

[Cross]

Criminal cause against Ant. Tellos
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In the villa of San Fernando in the jurisdiction of Texas and New Philippines, on the twenty-first day of the month of August of this year of one thousand seven hundred forty-four, I, Don Alberto López aguado y Villa Fuerte, ordinary alcalde of this said villa, in view of my having been informed that in the home of Jerónimo Flores, a resident of the said villa who has not established citizenship, there was a man who was badly wounded, went to the said house. While there, I found that Matías tribiño, also a resident of the said villa who has not established citizenship, was mortally wounded, apparently from a bullet wound. When I asked him who had wounded him, where, and at what time, he told me that a master mason who was working in the mission of San Antonio had wounded him in the woods, at a distance of three fourths of a league from this villa, more or less. In virtue thereof, I, the said alcalde, ordered the pursuit of the said culprit. For that purpose, I asked the help of Captain Don Toribio de Vrrutia, who gave me four soldiers whom I sent with some settlers to the Indian towns in this jurisdiction. I, the said alcalde, in order to prosecute this case, had the present notary called and ordered him to certify to these wounds. At the same time, since there was no professional surgeon or doctor here and since Fray Juan de los Angeles, who is most experienced

in this respect, had not come, I sent for Pedro Veserra because I had heard that he had some [medical] knowledge and ordered him to examine and cure his wounds. At the same time, [I ordered, that subsequent to this original process, the other proceedings necessary according to law be executed. I was notified of the wounded man at nine in the evening, more or less. //In order that this might be recorded, I declared it to be a legal proceeding, which I signed. I, the said notary, certify thereto.

Alberto López Aguado y Billa Fuerte

[Rubric]

Before me:

^{co}
Fran. Joseph de arocha

[Rubric]

Notary Public and [Secretary] of the Municipal Council

[D. S. in E., August 21, 1744, pp. 1-lv,

^{co}
 Fran. Joseph de arocha, notary public and secretary, of
 the municipal council of this villa of San Fernando by order of
 the King, Our Lord (may God guard him), do hereby certify and
 give true testimony that today, namely the twenty-first day of
 the month of August of this year of one thousand seven hundred
 forty-four, at nine in the evening, more or less, while I was
 in my home, Don Alberto López Aguado y Villa_[fuerte], ordinary
 alcalde of the said villa, called me and asked me to go in his
 company to the home of Gerónimo Flores, where there was a
 wounded man, to certify concerning the said wounds. Having
 gone in the company of the said judge and arrived at the house
 of the said Gerónimo, I found that Matías treviño was wounded
 and that Nicolás de caravajal, Martín Sausedo, Joseph de la
 Garsa, soldiers of the royal presidio of S. Antonio, and Geró-
 nimo Flores, Juan de rrosas, residents of this said villa, were
 present. In the presence of the said _[men], I examined the
 wounds and found that his right wrist was pierced through and
 that many nerves were shattered. Apparently, it was a bullet
 wound because I found signs of powder on his shirt and that the
 said bullet entered through the ribs on his right side and came
 out four dedos below //²the navel. Through this opening a piece
 of . . . was protruding and through the _[opening], in the ribs,
 melon seeds were coming out. In view of this I inferred that
 the wound was apparently mortal. He also had several blows on
 the head that appeared to have been struck by the barrel of the

gun. In the presence of the said [men], and of the said alcalde,
I gave the present certification, which I signed on the said
day, month, and year. I certify.

^{co}
Fran. Joseph de arocha

[Rubric,

Notary Public and [Secretary], of the
Municipal Council

[A.D.S. in E., August 21, 1744, pp. lv-2,

Immediately thereafter, the said alcalde and judge of this case, for the judicial inquiry into the facts of the case and in order to ascertain who was the culprit, administered the oath to the said wounded Matías Trribiño, in due form according to law, under penalty of which he promised to tell the truth in so far as he knew and might be questioned. When asked who had wounded him, with what weapons, where, at what time, and for what motive, the said wounded man, said that, inasmuch as he was about to give an accounting to Our Lord God, and under the oath he had taken, he had been wounded by the mason of the mission of San Antonio, Antonio Tello, who fired a shot at him as the deponent was coming with him bringing from the corral of the said mission, a dead yearling which the said Tello had given him in payment of, a debt he owed him. Without any motive or explanation whatever Matías said to him, "Pull up that calf, it is slipping," and ^{2v}//that immediately, while he was bending over to pull up the calf, he brought the barrel of the gun close to his ribs and fired a shot, which, as could be seen, pierced through his arm and abdomen. He then began hitting him on the head with the barrel of the gun, saying to him, "Now you'll see, cuckold." When asked whether at any time, prior to that day, there had been any rivalry, quarrel, or words between them, the deponent said that the only explanation he knew was that on the nineteenth day of this present month, the deponent, while the said Tello was at his house, scolded his wife because he had

several times been made to suspect, and had some evidence, that he was responsible for his wife's being unfaithful to him. He also, told the said Tello that he would appreciate his not coming to his house. The said Tello did not say a word; but his said wife said this to him, "Very well! but I promise you that I shall soon be freed from these bothers, and upon my soul! I'll have you killed". Today, as he had said, while collecting the yearling which the said Tello owed the deponent, he, the former, told him, "Mount your horse, Sir, and we will go to the corral of the mission of San Antonio; for Father Mariano has a cow or yearling there for me, which he has given me for my work." The deponent then went with him without any suspicion whatever. He had even been astounded because there had been no trouble or quarrel, or any other motive for his having led him on in this perfidiously treacherous manner by order of the deponent's wife. When asked whether anyone had been present at the time he was wounded or of the other incidents, the deponent replied that no one was present on any of the occasions; that today when he was wounded about seven in the evening, they were alone and at a distance from here beyond Tejas Pass, as it is call³//ed; but that it was well known and rumored that the said Tello had illicit relations with the deponent's wife. However, as a Christian, he forgave them both for their offense and for having killed him in order that Our Lord God may forgive their sins. He said, that that

was how it happened and that it was the truth under penalty of the oath he had taken and which he affirmed and ratified; and that he was forty-eight years old, more or less. He did not sign because he said he did not know how. The said alcalde signed this before me, the present notary public and _{secretary}, of the municipal council. I certify.

Alberto López Aguado y Billa Fuerte

_{Rubric,}

Before me:

^{co}
Fran. Joseph de arocha

_{Rubric,}

Notary Public and _{Secretary,} of the Municipal Council

_{D.S. in E., August 21, 1744, pp. 2-3,}

Immediately thereafter, in view of his having ordered Pedro Peres, a resident of this said villa, because there was no professional surgeon, to cure the wounds of Matías Tribiño, after they had been cured, the said alcalde, while I, the undersigned notary was present, administered the oath to the said Pedro peres who took it in the name of Our Lord God and the sign of the Holy Cross, according to law, under penalty of which he promised to tell the truth in so far as he knew and might be questioned. When asked if he knew whether the wounds of Matías Tribiño were fatal and how they were inflicted, the deponent said that from the experience he had had and from his knowledge of wounds, he knew and was certain that the wounds were fatal and that the wounded man, might die before dawn because, internally, his intestines were mutilated; that the wound in ^{3v}//the arm and the two in the ribs and abdomen were all inflicted by one shot, which apparently was fired at contact range because traces of powder could be seen and the powder even entered the wound; that he also knew that his condition, was incurable and that, as he had said, he could not live. He said, that that was what he knew, under penalty of the oath he had taken and which he affirmed and ratified; and that he was thirty-seven years old, more or less. He signed this with the said judge before me, the present notary. I certify.

Alberto López Aguado y Billa Fuerte

Pedro Peres

¡Rubric,

¡Rubric,

Before me:

Fr^{co}. Joseph de arocha

„Rubric„

Notary Public and „Secretary„ of the Municipal Council

„D.S. in E., August 21, 1744, pp. 3-3v„

In this said villa, on the twenty-second day of the month of August of this year of one thousand seven hundred forty-four, the said judge of this case, in view of the fact that Matías Triviño died today at about four in the morning and that the defendant, Antonio Tello, took refuge in the mission of San Antonio de Vexar, His Honor, the said judge, ordered that letters requisitorial be sent to Captain Don htoribio de Vrrutia in order that, as he has jurisdiction over the said town, he may order that the said defendant be brought to be punished in due proportion to his crime. Thus did the said judge decree, order, and sign this. I, the said notary, certify thereto.

Alberto López Aguado y Billa Fuerte

¡Rubric,

Before me:

Fr^{co}. Joseph de arocha

¡Rubric,

Notary Public and ¡Secretary, of the Municipal Council

¡D.S. in E., August 21, 1744, p. 3v,

Immediately thereafter, the said judge said that in view of the fact that Captain Don Toribio de Vrrutia had returned the letters requisitorial with the statement appended thereto; //⁴that he had aided him only with a few soldiers and their corporal, the said gentleman went to the said town and found him _{the defendant,} in the church of the same. He stationed guards around the cemetary with the order that, if he came out of the church, they should arrest him and take him to the prison of this presidio, because the villa _{prison,} is not completed. Thus did the said judge of this cause decree, order, and sign this; also that the other proceedings necessary according to law be executed. I certify.

Alberto López Aguado y Billa Fuerte

_{Rubric,}

Before me:

^{co}
Fran. Joseph de arocha

_{Rubric,}

Notary Public and _{Secretary,} of the Municipal Council

_{D.S. in E., August 21, 1744, pp. 3v-4,}

In the said villa, on the said day, month, and year, the said judge of this cause, in view of the fact that he was holding the investigation proceedings for the same, with the expressed permission of Captain Don Toribio de Vrrutia, summoned before him Joseph de la Garsa, a soldier of the company which the said Captain Don Toribio commands, because he was among those whom the said judge found in the house of the deceased Matías triviño. While the said soldier, Joseph de la Garza was present, the said judge administered to him the oath, which he took in the name of Our Lord God and the sign of the Holy Cross, according to law, under penalty of which he promised to tell the truth in so far as he knew and might be questioned. When asked whether he knew Matías triviño and whether he knew who killed him, he replied that he did know him; that before the said judge came to the house of Jerónimo, the deponent was there, and, since he was a close friend of the deceased, he asked him, "Man, who wounded you like this?" and ^{4v} //he said to him, "That mason of the mission, Antonio Tello, took me to give me a yearling. As he knew that I was not armed, far from here, about seven in the evening, as we were returning together with the yearling he had given me, without speaking or giving me any explanation whatever, he put the screws on me and then said to me, 'Now you will see, deg.'" When asked if he knew whether they had had words; whether he, the defendant, had licit or illicit relations in the house of the said deceased; and if on the day he was killed he had been with the deponent, at what

time, where, and what did he say to him, the deponent replied that he knew because the said deceased had told him so, that on the nineteenth day of the present month, he had had an argument with his wife about the intimacies of Antonio Tello in his home; and that his wife had threatened that she would have to order the said Tello to kill him. To this, the deponent, who was in Texas pass with the horse herd, retorted, "I say, man, where are you going now?" The said Matías replied, "I am going to look for a yearling that Tello, who is waiting for me up there in those woods, is to give me." The deponent said to him, "Man, don't be so trusting; remember what your wife said to you, and that it is rumored that he has illicit relations with her. That man may kill you." The said Matías then replied to the deponent, "No, man, he won't do that to me. Why should he kill me, when he himself told me to come for the yearling?" He said, that he left that place at five thirty in the afternoon, more or less, and that the deponent went to the presidio with his horses; that by nine o'clock in the evening, he found him at the house of Jerónimo Flores mortally wounded; and that he told him that Tello had wounded him, as he had deposed above. The deponent said that he knew, ⁵//because he had heard it generally rumored, that his wife was always threatening that she would have him killed; and that it was said that the said Tello was having illicit realtions with the wife of the said Matías tribiño. When asked if he knew who had made the log house in which tri-

viño's wife was living, the deponent said that he knew and was certain that before Matías Triviño had come from the kingdom of León, the said Tello had built the house for the said rrosa guera sic, without charging her any money for it; and that he knew that the said Tello was always at the house. When asked if he knew whether the said Tello had taken refuge in the mission of San Antonio and when he took refuge, the deponent said that he knew and was certain that the night when the said Tello wounded the said Matías, the said Tello took refuge. When asked whether he knew anything else or had more to say, he replied that what he had said was what he knew and had to say, under penalty of the oath he had taken, which he affirmed and ratified. He said, he was forty years old, more or less, and that the general provisions did not apply to him with reference to either of the two. He did not sign because he said he did not know how. The said judge signed this before me, the present notary. I certify.

Alberto López Aguado y Billa Fuerte

[Rubric]

Before me:

^{co}
Fran. Joseph de arecha

[Rubric]

Notary Public and [Secretary] of the Municipal Council

[D.S. in E., August 21, 1744, pp. 4-5]

Immediately thereafter, having been notified that Marcos rrodrigues, a soldier of the company that Captain Don htoribio de Vrrutia commands, had talked in the mission of San Antonio with the defendant, Antonio Tello, who had taken refuge, and that they had talked at length in the church, the said judge, with the expressed consent which he had asked of Captain Don toribio, summoned the said Mar/^{5v}cos rrodrigues before him.

When he had appeared, he administered to him the oath, which he took in the name of Our Lord God and the sign of the Holy Cross, according to law, under penalty of which he promised to tell the truth in so far as he knew and might be questioned.

When asked whether he knew Matías Triviño and whether he knew who killed him, he replied that he did know him and that he knew that Antonio Tello had killed him because the deponent had spoken with the said Tello where he had taken refuge and that the aforesaid Tello had told him that he had killed him yesterday about seven or eight in the evening in the woods.

When asked whether he knew or had heard the said Tello say that he had had a quarrel or rivalry with the said deceased Matías, the deponent replied that what the said Tello had told him was that they had had words about a bay horse but that that was not the reason he had killed him, but that while they were both in the woods, he thought he was an Indian and shot him. When asked if he knew whether the defendant, Tello, had licit or illicit relations with the wife of the said deceased, or whether

he had heard that this woman had threatened her said husband that she would have to have him killed, the deponent replied that by public report he had heard that this said Tello had illicit relations with the said rrosa guerra, the wife of the said Matías; and that he had heard the late Matías say that Tello had wounded him by order of the wounded man's wife; and that he also knew, because the said Tello had given a message to the deponent for the said rroza guerra to send him his clothes so he could change because he was filthy; that for this reason, he deduced that the said Tello was living in her house, also because the said Tello had made a house for the said rrosa guerra without any charge. He said, that this was what he knew and had to say, under //penalty of the oath he had taken, which he affirmed and ratified; that he was thirty years old, more or less, and that the general provisions did not apply to him. He did not sign because he said he did not know how. The said judge signed this before me, the present notary public and secretary, of the municipal council. I certify.

Alberto López Aguado y Billa Fuerte

Secretary

Before me:

Co
Fran. Joseph de arocha

Secretary

Notary Public and Secretary, of the Municipal Council

D.S. in E., August 21, 1744, pp. 5-6;

Immediately thereafter, the said alcalde, for the prosecution of this cause, which he was holding against the defendant, Antonio Tello, summoned before him Gerónimo Flores, a resident of this said villa and owner of the house to which the late Matías Tribiño went. When the said Gerónimo Flores appeared, the said alcalde administered to him the oath, which he took in the name of Our Lord God and the sign of the Holy Cross, according to law, under penalty of which he promised to tell the truth in so far as he knew and might be questioned. When asked whether he knew Matías Tribiño, who killed him, where he was killed, and who brought him to his house after he was wounded, the deponent replied that he knew Matías Tribiño; that yesterday at nine or ten in the evening, more or less, the said Matías, may he rest in peace, came to his house on horseback, shouting these words, "Brother Gerónimo, confession, I have been killed; bring me a confessor." Approaching his horse, he dismounted him and took him in his house. When asked who had wounded him thus, he replied, "That rascal Antonio Tello, who, because my infamous wife had ordered him to kill me, took me to the woods under the pretext //that he was going to deliver to me a calf." When asked if he knew whether they had quarreled or had words, the deponent replied that he had not heard of it. He said, that during the time that the late Matías was in the kingdom of León, the wife of the said deceased lived in his house for a short time, and that the said Tello was also living

[there]. That when the deponent realized that the said Tello had ulterior motives for staying there, he let him stay for a short time, until the deponent's wife told him, "It isn't advisable to let this woman and this man live here because I have seen their objectionable behavior." The deponent then said to his wife, "Well, have them leave the house." [He said] that after they left his house, he saw that the said Tello was making a house in which the two lived until the husband, Matías triviño, came from the kingdom of León and that then the said Tello did not go to the house so frequently; that he had heard it said by public report that the aforesaid Tello had illicit relations with the wife of the said deceased; and that it was still rumored that she had ordered him killed, for even her own husband had so deposed. [He said] that this was what he knew and had to say, under penalty of the oath he had taken and which he affirmed and ratified; that he was fifty years old, more or less; and that the general provisions did not apply to him with reference to either of the two. He did not sign because ^{he said} he did not know how. The said judge signed this before me, the present notary. I certify.

Alberto López Aguado y Billa Fuerte

[Rubric]

Before me:

^{co}
Fran. Joseph de arocha

[Rubric]

Notary Public and [Secretary] of the Municipal Council

[D.S. in E., August 21, 1744, pp. 6-6v]

Immediately thereafter, the said judge went to the church of the mission of San Antonio, where the defendant, Antonio Tello, had taken refuge, to take his confession. Thus did he decree and sign this.

Alberto López

¡Rubric¡

co
Fran. Joseph de arocha

¡Rubric¡

¡D.S. in E., August 21, 1744, p. 6v¡

//⁷ Cross,

In the mission of San Antonio de Valero, on the twenty-second day of the month of August of this year of one thousand seven hundred forty-four, Don Alberto López aguado y Villa fuerte, ordinary alcalde of the villa of San Fernando, in view of the fact that the man who killed Matías triviño had taken refuge in the church of the said town, obtained permission from the prelate of the mission to ascertain the facts and to obtain his confession. While the said alcalde was in the said church, he administered the oath to the said defendant, who took it in the name of our Lord God and the sign of the Holy Cross, according to law, under penalty of which he promised to tell the truth in so far as he knew and might be questioned. When asked what was his name, where he was from, and what was his status, he said that his name was Antonio Tello, that he was from the city of Sacatecas, and that he was a Spaniard. When asked what was his trade, the deponent said that he was a mason by profession. When asked where he was working, he said that in this town of San antonio de Valero. When asked whether he knew Matías Tribiño and whether he knew who killed him, the deponent said that he knew matía Tribiño but that he did not know who killed him. When asked what was his motive for saying that he did not know who killed him when it was recorded in the proceedings that he had killed him last night and had taken refuge in this church, where he now was, the deponent replied that last night he went

out of this mission late and while he was crossing the Texas Pass, he saw a form and shot it thinking it was an Apache; that later he learned it was Matías Triviño whom he had killed. When asked again how could he say that he did not recognize him when it appeared from a deposition that the two of them had gone together to kill a yearling from the corral of the mission of San Antonio; that the said deceased was carrying the said yearling and as they were coming together he told him that the ^{7v} //yearling was falling; that when he bent over, he shot and wounded him, the deponent replied that there was nothing of the sort. When asked whether there had been any disagreement, or whether he had quarreled with the said Matías, the deponent replied that he had never quarreled or had a disagreement with the said deceased. When asked a second time how he could say that he had not killed him and that he had not had words with him when it appeared from the deposition of the said deceased that he had asked him to stop coming to his house because he had heard that the deponent had illicit relations with his wife, he replied that he had never asked him to stop coming to his house. When asked again how could he say that he had not asked him to stop coming when the said deceased had deposed that on the nineteenth day of this month the said Matías had quarreled with his wife while, the deponent was, present and that his wife had threatened that she would have him killed, the deponent replied that there was nothing of the sort. When asked why he

had taken refuge in this mission last night after the killing, he replied that he was innocent; that after the news reached the mission, he realized that he had killed him and that was why he took refuge. When asked why he had said he thought he was an Indian, when the night had been so clear with good moonlight and he had been so near him when he attacked him that the powder had burned his shirt, he replied that he came on him under the shadow of some trees and that was why he did not recognize him. When asked again what he was doing at that time so far from the town, the deponent replied that he was on the way to the presidio. When asked how could he say that he was on the way to the presidio when he had gone the distance of a rifle shot from the usual route, and the distance to the said presidio was only three fourths of a league each way, he replied that the former route is more wooded and the latter more dangerous. When asked how could he say that the latter path was more dangerous, since women and even children traveled it on foot and, if necessary, at night also, he replied that no one used this route at night⁸ //because it was so clear and frequented; and that that was why he went so far to look for a route. The said alcalde said that the said confession should stop at this point until the next day. In the said mission, on the twenty-third day of the present month of August of this year of one thousand seven hundred forty-four, the said judge, in order to conclude this confession, while he was in the church of the said mission, asked the defendant,

named Antonio Tello, to state, under the oath he had taken, whether he was single or married, or what was his status, the deponent replied that he was single. When asked why he had committed perjury in this deposition by saying that he did not kill him and then later saying that he did kill him, the deponent replied that it was true that he did not know he had killed him and that later he learned that he had killed him. When asked if he now had or had had illicit relations with rrosa guerra, he replied that he did not have now nor had had such relations. When asked again how he could say that he had not had such relations since it appeared from the proceedings that he had had them and had given cause, for scandal, he replied that he did not have now and he had not had anything of the sort, that he was wholly abiding by what he had said; and that what he had confessed was the truth under penalty of the oath he had taken and which he affirmed and ratified. He said, he was thirty-one years old, more or less. He did not sign because he said he did not know how. The said alcalde signed this before me, the present notary. I certify.

Alberto López Aguado y Billa Fuerte

[Rubric]

Before me:

^{co}
Fran. Joseph de arocha

[Rubric]

Notary Public and [Secretary], of the Municipal Council

[D.S. in E., August 21, 1744, pp. 7-8]

In the villa of San Fernando, on the twenty-third day of the said month of August of the said year, in view of the depositions recorded in these proceedings, //His Honor Don Alberto López, the said judge of this cause ordered the arrest of Rosa guerra, wife of the said late Matías triviño, and that she be placed in safekeeping in order that she may not be able to escape. Thus did the said gentleman decree, order, and sign this before me, the present notary. I certify.

Alberto López Aguado y Billa Fuerte

„Rubric,“

„D.S. in E., August 21, 1744, pp. 8-8v,“

Immediately thereafter, in my, the undersigned notary's presence, by order of the said judge, fetters were placed on the said rrosa guera by the blacksmith of this villa. Because there was no jail, the said alcalde imprisoned her in a room of his house until a safe place in which to keep her could be found. In order that it might be recorded, I set this down as a judicial proceeding and signed it. I certify.

^{co}
Fran. Joseph de arocha

[Rubric]

Notary Public and [Secretary], of the
Municipal Council

[A.D.S. in E., August 21, 1744, p. 8v]

Immediately thereafter, the said judge, in the prison where the said rosa guerra was confined, administered to her the oath, which she took in the name of Our Lord God and the sign of the Holy Cross, according to law, under penalty of which she promised to tell the truth in so far as she knew and might be questioned. When asked what was her name, her status, whether she knew Matías Tribi/⁹/~~ño~~, and whether she knew who killed him, why, and where, she replied that her name was María rosa guera; that she was now a widow; that she knew Matías Triviño, who was her husband; and that she knew, because she had heard it said, that he was killed by antonio Tello, a master mason. When asked whether she knew antonio tello and whether he frequented her house, the deponent replied that she knew Antonio tello because until the time when he killed her husband, he had frequented her house. When asked whether she knew where he killed him and why, she replied that she did not know where he killed him and that she did not know why. When asked whether, during the time that the said tello frequented her house, her late husband had any quarrel with him, she replied that they never had one. When asked whether she had illicit relations with the said tello and whether any judge had enjoined her not to admit the said tello in her house, she replied that she never had illicit relations with the said tello and that she had been enjoined three times by the alcalde to throw him out of her house. When asked at what time her

husband had left for the woods the night on which he was killed and for what purpose, the deponent replied that he had left about five in the afternoon and that he had told her he was going to bring meat. When asked again how she could say that she did not know why he was killed when it appeared from the deposition of her late husband that on the nineteenth day of the present month she had threatened him and had ordered the said tello to kill him, she replied that that was untrue, that she did not order him killed. When asked again how she could say that she did not have illicit relations with the said tello when it appeared from a deposition that she had been thrown out of the house of Gerónimo Flores because ^{9v}//several indications of her relations, with the said tello had been observed; also since it appeared from these proceedings that the said Antonio Tello, the defendant in this cause, had built her house at his own expense, she replied that the deponent had paid the said Tello and Juan rresio for the house, and that the deponent had never been thrown out of the house of Jerónimo Flores, but that she had moved. When asked why on the night when her late husband arrived, since she was so near, she had not gone to see him and take care of him after she learned that he had gone to the house of Gerónimo Flores, she replied that when she heard it she wanted to go but she was placed under guard by the law and that was her reason for not going. When asked what was

her husband's reason for not going to her house, she replied that she did not know, that since he was dying when he came, he probably stopped at the first house he came to. When asked whether she knew or had anything _{more}, to say concerning the death of her late husband, the deponent said that she knew nothing more nor had anything else to say; that what she had deposed was the truth under penalty of the oath she had taken and which she affirmed and ratified. _{She said}, she was thirty years old, more or less. She did not sign because she said she did not know how. The said judge signed this before me, the present notary. I certify.

Alberto López Aguado y Billa Fuerte

_{Rubric},

Before me:

^{co}
Fran. Joseph de arocha

_{Rubric},

Notary Public and _{Secretary}, of the Municipal Council

_{D.S. in E., August 21, 1744, pp. 8v-9v,}

Immediately thereafter, on the said day, month, and year, the said alcalde, in view of these proceedings and of the fact that although he had summoned the said defendant Antonio Tello by edicts and public proclamations through the voice of Juan apache, who served in the capacity of town crier, and had doubled the guard in the church of the mission of San Antonio de Valero where the ¹⁰//said defendant had taken refuge, he had not appeared, the said judge asked Captain Don htoribio de Vrrutia for help, in order to go tomorrow to get the said tello from the place where he had taken refuge. In order that this might be recorded, the said gentleman ordered it to be set down as a judicial proceeding, which he signed before me, the notary. I certify.

Alberto López Aguado y Billa Fuerte

[Rubric]

Before me:

^{co}
Fran. Joseph de arocha

[Rubric]

Notary Public and [Secretary], of the Municipal Council

[D.S. in E., August 21, 1744, pp. 9v-10]

On the twenty-fourth day of the month of August of this present year of one thousand seven hundred forty-four, the judge of this cause, Don Alberto López aguado y Billa fuerte, accompanied by some settlers and ten soldiers that Captain Don toribio de Vrrutia provided to help him, went to the mission of San Antonio de Valero. Having ordered them to surround the church, with the expressed permission of the prelate, Friar Mariano Fran.^{co} de los dolores, the said judge searched the church and found only a small sack with an old shirt, a belt, and two cakes of soap, that the said reverend father delivered. Since he did not find him, the said judge ordered the guards to withdraw. He also ordered a requisitory warrant sent to the presidio of Río grande in order that if he arrived there, the captain of the said presidio should return him securely. In order that this might be recorded, the said alcalde set it down as a judicial proceeding before me, the present notary. I certify.

Alberto López Aguado y Billa Fuerte

¿Rubric¿

Before me:

co
Fran. Joseph de arocha

¿Rubric¿

Notary Public and ¿Secretary¿ of the Municipal Council

¿D.S. in E., August 21, 1744, p. 10¿

On the second day of the month of September of this present year of one thousand seven hundred forty-four, in view of the fact that there is not a prison in which to hold rosa guerra in custody until these proceedings shall have been carried to their definitive conclusion and sentence, and because my house is not very safe for the purpose, I, Don Alberto López aguado y Billa fuerte, ordered her to be placed in the same prison that has been set up in the house of Don Fran. ^{co} ^{10v} //ernandes because I believe that it is the safest one in this presidio and villa; and I charged him with the necessary precautions concerning the safekeeping of the said Rosa guera. In order that this might be recorded, I set it down as a judicial proceeding and signed it. I, the present notary, certify thereto.

Alberto López Aguado y Billa Fuerte

[Rubric]

Before me:

^{co}
Fran. Joseph de arocha

[Rubric]

Notary Public and [Secretary] of the Municipal Council

[D.S. in E., August 21, 1744, pp. 10-10v]