

The Discoverer

Legal Struggles over the Pacific Northwest

In 1542, Spanish cosmographer Alonso de Santa Cruz produced a map of the world that graphically presented some of the geographical knowledge that had been gathered about the South Sea during the three decades since Spanish arrival on America's Pacific coast. The left side of the double hemisphere map, depicting the southern part of the globe, pictures the western seaboard from the equator to the strait through which Ferdinand Magellan had entered the Pacific in 1520 (Figure 1.1). Meanwhile, on the right side, the northern hemisphere coast, running from the equator to today's Gulf of California, is delineated. Santa Cruz stopped drawing the shoreline at around 35 degrees north, adding two annotations at this frontier of the known world. South of the tip of Baja California, which is partitioned off from the rest of the peninsula, he wrote "island discovered by the Marquis of the Valley." North of the gulf, where five houses representing the Seven Cities of Cibola appear, he noted "land that Antonio de Mendoza ordered to be discovered." Although the glosses may appear but mere statements of fact, documenting an ongoing process of exploration, they became controversial claims in the context of a bitter conflict between two of the most powerful men in New Spain over who had discovered Tierra Nueva and, therefore, who should be given the privilege to expand Spanish rule in the Pacific Northwest.

This chapter traces the history of this conflict as part of a more general exploration of how the production of cosmographical knowledge and acts of self-fashioning interacted in negotiations over royal *capitulaciones*, a type of contract granting someone the right to carry out a maritime or

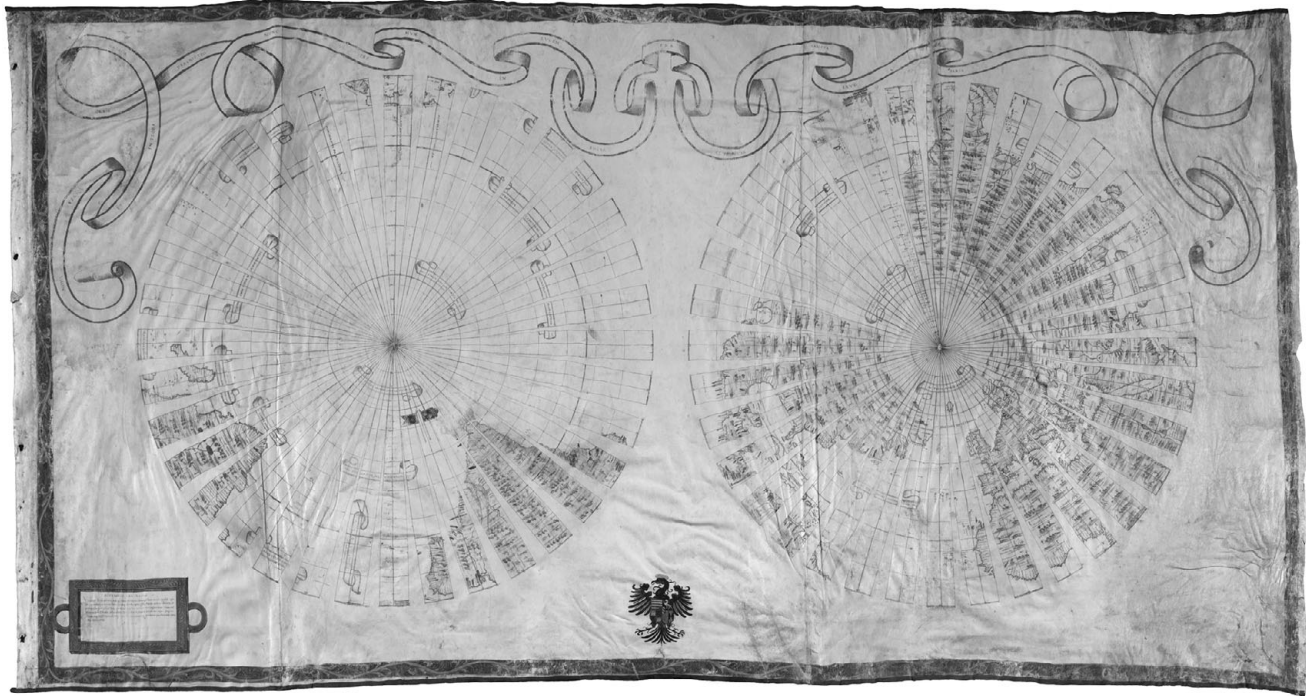


FIGURE 1.1 Alonso de Santa Cruz, *Nova verior et integra totius orbis descriptio* (1542). National Library of Sweden, KoB, AB 50 St.f

overland expedition.¹ *Capitulaciones* were of great significance to Spanish expansion. The Crown used these contracts to ensure that the leaders of expeditions recognized its political control over newly conquered territories and set apart a share of the wealth they generated. In exchange for these assurances, a *capitulación* promised expedition organizers a temporal monopoly to explore or conquer a specified geographical area, giving them time to prepare their enterprise without running the risk of others beating them to it. They also listed the rewards that contractees could expect upon successfully fulfilling their promises, including titles, offices, tax reductions, or trading monopolies, which in part determined long-term returns on their investments.²

Granting such contracts was no simple matter, however, as royal officials in Spain grappled with the challenge of doling out the right to conquer new land amid a dynamic process of expansion. Unfamiliar with the concrete dimensions of the territories into which the conquistadores were heading, officials usually provided only rudimentary indications regarding the limits of promised territory that, as we will see, often triggered conflicts later on. They also faced the difficulty of determining whom to entrust with the responsibility of turning unruly bands of adventurers into orderly communities that could render lasting financial contributions to the Crown. What qualities made a licensee suitable for such a complicated task? How could the competing claims of equally suitable candidates be dealt with? In the years following the fall of Tenochtitlan in 1521, these quandaries acquired increasing salience. Reports about Mesoamerica's highly developed cultures attracted wealthy and authoritative figures, capable of organizing large expeditions. Although their arrival spurred the expansion, this quickly led to conflicts and a growing need for royal intervention. Yet, the officials sent to prevent such fighting ended up becoming themselves involved in the conquest of new territories, prompting bitter disputes in New Spain and at the court.

In examining these conflicts in the context of the search for new routes to the East Indies, this chapter contributes to recent efforts to reconsider conquest in the Americas and Asia from a more integrated perspective.

¹ On the *capitulación* as a legal instrument for regulating conquest, see Marta Milagros de Vas Mingo, *Las capitulaciones de Indias en el siglo XVI* (Madrid: Ediciones Cultura Hispánica, 1986).

² Vitus Huber has recently studied the role of *capitulaciones* in the economic and risk assessments of those organizing expeditions he characterizes as "joint ventures." Huber, *Beute und Conquista*, 83–97.

Beginning with a brief discussion of prior Spanish efforts to reach Asia, it then explores how Hernán Cortés's decade-long struggle for the privilege of leading expansion in the South Sea influenced imperial policies and distributive practices between the 1520s and early 1540s. This chapter showcases how the struggles over the right to continue exploration of a region where Spaniards hoped to find a new route to Asia defined the specific meaning the category *descubridor* (discoverer) came to enjoy in negotiations over royal favor. Two factors contributed to this process. On the one hand, Cortés and his competitors helped to shape social criteria regarding what qualities a person ought to possess to lead an *entrada* (conquest). On the other hand, he and Viceroy Antonio de Mendoza also began to fashion themselves as discoverers by producing new maps and textual descriptions of the Northwestern Pacific. The dispute and the impact it had on the king's authority left deep marks on the law and turned the category of discoverer, meaning the person who "first enters the land and produces a truthful and correct account of it," into a coveted category of merit.³ The search for a route to Asia was thus, as we shall see, hardly peripheral to the building of the Spanish empire and its distributive apparatus.

INVENTING A SEA OF OPPORTUNITIES

Already during the 1480s, encouraged by the activities of the Portuguese, explorers and merchants in Castile began fantasizing about the possibility of gaining direct access to the spices and silks that had been arriving in the Iberian Peninsula for centuries. However, there was one key obstacle that prevented Spaniards from realizing this dream. According to the terms of the Treaty of Alcáçovas (1479), they were not allowed to sail south of the Canary Islands.⁴ Conceding this right had helped Queen Isabelle of Castile ward off King Afonso's claim to the Castilian throne. But once the Portuguese had reached Asia by circumnavigating the African continent, her vassals were forced to look for an alternative route.

Discussion of alternatives gained momentum in 1486, when Christopher Columbus arrived at the Spanish court. The Genovese

³ León Pinelo, *Tratado de confirmaciones reales*, f. 51r.

⁴ Paulino Castañeda Delgado, "Las exploraciones castellanas y los problemas con Portugal antes de 1492," in *El tratado de Tordesillas y su época*, ed. Luís Antonio Ribot García (Madrid: Sociedad V Centenario del Tratado de Tordesillas; Junta de Castilla y León Consejería de Educación y Cultura, 1995), 2: 928–34.

merchant and self-taught cosmographer proposed a plan to travel to the East “by sailing West.”⁵ Although Columbus’s project took five years to gain sufficient support, his unplanned landing in the Caribbean in October 1492 boosted Spanish hopes about their chances of beating the Portuguese in first reaching land in East and Southeast Asia. Copying from Afonso’s playbook, Isabelle and Ferdinand asked the Aragonese Pope Alexander VI to draw a demarcation line through the Atlantic that prevented Portuguese ships from sailing west – terms with which Portugal grudgingly agreed by signing the Treaty of Tordesillas (1494), fixing a line of demarcation at 370 leagues west of the Azores.⁶

In the wake of Columbus’s first voyage, Spaniards discussed whether he had actually already reached Asia. The admiral himself maintained that he did. During his later journeys, he continued to draw parallels between the information that classical and medieval authorities had provided about Asian geography, flora, fauna, and people, and what he had personally observed.⁷ Even when he eventually recognized that the territories he had stumbled upon were not what he had been looking for, he preserved some form of link by coining it the “West Indies (*Indias Occidentales*) unbeknownst to all the World.”⁸ But Columbus’s reluctant recognition merely confirmed what others had long maintained.⁹ These lands were, indeed, something entirely new to Europeans – even if, conceptually, they could be forced to fit into a cartographical tradition

⁵ For an exceptionally detailed study of the intellectual background of this project, see Nicolás Wey Gómez, *The Tropics of Empire: Why Columbus Sailed South to the Indies* (Cambridge, MA: The MIT Press, 2008).

⁶ On the history of the Treaty of Tordesillas, see for example: Jesús Varela Marcos, ed., *El tratado de Tordesillas en la cartografía histórica* (Valladolid: Sociedad V Centenario de Tratado de Tordesillas, 1994).

⁷ José Rabasa, *Inventing America: Spanish Historiography and the Formation of Eurocentrism* (Norman: University of Oklahoma Press, 1993), chapter 2; Valerie I. J. Flint, *The Imaginative Landscape of Christopher Columbus* (Princeton, NJ: Princeton University Press, 1992), 115–48.

⁸ See Juan Pérez de Tudela y Bueso et al., *Colección documental del descubrimiento (1470–1506)* (Madrid: Real Academia de la Historia, Consejo Superior de Investigaciones Científicas, 1994), 3: 1391. Ricardo Padrón has explored the spreading of this geographical imaginary in “The Indies of the West’ or, the Tale of How and Imaginary Geography Circumnavigated the Globe,” in *Western Visions of the Far East in a Transpacific Age, 1522–1657*, ed. Christina Hyo Jung Lee (Farnham: Ashgate, 2012), 19–42.

⁹ Compare, for example, Pedro Martyr de Angleria, *Décadas del Nuevo Mundo* (Madrid: Polifemo, 1989), 11.

that had long divided Asia into a multitude of Indies.¹⁰ Accepting that they had found something new was one thing, giving up on the search to Asia was something else. Spaniards continued to search frantically for a way to circumvent the territories onto which they had stumbled, either by locating a passageway or by determining that mainland Central America was actually a large island.¹¹ Yet, despite investments made in organizing new expeditions and creating a center of geographical and navigational expertise in Seville's *Casa de la contratación* (House of Trade), these efforts remained without the desired results.¹²

Meanwhile, the Portuguese were celebrating success after success. In 1498, Vasco de Gama reached India, from which he returned with a first shipment of spices the following year. Portuguese troops then conquered Goa and Malacca in 1510 and 1511, respectively, and reached the famed Spice Islands by 1512.¹³ Reports about these victories and the riches that were beginning to arrive in Lisbon gave rise to Spanish envy. Rumors began to circulate that the Portuguese had reached so far east that the lands to which they had arrived legally fell within the sphere of influence of the Castilian Crown. Even King Ferdinand succumbed to these speculations, approving an impudent plan, presented to him by the Portuguese navigator Juan Díaz de Solís, to sail to Asia via the Cape of Good Hope to determine to whom the Spice Islands belonged.¹⁴ Although the preparations for this expedition were halted for the sake of peace, his readiness to go along with it in the first place speaks to the king's growing frustrations.

By 1514, news reached the peninsula that significantly improved the king's mood. Things finally appeared to be moving forward when Vasco Núñez de Balboa, the temporary governor of Castilla de Oro, reached the western shores of Tierra Firme. In September 1513, in an attempt to

¹⁰ On the meaning of "India" in pre-Columbian Europe, see Wey Gómez, *The Tropics of Empire*, chapter 3.

¹¹ Juan Antonio Varese, *Los viajes de Juan Díaz de Solís y el descubrimiento del Río de la Plata* (Montevideo: Ediciones de la banda oriental, 2016), 69–73.

¹² Antonio Sánchez, *La espada, la cruz y el Padrón. Soberanía, fe y representación cartográfica en el mundo ibérico bajo la monarquía hispánica, 1503–1598* (Madrid: Consejo Superior de Investigaciones Científicas, 2013), 207.

¹³ Knowledge about these events also circulated in the Castilian language, for instance, in Juan Agüerro's summary edition of Martín Fernández de Figueroa's *Conquista de las indias de Persia y Ararbi que fizo la armada del rey don Manuel de Portugal y de las muchas tierras: diversas gentes: extrañas riquezas y grandes battalas que alla hubo* (Salamanca, 1512).

¹⁴ Varese, *Los viajes de Juan Díaz de Solís*, 87–99.

escape an order for his return to the court, he had sailed together with 190 Spaniards north from San María del Darien, landing in the *cacique* Careta's territory.¹⁵ From there, the group, reinforced by Native warriors, traveled through rugged terrain for three weeks before reaching the shores of a body of water that Balboa coined Mar del Sur. Detailed reports and maps describing the voyage prompted great excitement at the court. In a letter to the new governor of Castilla de Oro, don Pedrarias Dávila, the king noted animatedly that "we are very grateful to our Lord whom it seems, miraculously, to have pleased to favor us by unveiling in our times things that have been hidden and lost for so long."¹⁶

Balboa's revelation of the existence of the South Sea initiated a new phase in the Spanish search for a route to Asia. Ferdinand ordered Díaz de Solís, who was appointed *adelantado* (provincial governor) of the South Sea, to find a way around Tierra Firme, and Balboa to continue exploration of these unknown waters.¹⁷ But others also hoped to benefit from the Crown's new commitment to this endeavor, one of whom was Pedrarias Dávila. Castilla de Oro's new governor and ambitious conqueror sported his own plans to open this oceanic space.¹⁸ He intended to send his confidant Diego de Albítez, and Martín Fernández de Enciso, a royal official and adversary of Balboa, to transport ships and supplies across the isthmus to the Gulf of San Miguel in the South Sea, where they would establish a new settlement. In a subsequent step, Enciso would take half of the men to explore the land and islands of the South Sea, searching for a way to sail east to Cape Saint Augustin (Brazil), which they hoped to reach through a passage located "beneath the equator."¹⁹

To obtain royal approval for this project, Pedrarias Dávila sent Enciso to Spain in 1516. His plans to cross Balboa were thwarted, however, by

¹⁵ On the events leading to the king's decision to order Balboa's return to court, see for example: Carmen Mena García, *El oro del Darién. Entradas y cabalgadas en la conquista de Tierra Firme (1509–1526)* (Madrid: Consejo Superior de Investigaciones Científicas, 2011), 146–49.

¹⁶ AGI, Panama, 233, L.1, ff. 167v–168r.

¹⁷ Capitulación with Juan Díaz de Solís, Nov 24, 1514, AGI, Patronato, 26, R. 3. AGI, Panama, 233, L.1, ff. 170v.

¹⁸ Memorial of Pedrarias Dávila, probably 1515, AGI, Patronato, 26, R. 4. The bitter conflict that developed between Pedrarias and Balboa, ending with the latter's beheading in January of 1519, has been studied extensively, including Bethany Aram's detailed account in *Leyenda negra y leyendas doradas en la conquista de América: Pedrarias y Balboa*, trans. Antonio J. Carasco Alvarez (Madrid: Marcial Pons Historia, 2008).

¹⁹ Letter from Alonso de la Puente to King Ferdinand, Nov 23, 1515, AGI, Patronato, 26, R. 5, ff. 168v–169r.

King Ferdinand's death in January of that same year. By the time Enciso arrived in Spain, the throne was vacant and the kingdom was waiting eagerly for its new king, the young Duke of Burgundy, to arrive from Flanders – which he did only in the autumn of 1517. Enciso used this time to finish the treatise for which he is best known, the *Suma de geographía* (Seville, 1519), a summation of contemporary cosmographical and geographical ideas. Having experienced on earlier occasions the challenge of securing royal favors, he appears to have written this work to impress the new monarch and his advisors and explain why his proposals for further exploration in the South Sea deserved to be taken seriously.

The relevance of these prior negotiations for Enciso's conceptualization of this treatise becomes visible in the places where he directly addresses the monarch. He explained, for example, that the king had an obligation "to determine how to discover what is still not discovered in your part, seeing that the King of Portugal, who is the lesser one, has already discovered so much."²⁰ The *Suma* should assist the young king in such an endeavor, helping him to understand the "things of the universe" and decide where to send his pilots to seek lands worthy of being conquered.²¹ The starting point of these explorations, in Enciso's eyes, ought to have been the vast space between the Port of Higuera and Cattigara, two places then considered the extremes of the known world.²² According to his calculations, the distance between the ports amounted to 261 longitudinal degrees or 4,350 leagues, leaving another 99 degrees or 1,650 leagues of unknown space to be explored by Charles's vassals. Exploration should not stop at Cattigara, however. With the help of another shrewd calculation, Enciso explained that the king's vassals could push west all the way to the estuary of the Ganges, where he positioned the antimeridian of the Treaty of Tordesillas that divided the world into

²⁰ Martín Fernández de Enciso, *Suma de Geografía*, ed. José Ibáñez Cerdá. Joyas bibliográficas, Vol. 1 (Madrid: Estades, Artes Gráficas, 1948 [1519]), 26.

²¹ *Ibid.*, 6.

²² While Higuera is on the east coast of today's Honduras, Nicolás Wey Gómez proposes that Cattigara (called "Gatigaran" by Enciso) is perhaps today's Hanoi, though others believe it refers to the now lost city of Óc Eo, located in what is today the southern part of the An Giang Province of Vietnam. The city was part of the kingdom of Funan, which flourished between the first and the sixth centuries and formed an important hub between the Indian Ocean and China. Wey Gómez, *The Tropics of Empire*, 78; Granville Allen Mawer, "The Riddle of Cattigara," in *Mapping Our World: Terra Incognita to Australia*, eds. Robert Nichols and Martin Woods (Canberra: National Library of Australia, 2013), 38.

two equal halves.²³ India Ultra Ganges, that part of Asia that was “the wealthiest of all the lands mentioned in cosmography,” could thus be claimed in its entirety for the Spanish Crown.²⁴

Enciso’s vision of the world is a perfect example of Spanish imperial world-making projects.²⁵ His astronomical theories, calculations, and geographical descriptions all contributed to his inventing of a space of opportunities waiting to be explored and conquered by vassals of the Spanish Crown. But producing such a summary of cosmographical and geographical knowledge served an additional purpose as well. He used it to fashion himself as a subject worthy of the Crown’s attention and favor. With the *Suma*, he proved himself in the first place to be an expert in astronomy, cosmography, and geography, fields of knowledge that were crucial to those hoping to lead the search for a hidden strait. To show that he was particularly suited for such tasks, Enciso even included a table containing daily declinations for a four-year period, with an explanation on how to use them for navigating the southern hemisphere.²⁶

But Enciso was not only interested in demonstrating that he possessed the skills of a pilot. He was trying to gain attention as well. To find the way to the king’s ear, he relied on the well-known model of the learned councilor, to which the *Suma* refers throughout. They are a key part of Enciso’s discussions of Alexander the Great, to whom Enciso liked to compare King Charles, and the lessons he provides concerning his early demise.²⁷ In his geographical descriptions of empires and nations, the role of philosophers and learned councilors in preserving the political and social order is underlined.²⁸ Undoubtedly, such allusions were part and parcel of the long

²³ Fernández de Enciso, *Suma de Geographía*, 24–26. ²⁴ *Ibid.*, 25.

²⁵ Ricardo Padrón has made a similar point, arguing that Enciso placed his knowledge about the cosmos and the world in the “service of empire.” Ricardo Padrón, *The Spacious Word: Cartography, Literature, and Empire in Early Modern Spain* (Chicago: The University of Chicago Press, 2004), 85.

²⁶ Fernández de Enciso, *Suma de Geographía*, 30–61.

²⁷ Enciso mentions, for example, that Charles had a unique opportunity to surpass Alexander’s fame by expanding his realm in India Ultra Ganges. Fernández de Enciso, *Suma de Geographía*, 7. The most important reference to Alexander and his councilors can be found in Enciso’s description of the kingdom of Macedonia, where he includes a modified version of the popular moral tale about the Macedonian king’s journey to the Earthly Paradise. Fernández de Enciso, *Suma de Geographía*, 100–3. Andrés Prieto has read this story “as an allegory of the service that knowledge and knowledge professionals can offer to imperial rule and also as a cautionary tale about the risks invited by not according this knowledge its proper place in policy making.” Andrés Prieto, “Alexander and the Geographer’s Eye: Allegories of Knowledge in Martín Fernández de Enciso’s *Suma de Geographía* (1519),” *Hispanic Review* 78, no. 2 (2010): 172.

²⁸ Fernández de Enciso, *Suma de Geographía*, 92–93, 153, 197, 199.

tradition of vassals reminding their lords of the importance of taking their council into consideration.²⁹ Yet, these reminders also provided subtle hints about the role Enciso assumed for himself. In his audience with the young king, he wanted to appear as the wise councilor, whose proposals on how to best continue exploring the Indies deserved to be taken seriously. The *Suma* proved that he possessed a crucial capacity associated with people in such a role, revealing his ability to comprehend the cosmos, the movements of the heavenly bodies, and the world in its entirety.³⁰

Enciso's efforts were not in vain. On March 23, 1518, the king signed a royal order conferring to Albítez the right to create a town in the Gulf of San Blas and another south of the land of the "cacique Chepo," in what probably would be today's Veraguas province.³¹ The decree chose another location for this settlement on the Pacific coast than the one Enciso had proposed, but this was likely done to respect the privileges bestowed on Balboa in 1514, which allowed him to explore the Gulf of Panama. The part of the project that Enciso himself was to oversee was stipulated in a *capitulación* signed between the king and the Portuguese explorers Ferdinand Magellan and Rui Falleiro the previous day. Magellan had arrived at the Spanish court with a proposal not unlike Enciso's but with a different goal: to finally find the route to Asia. Presenting his own world map, Magellan proposed to sail south along the American coasts, searching for a strait through which he could enter the South Sea and steer toward the Spice Islands. With ample experience in Asia and both the political and financial backing of some of the most influential men at the Spanish court, he was awarded the privilege of undertaking this journey and enjoying for ten years the benefits of the route that he discovered.³² Still, the Crown reserved the right to send ships from Tierra Firme or the Island of San Miguel to also look for the

²⁹ Nicole Reinhardt, *Voices of Conscience: Royal Confessors and Political Counsel in Seventeenth-Century Spain and France* (Oxford: Oxford University Press, 2016).

³⁰ Such an ideal was grounded in Platonic and Neoplatonic traditions holding that people rise above the mundane by grasping visions of totality. On the relationship between the Neoplatonic tradition and Western globalism, see Denis Cosgrove, *Apollo's Eye: A Cartographic Genealogy of the Earth in the Western Imagination* (London: The John Hopkins University Press, 2001), 27–35.

³¹ Appointment of Diego de Albítez, Mar 23, 1518, AGI, Panamá, 233, L.1, ff. 200v–201r.

³² Christian Jostmann, *Magellan, oder, Die erste Umsegelung der Erde* (Munich: C. H. Beck, 2019), 88–93. On the role of the Consulado of Burgos in the search for the Moluccas, see also: Adelaida Sagarra Gamazo, "La empresa del pacífico o el sueño pimentero burgalés (1508–29)," *Revista de Estudios Colombinos* 9 (2013), 21–36.

said passage.³³ With this clause in the first paragraph of Magellan's *capitulación*, the Crown approved the second objective of Enciso's mission, implying that the two projects ought to contribute toward the realization of one and the same goal.

Charles's decision would, finally, bring success, with Magellan being the first to plant the Castilian flag in Asia. Yet, behind this well-known story about the first circumnavigation of the world was hidden a different one, a story that speaks to the challenges the monarch and his advisors were beginning to face. Spanish colonization of new territories not only increased the number of persons competing for the privilege of being involved in the imperial project but also compounded the difficulty of ensuring that the privileges and monopolies granted did not conflict with each other. The complexity of these negotiations would multiply even more after 1519, when Hernán Cortés opened the door, first, to the explosive expansion of Spanish presence on the American continent and, later, to new activities in the South Sea.

CORTÉS'S SEARCH FOR THE SECRETS OF THE SOUTH SEA

Like so many of the Spaniards who reached the American mainland before him, Hernán Cortés dreamt of contributing to the Spanish quest of reaching Asia. After his arrival in New Spain in November 1519, he soon sent his men out to look for a strait crossing the American mainland and to explore the Pacific coasts of the modern state of Oaxaca.³⁴ In May 1522, he reported to King Charles V about the results of his efforts, which he characterized shamelessly "as one of the most noteworthy services that have been rendered in the Indies."³⁵ Abel Martínez-Loza has contended that Cortés's delight with the discoveries made along the Pacific coasts stemmed from his belief that his men had reached the shores of the *Sinus Magnus*.³⁶ Yet, unlike European mapmakers, Cortés did not confuse the

³³ Capitulación with Fernando de Magellanes and Ruy Faleiro, Mar 22, 1518, AGI, Patronato, 34, R.1, f. 1v.

³⁴ Max L. Moorhead, "Hernán Cortés and the Tehuantepec Passage," *The Hispanic American Historical Review* 29, no. 3 (1949): 370–71; Hernán Cortés, Third Letter of Relation (May 15, 1522), in *Cartas y documentos*, ed. Mario H. Sánchez-Barba (Mexico: Editorial Porrúa, 1963), 191.

³⁵ Letter Hernán Cortés to Charles V (May 15, 1522), in *ibid.*, 440.

³⁶ Abel Martínez-Loza, "Ideas geográficas de Hernán Cortés," *Anuario de Estudios Americanos* XLVII (1990): 13–17. For a similar study of notions of world geography during the era of conquest, see also: Salvador Álvarez, "Cortés, Tenochtitlan y la otra

lands he had reached with China or the Malayan Peninsula.³⁷ Instead, he believed that he had come closer to Asia than anyone else in Spain or Tierra Firme.

Equally important for explaining Cortés's eagerness to stress the greatness of his latest discoveries was his tense relationship with the Crown. Cortés's unauthorized embarkment on November 18, 1518, marked the beginning of a bitter conflict with the governor of Cuba, don Diego Velázquez de Cuéllar, who initiated a defamation campaign to delegitimize Cortés's feats. Velázquez blamed Cortés for rebelling against the king and usurping the rights to a conquest of the American mainland that ought to have been his, because his people had discovered the coasts of the Yucatán Peninsula.³⁸ Cortés, in turn, sought to counter Velázquez's reports with the help of his own *Cartas de relación*. Providing detailed descriptions of the territories and peoples he encountered after his landing in Veracruz, he sought to prove that he, rather than Velázquez, was the one who had been the discoverer of New Spain.

In Cortés's ongoing struggle for recognition, the South Sea and the route to Asia became a recurring theme. When Cortés's secretary, Juan de Ribera, arrived at the Spanish court in 1523 to present the third *Carta de relación* and inform the Crown about the fall of Tenochtitlan, he explicitly addressed both issues. On July 18, Ribera appeared before the Council of the Indies in Burgos to explain in detail how his patron intended to proceed with exploration of the South Sea. Ribera added that all costs incurred would be paid via rents earned in the region, underlining that his employer "does not want to ask nor supplicate Your Majesty for paying him, because it will be known that the said Hernán Cortés discovered the said South Sea and its lands and provinces and islands at his own expense and competence."³⁹

Ribera's request came at an opportune moment. Under pressure from the bankers and merchants who had invested in Magellan's expedition, the Crown had begun to organize another expedition intended to replicate his success in reaching the Moluccas. On November 13, 1522, Charles had signed a *capitulación* with Jofre García de Loáisa, who was

mar: geografías y cartografías de la Conquista," *Historia y Grafía* 24, no. 47 (2016): 49–90.

³⁷ Compare: Salvador Álvarez, "Cortés, Tenochtitlan y la otra mar: geografías y cartografías de la Conquista," *Historia y Grafía* 24, no. 47 (2016): 49–90.

³⁸ Stefan Rinke, *Conquistadores und Azteken: Cortés und die Eroberung Mexikos* (Munich: C. H. Beck, 2019), 41–56.

³⁹ Juan de Ribera regarding the South Sea, July 18, 1523, AGI, Patronato, 17, R.24.

instructed to retrace the route through the Strait of Magellan with the help of Sebastian Elcano.⁴⁰ Moreover, in June 1523, the king had already ordered Cortés to find a sea passage between the Atlantic and the Pacific, which was supposed to be located south of New Spain.⁴¹ In spite of this royal order, Ribera's petition from July remained unanswered. Possibly, the councilors found his requests excessive or had a hard time aligning them with the promises made to García de Loáisá and the investors who financed his expedition.⁴²

Initially, Cortés did not appear overly bothered by the Crown's failure to respond. In the subsequent two years, he continued to send expeditions to explore the west coasts of Soconusco and Guatemala, while continually making new promises to the Crown about finding a strait or a route to the Spice Islands.⁴³ By 1526, however, the Crown's silence concerning his requests did begin to worry him. In a letter to Charles, he wrote that he had learned that doubts had arisen at the court about his good intentions.⁴⁴ Although Cortés does not mention it, he may have been alluding to reports such as one by Diego de Ocaña, a scribe of Mexico's city council, who wrote that "some here believe that, in accordance with what they have seen in the past, if Cortés is going to [conquer the Spice Islands], he will die with [the] Crown."⁴⁵ According to Cortés, these were baseless fears. He countered that, if he actually had been driven by self-interest, he would have been better off remaining in New Spain instead of investing his time and means in a project, the sole objective of which, was to render greater service to the king.⁴⁶

When Cortés sent this letter, word obviously had not yet reached New Spain that a few months earlier the Crown had already decided that his assistance in the South Sea was required after all. In a royal decree signed

⁴⁰ Juan Gil, *Mitos y utopías del descubrimiento*, vol. 2: *El Pacífico* (Madrid: Alianza universidad, 1989), 26–29.

⁴¹ Instructions for Hernán Cortés, Jun 26, 1523, in *Cartas y documentos*, ed. Sánchez-Barba, 591.

⁴² Mariano Cuesta Domingo, "La Casa de la Contratación de La Coruña," *Mar oceana: Revista del humanismo español e iberoamericano* 16 (2004): 60–66.

⁴³ Cortés, Fourth Letter of Relation (Oct 15, 1524), in *Cartas y documentos*, 233–34; Cortés, Fifth Letter of Relation (Sept 3, 1526), in *Cartas y documentos*, 320.

⁴⁴ Letter Hernán Cortés to Charles V (Sept 11, 1526), in *Cartas y relaciones de Hernán Cortés al Emperador Carlos V*, ed. Pascual de Gayangos (Paris: Imprenta central de los ferro-carriles, 1866), 375–76.

⁴⁵ Report by Diego de Ocaña to Council of the Indies, Aug 31, 1526, AGI, Patronato, 184, R.6.

⁴⁶ Letter from Hernán Cortés to Charles V, in *Cartas y relaciones*, 375.

on June 20, 1526, Charles ordered him to send several ships to the Spice Islands to find out what had happened to García de Loaísa's flotilla, which had left the port of A Coruña on July 24, 1525.⁴⁷ He was also supposed to be on the lookout for the fleet of Sebastian Cabot, which had left San Lucar de Barrameda early in April 1526 to explore the islands of Tarsis and Ophir, East Cathay, and Cipango.⁴⁸ Cortés was glad about the opportunity given to him, but it took some time before his ships were ready. Only by late October 1527 did the two caravels and a brigantine he had built and outfitted weigh anchor from the port of Zihuatanejo to head toward the Spice Islands. Although Cortés harbored high expectations for the expedition that his cousin, Álvaro de Saavedra Cerón, would captain, it became an enormous disappointment. The flagship leaked and, during a severe storm, it lost sight of the other two vessels. Then, after reaching the Moluccas and locating the survivors of Loaísa's expedition in Tidore, Saavedra was unable to return to New Spain, his attempts frustrated by contrary winds and currents, which left the expedition stranded in enemy territory.⁴⁹

A MODEL CONQUEROR AND HIS FAILED CONQUESTS

While Saavedra was struggling with the elements in the East Pacific, Cortés was fighting his own battles against fluctuating political winds. During the years leading up to the conquest of New Spain, he had been able to exercise a degree of control over the conquistadores under his command by promising them a share of the loot and punishing the disobedient. But, after the fall of Tenochtitlan, he gradually lost control. Conquerors and more recent settlers began to write the king about his authoritarian behavior and partisanship in the distribution of encomiendas and legal offices. Further resentments arose when his lieutenants used his absence from New Spain, between 1524 and 1526, to redistribute encomiendas in creating their own networks of patronage.⁵⁰

The Spanish Crown responded to such complaints by appointing new officials. First it sent Luis Ponce de León to take over Cortés's position as

⁴⁷ Order for Hernán Cortés to send armada to Maluco, Jun 20, 1526, AGI, Patronato, 43, N.2, R.1.

⁴⁸ Gil, *Mitos y utopías*, 2: 29–38.

⁴⁹ Miguel León-Portilla, *Hernán Cortés y la Mar del Sur* (Madrid: Ediciones Cultura Hispánica; Instituto de Cooperación Iberoamericana, 1985), 48–53; 65–84.

⁵⁰ Francisco Manzo-Robledo, *I, Hernán Cortés: The (Second) Trial of Residency* (New York: Peter Lang, 2013), 28–32.

governor of New Spain and subject him to a *residencia* (an official performance review of his tenure). While the new governor achieved little due to his early death, Cortés's review soon thereafter became the responsibility of the *real audiencia* of Mexico, which took up its duties at the end of 1528. The first president of this royal appellate court became Nuño Beltrán de Guzmán, who had been governor of Pánuco since 1526 and was a longtime rival of Cortés. Equally troubling from Cortés's point of view was the Crown's decision to grant his old enemy, Pánfilo de Narváez, a *capitulación* making him adelantado of the region stretching from the Río de las Palmas to La Florida.⁵¹ These changing circumstances worried Cortés so much that, after having ignored the king's requests to report to the court for years, he decided that these matters required his personal intervention.⁵²

In March 1528, he departed from Mexico with an impressive retinue comprising Spaniards as well as Native nobles and ballplayers, carrying great quantities of gold, silver, and other treasures to impress the people at court and pay the bribes needed to gain support. Cortés was warmly received at the court in Toledo; he was praised and rewarded, receiving, among other favors, the title of Marquis of the Valley of Oaxaca. Despite such signs of the king's benevolence, Cortés must quickly have realized that his political relevance in New Spain was waning. This made it even more important to ensure for himself a role in the exploration of the territories that were yet to be discovered.

In line with his efforts to do so was a *parecer* (opinion statement) that Cortés wrote on the matter of granting rights for new conquests.⁵³ Here, he implicitly concurred with the critiques that Bartolomé de las Casas and other clergymen had articulated about conquests having already caused great damage to Native populations. To prevent this from happening again, Cortés argued that a process of careful deliberation should precede decisions to grant applicants the right to conquer further territories. He explained that the Crown should first obtain an overview of the lands that already had been conquered, who their conquerors were, what kinds

⁵¹ *Capitulación Narváez for discovery between Río de las Palmas and Florida*, AGI, Patronato, 18, N.3, R.2.

⁵² Esteban Mira Caballos, *Hernán Cortés: el fin de una leyenda* (Trujillo: Palacio de los Barrantes-Cervantes, 2010), 275–78.

⁵³ Pascual de Gayangos ascribes this document to 1537. But this is improbable because Cortés was not at the court at the time and does not once mention Viceroy Mendoza, which is something he always did in his letters from the late 1530s. Memorial of Hernán Cortés for Charles V, unknown date, in *Cartas y relaciones*, ed. Gayangos, 561–66.

of people were living there, what damage had been done to them during conquest, which lands had become depopulated, and why this had happened.⁵⁴ Precepts should then be created to make sure that newly discovered territories could only be entered with permission from the Crown to do so. This would mean that, when new lands or islands were found by accident, the discoverers were required to describe their exact location and gather information about the kinds of people who lived there, their faith, and the whereabouts of suitable ports. Subsequently, the Crown had to determine whether the Crown would be served by the conquest of these lands. Moreover, the king and his advisors had to assess the potential leader of this expedition to determine if he deserved this privilege or should, rather, be given another kind of reward for his discovery. Cortés argued that someone who could be entrusted with missions of conquest should have previous experience, have his own fortune so as not to exploit the Natives and have the intention to live in the areas that he wanted to conquer. Upon completing these steps, the selected candidate could then be instructed on how to carry out the conquest and prevent his men from bringing damage to the Indigenous population.⁵⁵

Cortés's proposal illustrates how the production of an image of the deserving self and the (re)definition of criteria of worthiness went hand in hand. On the one hand, he reaffirmed the necessity of the Crown's initial efforts to improve decision-making processes by gathering data from the Indies and gaining a better overview of the results of the conquests it had already approved.⁵⁶ On the other hand, the qualities he singled out as most important in the selection process were those that distinguished him from his current and future competitors. Few men had as much experience and capital as he had, while those who filled positions as royal officials in New Spain's capital could not live in the conquered territories. Although it is impossible to determine how these efforts to fashion an image of himself as the ideal captain and conquistador were received, we

⁵⁴ Memorial of Hernán Cortés for Charles V, unknown date, in *ibid.*, 563.

⁵⁵ *Ibid.*, 564.

⁵⁶ The Crown did actually acquire such information in the form of two different maps of the American continent drawn around the time. In 1529, the royal cosmographer Diego Ribeiro drew a map that indicated what regions in North America the Crown had granted through *capitulaciones*. The map mentions, for example, "Land of Esteban Gómez," "Land of [Lucas Vázquez de] Ayllon," "Land of [Francisco de] Garray." In 1533, Alonso de Chavez produced a similar map, this time adding "Land of Pánfilo de Narváez" to the ones already mentioned on Ribeiro's map.

do know that Cortés was appointed as “captain general of New Spain and the provinces of the South Sea” on July 6, 1529.⁵⁷ This was an obvious demotion in comparison to his previous role as governor of New Spain, but it did allow him to continue expanding his activities in the South Sea, albeit with some clear restrictions.

The agreement that Cortés signed with the Crown in November 1529 ended up being of an entirely different nature from Ribera’s proposal of 1523. None of the privileges that his agent had asked for were mentioned, while the timeframe in which Cortés was allowed to explore was reduced from six to two years.⁵⁸ Moreover, important limits were posed regarding the territories that he was allowed to explore. By no means was he to enter the demarcations of Pánfilo de Narváez and Nuño de Guzmán. This seems an odd order, considering that both had been granted territories on the east coast. But in a situation in which the limits of demarcations were mostly defined along the north–south axis, with their western frontier often being left undefined, this may have been an attempt to prevent conflicts from rising between these sworn enemies. Another limitation Cortés had to observe was posed by the Treaty of Zaragoza, which had been signed on April 27, 1529, renouncing all claims of the Spanish Crown beyond the line of demarcation drawn at 17 degrees or 297.5 leagues east of the Moluccas.⁵⁹

The limitations specified in Cortés’s *capitulación* posed a real challenge. Everyone believed that there were still plenty of opportunities for discovery in the South Sea, but this was a large space and Cortés had no concrete goal to pursue as he had had during the conquest of Tenochtitlan. During the little time given to him, it was imperative to yield results. Yet it was unclear where to start looking. To make things worse, upon his return to New Spain in 1530, he discovered that Guzmán’s men had wrecked the five ships he had been building in the port of Zihuatanejo, further setting him back on an already tight

⁵⁷ Appointment of Hernán Cortés as captain general, Jul 6, 1529, AGI, Patronato, 16, N.2, R.15.

⁵⁸ Hernán Cortés’s rights in the exploration of the South Sea, Nov 5, 1529, AGI, Patronato, 16, N.2, R.19.

⁵⁹ AGI, Patronato, 49, N.9. Mariano Cuesta Domingo, “La fijación de la línea - de Tordesillas - en el Extremo Oriente,” in *El tratado de Tordesillas y su época*, ed. Luís A. Ribot García (Madrid: Sociedad V Centenario del Tratado de Tordesillas; Junta de Castilla y León Consejería de Educación y Cultura, 1995), 3: 1505–7.

schedule.⁶⁰ These growing pressures may explain his frantic pursuit of opportunities during the following years. Cortés dispatched expeditions under the command of Diego Hurtado de Mendoza (1532), Diego Becerra, and Hernando de Grijalva (both 1533) to explore the California coasts in search of Cihuatán, a mythical island the Nahua had beguiled the Spaniards about; became involved in the exploration himself when news leaked that Guzmán had impounded one of Becerra's ships; and established the Santa Cruz colony in 1535, after pearls had been discovered in Baja California.⁶¹ The next year, Cortés also sent Grijalva, under the pretext of sending reinforcements to Francisco Pizarro in Peru, to look for an island rich in gold and silver of which people were talking and that was supposedly located off the Peruvian west coast.⁶² Grijalva actually sailed so far into the ocean that he reached an island near New Guinea, where his rebellious crew was captured by the Portuguese. None of Cortés's expeditions or colonizing efforts were successful, however – even the self-proclaimed ideal conqueror first needed to discover something that was worthy of being conquered.

THE DISCOVERY OF ANOTHER “NEW WORLD”

One such target emerged on the horizon during the summer of 1536. On the eve of the Feast of Santiago, four survivors of Pánfilo de Narváez's shattered 1528 expedition to Florida reached Mexico.⁶³ Álvar Nuñez Cabeza de Vaca, Alonso del Castillo Maldonado, Andrés Dorantes de Carranza, and the African slave Esteban had spent eight years among the Natives, traveling with different bands and tribes from Florida through what are today the states of Louisiana and Texas into California and then

⁶⁰ AGI, Patronato, 16, N.1, R.2. Woodrow Borah, “Hernán Cortés y sus intereses marítimos en el Pacífico, el Perú y la Baja California,” *Estudios de Historia Novohispana* 4 (1971): 4; León-Portilla, *Hernán Cortés*, 74.

⁶¹ Michael W. Mathes, *The Conquistador in California, 1535: The Voyage of Fernando Cortés to Baja California in Chronicles and Documents* (Los Angeles: Dawson's Book Shop, 1973); Miguel León-Portilla, *Cartografía y crónicas de la California* (Mexico City, Universidad Nacional Autónoma de México, 1989), chapter 2. Paul A. Myers, *North to California: The Spanish Voyages of Discovery, 1533–1603* (Coral Springs, FL: Llumina Press, 2004), chapter 7.

⁶² Borah, “Hernán Cortés, 13–18; León-Portilla, *Hernán Cortés*, 117–21.

⁶³ Richard Flint, *No Settlement, No Conquest: A History of the Coronado Entrada* (Albuquerque: University of New Mexico Press, 2008), 27–30; William K. Hartmann, *Searching for Golden Empires: Epic Cultural Collisions in Sixteenth-Century America* (Tucson: The University of Arizona Press, 2014), chapter 4.

south, along the Gulf of California, to New Spain. Rumors had already been circulating that the four men carried wonderful news about regions north of New Galicia that no Spaniard had ever seen before.⁶⁴ During the final stage of their journey from the Sonoran coast, the four castaways were welcomed by the most powerful men in the region. They enjoyed Nuño de Guzmán's company in Compostela as well as that of Hernán Cortés and the recently arrived viceroy, Antonio de Mendoza, in Mexico. All three hoped to learn from the survivors whether they had seen anything worth conquering in the region, which had already drawn the Spaniards' interests at an earlier time because of its role in the stories the Mexica told about their place of origin.⁶⁵

Especially Viceroy Mendoza went to great lengths in accommodating his guests, providing them with new clothes and living quarters and promising them rewards. The viceroy had his reasons for such generosity. He belonged to a family that owed much of its status and influence to its members' contributions to the wars against the Moors and Moriscos.⁶⁶ In addition to being eager to carry on the family tradition of rendering military services to the Crown, Mendoza also had a keen interest in becoming involved in the search for a route to Asia. According to the cosmographer Alonso de Santa Cruz, whom the viceroy met before his departure to New Spain, Mendoza was well informed about recent developments in cosmography and geography and knew that there were opportunities waiting in the South Sea and in the northwestern parts of

⁶⁴ A vast literature exists regarding the journey of the "náufragos" (Sp: *naufragios*; En: shipwrecked) through the southern parts of today's United States and northern parts of Mexico. Alex D. Krieger, *We Came Naked and Barefoot: The Journey of Cabeza de Vaca across North America* (Austin: University of Texas Press, 2002); Andrés Reséndez, *Un viaje distinto: la exploración de Cabeza de Vaca por América* (Barcelona: La Vanguardia Ediciones, 2008). See also: Cabeza de Vaca's own account in Álvar de Núñez Cabeza Vaca, *Naufragios y comentarios* (Madrid: Calpe, 1922).

⁶⁵ The creole chronicler Baltasar de Obregón observes that Hernán Cortés and Viceroy Mendoza's interest in the north initially was stirred by the chronicles relating to the origins of the Mexica that were discovered among Moctezuma's papers. Baltasar de Obregón, *Historia de los descubrimientos antiguos y modernos de la Nueva España, escrita por el conquistador en el año de 1584*, ed. P. Mariano Cuevas, S. J. (Mexico City: Editorial Porrúa, 1988), 10. Mendoza also talks about this theme in a letter to the royal chronicler Gonzalo Fernández de Oviedo that is included in his *Historia general y natural de las Indias* (Madrid: Biblioteca de Autores Españoles. Recopilación de leyes de los reynos de las Indias, 1959), 4: Cap. L, 245–48; and Cap. LII, 252–53.

⁶⁶ Ciriaco Pérez Bustamante, *Don Antonio de Mendoza, primer virrey de la Nueva España (1535–1550)* (Santiago de Compostela: Tipografía de "El Eco Franciscano," 1928), 3–10; Francisco J. Escudero Buendía, *Antonio de Mendoza: comendador de la villa de Socuëllamos y primer virrey de la Nueva España* (Perea: Pedro Muñoz, 2003), chapter 3.

the continent yet to be explored by Europeans.⁶⁷ He must also have been aware that, in spite of the Treaty of Zaragoza, the Spanish Crown had not entirely abandoned its Asian project, as was illustrated by a proposal from the Council of the Indies in 1531 to dispatch two caravels to bring back the remaining survivors of the Magellan and Loáísa expeditions.⁶⁸ The return of the survivors of the Narváez expedition from the northern regions presented an excellent opportunity to determine whether these parts of the world could be worthy of further exploration.

But the reports the castaway provided did not warrant immediate action. Neither Guzmán, who controlled New Galicia and knew the region quite well, nor the viceroy acted upon the new information they received. It would take until 1539, after Guzmán had been arrested and Mendoza was able to get a confidant, don Francisco Vázquez de Coronado, appointed to the position of governor of New Galicia, before the viceroy sent a reconnoitring party to determine whether the North had anything to offer. Mendoza entrusted this mission to Marcos de Niza, a Franciscan friar who was trained in cosmography and already possessed several years of experience in Hispaniola and Peru.⁶⁹ The viceroy provided Fray Marcos with a carefully composed set of instructions. Together with Vázquez de Coronado, he first had to bring word to San Miguel de Culiacán that the viceroy would reward those serving him and punish those violating the law. Then, after traveling beyond this northernmost Spanish outpost, the friar was to come into contact with the Natives, count them, and take careful records of the “quality and fertility of the land.”⁷⁰ As soon as he reached the coast of the South Sea, he was to leave signs on trees close to the water and leave information beneath them so they could be seen by the ships that were going to follow him. Finally, Fray Marcos had to take possession of any large settlements in the viceroy’s name, performing ceremonies required for such cases.

⁶⁷ Alonso de Santa Cruz, *Libro de las longitudes y manera que hasta agora se ha tenido en el arte de navegar, con sus demostraciones y ejemplos, dirigido al muy alto y muy poderoso señor don Philipe II de este nombre rey de España*, eds. Delgado Aguilera and Antonio Blázquez (Seville: Centro oficial de estudios americanistas, 1921), 47.

⁶⁸ AGI, Indiferente general, 1092, N.25, Letter of the Council of the Indies to King, May 16, 1531. Although the councilors had proposed to charge Cortés, Alvarado in Guatemala, or Pedrarias in Nicaragua with such a task, by the time Mendoza left the Peninsula, Cristóbal de Haro was once again preparing for this supposed rescue mission. Gil, *Mitos y utopías*, 2: 45.

⁶⁹ Flint, *No Settlement, No Conquest*, 30–32.

⁷⁰ Instructions Antonio de Mendoza for Marcos de Niza, AGI, Patronato, 20, N.5, R.10, f. 1v.

Fray Marcos's return to Culiacán in July 1539 inflamed an unprecedented fever for conquest. Despite the viceroy's explicit instructions not to share any information, rumors began to spread quickly about the amazing discoveries he had made in the North.⁷¹ We learn from his official report of the three-month journey why this was the case. The friar recounts how, as he traveled north, Natives kept telling him about great cities with names like Cíbola, Marata, Acus, and Totontec. The further north he reached, the more detailed his informants' reports became and the more they talked about "people of greater civil order (*más poleçia*) and reason."⁷² He learned that the houses in Cíbola were built of mortar and stone, that some of them had up to ten stories, and that they were decorated with turquoise. Furthermore, inhabitants of the city dressed in long garments made of cotton and wool that covered them from neck to toe.⁷³ Although the friar acknowledged that he never entered Cíbola, due to threats from the Natives, the brief glimpse he got made it clear that it was even larger than Mexico City. To make things even better, Fray Marco claimed to have seen how the west coast "at 35 degrees, turns west," meaning that it heads toward Asia rather than simply ending at the Pacific, from which he "experienced no less joy than the good news about the land."⁷⁴

Historians today agree that it is unlikely that the friar reached the small Zuni town in present-day New Mexico that could have been the town of Cíbola. Instead, they consider the friar's report to be the fabricated product of a fanciful mind, interpreting the information provided by local informants through a framework of preexisting perceptions about world geography. Two narratives were particularly important in shaping this geographical framework: first, the Iberian legend of the seven Christian Visigothic bishops who fled the Peninsula during the Muslim conquest to create seven cities on the island of Antilia, located somewhere in the Atlantic Ocean.⁷⁵ Such a myth harmonized well with the origin stories that the Nahua told about the place of the seven caves, known as Chicomoztoc, which also was supposed to be located in the North, all merging together in Fray Marcos' story about the Seven Cities of Cíbola.

⁷¹ For a detailed account of Fray Marco's journey: Hartmann, *Searching for Golden Empires*, chapter 5.

⁷² Report of Fray Marcos de Niza's journey, Sept 2, 1539, AGI, Patronato, 20, N.5, R.10, f. 2v.

⁷³ *Ibid.*, ff.3v.-4r. ⁷⁴ *Ibid.*, f. 5r.

⁷⁵ William H. Babcock, "The Island of the Seven Cities," *Geographical Review* 7, no. 2 (1919): 98-106.

Second, as Richard and Shirley Cushing Flint have pointed out, the friar relied on the idea that the American mainland was an extension of India extra Gangem.⁷⁶ A similar notion of world geography had inspired Christopher Columbus and Johannes Schöner, among others, to consider North America a part of the Asian mainland. However, such a vision was gradually replaced by one that positioned an enormous land bridge between these two parts of the world, as can be seen in Giacomo Gastaldi's *Universale Novo* from 1548 (Figure 1.2).

How significant the friar's belief that he was traveling in the direction of the lands of the Great Khan was for the stories he told after his return becomes visible, too, in the information he excluded from the official report. The bishop of Mexico, Fray Juan de Zumárraga, for example, wrote that Fray Marcos had told him that:

The people are more cultured in their wooden edifices of many stories and in their dress. They have no idols, do not worship the sun and moon. They have only one wife and if she dies do not marry another. There are partridges and cows which the father says he saw, and he heard a story of camels and dromedaries and of other cities larger than this one of Mexico.⁷⁷

Several contemporaries repeated such observations about the intelligence of the people, the size of their houses, and the wealth of the land. But they added their own details as well. Gerónimo Ximenez de San Estéban, for example, wrote to one of his fellow friars in Burgos that the people of these lands wore silk clothing, that their temples were covered with emeralds, and that camels and elephants could be found further north.⁷⁸ Others spoke of gold and silver, of people who spoke a language resembling that of the Mexica and rode unknown animals. Some of these captivating stories were so wonderful that one Bocanegra considered the lands that contemporaries came to refer to as *Tierra Nueva* to be an actual "new world."⁷⁹

⁷⁶ Richard Flint and Shirley Cushing Flint, *A Most Splendid Company: The Coronado Expedition in Global Perspective* (Albuquerque: University of New Mexico Press, 2019), 21–23.

⁷⁷ Juan de Zumárraga, "Letter to an Unknown Religious from Juan de Zumárraga, México, April 4, 1537," in Henry R. Wagner; "Fray Marcos de Niza," *New Mexico Historical Review* 9 (Apr 1934): 198–99.

⁷⁸ Joaquín García Icazbalceta, *Nueva colección de documentos para la historia de México* (Mexico City: Antigua Librería de Andrade y Morales, Sucesores, 1886), 1: 194–95.

⁷⁹ Trial of the Marquis of the Valley [of Oaxaca] and Nuño de Guzmán and the adelantados Soto and Alvarado, about the discovery of Tierra Nueva. 1541, in CDI, 15: 397.

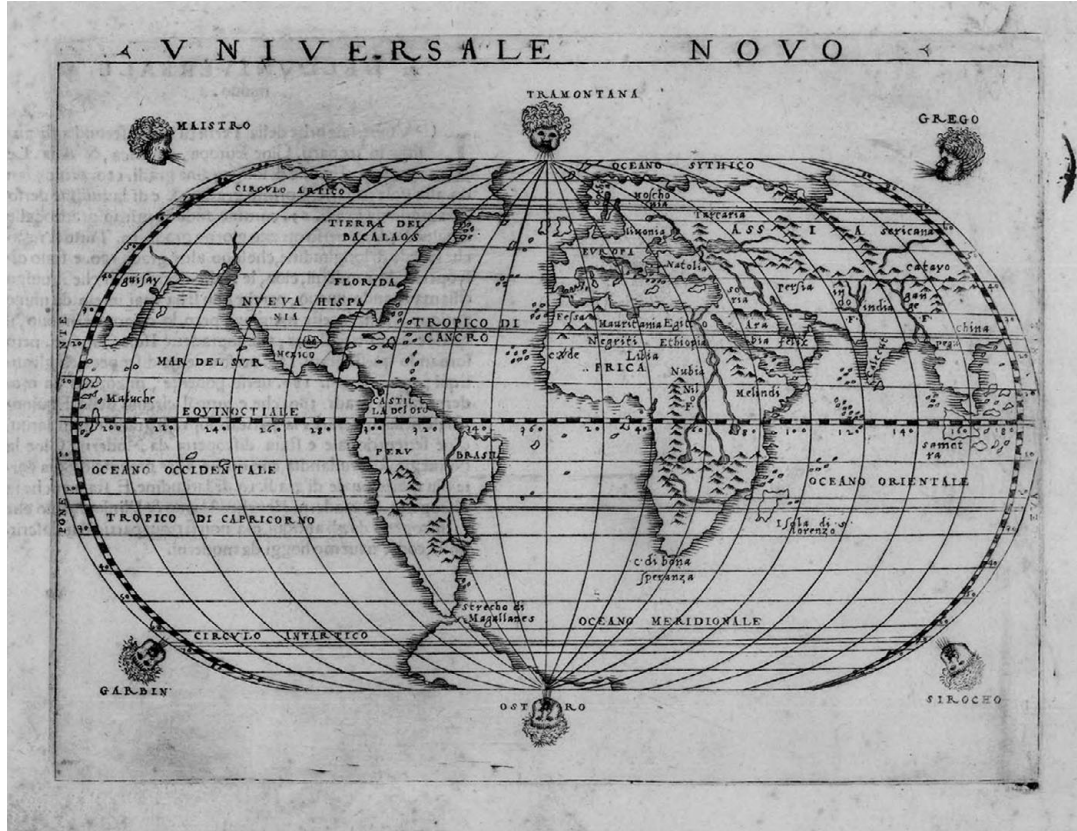


FIGURE 1.2 Giacomo Gastaldi, *Universale Novo* in *La geografia di Claudio Ptolemeo alessandrino*, Venice (1548). Courtesy of The Barry Lawrence Ruderman Map Collection, David Rumsey Map Center, Stanford Libraries

As excitement in the viceroyalty grew based on such rumors, the friendly relationship that Cortés and Viceroy Mendoza had maintained quickly went sour. As captain general of New Spain and the coasts of the South Sea, Cortés believed that the territories the friar had discovered fell within the boundaries of his *capitulación*. In fact, after learning in November 1538 that the viceroy was planning to send explorers to the region, Cortés began preparing his own expedition to explore the waters between the “island” of Santa Cruz and the mainland. On July 8, 1539, only a few days before Fray Marcos returned to Culiacán, a flotilla of three ships commanded by Francisco de Ulloa sailed from Acapulco to realize Cortés’s plan.⁸⁰ When news of Fray Marco’s findings reached Cortés later that month, he wrote to the viceroy that he had always believed that “good lands” would be found in the north but, also, that he did not expect them to be so near. “God,” he wrote in an attempt to let Mendoza know that he was ready to take over the endeavor, “desires that we shall not be idle but otherwise, because he placed us in these parts for each to use his talents.”⁸¹ To his chagrin, however, Mendoza had no intention of making use of Cortés’s talents and experience. Instead, after having interviewed Fray Marcos in private, the viceroy himself took the lead in preparing the entrada of Tierra Nueva of Cibola. This decision led to a bitter conflict with important consequences for the development of the Spanish empire.

DISPUTING DISCOVERERS

From the moment Mendoza began to plan his activities in the Pacific Northwest, he and Cortés became involved in a contest over who ought to be recognized as the discoverer of this unknown territory. Mendoza sought to bolster his claim to this status by having Fray Marcos appear before Mexico’s *audiencia* on September 2, 1539. Here, the friar presented the instructions that the viceroy had given him together with the report he produced of his journey to testify to the veracity of both.⁸² This ceremony and the file that was produced from it helped the viceroy to establish a chain of responsibility in the process of the discovery of Tierra Nueva. The instructions foregrounded his leading role in sending the reconnoitering party, while the friar’s report provided what was

⁸⁰ León-Portilla, *Hernán Cortés*, 137–45; Myers, *North to California*, 102–62.

⁸¹ Contract Hernán Cortés with Charles, RAH, 9-5825, f. 51v. This letter is dated July 26.

⁸² AGI, Patronato, 20, N.5, R.10.

considered a precise and truthful account of what had been discovered in his name. By fashioning himself as the person responsible for the discovery of Cíbola, Mendoza underlined his claim to the right of undertaking any future conquests. Only after he had dealt with these legal procedures, he shifted his attention to logistics. To verify Fray Marco's account and gather additional information about the route and availability of provisions, he ordered Melchor Díaz to take fifteen horsemen from Culiacán to retrace the friar's steps. In the meanwhile, he began preparing the expeditions that Francisco Vázquez de Coronado would lead over land and Hernando de Alarcón by sea.⁸³

Mendoza's efforts to prove his leading role in the discovery of Tierra Nueva were closely related to Cortés's own legal maneuvering. In September 1538, the Marquis had already written the Council of the Indies, reminding the councilors of the rights he had received to explore the islands and coast of the South Sea, while also noting that he had nine ships at his disposal but not enough pilots to navigate them all.⁸⁴ He further explained that, since the viceroy had sent the Crown a detailed report describing the qualities of the land and its inhabitants, he saw no need to speak about the matter. Yet, so as not to remain silent – and to more subtly give the king a chance to assess his services – Cortés added a map depicting what he had discovered to this point.⁸⁵ One year later, he wrote a similar petition to Charles, pointing out that in accordance with royal orders he had sent Diego Hurtado de Mendoza to explore as far north as 27 degrees, of which there existed perpetual proof (“*ad perpetuum rei memoriam*”) in the form of a royal certification or *probanza*. Because of these and other efforts, he believed it to be a grave injustice to be banned from the islands and coasts of the South Sea that were rightfully his to explore.⁸⁶ Cortés made a similar argument before the audiencia, asking the judges to see to it that his royally given rights were protected.⁸⁷

Cortés's pleas to the king and the audiencia provoked a strongly worded response from the *fiscal* (king's attorney) of Mexico's audiencia,

⁸³ Flint and Cushing Flint, *A Most Splendid Company*, 81–87.

⁸⁴ Letter from Hernán Cortés to Council of the Indies, Sept 20, 1538, AGI, Patronato, 16, N.1, R.18.

⁸⁵ The map Cortés speaks of here may have been one depicting a part of the coast of New Galicia, the region north of Culiacán, Santa Cruz, and several other islands in the southern part of the Gulf of California, which can be found in AGI, Mapas y planos, México, 6.

⁸⁶ Memorial of Hernan Cortés to Charles V. Undated, in CODOIN, 4: 201–6.

⁸⁷ RAH, 9-5825, f. 43.

Cristóbal Benavente. On September 11, 1539, Benavente presented to the audiencia a petition in which he made the case for prohibiting Cortés from continuing his explorations in the South Sea.⁸⁸ He noted that Cortés had had his chances but, again and again, had proven unable to act in accordance with the king's orders. It had taken him four years to send a first expedition, thus exceeding the timeframe of two years agreed upon in his *capitulación*. His men's exploitation of the Natives had caused much turmoil, and, contrary to all royal commands, Cortés had been recruiting participants in New Spain who were already or were about to get married. The fiscal cynically observed that these disruptions of both Native and Spanish republics made it look as if Cortés had set out "to depopulate the populated and peaceful, [rather] than to discover and settle new lands."⁸⁹ Benavente continued that the only land the Marquis had discovered was an island that had turned out to be utterly useless. Referring to Cortés's attempts to establish the colony of Santa Cruz, the lawyer argued that the land was inhabited by some kind of wild "Caribs" who live only on raw fish and meat, go around dressed in animal hides, and are in no way inclined to serve the king.⁹⁰ Cortés himself had been aware of the futility of his colony, for he had himself abandoned it after two years, leaving the island "unoccupied (*pro derelictam*)" for more than a year and half. As a consequence, he lost all claims to which he would have been entitled as "first discoverer."⁹¹ Benavente also argued that Cortés had only ordered Ulloa to return to Santa Cruz when Fray Marcos arrived from his journey with news of a rich and well-populated land, but this was actually only a pretext to reach Tierra Nueva before the viceroy did.⁹² As Cortés had violated the terms of his contract, Benavente contended that he should by no means be allowed to enter the new territory.

During the following months, it must have dawned on Cortés that he was not going to win this battle. Mendoza's grip over the audiencia was too strong, and the viceroy's allies proved a threat to any expedition Cortés might send. As he later reported, not only did they prevent his men from buying supplies but also persecuted and eventually burned one of Ulloa's vessels, the *Santa Agueda*, which had been sent to report to

⁸⁸ Ibid., ff. 45v–49v. ⁸⁹ Ibid., f. 47r.

⁹⁰ One day later, Francisco Vázquez de Coronado reaffirmed this perspective on the worthlessness of the island for colonization. As there was nothing to eat, and the Natives were unwilling to serve the monarch, Cortés would only have risked causing a rebellion. Ibid., ff. 53v–55r.

⁹¹ Ibid., f. 48r. ⁹² Ibid., f. 49r.

Cortés about new discoveries.⁹³ Faced with such opposition, Cortés saw no other option than to return to Spain. Briefly before his departure, he wrote to his attorneys at the court to remind the Council of the Indies of the four expeditions he had already dispatched at his own expense and to warn them not to provide any kind of information to Mendoza's agents.⁹⁴ They were also to inform the Council that the viceroy was already sending men without waiting for permission, distracting the viceroy from his political responsibilities.

Cortés's return to Spain early in 1540 coincided with the beginning of a legal process in the Council regarding distribution of rights to conquer Tierra Nueva.⁹⁵ By this time not only were Cortés and Mendoza making such a claim but also representatives of Pedro de Alvarado, Hernando de Soto, and Nuño de Guzmán. Each believed that the newly discovered land fell within the demarcations stipulated in the respective *capitulaciones* these men had signed with the Crown. Alvarado relied on the contracts he had signed in the summer of 1538 that granted him within fifteen months permission to dispatch two galleons and a vessel to explore the West ("*el poniente*") and two ships to explore the westward bend of New Spain "to learn about all the secrets that are there on the coast."⁹⁶ Nuño de Guzmán's claim was based on his entitlements as governor and adelantado of New Galicia – of which Tierra Nueva was a part, his attorneys argued. Hernando de Soto, who was governor of Cuba at the time but had also received rights over the lands that had once been promised to Pánfilo de Narváez and Lucas Vázquez de Ayllon before him, made the claim that the limits of his governorate in Florida extended all the way to the opposite coast.

In spite of the heated arguments taking place before the Council of the Indies, the Crown did not want the expansion to come to a halt. On April 15, 1540, royal officials dispatched an order to Mendoza granting him permission to proceed with organization of the entrada, seeing that he

⁹³ Memorandum by Hernán Cortés for the king, Jun 25, 1540, in *Cartas y documentos*, ed. Sánchez-Barba, 408–9.

⁹⁴ Instructions to Juan de Avellaneda, Jorge Cerón, and Juan Galvarro, in CODOIN, 4: 206–12.

⁹⁵ Among the materials presented, we find a description of the journey that Pedro de Guzmán made in the name of Nuño de Guzmán to the island of Nuestra Señora in 1532 and a description of what Diego de Guzmán discovered on the coasts of the Mar del Sur in 1533. Lawsuit: Marquis of the Valley and others against the royal prosecutor, 1540, AGI, Patronato, 21, N.2, R.4.

⁹⁶ Appointments and concessions to Pedro de Alvarado, AGI, Patronato, 28, R.63.

had been the one who sent Fray Marcos.⁹⁷ In the meantime, the Council would look for a solution. This decision was taken in agreement with the royal attorney, Juan de Villalobos, who on May 25, 1540, wrote in his recommendations to the Council that it should ignore the baseless arguments of those claiming any rights over Tierra Nueva. According to Villalobos, Viceroy Mendoza had discovered these lands for the Spanish Crown, and there was no one who merited them either because of an older *capitulación* or having been the first to describe them. Therefore, he suggested that the Crown simply keep this territory for itself, which meant that Mendoza would oversee its conquest.⁹⁸

On June 25, 1540, Cortés responded to these developments in a memorandum addressed to Charles, who had left Spain to suppress the Revolt of Ghent in the autumn of the previous year. He accused Mendoza of preventing him from conquering the lands that fell within the demarcation established by the *capitulación* he had signed with the Crown in October 1529. To prove that he deserved to be in charge of this enterprise, he pointed out that he had done everything in his power to comply with the terms of the contract, spending 200,000 ducats to organize four expeditions. His efforts had brought him to Santa Cruz, where he had learned from the Natives about the areas that Fray Marcos had reported on. According to Cortés, the friar had only become aware of them because Cortés had already told him what he knew, blaming the friar for “feigning and recounting something he did not see or know.”⁹⁹ Thus, even though Cortés himself had been busy provisioning his colony and could not himself explore these territories, it was his information that had led to their discovery. Cortés also shared his worries about the inexperienced Vázquez de Coronado being unable to subdue regions of such great quality and quantity, where the people are “bellicose, and of more understanding and knowledge than any other [nation] that has been discovered in the Indies until today.”¹⁰⁰ Additionally, he believed it to be a great risk to have the viceroy involved in the conquest. Failure on his part could create an impression among the Natives of the already conquered territories that he was weak, giving them reason to rebel.¹⁰¹ Finally, he contended that the king did not have the right to grant the

⁹⁷ Pérez Bustamante, *Don Antonio de Mendoza*, 58. ⁹⁸ CDI, 15: 376–79.

⁹⁹ Memorial Hernán Cortés, Jun 25, 1540, AGI, Patronato, 21, N.2, R.4, second block, ff. 3–5r.

¹⁰⁰ *Ibid.*, f. 3v. ¹⁰¹ *Ibid.*, f. 4r.

title and provision to Mendoza, as it violated the terms of an earlier agreement. He therefore urged Charles to look at the papers he had prepared and to ask his “cosmographers and experts in the art of navigation and cosmography” for their opinions.¹⁰²

Cortés’s plea was repeated more than once by his lawyers before the Council. But it appears that at least some of the royal officials had already made up their minds. On July 10, 1540, the king’s secretaries prepared two royal decrees that were meant to end the conflict. The first was addressed to Viceroy Mendoza, directing him to stop preventing Cortés from sending his ships to explore the islands in the South Sea.¹⁰³ The second decree was also addressed to the viceroy but, this time, to the other persons involved in the lawsuit as well. It first summarized the entire conflict, naming all the stakeholders and their claims. Then it repeated the instructions that Cortés had a right to the islands in the South Sea and to the coasts of Tierra Firme that had been unknown at the time of signing the *capitulación* of 1529 and that lay outside the demarcations reserved for Guzmán and Narváez. Alvarado had received the right to explore west in the Pacific and the bend of New Spain in the direction of Asia, while De Soto had inherited the claims over La Florida that had once belonged to Narváez as well as the land that had been discovered by Ayllon. Still, as it was Mendoza who had sent Fray Marcos to explore lands north of New Galicia, the councilors concurred with the fiscal that this land fell outside any of their *capitulaciones* and, therefore, belonged to the viceroy.

The royal decrees demonstrate that little doubt existed within the Council about distribution of the privilege of conquest. They possibly considered exploration of Tierra Nueva to be part of the search for the still unknown parts of Asia and, therefore, they may have wanted to ensure the Crown’s control over the endeavor. Mendoza being a scion of the powerful Mendoza clan could also have played a role, allowing him to enjoy more political support at the court. For Cortés, it would have been disastrous if he would have been deprived here of a role in what he described to his lawyers as the “greatest and most important thing discovered in these parts.”¹⁰⁴ But as the king was not in Spain, he did not sign any of the documents, which left the case wide open.

¹⁰² *Ibid.*, f. 4v.

¹⁰³ Royal decree for Antonio de Mendoza, Jul 10, 1540, AGI, Patronato, 16, N.2, R.49.

¹⁰⁴ CODOIN, 4: 207.

THE MAPS OF THE DISCOVERERS

While litigants wrestled in the courts of Mexico and Madrid, maps acquired an increasingly important role. On both sides of the Atlantic, navigators and cosmographers drew charts that were used as evidence supporting Cortés's and Mendoza's opposing claims of being the discoverer of Tierra Nueva. Maps were also destroyed and manipulated to control the narratives each of the parties tried to convey. In Mexico, supporters of the viceroy engaged in such manipulation after Francisco de Ulloa's expedition returned in May 1540. Some of the expedition's participants carried the captain's account of the journey. This report described how his ships had sailed north along the Pacific coast to the estuary of the Colorado River at 34 degrees north, from which they turned south again to round Cape San Lucas and continued their journey west of Baja California, at least as far as the Cedros Islands and Cabo de Engaño.¹⁰⁵ In addition to this description of the itinerary and people they had encountered, Ulloa's men also brought a map and seven acts of possession produced by the fleet's notary, Pedro de Palencia. Upon receiving these papers, Cortés's *mayordomo* (steward) in Mexico, Francisco Sánchez de Toledo, immediately asked the *alcalde ordinario* (first-instance judge) and a public scribe of the city of Mexico to make copies of them, because he feared that they could be "torn apart or get wet or burned" when sending them to Cortés.¹⁰⁶

As the certified copies of these documents were being prepared, Benavente, the fiscal of the audiencia, also got wind of the return of Ulloa's men. On July 28, 1540, he wrote the king that he had not been able to get the men to serve as witnesses in the trial, and he requested the king to order Juan de Castellón, one of Ulloa's navigators, to draw a map that could be introduced as evidence.¹⁰⁷ Benavente's request seems odd, considering that Ulloa had already sent a map drawn by the other navigator of the flotilla, Pedro de Bermes. Yet efforts seem to have been made to keep this map from appearing during the trial. Not only was the

¹⁰⁵ Contemporaries located this cape in different places. Domingo de Castillo places it only a short distance north of Cedros Island, at 27.5 degrees North, while Francisco López de Gómara notes that the cape was located at the same altitude as the Ancón de San Andrés, closer to 32 degrees North, that is. Francisco López de Gómara, *La conquista de México*, ed. José Luis de Rojas (Las Rozas: Dastin, 2003), 421.

¹⁰⁶ Henry Raup Wagner, *Spanish Voyages to the Northwest Coast of America in the Sixteenth Century* (San Francisco: California Historical Society, 1929), 15.

¹⁰⁷ RAH, 9-5825, f. 70r.

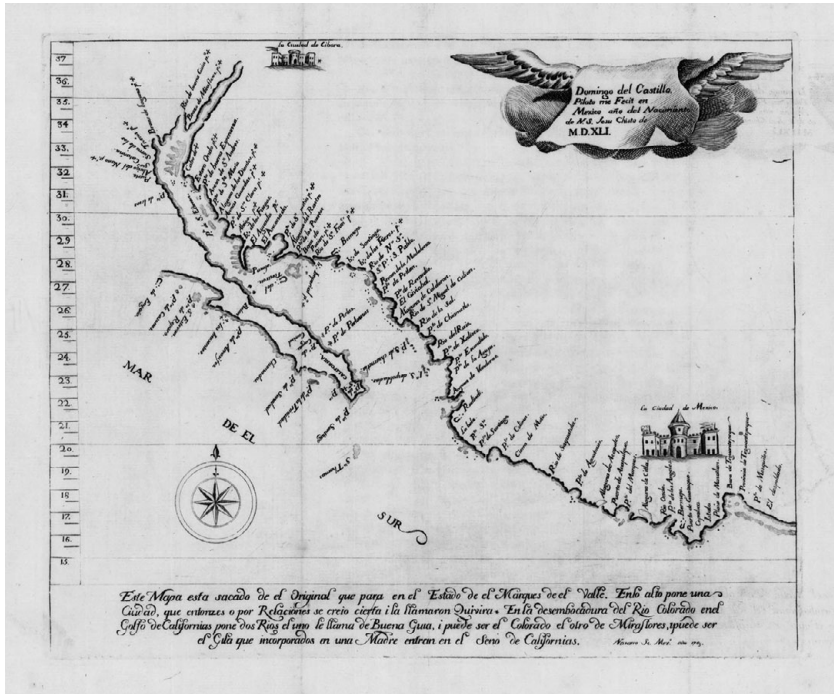


FIGURE 1.3 Domingo del Castillo, Map of the Pacific Coast (1541). From a copy in *Historia de la Nueva España* by Fernando Antonio Lorenzana (1770). The Rare Books Division of the Library of Congress

part of Ulloa's report in which he spoke about the map mutilated but, by asking Castellón to draw a new map, Benavente had also picked a person who held a strong grudge against Cortés and disagreed with Bermes on the latitudes they had sailed.¹⁰⁸ Eventually, not Castellón but rather, Domingo de Castillo, drew a map that the fiscal used to make his case against Cortés (Figure 1.3).

Domingo de Castillo had been a navigator on the ship that Hernando de Alarcón captained at Viceroy Mendoza's behest along the east coast of the Gulf of California at the end of 1540. The map he drew combined data gathered during the voyages of both Ulloa and Alarcón. The latter explained the objective of this map and accompanying acts of possession in his account of the journey. According to Mendoza's captain, Ulloa had exaggerated by two degrees when claiming that he had reached 34 degrees

¹⁰⁸ Henry Raup Wagner, "Francisco de Ulloa Returned," *California Historical Society Quarterly* 19, no. 3 (1940): 240–44.

north while sailing upward on the Colorado River and emphasized that “we have travelled farther than they did by more than four degrees.”¹⁰⁹ With the help of the measure of parallel degrees on the left side of the map, Domingo del Castillo and Alarcón reinforced their claim that they had reached 36 degrees when sailing up a branch of the Colorado river they called Brazo de Miraflores, apparently bringing him very close to the sought-after Cíbola.¹¹⁰ When Benavente presented this material to the audiencia, Cortés’s lawyer Álvaro Ruiz tried to downplay its significance, noting that “as the lands and the river that the said Alarcón entered are all one and the same thing, being all so close to each other, it suffices for the said Marquis to have taken possession of and conquer them as he did.”¹¹¹ The conflict about the status of discoverer had thus become one about degrees.

Around the same time that these developments were taking place in the viceroyalty, in Spain, Cortés’s lawyer Íñigo López de Mondragón was arguing that the Crown should consult its “cosmographers, pilots, and experts.”¹¹² The Council seems to have done so but only in response to an unexpected turn in the dispute. On February 5, 1541, Charles wrote from the German town of Speyer that he had been informed of Mendoza having confiscated all the “reports and charts” of one of Cortés’s captains.¹¹³ He considered this a great disservice, as it had brought the process of discovery and conquest to an undesired halt. He ordered that Mendoza should no longer prevent Cortés from further exploration; meanwhile, a decision about whose conquest it was had to be taken within fifteen to twenty days, without losing valuable time via a regular lawsuit. Around this time, Charles also wrote Cortés, ordering him to nominate the navigators and cosmographers who should determine

¹⁰⁹ Alarcón’s report is preserved only in an Italian translation by Giovanni Battista Ramusio. A transcript and English translation can be found in Richard Flint and Shirley Cushing Flint, eds., *Documents of the Coronado Expedition, 1539–1542* (Dallas: Southern Methodist University Press, 2005), 182–222.

¹¹⁰ The name Quivira that appears on the map is incorrect, since that name only became known after the return of Coronado to Mexico. This alteration was probably made when the map was copied in 1769. W. Michael Mathes, “Spanish Maritime Charting of the Gulf of Mexico and the California Coast,” in *Mapping and Empire: Soldier-Engineers on the Southwestern Frontier*, eds. Dennis Reinhartz and Gerald D. Saxon (Austin: University of Texas Press, 2005), 23.

¹¹¹ RAH, 9-5825, f. 363.

¹¹² Response from Íñigo López de Mondragón to petition of Juan de Barrutia, Aug 8, 1540, in CODOIN, 15: 389.

¹¹³ CDI, 15: 398–99.

whether the province of Cíbola fell within the territories granted to him by the 1529 *capitulación*. Cortés responded to these royal orders by saying that there were many excellent pilots and cosmographers in Seville who could help with this, including “Pero Mexía and Francisco Facelo and Sebastian Cabot.”¹¹⁴ The Council, in turn, appears to have turned to another expert, Alonso de Santa Cruz, who had been a cosmographer of the House of Trade since 1533 and in whom the emperor had long confided.

Two maps both coming from his hand reveal that Santa Cruz was of the same opinion as the Council when it came to Mendoza’s claims of being the discover of Tierra Nueva. One of these maps appeared in his *Islario general de todas las islas del mundo* (General Atlas of All the Islands of the World, 1541). On a map depicting North and Middle America, California appears as an island and the Gulf of California as a circular bay. Santa Cruz added a description specifying that the island had been discovered by Cortés, whereas the inhabited land to the north had been discovered under the orders of Viceroy Mendoza (Figure 1.4). Almost the same image appears on the map that we examined in the introduction to this chapter, bearing the title *Nova verior et integra totius orbis descriptio* (A New, More True and Complete Description of the Whole World, 1542: Figure 1.5). The true novelty of this later map was the way in which it presented both hemispheres separately, to achieve a less distorted image of distances and proportions (Figure 1.1). Santa Cruz had already produced an earlier version of such a map in 1540, which probably served as the model for the 1542 drawing.¹¹⁵ Although by 1542 the data that had been gathered by Ulloa and Alarcón had arrived on the Peninsula, Santa Cruz did not use any of it. It is, of course, possible that he had not seen this new information or was simply not interested in redrawing his own maps. Yet, more likely is that his omission had something to do with the reasons for which the 1542 map seems to have been drawn.

Santa Cruz’s 1542 double hemispheric map stands in direct relation to earlier maps that had alluded to the distribution of *capitulaciones*, including the world maps drawn by Diego Ribeiro in 1529 and Alonso de Chavez in 1533. Both maps had been produced during a period when

¹¹⁴ AGI, Patronato, 21, N.2, R.4.

¹¹⁵ E. W. Dahlgren, *Map of the World by Alonso de Santa Cruz, 1542* (Stockholm: P. A. Norstedt & Söner, 1892), 13.

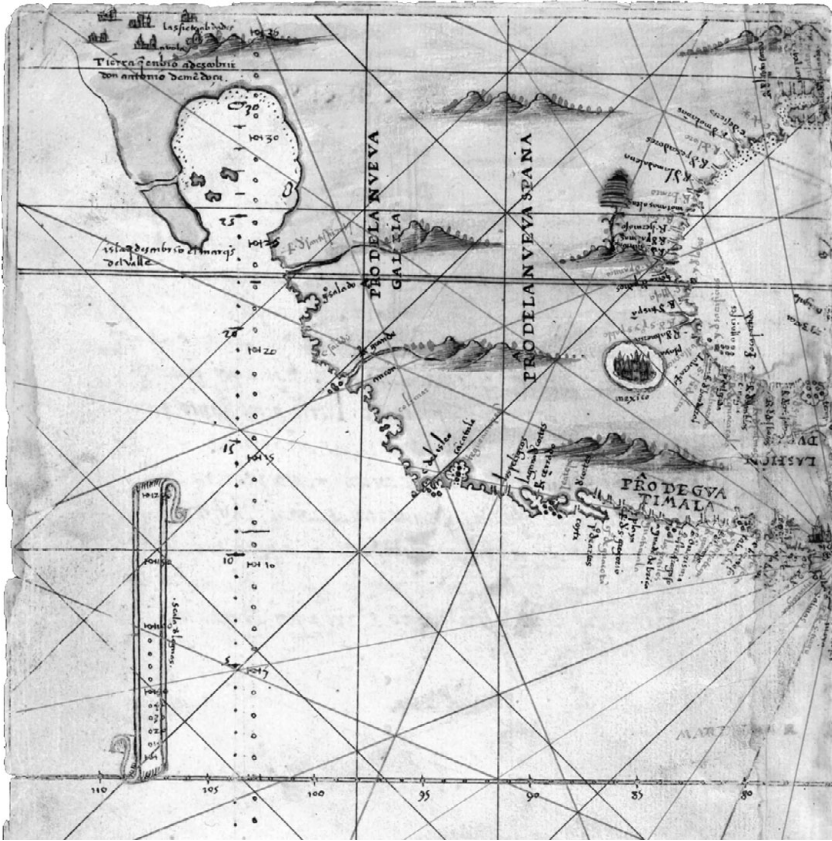


FIGURE 1.4 Detail of map of North America in Alonso de Santa Cruz's *Islario general* (1541). Folio 19v. Image taken from the holdings of the Biblioteca Nacional de España, Madrid

the Crown was trying to concretely pin down which North American territories it had granted, showing what land had been given to whom. Santa Cruz's map does the same by delimiting the various provinces and specifying who had discovered certain regions. On the East Coast, for example, appear glosses indicating "Land of Esteban Gómez," "Land of Lic. Ayllon," and "Pánfilo de Narváez, named La Florida." The map also separates New Spain from New Galicia, indicating what so-called island Cortés had discovered and what part of the mainland Mendoza had sent Fray Marcos to. In so doing, Santa Cruz's map provided a new instrument in the dispute over the claims to Tierra Firme. With its grid made up of crossing parallels and meridians, the map made it even easier to set



FIGURE 1.5 Detail of *Nova verior et integra totius descriptio* depicting the Gulf of California and the lands discovered by Antonio de Mendoza and Hernán Cortés. National Library of Sweden, Sweden

limits between the grants, helping to justify the position of the royal fiscal and others at the court that Mendoza deserved to lead further discovery and conquest of this territory and, perhaps, serving to convince Charles to revise his position on the matter.

The map was not, however, very successful in achieving this goal. After Charles's return to Spain at the end of 1541, forces challenging the position of Viceroy Mendoza were gaining momentum. As awareness grew that everything Fray Marcos had recounted was a lie and, consequently, it became clear that Vázquez de Coronado had departed on an expedition that was fated to be doomed, Charles increasingly came to believe that this case had not been handled well. Proof was piling up confirming Cortés's repeated accusations of Mendoza abusing his power and neglecting his administrative tasks. Particularly damning was the news that the viceroy's explorative activities had led to an uprising in Nueva Galicia – the Mixton rebellion of 1540–42 – which had put the entire colony at risk. To prevent such a situation from reoccurring, the Crown decided to include a series of rules in the *Leyes Nuevas* (New Laws) promulgated in November 1542. Drawing on or at least in agreement with Cortés's proposal of 1529, these laws formulated a revised set

of procedures regarding how new territories were to be discovered and how Spanish discoverers should inform the Crown that they possessed the required qualities to receive the privilege of conquering a particular area. These laws also made clear that the Crown's appointed governors, including the viceroy, were no longer allowed to receive this right.¹¹⁶ As if this were not enough, things got even better for Cortés the following year, when the councilors concurred that the viceroy's actions warranted a closer investigation and decided to subject him to a painful *residencia*.¹¹⁷ Upon his return to Spain, Charles also recognized Cortés as the "first discoverer of New Spain," which was a tremendous victory for the marquis in his enduring battle against the descendants of Velázquez.¹¹⁸

Vindication for Cortés also came in the form of a map that Sebastian Cabot published in Nuremberg in 1544. Like Cortés, Cabot had long played a somewhat unfortunate role in the discovery of a route to Asia. His father, John, had discovered Newfoundland for the English King Henry VII, and Sebastian had followed in his father's steps as he continued to search for a northwest passage.¹¹⁹ In the service of the Spanish Crown, he had led his own expedition in 1526, with the Moluccas as its original objective; but Cabot ended up exploring the Rio de la Plata in search of silver and gold, instead. After having been financially punished for his incompetence in this near-disastrous expedition – which included a suppressed mutiny – he managed to acquire a position as a cosmographer at the House of Trade in Seville. Although Cabot's influence at the House was considerable, his years in Seville were marked by financial lawsuits and conflicts with the other cosmographers, some of whom blamed him for being a terrible sailor and navigator. Like Cortés, Cabot was also an opportunist and excellent self-promoter. With this goal, he produced and had printed on his own account a new kind of map with his 1544 planisphere (Figure 1.6). Several scholars have pointed out that Cabot neglected to include the latest geographical information available to the House of Trade. In fact, Harry Kelsey has argued that, due to his

¹¹⁶ Icazbalceta, *Colección de documentos para la historia de México*, 2: 217.

¹¹⁷ "Memorial of Hernán Cortés for Charles, presenting his services. Undated," in CODOIN, 4: 219–31, esp. 229. See also Accusation of Hernán Cortés against Antonio de Mendoza, 1543, AGI, Patronato, 16, N.2, R.52.

¹¹⁸ *Recopilación de Leyes de los Reinos de las Indias*, Vol. 3, Tit. 6, Law 1, 104.

¹¹⁹ Heather Dalton, *Merchants and Explorers: Roger Barlow, Sebastian Cabot, and Networks of Atlantic Exchange, 1500–1560* (Oxford: Oxford University Press, 2016), esp. chapters 5 and 6; Alison Sandman and Eric H. Ash, "Trading Expertise: Sebastian Cabot between Spain and England," *Renaissance Quarterly* 57, no. 3 (2004): 816–27.

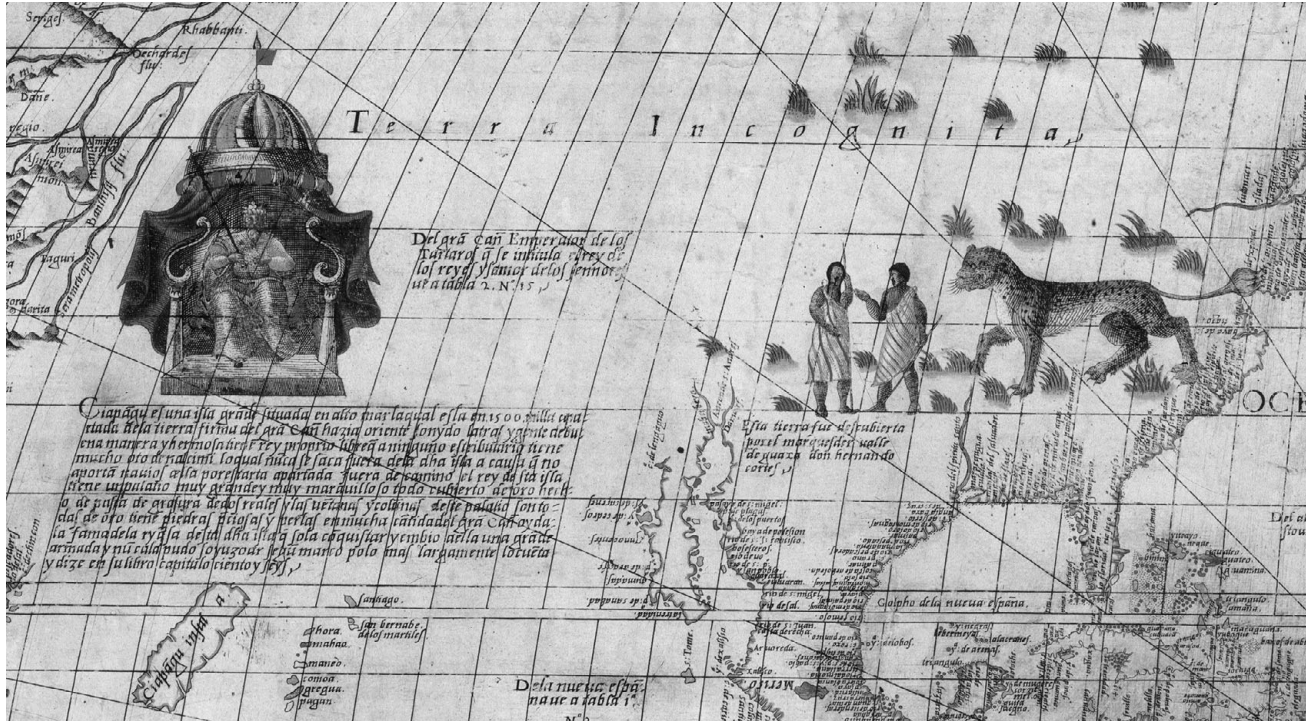


FIGURE 1.6 Detail of world map by Sebastian Cabot, Nuremberg (1544). Bibliothèque nationale de France, Paris

many problems and conflicts, Cabot may have been cut off from the flow of new information.¹²⁰ What he did have at his disposal when he drew this chart, however, was a map of Ulloa's expedition.

Cabot depicted an open-ended Pacific Northwest. But, in comparison to Santa Cruz, he drew a much more accurate picture of the Gulf of California and the California Peninsula, by and large articulating its topography in correspondence with Ulloa's. More importantly, the map made an unequivocal statement about who had discovered Tierra Nueva. Under the two stereotyped Indians representing the halfway-developed cultures inhabiting Tierra Nueva was written "[t]his land was discovered by the Marquis of the Valley of Oaxaca don Fernando Cortes." What makes this map so interesting is not just this attribution, which was diametrically opposed to the Council's position but also the fact that it identifies the discoverers of the different parts of the Spanish Indies. By positioning himself and his father, John, as the discoverers of Newfoundland, listed among discoverers such as Columbus, Pizarro, Magellan, and Cortes, Cabot clearly had the intention of heightening his own prestige. Why he would name Cortes so explicitly as the discoverer of *Terra Incognita* is not clear, however. One possibility is that he drew a logical conclusion based on the New Laws' prohibition of governors being recognized as discoverers. Another possibility is that Cortes may have struck a deal with Cabot to offer him access to the material he had or even a financial contribution in return for an attribution of this kind. Whatever the case, Cabot's printed map, which circulated more widely than any of the Spanish maps, performed a valuable service for Cortes, unambiguously naming him as the discoverer of *Terra Incognita*, a region that on Cabot's map seems to lead directly to the lands of the Great Khan.

By the time Cabot published his map, the question of whether Cortes had discovered Tierra Nueva was quickly losing its relevance. The failure to discover people in the North who were equally or even more technologically or socially "developed" than the Natives of Mexico left many demotivated and disinterested in what would happen next. The bitter dispute between Cortes and Mendoza about who deserved the status of discoverer was won by the former. In spite of the viceroy's efforts to control the flow of information, or maybe precisely because of it, Cortes gained his sought-after recognition from the Crown and, eventually, the wider public. As this chapter has revealed, in the decades-long process of

¹²⁰ Harry Kelsey, "The Planispheres of Sebastian Cabot and Sancho Gutierrez," *Terrae Incognitae* 19 (1987): 58.

achieving this goal, Cortés fashioned himself again and again as the “discoverer” who first saw and described New Spain and Tierra Firme. Such claims never went uncontested, however, and the disputes fought between those claiming the sole right to enter newly discovered territory reverberated widely across both sides of the Atlantic. Not only did these conflicts have profound impacts on the production of geographical and cartographical knowledge of the Pacific Northwest, in particular, and the world in general; they also had legal implications affecting people and knowledge production throughout the Spanish empire. Cabot’s planisphere reflects such an impact, illustrating how the honorary status given by the New Laws to the discoverers of the Indies prompted him to fashion himself as one of them, underscoring his own claims to favor from the Crown. Chapter 2 delves deeper into such impacts generated by the New Laws, further exploring their effects on territorial expansion, the distributive process in New Spain, and the relationship between the two.