

TRIAL OF PERE GINESTA

25 August 1635

In the town of Tremp, diocese of Urgell, on the twenty-fifth day of August, one thousand six hundred and thirty-five, in the morning, before the Licenciate Joan Torroella, Presbyter-Commissary of the Holy Office of the Inquisition in the town of Salas, appeared according to summons and swore formally to declare the truth a man who asserted his name to be Joan Cointpe, a native and resident of the town of Talarn, in the above-mentioned bishopric, of age as he stated, fifty-five years or thereabout.

Questioned If he knew or conjectured the cause of his being summoned to appear.

Answered That he neither knew nor conjectured.

Questioned If he knew or had heard that any person had spoken or done anything which was, or appeared to be, contrary to our Holy Catholic Faith and evangelical doctrine preached and taught by the Holy Catholic Roman Church, or against the just and free exercise of the Holy Office.

Answered That he knew nothing of the matters respecting which he was questioned, except that on the eve of Saint Bartholomew last, being in the town of Timian in the above-mentioned diocese of Urgell, he went to the tavern of Pitieu and saw there a man, by occupation a brazier, with a grey beard, which person was well-known to the deponent, he having seen and entertained him in the town of Calan, where he exercised his trade and had labored for the deponent. The name of this person deponent did not know, never having heard it mentioned. At the same place was a young man whom the said brazier stated to be his journeyman.

These two were sitting at table and eating soup, which, being dispatched, deponent saw the said person empty an earthen dish of bacon and onions into a frying-pan, and the said brazier asked deponent if he would eat with him, to which he replied that it was the eve and fast of Saint Bartholomew, at which time it was forbidden by the Church to eat such food.

Notwithstanding this, the said brazier and his servant did, in the presence of the deponent, eat the said bacon and onions, a small portion of which was observed to remain in the dish. This remnant the said persons placed on a piece of bread and presented it in a plate to the hostess. This done, the brazier and his servant went away to the plaza of the town, and deponent remained in the tavern with the hostess above-mentioned.

This is the truth according to the oath of the witness, and being read in his presence, is declared by him to be correctly written. Witness declares that he does not make this statement out of malice to anyone. Secrecy being enjoined upon him, he promised to observe it; and he being unable to write, I, the said Commissary, sign in his name.

28 August 1635

In the town of Semiana, diocese of Urgell, on the twenty-eighth day of August, one thousand six hundred and thirty-five, in the morning, before the Reverend Licenciate Joan Torroella, Presbyter Commissary of the Holy Office in the town of Salas, appeared according to summons and swore formally to declare the truth, a woman calling herself Geronima Aymara, wife of Pere Aymar i Piteu, husbandman, native and resident of the town of Semiana, of age, as she stated, forty years or thereabout.

Questioned If she knew or conjectured the the cause of her being summoned to appear.

Answered That she supposed it to be in order to learn whether some persons had eaten flesh in her house on the eve of Saint Bartholomew the Apostle, respecting which she could state that on the time specified, two persons had been at her house, of whose names she was ignorant, but remembered that one was an old man and the other a youth, both by occupation braziers; the said youth asked

witness to cook for them a dish of salted bacon which sat upon a table. Witness demanded in reply why they wanted to eat bacon on that day.

The young man repeated his demand to have the bacon cooked for they meant to eat it. Witness answered that she was unwilling, as it was at such a time. The young man again demanded to have the bacon cooked, and told her to put onions along with it in the pot. Whereupon witness proceeded to cook the bacon, adding one dinero's worth of onions, which she bought for that purpose.

Having done this, she placed the victuals on the table before the said persons, and at this moment entered Joan Compte of the town of Talarn; as witness was baking on that day and was obliged to attend to her oven, she did no more than set the victuals on the table before the said persons, and being asked by Joan Compte for something to eat, answered that he must wait till she returned from the oven, which he did, and upon her return she found the above two persons at table, one of whom ordered her to take away what remained of the meat, and witness saw that there was left a bit of the bacon and a few mouthfuls of the onions she had cooked, the bacon being thrust into a piece of bread. After this the two persons aforesaid left the house, having been seen to eat their meal by the abovementioned Joan Compte, who was present all the time.

Furthermore, witness stated that she believes she heard her husband say on the evening of the Wednesday before that he heard the above persons declare they meant to eat that piece of bacon, which they had procured, the next day, which was Saint Bartholomew's, as aforesaid, and that her husband replied they could not, as it was a fast.

This is the truth according to the oath of the witness, and being read in her presence is declared by her to be correctly written. Witness further states that she does not make this declaration out of malice to anyone. Secrecy being enjoined upon her, she promised to observe it; and she, not being able to write, I, the said Commissary, sign in her name.

... [more witnesses] ...

7 September 1635

On the seventeenth day of September, one thousand six hundred and thirty-five, at three o'clock in the afternoon, Pere Ginesta, of Auvergne, diocese of Saint Flor, was by order of the Inquisitors put in the secret prison of the Inquisition and entrusted to the care of Pere Fontanella, alcalde of the said prison, who examined the prisoner and allowed him nothing prohibited by his instructions. The articles found upon him were two shirts, a pair of breeches, a purse, one dinero, and three sueldos, which have been given in charge to the Camara de Pablo.

18 September 1635

In the Royal Palace of the Inquisition of Barcelona, on the eighteenth day of September, one thousand six hundred and thirty-five, the Inquisitor, Doctor Domingo Abad i Huerta being at his morning audience, ordered the prisoner to be brought from his cell; who, being produced, was sworn to declare the truth on the present as well as on all other occasions... [The prisoner stated] that he hears mass every Sunday and holiday, except when he is travelling; that he confesses and communicates at every time fixed by the Holy Mother Church; that he has certificates to this effect; that he believes the last time he confessed was on Passion Week last, in the town of La Puente de Montanya, to a priest of that church; that he does not remember the name of the person from whose hands he received the sacrament. The prisoner then made the sign of the Cross, invoking the Father, Son, and Holy Ghost, and repeated the four prayers and general confession correctly in Latin, and stated that he knew nothing more of the Christian doctrine.

Questioned If he could write, or read, or had studied any science or faculty.

Answered That he could neither write, nor read, nor had he studied any science or art.

Questioned If he had ever left the Kingdoms of Spain since his first arrival, or had any dealings with people of equivocal faith.

Answered That he had exercised his trade of a brazier for more than sixty years in the Kingdoms of Catalunya and Aragon, visiting at times his home in France, where there are no Lutherans, nor any persons of equivocal faith.

Questioned What were the events of his life.

Answered That he was born, as above stated, in the village of Orliach, and remained with his father till twenty years of age, assisting him in his profession of a brazier; that he had passed his life in France, Aragon, and Catalunya, his father having brought him while a boy into this country, where he died and left him, sixty years since, in the town of Erla, near Gea, in Aragon, working all this time in various places, where he became well-known; that his wife had never been in Spain at any time.

Questioned If he knew or conjectured the cause of his imprisonment.

Answered Falling on his knees, weeping, and beating his breast, that he had committed an offence against our Lord by eating bacon on the eve of Saint Bartholomew in the village of Semiana, and that it was true he had been told on the day previous, by the hostess of the house where it was done, that the next day was a fast, but not remembering this intimation, he had, while the hostess was gone out of the house to her oven, eaten of the same in company with a certain youth of fourteen or fifteen years of age, a native of the diocese of Clermont in France, who had come to work with him two days before; and that while they were eating, the hostess returned and again reminded him that it was the fast of Saint Bartholomew and they ought not to eat it, upon which they immediately abstained from eating; that they were both arrested and brought on the road to Barcelona under guard of one man, the youth with his hands tied; that on arriving near a wood, he escaped, notwithstanding the exertions made by the guard, who raised the neighborhood to search for him; and if in this he had offended our Lord, he begged for pardon and mercy.

The prisoner was then informed that, in this Holy Office, it was not customary to apprehend any person without sufficient information that he had said, done, or witnessed the commission of something really or apparently offensive against God our Lord, or against His Holy Catholic faith and evangelical law, taught and preached by the Holy Mother Roman Church, or against the just and free exercise of the Holy Office; consequently he was to understand that he was imprisoned on account of some such information, and he was admonished on the part of God our Lord and the glorious and blessed Virgin Mary to recollect himself and confess his offences without concealing anything relating either to himself or any other person, and without uttering false testimony against any one; by doing all which, his trial should be dispatched with all brevity, and decided with that mercy which is shown by the Holy Office to all those who confess freely; otherwise, justice should be executed.

Answered That he had nothing more to say.

And the above being read to him, he declared it to be the truth according to the oath which he had sworn, and that he had nothing to alter or diminish from what is therein contained, and with this admonition, to bethink himself well, and declare the truth, he was remanded to prison.

19 September 1635

In the Royal Palace of the Inquisition of Barcelona, on the nineteenth day of September, one thousand six hundred and thirty-five, the Inquisitor, Doctor Domingo Abad i Huerta being at his morning audience, presiding upon affairs of justice, ordered the above Pere Ginesta to be brought out of prison, which being done, and the prisoner present, he was

Questioned If he remembered anything relating to his affair which he was bound to divulge, with all truth, to discharge his conscience.

Answered That he had nothing more to say.

The prisoner was then admonished on the part of God our Lord, etc. (The whole repeated as above.)

Answered That he had nothing more to say.

And being admonished to bethink himself well, and declare the truth, he was remanded to prison.

20 September 1635

In the Royal Palace of the Inquisition of Barcelona, on the twentieth day of September, one thousand six hundred and thirty-five, the Inquisitor, Dr Domingo Abad i Huerta being at his morning audience, ordered the above Pere Ginesta to be brought from his prison, which being done, and the prisoner present, he was

Questioned If he remembered anything relating to his affair which he was bound to divulge, with all truth, to discharge his conscience.

Answered That he had nothing more to say.

The prisoner was then informed that in the audiences which had already been given, he had been admonished on the part of God our Lord, etc. (The whole repeated as before.)

Answered That he had nothing more to say.

The prisoner was then notified that the Promotor Fiscal of this Holy Office had an accusation to bring against him, before which he would do well to declare the whole truth, as he had already been admonished, in which case he would experience more fully the mercy which the Holy Office ever extends to those who confess freely; otherwise the Fiscal would attend and proceed to the accusation.

Straightway appeared Doctor Francesc Gregorio, Promotor Fiscal of this Holy Office, and presented the accusation, signed by himself, against the said Pere Ginesta, making oath that it was not done out of malice ; which accusation was as follows:

I, Doctor Francesc Gregorio, Fiscal of this Holy Office, appear before Your Excellency, and accuse criminally Pere Ginesta, brazier, a native of the village of Orliach, diocese of Saint Flor, in Ubernia, in the Kingdom of France, resident in this principality, attached to the secret prison of the Inquisition, and now present—stating that the said person, being a baptized and confirmed Christian, and enjoying the graces and benefits which such persons do and ought to enjoy, not having the fear of God before his eyes, but regardless of his own conscience and the justice administered by Your Excellency, has committed offences against our Holy Faith, by saying and performing things which savor of the heretic Luther, in the manner following.

The said prisoner being in a certain part of the village of Semiana in the diocese of Urgell on the fast of Saint Bartholomew last, in company with another certain person, did cause to be cooked a dish of bacon and onions; and being reminded to take heed, for it was a fast and such food was forbidden, replied by ordering the meat to be cooked, and in fact when the said meat was cooked, did proceed to eat the same, in company with the other person mentioned, and notwithstanding he was informed by another person while eating that it was Saint Bartholomew's day, and a fast, at which time it was not allowed to eat such food, the said prisoner continued to eat the remainder of the said bacon.

Furthermore, the said prisoner being of a nation infected with heresy, it is presumed that he has on many other occasions eaten flesh on forbidden days, after the manner of the sect of Luther, and committed many other offences against our Holy Faith, besides knowing that others have committed the same offences, and the said prisoner having been admonished by Your Excellency to declare the truth, has not done it. but has perjured himself.

For which reasons I entreat Your Excellency that full evidence being given to my accusation, or to such a part of the same as shall suffice for the ends of justice in the decision of the present case, your Excellency will declare my accusation proved, and the said Pere Ginesta guilty of the above offences, imposing upon him the heaviest punishments fixed by statute upon the said offences, and ordering them to be executed upon his person and goods, as a penalty to himself and an example to others; and that the prisoner, if it be found necessary, be put to the torture, and that the same be repeated till he confess the whole truth both of himself and others.

And I formally swear that I do not bring this accusation out of malice, but solely to accomplish the ends of justice, which I now request at your hands. Dr Francesc Gregorio

This accusation having been presented and read, the said Pere Ginesta was formally sworn to declare the truth in answer to every interrogatory relating thereto. The accusation being read over, article by article, he answered as follows:

To the head of the accusation, he answered that he was the same Pere Ginesta whom the Fiscal accuses, but had never committed any offence against our Holy Catholic Faith, nor done nor said anything which pertained to the sect of Luther or any other heresy.

To the first article he answered, confessing that he had eaten bacon and onions on the said eve of Saint Bartholomew, and that although it was true he had been reminded that it was a fast, he had forgotten it, and on being again told of it while at his meal he immediately left off eating; that the person who ate with him was a young man, son to Borbon Merchante; that he did not do the above act out of disrespect to the Church or its precepts, well-knowing that it was forbidden to eat flesh on such days, which regulation he had observed throughout his life, and remained in the determination to observe, believing in all the doctrines taught by the Holy Catholic Roman Church. Here the prisoner fell upon his knees and declared that he had offended through forgetfulness.

To the second article he answered that he had never at any other time committed the same offence, nor had he concealed the truth as to this point, either respecting himself or his companion, being an obedient son of the Church.

To the conclusion of the accusation he answered that even if he were put to the torture, he could not declare anything further, and that he had offended, not from any bad intention, but through forgetfulness, occasioned by his great age.

The above is the truth according to the oath of the prisoner, and being read in his presence, is declared by him to be correctly recorded.

The Inquisitor then ordered him a copy of the accusation that he might, within three days, make arrangements for his trial and defense by conferring and agreeing with one of the lawyers who are counsel for those persons tried by the Holy Office, namely Doctor Magrina, priest, and Micar Morato, giving the prisoner liberty to make choice of either. The prisoner made choice of Dr Magrina, on which the Inquisitor ordered him to be summoned. The audience then closed, and the prisoner being admonished was remanded to prison.

20 September 1635

In the Royal Palace of the Inquisition of Barcelona, on the twentieth day of September, one thousand six hundred and thirty-five, the Inquisitor, Dr Domingo Abad i Huerta being at his morning audience, ordered the above Pere Ginesta to be brought from prison, which being done, and the prisoner present, he was

Questioned If he remembered anything which he was bound to declare, according to the oath he had sworn.

Answered That he had nothing more to say.

The prisoner was then informed that Dr Francisco Magrina, whom he had selected for his counsel, was present, with whom he might confer, and make arrangements for his defense.

Dr Francisco Magrina was then sworn *in verbo sacerdotis*, to defend well and faithfully the said Pere Ginesta, to inform him if his case was not on the side of justice, to do everything which a good advocate is bound to do, and to preserve secrecy throughout.

Then were produced and read the several confessions of the said Pere Ginesta, made from the eighteenth of this month to the present time, with the accusation and the answers of the prisoner. These he examined, and conferred with the prisoner respecting his case, counseling him as the best defense which could be made, to confess the whole truth, and if he had been guilty of any offence, to beg for pardon; by which means he might obtain mercy.

The said Pere Ginesta replied that he had declared the whole truth as appeared by his confessions, that beyond this he denied everything contained in the accusation, and in consequence begged to be acquitted and set at liberty.

The Inquisitor then ordered a copy of the above to be given to the Promotor Fiscal of the Holy Office, who declared that, confining himself to what he had stated in his accusation and to the matter contained in the confession of the prisoner, he requested that they might proceed to the proofs. The Inquisitor replied that the cause should be judged definitively, and the proofs on both sides received *salvo jure impertinentium et non admittendorum*, according to the style of the Holy Office, and the same was notified to both parties.

The Promotor Fiscal then declared that he reproduced the testimony which had been received and registered against the said Pere Ginesta in this Holy Office, which testimony he desired might be examined and ratified in form; and also that all other necessary investigations might be made and the testimony published; whereupon the audience closed, and the prisoner being admonished to bethink himself well and declare the truth, was remanded to prison.

6 October 1635

In the Royal Palace of the Inquisition of Barcelona, on the sixth day of October, one thousand six hundred and thirty-five, the Inquisitor, Dr Domingo Abad i Huerta, being at his morning audience, ordered the above Pere Ginesta to be brought from the secret prison, which being done, and the prisoner present, he was

Questioned If he remembered anything which he was bound to declare according to the oath he had sworn.

Answered That he had nothing more to say.

The prisoner was then informed that the Promotor Fiscal of the Holy Office had requested a publication of the testimony against him, before which it would be well for him to declare the whole truth, as this would cause him to experience more benignity and mercy.

Answered That he had nothing to add to his former confessions; that it was true that he had eaten bacon on Saint Bartholomew's eve, but had done it through ignorance, not knowing it to be a fast; that he begged pardon for his offence, having all the rest of his life conducted in a different manner.

Straightway appeared the Promotor Fiscal and requested publication of the testimony against the said Pere Ginesta according to the style of the Holy Office. The Inquisitor ordered the publication to be made, concealing the names of the witnesses and other circumstances which might cause their persons to be known, according to the orders and style of the Holy Office, which was done in the manner following....

The above testimony having been published, an oath was exacted from the prisoner to declare the truth in answer to the testimony aforesaid, article by article, and the same having been read to him *de verbo ad verbum*, he answered as follows:

To the first article he replied that it was true he had eaten the bacon, but had done it through ignorance, having forgotten that it was Saint Bartholomew's eve, as he had already confessed, and that on being apprised of the same, he had left off eating.

To the second article he answered that the hostess might possibly have said what she states, but that he had no recollection of it.

To the third article he answered that he repeated his former declaration that he was a Catholic Christian, and had he known it to be the fast of Saint Bartholomew, should not have eaten upon any account.

To the fourth article he answered by referring to the confession which he had already made, and declared that he did not remember having been warned by anyone.

To the fifth article he answered by referring to his confession, and declared that beyond this he denied everything sworn to by the witness.

The above is the truth according to the oath of the prisoner, and the same having been read in his hearing is declared by him to be faithfully recorded.

The Inquisitor then ordered the prisoner to be furnished with a copy of the above publication that he might, with the assistance of his counsel, make arrangements for his defense, whereupon the prisoner was admonished, and remanded to prison.

9 October 1635

In the Royal Palace of the Inquisition of Barcelona, on the ninth day of October, one thousand six hundred and thirty-five, the Inquisitor, Dr Domingo Abad i Huerta being at his morning audience, ordered the above Pere Ginesta to be brought from prison, which being done, and the prisoner present, he was

Questioned If he remembered anything which he was bound to declare in discharge of his conscience, according to the oath he had sworn.

Answered That he had nothing more to say.

The prisoner was then informed that Doctor Francesc Magrina, his counsel, was present, with whom he might communicate and take measures for his defense. The publication of the testimony against the prisoner, with his answers to the same, were then read to the said Dr Francesc Magrina, who proceeded to confer with the prisoner about his defense. Having done this, he received from the hands of the prisoner a sheet of paper, upon which he drew up articles of defense which were then read to the prisoner and he declared that he made a formal presentation of the same. Here follows the defense.

Although Pere Ginesta, a native of France, and by trade a brazier, has no necessity for any defense against the charges brought against him by the Promotor Fiscal of this Holy Office, as may be clearly seen from the testimony; nevertheless, for greater security, and with an express declaration that his impeachment of the testimony of the witnesses against him is not occasioned by a desire to injure them, but solely to defend himself, he states the following.

First, he confesses that he has committed an offence, but denies that he ought to receive any ordinary or extraordinary punishment for the same, which is the truth, because,

Second, although it be the fact that he ate meat on Saint Bartholomew's eve last, yet it is not the fact that he did it through malice, or from the intention to transgress the ordinances of the Church; which declaration is the truth.

Third, the said Pere Ginesta has, in consequence of his occupation, spent his life in travelling from one place to another, attending Mass where he happened to be on Sundays and holidays, not being able to

give more attention to the duties of religion; and in consequence has been ignorant of the fast days by not hearing them announced; which is the truth.

Fourth, for this reason, and being ignorant that a fast was prescribed on Saint Bartholomew's Day, he declares he should not have eaten, had he known the same; which is the truth.

Fifth, although it be true he was informed that he ought not to eat flesh at that time, as it was Saint Bartholomew's eve, yet those present suffered him to eat, notwithstanding, and made no remonstrances; which is the truth.

Sixth, the said Pere Ginesta, besides being a person of simple understanding, is very aged, being more than eighty years old, at which time the memory is apt to fail, as old age is a *species infirmitatis*; which is the truth.

Seventh, the said Pere Ginesta did not offend through malice, but solely from ignorance, *quod de jure excusari solet, et verum*.

Eighth, the said Pere Ginesta, although a Frenchman by birth, is a good Christian, and as such, has always punctually adhered to every obligation by which a good Christian is bound; which is the truth.

Ninth, on the above accounts, the said Pere Ginesta ought to be acquitted by Your Excellency and released from the prison in which he is at present confined, experiencing mercy at your hands; *vel alias*,

Tenth, *ponit quod omnia et singulos jure vero, super quibus jus diei et justitiam ministrari postulat, et verum*.

Eleventh, the said Pere Ginesta offers the above in his defense, and concludes by asking for mercy.

This being presented to the Inquisitor, was by him ordered to be put on file. It was likewise ordered that the same be notified to the Promotor Fiscal of this Holy Office; whereupon the audience closed, and the prisoner was remanded to prison.

16 October 1635

In the Royal Palace of the Inquisition of Barcelona, on the sixteenth day of October, one thousand six hundred and thirty-five, at the morning audience, present, the Inquisitor, Dr Domingo Abad i Huerta presiding on his own part, and on the part of the Ordinary of the diocese of Urgell, and Dr Augustin Fernandez Lopez, Vicar-General of the diocese of Barcelona. Having examined a trial carried on in this Holy Office against Pere Ginesta, a Frenchman by birth, native of Saint Orliach, diocese of Saint Flor in Ubernia, a resident in Catalunya, in the district of Pallas, arrested in the town of Tremp, and now in the secret prison of this Holy Office, ordered that in virtue of this act, the said prisoner be reprehended, admonished, and forthwith released from prison.

In the same audience, the said Pere Ginesta was ordered to be brought from prison, which being done, and he present, the Inquisitor, Abad i Huerta reprehended and admonished him, in conformity to the above sentence. The prisoner received the correction with humility, and promised amendment....

19 October 1635

The Secretary Rodriguez dispatched a letter to the Commissary of Salas in the name of the Tribunal, ordering him to restore to the prisoner, on account of his poverty, the instruments of his trade and his other property. The letter was sent by the prisoner.