the priest was locked up in one of the rooms of the governor's palace, the window was closed with adobe and pieces of timber, guards were placed outside the room, and two pieces of artillery were loaded and trained on the principal door of the hall leading to the plaza.⁷⁹ In this way did Peñalosa safeguard against any possible demonstration.

The arrest of the father *comisario* created consternation among both laymen and ecclesiastics, who alike pronounced it an unprecedented act. At Pecos, Father Nicolás Enríquez ordered that the sacrament should be consumed forthwith, for he feared

⁷⁷ About eighteen miles southeast of Santa Fe. Note by Hodge, in Benavides, *Memorial of 1630* (Ayer tr.), 278.

⁷⁸ "Carta de Fray Alonzo de Posadas al Tribunal, Enero 3 de 1664," in *Causa contra Peñalosa*, p. 9.

⁷⁹ "Carta de Fray Antonio de Ybargaray al Tribunal, Galistéo, Octubre 1 de 1663," *ibid.*, p. 7; "Carta de Fray Nicolas Henriquez a Fray Antonio de Ybargaray, Santa Fé, Octubre 1 de 1663," *ibid.*, p. 8; "Carta de Fray Alonzo de Posadas al Tribunal, Enero 3 de 1664," *ibid.*, p. 9; "Declaracion de Fray Thomas de Alvarado, convento de San Diego de las Jemez," *ibid.*, p. 10; "Declaracion de Andres Lopez Zambrano, Santo Domingo, Febrero 20 de 1664," *ibid.*, p. 10; "Declaracion de Fray Nicolas Enriquez, Mayo 1664, Santa Fé," *ibid.*, p. 12; "Declaracion de Fray Gabriel de Torija, Santo Domingo, Junio 3 de 1664," *ibid.*, p. 15.

When Father Posadas protested against this outrage, Peñalosa is reported to have said that, being governor and captain-general, he was superior to the office of the tribunal; that the only court which he had to obey was the royal *audiencia*; but that when it sent him orders he would do what seemed good to him, for he was superior in all things. At the same time Peñalosa said: "They murmur against me because I have my lady friend in a house; this is true, and I brought her here. She has a seat in the church in the most important and conspicuous place of all. She is the mother of my daughter and is my friend, and well deserves to be put in a gilded tabernacle of crystal. . . In my country (Peru) I was a cleric, a Father, and I married when I was ordained as subdeacon, and I sang and intoned nicely a *gloria*, a *credo*, and a *prefacio*" (that part of the mass which precedes the canon). "Deposicion de Teresa Aguilera Roche, muger de Mendizabal, Octubre 5, 1663," *ibid.*, p. 4.

some forward or contemptuous act from Peñalosa, who had already threatened to kill him.⁸⁰ At Santa Fe, the *guardian* closed the church, ordered the sacrament consumed, called upon the other churches throughout the province to do likewise, and expressed a determination to retaliate with an interdict.⁸¹ The whole proceeding caused "great confusion and scandal among both Spaniards and natives, and if the situation had endured much longer most of the people would have gone from the *villa* to the mountains, because the affair was a thing never before seen nor heard of in the kingdom."⁸²

Soon after the imprisonment of Father Posadas, Peñalosa was approached by two religious, who came to ask that the father *comisario* be released; the governor replied that he was going to send him to his superiors "as a covetous person and a disturber of the peace."⁸³ Later, while talking with other religious and some laymen, Peñalosa caused it to be understood that he was "weighed down, perplexed, and exhausted" on account of having arrested Father Posadas. The following day, October 7, 1663, after a long conference in the room in which Father Posadas was a prisoner, the seven religious present agreed with Peñalosa that they should take an oath of secrecy concerning the affair. A statement was then drawn up, sealed, and left with the governor, after which Peñalosa accompanied Father Posadas to the door and set him at liberty.⁸⁴

⁸⁰ "Declaracion de Fray Nicolas Enriquez, Mayo 1664, Santa Fé," in *Causa contra Peñalosa*, p. 12.

⁸¹ "Carta de Fray Nicolas Henriquez a Fray Antonio de Ybargaray, Santa Fé, Octubre 1, 1663," *ibid.*, p. 8.

⁸² "Declaracion de Andres Lopez Zambrano, Febrero 20 de 1664," *ibid.*, p. 12.

⁸³ "Declaracion de Fray Thomas de Alvarado, convento de San Diego de los Jemes, Noviembre 12 de 1663," *ibid.*, p. 10.

⁸⁴ "Declaracion de Fray Blas de Herrera del convento de Hemes, Julio 12 de 1663," *ibid.*, p. 9; "Petition é informe de Posadas al Gobernador Juan de Miranda, 1664," *ibid.*, p. 20. The arrest of Father Posadas is mentioned in the autobiographical sketch of Peñalosa published by Margry and Shea. There it is stated that: "The commissary-general of the Inquisition assumed a boundless authority and wished to dispose sovereignly of everything; so that, to check his tyrannical and extravagant enterprise, he (Peñalosa) was compelled to arrest him as a prisoner for a week in a chamber of the palace, after which he set him at liberty, in the hope that he would be more moderate in the future." "Notice sur le Comte de Peñalosa," in Margry, *Découvertes et établissements des Français*, 3: 42; English translation in Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river. Mischipi and Quivira in 1662*, 11. See also Houck, *History of Missouri*, 1: 140.

Despite the desire and efforts of Peñalosa to hush up the matter of the arrest of Father Posadas, the news in due time reached the tribunal of the inquisition in Mexico City. On February 7, 1664, formal recommendations were made to that body by the *fiscal*, Ruíz de Zepeda, calling for the arrest of Peñalosa, the attachment of his property, and the sale of a sufficient part of it to pay the guards who should bring him a prisoner to the capital, it being held that "any less a demonstration would not be fitting retribution for such unmeasured impudence." At the same time the *fiscal* introduced *autos* against Fathers Nicolás de Freytas and Miguel de Guebara.⁸⁵

In the meantime Peñalosa had apparently seen the handwriting on the wall. About the end of February, or the beginning of March, 1664, he left New Mexico. With him in his carriage rode his concubine, who had lived in the palace with him; before them Peñalosa caused the royal standard to be carried unfurled. Pains were taken, however, to avoid passing through the town of Santo Domingo, where Father Posadas was at the time.⁸⁶

In his autobiographical sketch it appears that Peñalosa "returned to Mexico by the ordinary route of Parral, where he spent three and a half months."⁸⁷ As six months was the ordinary time required for a carriage journey from Santa Fe to Mexico City, Peñalosa must have tarried elsewhere en route, for it was not until on May 17, 1665, that he was delivered a prisoner to the tribunal of the inquisition.⁸⁸ A month later, on June 16, formal complaint was made against him as follows:

I denounce and bring criminal complaint against Don Diego Dionisio de Peñalosa Briceño, who resides in this city, and I say that . . . he has committed very serious crimes, both as usurper of the jurisdiction of this holy office, and in having obliged certain witnesses who had been examined in matters and cases concerning the faith to reveal to him what they had testified before the *comisario*; he has also impeded the proper use

⁸⁵ "Requerimiento de Ruiz de Zepeda al Tribunal, México, Febrero 7 de 1664," in *Causa contra Peñalosa*, p. 9.

⁸⁶ "Carta de Fray Alonzo de Posadas al Tribunal, Enero 3 de 1664," *ibid.*, p. 9; "Declaracion de Andres Lopez Zambrano, Santo Domingo, Febrero 20 de 1664," *ibid.*, p. 10.

⁸⁷ "Notice sur le Comte de Peñalosa," in Margry, *Découvertes et établissements des Français*, 3: 42; Shea, *Expedition of Don Diego Dionisio de Peñalosa from Santa Fe to the river Mischipi and Quivira in 1662*, 11.

⁸⁸ "Auto de racion, México Junio 8 de 1665," in *Causa contra Peñalosa*, p. 22.

and exercise of the jurisdiction of the court of the inquisition by formally opposing the bull *Si de protegendis*; and because he tried to serve as an auxiliary in cases before the inquisition, he is suspected of infidelity; he has also said certain things which are very near being proof of the error of infidelity; he has also been a petulant and proud traducer of the tribunal and of its ministers.⁸⁹

The same day, the tribunal demanded that he be incarcerated in the secret prisons, that his possessions be attached, and that a case in matters of faith be prosecuted against him.⁹⁰

Peñalosa's trial began with the first hearing on June 25, 1665, and on February 3, 1668, formal sentence was passed upon him. In the course of the trial many crimes other than those already referred to were charged against him. Among these were rape, incest, robbery, and the enslavement of Indian girls.⁹¹ Against all these charges Peñalosa defended himself ably. He justified his appointment of *encomenderos* to take the place of those whose property had been attached by the inquisition on the ground that the *encomiendas* were the patrimony of the king and that a specific *cédula*, issued by Viceroy Escalona, commanded that there should always be exactly thirty-five *encomenderos*.⁹² Referring to the ceremony in the church at Santa Fe prior to his departure for Moqui in March, 1662, Peñalosa said that it was for the purpose "of asking his Divine Majesty for the success of the journey . . . a journey in defense of the Faith, and to remove the abuses which had been growing up ever since the time of the government of Don Bernardo López de Mendizábal, namely, the non-attendance of the natives at the teaching of the doctrine and upon the services of the religious."⁹³

⁸⁹ "Auto de acusacion. Presentado Junio 16 de 1665," *Causa contra Peñalosa*, p. 1.

⁹⁰ "Auto de prision de Peñalosa, Junio 16 de 1665," *ibid.*, p. 22.

⁹¹ "Audiencia del 3 de Julio de 1665," *ibid.*, p. 25. "The defendant violated a certain person, having previously had illicit relations with her two sisters whom he also made pregnant; which shows how little concern he had for affinities. . . ." It was charged that the silver in Sonora which he stole from Mendizábal weighed "three hundred and ninety-one and one half marks." The defendant "boasted of his sensualities, both of ravishment and incest, and told how he had made certain persons pregnant under the promise that he would assist them." *Ibid.* As for the kidnapping of the Indian girls, Peñalosa said that it was "in order to do them good . . . for they were only children." "Audiencia de 10 de Diciembre 1665," *ibid.*, p. 28.

⁹² "Primera audiencia, Junio 25 de 1665," *ibid.*, p. 22.

⁹³ "Audiencia del 3 de Julio de 1665," *ibid.*, p. 23.

Discussing the arrest of Father Posadas, Peñalosa, at the hearing of December 4, 1665, "said that he is such a great sinner, and that he was so passionate and so blind that, without contemplating anything but the injury of the father *custodio*, he resolved to exile him from the province"; that he had even taken steps to do so, but desisted because of the disturbance created and because Posadas was *comisario* of the inquisition; that by reading certain chapters in the *Politica Indiana* of Solórzano⁹⁴ he had been persuaded that he could exile the *comisario*; and that, having discussed this matter with Father Nicolás de Freytas, the latter had assured him that he had legal authority to do so.⁹⁵

Complaining that he had been "governor and captain-general of fifty men belonging to the off-scourings of the earth—mestizos, mulattoes, and foreigners," Peñalosa, in behalf of his defense, made a statement of his alleged services while governor. He enumerated the gifts which he claimed to have made to the churches of New Mexico; he cited instances where he had punished an Indian dogmatist and a slayer of one of the missionaries; he claimed to have visited the forty-two towns in the province "to admonish and command the Indians to attend frequently upon the teachings of the doctrine and divine worship." He had caused the Taos Indians, "who had been in revolt for twenty-two years, and who were living as infidels in El Cuartelejo,"⁹⁶ on the Quivira frontier, "two hundred leagues beyond New Mexico,"⁹⁷ to return; he had reduced to peace two infidel nations, the Cruzados and the Coninas, settling them in two large towns in the province of Moqui; he had also, by his example, "made a beginning of the devout practice of kissing not only the robes of the priests, but their hands as well, a thing which witless people disdained to do."⁹⁸

⁹⁴ Juan de Solórzano Pereira, *Politica Indiana* (Madrid, 1629-1639, 1776).

⁹⁵ "Primera audiencia, Junio 25 de 1665," in *Causa contra Peñalosa*, p. 22; "Audiencia de Diciembre 4 de 1665," *ibid.*, p. 27; "Audiencia de 19 de Diciembre 1665," *ibid.*, p. 27.

⁹⁶ The Taos Indians were brought back by Juan de Archuleta, leader of twenty Spaniards. While living at El Cuartelejo the Indians had often gone to Quivira to trade. Escalante, "Carta," in *Land of sunshine*, 12: 313.

⁹⁷ A gross exaggeration. El Cuartelejo, according to Dunn, was doubtless in Scott county, Kansas. William E. Dunn, "Spanish reaction against the French advance toward New Mexico, 1717-1727," in *MISSISSIPPI VALLEY HISTORICAL REVIEW*, 2: 350.

⁹⁸ "Apuntamientos favorables de este confesante, contra lo Sozpecha de que esta

Peñalosa claimed also that when he was appointed governor he "was strictly charged to settle the *villa* of Cerralvo,"⁹⁹ permission for which had already been granted. Many difficulties having arisen, he decided upon his own responsibility to recur to the pacification of Quivira, and attempted to settle a *villa* in the midst of the settled region named Atrisco, this being the best site in all New Mexico. He drew up an order to this effect, and twelve or fifteen persons, who offered to make the settlement, signed it with him on Pedro Valera's farm."¹⁰⁰ As the valley of Atrisco is in the vicinity of modern Albuquerque, it is clear that Peñalosa, at this time, was not referring to the original Quivira of Coronado and Oñate. In this connection it should be remembered that one of the Salinas *pueblos*, lying to the south-east of Santa Fe, was called Gran Quivira.¹⁰¹

Finally, after admitting that, together with Father Freytas and Father Guebara, he had intrigued against Father Posadas,¹⁰² Peñalosa besought the tribunal "to look upon him as a man exposed to the greatest misery whom his Divine Majesty has at times permitted to have a great fall in order to make him know in his reform that the remedy is brought about by His powerful hand. The faith of the defendant in the clemency of so holy a tribunal is that he may be granted it, and, being reborn to a new life, may persevere to the end in compliance with the obligations of a reformed Catholic Christian."¹⁰³

This was on June 13, 1666. At the same time Peñalosa asked for a surgeon to examine him and treat him. The next day two *cuartillas* of wine were ordered given him. Nearly twenty months later, on February 3, 1668, formal sentence was passed upon Peñalosa as follows:

We must and do command to be reprimanded severely in the audience chamber of this holy office, him who has been accused and testified against; and we order that today, upon which this

casado," in *Causa contra Peñalosa*, p. 28; "Respuesta de Diego de Peñalosa, México, Octubre 22 de 1665," *ibid.*, p. 26.

⁹⁹ Cerralvo, in Nuevo Leon, had been founded by Luis de Carabajal in 1583. Bolton, *Spanish exploration in the southwest, 1542-1706*, 283.

¹⁰⁰ "Audiencia de Diciembre 11 de 1665," in *Causa contra Peñalosa*, p. 29.

¹⁰¹ See L. Bradford Prince, *Spanish mission churches of New Mexico* (Cedar Rapids, 1915), 353 ff.

¹⁰² "Declaracion de algunas cosas por Peñalosa," in *Causa contra Penalosa*, p. 30.

¹⁰³ *Ibid.*, p. 31.

our sentence is pronounced, he shall be brought forth for an *auto de fé* as a penitent present in the body, without girdle or hood, with a wax candle in his hands, and that while he is thus standing this our sentence and his deserts shall be read to him, and he shall then abjure the slight suspicion which is proven against him by the testimony, in which he is found and continues to be slightly suspected. Then shall follow the mass, which shall be said without his humiliating himself, except he do so from the time of the recital of the sanctus until after the most holy sacrament is consumed. During the reprimand there shall be present the persons to be designated; and the priest who shall say the mass shall offer the candle. And we condemn the defendant and fine him in the sum of five hundred *pesos*, which we apply to the chamber of the royal fisc of this holy office. We also deprive him perpetually of the right to hold political or military offices, and we also exile him from all these kingdoms of New Spain and the Windward Islands forever. And we command that this sentence shall be executed within thirty days following after the pronouncement of sentence.¹⁰⁴

Such was the sentence which exiled Peñalosa from New Spain. Ten years later he was at the court of Louis XIV, where he passed the rest of his life in trying to interest the *grand monarque* in plans for attacking New Spain. In view of his friendly relations with Father Freytas it is not surprising that the latter was given the credit for the fictitious "Relacion," concerning which there has heretofore been so much speculation. Nothing is available that would throw any light upon the later career of Father Freytas or of Father Guebara. In 1665 Father Posadas was still serving as Franciscan *custodio* and as *comisario* of the tribunal of the inquisition in New Mexico. Apparently his relations with the new governor, Juan de Miranda, were altogether cordial.

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¹⁰⁴ "Sentencia, Febrero 3 de 1668," in *Causa contra Peñalosa*, p. 32.

