

EXPLORATION OF BAJA CALIFORNIA

Gaspar de Zúñiga (1560–1606), Conde de Monterrey, Viceroy of New Spain (1595–1603)

to Felipe II (1527–1598), King of Castile and Aragon (1554–1598)

Mexico City, 29 February 1596

In a letter of 20 December, of which a duplicate will accompany this, I advised Your Majesty of the expedition which I found had been undertaken by virtue of the agreement made by my predecessor, Don Luis de Velasco, with Sebastián Vizcaíno,¹ and a permit to the effect that, on his account and that of certain traders of these parts, he might go to the Californias, and that in proceeding to the execution of the contract there had occurred to me certain doubts of which I would give account to Your Majesty when I should be able to mention them in connection with my resolution in the matter; this I shall do in this letter.

In years past an agreement was made with certain individuals who offered to go to the Californias for the purpose of fishing for pearls and obtaining information concerning that country, and preparations for the expedition were made. But the undertaking resulted in nothing, because of a certain question and falling out arising between those who were about to take part in the expedition and their leader, who died in this city during the pendency before the judges of a certain criminal cause in which the question of carrying out said agreement was involved incidentally.

The matter was determined, and Sebastián Vizcaíno and others who were his partners were condemned at the instance of Your Majesty's prosecuting attorney to begin the journey, in accordance with the agreement, within three months. And the Viceroy, influenced by certain motives inducing him to lean toward leniency, at my petition granted a concession for the entry and pacification of the said Californias, in conformity with existing ordinances of Your Majesty, with all the honors, favors, and exemptions usually given to the pacifiers and settlers of new provinces. The Viceroy took counsel with me concerning this matter generally and, seeing that there had been a former agreement which was confirmed by decree of the criminal court at the instance of the prosecuting officer, it seemed to me for this reason that there was no necessity, or even room, for any decision in the matter other than that looking to an endeavor to carry out what had been agreed upon. So, this conclusion having been reached, recruiting for the expedition began.

But I, on an examination of the papers in the case, found that the proceedings and decree had reference to the pearl fishery only and not at all to the entry and pacification of the land, and that a re-consideration was necessary. It seemed to me, with regard to the person, his quality and capital are not sufficient in connection with an enterprise which may come to be of such vast importance, and one requiring greater backing and a method of proceeding other than what is now thought and deemed sufficient. Even looking at the matter from the utilitarian point of view, although he make the journey at his own cost and without any expense to Your Majesty, it seems to be of little moment whether he goes for gain and in order not to lose the chance of good fortune, but of great importance the hazarding of not only the repute which would be lost among these nations of Indians if the natives of that country should repel this man and his people, but—this is the principal thing involved—that of the conscience and authority of the royal person of Your Majesty.

It appeared to me to be risking much if an expedition which cannot lawfully be one of direct conquest, but one of preaching the gospel and pacification, and of bringing the people into subjection to the Crown, were entrusted to a man as leader and chief whose position is obscure and who has not, even in less degree, the resolution and capacity necessary for so great an enterprise.

It seemed to me proper to communicate my opinion of these difficulties to Viceroy Don Luis de Velasco. And,

¹ Sebastián Vizcaíno (1548–1624), a native of Extremadura, moved to New Spain after his service in Castile's wars against Portugal (1580–1583). He worked as a merchant in the Philippines (1586–1589) before attempting to establish pearl fisheries in Baja California.

judging from what he wrote to me on the subject, and he did so with the prudence marking his investigation and treatment of all things, the motives that I had for fearing some mishap occurring to these people did not fail to work upon his mind also. Being greatly perplexed in the consideration of this matter, because of the perils to repute and conscience which might result, as well as by the difficulty presenting itself as to conformity with justice and conscience in the alteration of a compact and taking away from this man his right to make the expedition, especially as he had been already at expense in the matter, he submitted the question to a theologian and a jurist, of the number of these whose opinions are entitled to greater consideration in doubtful cases of this nature. And these gentlemen, having taken counsel together, concurred in considering that the concession of the Viceroy had the force of an agreement and contract—that what was at first a favor had become his just due and that, as the captain manifested no incapacity and had been guilty of no offense, the compact could not be varied.

The *Audiencia*, to which I gave an account of this matter, was of like opinion. This being determined, and it appearing to that body to be contrary to justice even to give him instructions to make discoveries only and not to take possession before reporting those discoveries, I, in view of the length to which the affair had gone, resolved not to annul the contract nor to interfere with the expedition of Sebastián Vizcaíno, holding it for certain that in this thing that which is justice is also a matter of good conscience, and that what contravenes this is not an indication of good government.

And because I have deemed it meet for the service of Our Lord and that of Your Majesty, inasmuch as it was necessary to go on with the affair since it had been begun and as this man does not possess notorious defects which can rightfully excuse Your Majesty from aiding and fomenting his undertaking, in order that the persons he has enlisted and intends to put on board ship, and who in number and condition make a reasonably good showing, may esteem and respect him, I have done all that lay in my power to show him honor while here and to clothe him with authority in view of the greater danger I foresee and fear on his account, though I would not say it to him—which is some lack of respect and an overbold bearing on the part of the soldiers whom he takes with him, so that in this way they may come to disobey his orders, all this giving rise to great disorder.

I have insisted, as far as I could and ought to insist, that he should furnish me with a satisfactory memorandum concerning the ships and launches he intends to take with him, and their sails, tackle, and the like, and the people and the necessary provisions for them he intends embarking, and the arms and ammunition, and other matters all being inventoried in kind and by quantities. He has furnished this memorandum; I have caused it to be examined by persons understanding such matters, and what has been provided appears to them to be sufficient.

But, in order to fully carry out what he says he intends to do, it is essential that he take with him a complete provision of all things necessary, so that the Franciscan friars who will accompany him may undertake the conversion and pacification of those lands in safety, and that the lands be settled without there being unavoidable lack of food and other things and consequent very great danger of doing violence to and robbing the natives, and I have ordered the royal officials at Acapulco to make a very exact and rigorously careful minute of all that he has offered to take, and not to consent to his departure unless he take all with him. And I have ordered that the same thing be done at the port of Salagua, in the province of Colima, where he will take on board some of his people and a part of the things he is to take with him.

It seemed to me well to take these precautions because there are no royal officials there and it is an out-of-the-way place, and it is very proper that in this particular nothing be taken on trust, while it might even happen that the first tidings had of these people in that region would come from persons of no standing and agents of persons born here who may chance to be under obligations to the traders who have undertaken this expedition and to those actually taking part in it. Wherefore I have sent a private individual who is of my confidence, a man of experience who has been a soldier, and he will be able to give good account of what may be done there, and of the conduct of the soldiers, and the punishment inflicted upon them for any disorder of which they

should be guilty along the road in the towns of the Indians, who, not being used to the transit through their country of troops such as are generally sent to the Philippines, might be subjected to suffering and injury.

Council of the Indies

to Gaspar de Zúñiga (1560–1606), **Conde de Monterrey**, Viceroy of New Spain (1595–1603)

27 May 1596

This communication having been taken under consideration on the 27 May 1596, let it be written to the Viceroy that he take from Sebastián Vizcaíno the right to make this conquest and discovery, and that he report to what other person they can be entrusted, who may conduct the same more satisfactorily and with the hope of success.

George Butler Griffin, ed. *Publications of the Historical Society of Southern California: Documents from the Sutro Collection* (1892):29–32.