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At the R[oya]l Presidio of S[a]n Antonio de Bexar, on the sixteenth day of the month of January of [the year of] seventeen hundred and seventy-two, about ten o'clock in the morning of the [aforesaid] day, a soldier named Joseph de la Cruz del Valle of the Company of los Adaes and its squadron of horses, came to notify me that the soldier Juan Chirinos had killed another soldier by the name of Christoval Carabajal. [He stated that] both of them were [soldiers] of the Company of los Adaes and of the detachment stationed at the Guadalupe and S[a]n Marcos Rivers, at the time when [the latter] was still stationed close to where the said squadron of horses and this presidio were located. [He also stated] that he had been one of the [soldiers] who had gone in pursuit of the murderer who had taken refuge at the^{lv}// San Antonio Mission where a guard had been placed.

As a consequence of the preceding event, I, don Juan María de Ripperdá, Baron de Ripperdá, Colonel of Cavalry, Governor and Commander-general of the Province of Texas and New Philipines, its presidios, conversions and frontiers, and of [the Province] of Coahuila with the assistance of the one of Nuevo León, etc., acting as receptoría with my attesting witnesses in the absence of a notary public or royal,

and on this paper for there is no stamped paper available, should order and thus do hereby order an officer and a competent guard to go at once to the San Antonio de Valero Mission.

Proceedings

[This officer] should be able to arrest the soldier, murderer of the other one, at that church by virtue of this warrant of arrest signed by me, for I was informed by the said Alférez d[o]n Joseph Menchaca, [officer] in charge of the said detachment, that after he had gone up to the said place in pursuit of the said murderer he had not been able to apprehend him at the said church because the Reverend Father President Fray Acis de los Valverde had not permitted it due to the lack of the required order.

I should also order and thus do hereby order that immediately after the said aggressor has been arrested at the said sacred [place] by virtue of the said warrant of arrest, he should be taken with the corresponding security and placed under the same security at the Body of Guard of the Principal, for this is the way it should be done in the lack of quarters for [this] said Body of Guard and Jail.

A formal charge for the beginning of these proceedings should be immediately formed and carried out until a final sentence is passed. All those proceed-

ings should then be remitted²// to the Captaincy-general.

Thus I have resolved, ordered and signed. In witness thereof, I certify.

Baron de Ripperdá
(Rubric)

Attesting Witness
Joseph Yg[naci]o ONeale
(Rubric)

Attesting Witness:
Antonio de las Barzenas
(Rubric)

[DS. 1-2 in E.
1-16-1772]

On the said day, month and year, in view that by virtue of the [preceding] warrant of arrest, R[everend] F[ather] P[resident] Fray Acis de los Valverde released a soldier by the name of Juan Chirinos of the Company of los Adaes, who had taken refuge at the Church of San Antonio de Valero Mission; and [since the soldier] has been transferred under the security of the before mentioned guard, I do hereby summon him to appear before me.

[The said guard] delivered to me an [official] affidavit from the church, which states as follows:

"I, the subscriber, Minister of this Mission of San Antonio de Valero, certify that the soldier Juan Chirinos requested refuge at the Church of this [Mission] for he said he had killed someone in self defense. However, by virtue of the warrant issued by the señor Baron de Ripperdá, Governor of this Province of Texas, I am releasing [the soldier] to the said lieutenant. [This warrant] stays in my possession for it was given to me^{2v}// by the señor Lieutenant don Christoval de Cordova.

In order that this may be of record, I signed this at the aforesaid Mission, on January 16, 1772.

Fray Acis de los Valverde"

Baron de Ripperdá
(Rubric)

Attesting Witness
Joseph Yg[naci]o ONeale
(Rubric)

Attesting Witness
Antonio de las Barzenas
(Rubric)

[DS. 2-2v in E.
1-16-1772]

In view that I should order the examination of the body of the soldier Christoval Carabajal, who died as it has been said of a bullet wound; and since there is not a surgeon available in this province, I do hereby order [the body of the deceased] to be brought to my presence so an examination of the wound can be performed, in order to determine the cause of his death. I was aided [in this examination] by Juan J[ose]ph Segura and d[o]n Ygnacio Calvillo.

[Baron de Ripperdá]

[DNS 2v in E.
1-16-1772]

Deposition made by Juan Joseph Segura

After [the deponent] had been questioned as to whether or not he would swear to God and to the sign of the Holy Cross which he made with his hand, to tell the truth insofar as he may be questioned, he replied that he would do so.

After [the deponent] had been questioned as to whether or not he had been present at the examination of the body of Christoval Carabajal; whether he knew the cause of his death, and if [this] had been caused by a wound; where [the wound] was located, and in his opinion what was the weapon used, he replied that he had helped the señor governor [in the examination of the body], and that [Carabajal's] death, as it appeared to be, had been caused by//³ a bullet [which had entered] the lower part of the chest at the beginning of the stomachic cavity a little toward the false ribs on the right side, and that it had come out through the last [rib] on the left side toward the back, where his clothing was all stained with blood. He also stated that after having examined the entire body, he did not see any other wound.

After [the deponent] had been questioned as to whether or not he had something else to say [concerning this matter], what his age was and if he knew how to

sign, he replied that he did not have anything more to say; that he was more or less forty years of age; and that he would make a cross for he did not know how to sign.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Ygnacio ONEale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 2v-3 in E.
1-16-1772]

Deposition made by d[o]n Yg[naci]o Calvillo,
present alderman.

After [the deponent] had been questioned as to whether or not he would tell the truth insofar as he may be questioned, he answered that he would do so.

After [the deponent] had been questioned as to whether or not he had been present at the examination of the body of Christoval Carabajal; whether he knew the cause of his death and if [this] had been caused by a wound; where [the wound] was located; and in his opinion what was the weapon used, he replied that he had assisted the s[eño]r gov[ern]or [in the examination of the body], and that [Carabajal's] death, in his opinion, had been caused by a wound made, as it had been examined, with a firearm. [He stated that the bullet] had entered [the body at a point] between the chest and the stomach, a little inclined toward the false ribs on the right side, and that it had come out through the last [rib] on the left side toward the back, where his clothing was stained with blood. [He also stated] that [the body] did not show any other wounds.

After [the deponent] had been questioned as to whether or not he had anything more to say [about this matter], what his age was, and if he knew how to sign,

he replied that he did not have anything more to say,
that he was thirty-six years of age, and that he would
sign.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Ygnacio Calvillo

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 3 in E.
1-16-1772]

Testimony made by the Defendant

Q After [the defendant] had been questioned as to whether or not he would swear before God by a sign of the Cross which I asked him to make, and would promise the King to tell the truth insofar as he may be questioned,^{3v}// he answered that he would swear and would promise to do so.

After [the defendant] had been questioned as to whether or not he was a soldier; when he had enlisted; in which company; and if he had as such collected any salary, he replied that he was a soldier from the Company of the R[oya]l Presidio of los Adaes; and that he had enlisted the year in which the governor of this province, d[o]n Angel de Martos y Navarrete, had terminated his appointment as governor; and that as a soldier, he had been collecting his pay.

After [the defendant] had been questioned as to whether or not, on this day, he himself murdered a soldier of the same company by the name of Christoval Carabajal, he replied that it was true he had killed [Carabajal] that very same morning.

After [the defendant] had been questioned as to the motive he had had for [the murder], and what was the weapon he used to take [Carabajal's] life, he replied that after he joined the detachment which left

this presidio yesterday [for he had been sent] as one of the substitutes for some soldiers who were sent to prison by the s[eñ]or gov[ern]or because they had come back [to this presidio] that same night without leave; and after he arrived at the said detachment he had notified the alférez in charge that a soldier from los Adaes had taken a horse which belonged to him. Because the alférez asked [the defendant] whether or not he could prove it, he brought three soldiers who testified [that the horse] belonged to him, in view of which the alférez ordered the soldier by the name of Joseph Maria Rodríguez to deliver the horse to him. The said soldier [Rodríguez] then said [to the alférez] that⁴// although [the horse] belonged to him, because one of the neighbors had sold it to him, he should go and get [the horse] himself, for which reason the deponent stated, the alférez told him to go to get [the horse] from the herd of horses they had separated from those [at Adaes] allotted for the use of the said detachment.

At this time, and in the presence of the afore-said alférez, the two lesser mayors of this Villa who were with them for they had wanted to go hunting, as well as [in the presence of] another ten or twelve people among soldiers and residents, [the defendant stated that] the said soldier Christoval Carabajal

passed by shouting in the presence of all the aforementioned [people] that it was all a lie of the deponent. [When the latter] replied that all of it was nothing but the truth, [the defendant stated], that the said Christoval Carabajal shouted as he was withdrawing from the officer who had not been mentioned at all until then, that [Chirinos] would have to pay for it, and that [Carabajal] had kept on walking toward the aforesaid herd^h of horses, and then rode off on this grizzled fast horse he had there.

In the interim, the deponent went to the situado of San Antonio which was at a close distance in order to bring one of his horses which the night before had escaped and joined the herd of horses of los Adaes, because these two [situados] were fairly close together. [The deponent] took along to help him a young boy named Francisco Guerra, who must be around twelve years of age, or maybe older. [On his way back], at the time he had the said horse running ahead of him, and the said boy a little behind it, and who was also on horseback,^{4v}// [the deponent stated that] the said Christoval Carabajal showed up and [started] gashing him on his^h head over the hat, and on his back with a sword -- although there was no sign of this on the said [deponent's] hat or clothing; and that [Carabajal] was

shouting at him[saying], bastard, I am going to kill you. When the deponent realized that his horse was sort of tired, and since he was not carrying his sword, for he had left it at the presidio being fixed, [he stated that] he pulled out his escopeta, and without stopping [his horse], he turned around and shot Christoval Carabajal, who was following him so close that he touched his clothing with the barrel. [Carabajal] still followed him a few steps, the deponent stated, and when he turned his head back, he saw [Carabajal's] body hanging by a leg from one of the stirrups, and still holding on to his sword.

[The defendant] added that he then fled with the intentions of taking refuge at the Church of San Antonio Mission about one mile from where the slaying occurred, and that he was able to take refuge in the church before the soldiers pursuing him arrived.

[The defendant also stated] that when he saw that the señor governor had sent a lieutenant with his troop to take him out of the church, he requested an official affidavit from the Reverend Father President Fray Acis de los Valverde, which [the defendant] exhibited, but kept in his possession.

After [the defendant] had been questioned as to whether or not there had been any challenging words

between him and the deceased, Christoval Carabajal,⁵//
at the said occasion or at any other [time] preceding
this one, and whether or not there had been between
the two of them any reasons for hate or malice, he
replied that he did not cross words with him at that
occasion, and that there had never been any rancor or
ill will between them, with the exception of yesterday,
when [the defendant] had appealed to the señor governor
requesting the payment of a promissory note signed by
the deceased, and which the deponent had drawn in favor
of his father for three horses and a he-mule. The
señor governor refused to pay [the note] to the
deponent because of the many debts of the deceased,
saying that [the note] could not be paid until he would
find whether the deceased had any other sources [of
income]. [Carabajal], annoyed because of the said
appeal, [the defendant stated], argued that he already
had paid his debts, and appeared to be very angry then,
and even after he left the said s[eñ]or governor and
the deponent. [The latter stated that Carabajal] had
told this to a soldier from the same company by the
name of Xavier Zepeda at the time of his departure
yesterday, and again [when they were] at the said
detachment.

After [the defendant] had been questioned as to
whether or not he had anything more to say; whether he

was a Roman Catholic Apostolic; about his age; and if he knew^{5v}// how to sign, he stated that he did not have anything more to say, that he was a Roman Catholic Apostolic, that he was twenty-four years old, and that he would sign.

San Antonio de Bexar, January sixteen, seventeen hundred and seventy-two.

Baron De Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Juan Chirinos

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 3-5v in E.
1-16-1772]

Deposition made by the Alférez, Juan Joseph Menchaca

After [the deponent] had been questioned as to whether or not ~~he~~ would swear to God by making the sign of the Holy Cross, and would promise the King to tell the truth insofar as he may be questioned, he replied that he would swear and promise to do so.

After [the deponent] had been questioned as to where he was on the morning of this day, the sixteenth of January of seventeen hundred and seventy-two, he stated that he had left [this presidio] yesterday afternoon commanding a detachment of forty soldiers and one sergeant assigned to patrol the posts where the [residents] of this vicinity and of the five mission-towns go hunting and to cut wood for their needs, for this had been ordered by the señor governor. [The deponent stated that] he had to spend the night at the situado assigned to the herd of horses allotted to S[a]n Antonio, which was located about⁶// one and a half leagues from this presidio in order that he and his soldiers could separate, in the morning of this day, the horses [allotted to] this detachment, as well as those [assigned to] the immediate [detachment] of los Adaes.

In view that some soldiers from Adaes had returned [from their camp] the previous night to this presidio

without his license, and had been put in prison by the said s[eño]r governor, [the deponent] stated that they had to be substituted by others in order to fulfill the vacancies left in this detachment. One of the latter, named Joseph Chirinos of the same company, reported [for duty] at the said place ahead of the others, about nine o'clock in the morning, that is, at the time some other soldiers and residents were departing. The aforesaid Juan Chirinos made then a petition about a horse he said belonged to him and which was in possession of Joseph María Rodríguez, also a soldier from los Adaes and of this detachment. [Chirinos] presented to this effect as witness, a soldier from [the Presidio] of San Antonio, in view of whose testimony the deponent resolved for the horse to be returned [to Chirinos] until proved otherwise.

[The deponent added] that it had surprised him a lot to hear the said Juan Chirinos say in a loud voice that Carabajal had a reputation for not paying his debts, for which reason [the deponent] had asked [Rodríguez] why Chirinos was saying such a thing. [Rodríguez] then said that the soldier Christoval Carabajal was going around^{6v}// saying that all those debts were [Chirinos' and not his], in view of which the deponent asked [Rodríguez] to tell him what

that was all about. [Rodríguez] then said, as he took his horse to the caballada, that [Chirinos] should be thankful that the señor alférez was around. Since Juan Chirinos overheard this last remark, he replied the same, [in view of which] the deponent ordered [Chirinos] to go to get his horses. [The latter] went to carry out this [order] accompanied by a soldier from the company of San Antonio by the name of Joseph Saucedo, and [the deponent stated that] with the exception of the aforesaid Saucedo, he did not see them again until after they all had left to go to the caballada, for after a while he had seen him around, leading a horse by the reins.

Almost immediately afterwards, [the deponent stated] that a boy about ten to twelve years old, son of Miguel Guerra, had come to tell him that the soldier Christoval Carabajal was laying dead on a nearby place, and that the soldier Juan Chirinos had murdered him for he had seen [Carabajal] fall after [Chirinos] had taken a shot at him. As soon as [the deponent] heard this news, he mounted a horse and found [Carabajal] dead by the time he arrived [at the said place]. He ordered the soldiers and residents who had gathered around to go in pursuit of the transgressor, and he himself led the group, and followed

his trail up to the Mission of San Antonio where he found [the criminal], for he saw [Chirinos'] horse standing at the door [of the church]. Because this fact was confirmed by the Reverend Father President, [the deponent stated that] he left guards posted around the church, and he came to inform [the proper authorities about it].

After [the deponent] had been questioned as to whether or not he had anything more to add; about how old he was; and if he would sign this, he replied that he did not have anything more to say; that he is twenty-six years of age; and that he would sign:

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Deposition made by d[o]n Domingo Delgado, first-ranking mayor of this villa.

After [the deponent] had been questioned as to whether or not he would swear to God and to the sign of the Holy Cross which he made simultaneously, to tell the truth insofar as he may be questioned, he replied that he would swear to do so.

After [the deponent] had been questioned as to where he was on the morning of this day, the sixteenth of January of seventeen hundred and seventy-two, he replied that he was at a place called al Salado, [near] the Astillero Pass, along with the troop assigned to protect the hunters and woodcutters. As he was getting ready to leave, [the deponent stated], a soldier from los Adaes by the name of Juan Chirinos arrived and told the alférez in charge of the said detachment that he was reporting [for duty] as a substitute for one of those^{7v}// [soldiers] who, the night [before] had gone to the presidio leaving the detachment's [camp] without license from the said alférez, and who were put in jail by the s[eño]r governor's orders.

After [the deponent] had been questioned as to whether or not he had been present when the said soldier [Chirinos] had taken the life of Christoval Carabajal, also a soldier from los Adaes; and as to

whether or not he knew any of the circumstances preceding [the slaying], he replied that a little after the arrival of the aforesaid Juan Chirinos, [the latter] had gone before the alférez and had said that the soldier Joseph María Rodríguez, also from los Adaes, had a horse which belonged to him. While [Chirinos] rectified this with some soldiers, the deponent [stated that he] moved away from there and he did not learn whether [the alférez] had ordered the delivery of [the horse to Chirinos], but that at the time [Chirinos] was presenting his petition as to his right to the horse, the deponent stated, he had seen Christoval Carabajal arrive and call Juan Chirinos a swindler. Then [the latter] replied to him that he was not [a swindler], and the aforesaid Carabajal answered by repeatedly calling him a liar. In view of this, [the deponent stated], the aforesaid Juan Chirinos replied that if [anybody] was a liar, it would be [Carabajal, in view of which] the said Carabajal headed toward [Chirinos] almost in fury, but was stopped by the said alférez who told him to shut up and beat it. [Carabajal] did not comply with this order immediately// until he saw [the alférez] attempting to get a sword from a soldier who was standing closeby [because he was not carrying his own]. It was then when the aforesaid Christoval

Carabajal left on a roan horse toward the caballada of los Adaes.

While the deponent was going to order the loading [of the beasts of burden] so they could part, he stated that he had seen Carabajal on a grizzled horse belonging to Joseph de la Garza, a soldier also from los Adaes, carrying a sword sheathed to his belt. [Carabajal] joined the deponent in this manner at the caballada of the detachment, [the deponent said], and then he saw [Carabajal] leave toward the caballada of the situado of San Antonio.

A few moments later the deponent stated, he heard this boy, son of Miguel Guerra, give the news that the soldier Juan Chirinos had killed his companion, Christoval Carabajal, because [the boy] had seen him fall off his horse. After this news, the deponent went to the aforesaid place where he saw the corpse laying on the ground.

After [the deponent] had been questioned as to whether or not he had anything more to say, he replied that the said deceased had told Juan Chirinos in the presence of the alférez, that he should be thankful that the alférez was right there in front of them. The deponent [added] that this was all he knew [about this matter], and that he did not have anything more to say.

After the deponent had been questioned about his age, and whether he would sign this, he answered that he was forty-two years of age, and that he would sign.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Domingo Delgado

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 7-8v in E.
1-16-1772]

Deposition made by Ju[an] Fran[cis]co Xavier Rodríguez, second ranking mayor of this villa.

After [the deponent] had been questioned as to whether or not he would swear to God and to the sign of the Holy Cross which he made, to tell the truth insofar as he may be questioned, he replied that he would swear to do so.

After [the deponent] had been questioned as to where he was on the morning of this day, the sixteenth of January of [seventeen hundred and seventy-two, he replied that he was at the Pass called el Astillero at the Salado [River], with the alférez who was in command of the detachment assigned to protect the hunters and woodcutters.

After [the deponent] had been questioned as to whether or not he had been [present] at the slaying of a soldier from los Adaes named Christoval Carabajal; whether he knew the type of relationship existing between [the latter] and the murderer; and if he knew who had been [the murderer] or anything concerning this matter, he answered that he had not been [present] at the slaying but that he had been present at the time when Juan Chirinos arrived [to join the detachment].

[The deponent stated] that at the time [Chirinos]//⁹ was presenting his petition to the alférez about one

horse which [he alleged] another of his companions by the name of Joseph Maria Rodríguez had, and which belonged to him, the soldier Christoval Carabajal passed nearby and with no reason at all, called Juan Chirinos a swindler. [Chirinos] replied then that it was not as he was saying, and after the said Carabajal had repeatedly called Chirinos a swindler, [the latter] answered that if [anyone was a swindler] it would be him, in view of which [Carabajal] got furious and tried to assault the said Chirinos. The said alférez stepped out to stop Carabajal telling him to show some politeness, and because [the alférez] did not have his sword with him, he made a motion to grab this other soldier's [sword]. This made the aforesaid Carabajal stop, and then he rode off on his horse toward the caballada of los Adaes since both situados were fairly close [to where they were camping]. In view that the said Chirinos had stayed [right] there, [the alférez] ordered him to separate his horses. And having the deponent gone to the caballada of the detachment, [he stated] that he had seen the aforesaid Christoval Carabajal with an expression of anger on his face while standing by the side of^{9v}// two horses, one of which was saddled, and the other, unsaddled.

[The deponent added that later], he had stopped

for a little while at the said caballeriza where he heard that Christoval Carabajal had been murdered, and that afterwards, he had also heard that Juan Chirinos had been the murderer.

After arriving to where [Carabajal's] body was, [the deponent stated that] he heard someone say that the only one present [at the slaying] had been a boy about twelve to fourteen years of age, son of Miguel Guerra. [The deponent added] that he had then ordered to strip the body [so it could be examined].

[The deponent] stated that he found a bullet wound close to the right nipple, and that [the shot], as it could be seen by the [gunpowder stain] on the clothing, had been fired at a close range. [Carabajal's] sword was unsheated and laying by [the deceased's] feet, and turned a little away from [the body], but it was not stained [with blood]. [The deponent also stated] that the deceased still had the scabbard hanging from his belt.

After [the deponent] had been questioned as to whether or not he had anything more to say; about how old he was; and if he would sign this, he stated that he did not have anything more to say; that he was twenty-eight years old; and that he would sign.

Baron de Ripperdá

(Rubric)

Francisco Xavier Rodríguez

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 8v-9v in E.
1-16-1772]

At the said R[oya]l Presidio of S[a]n Antonio de Bexar, on the seventeenth day of the said month and year, I, the¹⁰// aforesaid gov[ern]or, acting as receptoría as it has been previously stated, do hereby summon Xavier Zepeda, soldier from the R[oya]l Pres[idi]o of los Adaes and of the said detachment marching toward the Guadalupe and San Marcos Rivers, to appear before me, for he has been mentioned as a witness on the testimony given by the defendant.

In the same manner, [I summon] Francisco Guerra, who inspite of being a minor, should state that which may be of importance, for he has been mentioned in all the testimonies of this criminal case as being the only eye witness to the slaying committed yesterday by the soldier Juan Chirinos of another [soldier] by the name of Christoval Carabajal, as it is of record in the defendant's testimony.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Deposition made by the soldier Xavier Zepeda

After [the deponent] had been questioned as to whether or not he would swear to God and to the sign of the Holy Cross which he made with his hand, and would promise the King to tell the truth insofar as he may be questioned, he answered that he would swear and promise to do so.

After [the deponent] had been questioned as to where he was on the day of yesterday; whether he witnessed the slaying of the soldier Christoval Carabajal; and if he knew who had murdered him, he stated that since he was one of the soldiers of the detachment assigned to [patrol] the Guadalupe and S[a]n Marcos Rivers, he was selecting the horses allotted to their situado which had remained as part of the caballada of the aforesaid detachment^{10v}// when, about nine or ten o'clock in the morning he heard a soldier shouting--although he could not say who it had been, that Chirinos had murdered Carabajal. [The deponent] stated that immediately afterwards, he followed a corporal by the name of Gallardo, and that they both had found [Carabajal] already dead, within [a distance] of about three gun shots from the caballada of the situado of San Antonio.

The deponent [also stated] that, a little before

that, while he was on his way from the caballada of the situado of los Adaes, he had met [Carabajal] riding hurriedly on this grizzled horse belonging to the soldier Joseph de la Garza, which he had just borrowed a little before.

[The deponent also stated] that on that very same morning, he heard several soldiers and residents say when all of them were around the corpse, that when Juan Chirinos was bringing into litigation with another soldier [this matter concerning] a horse, the deceased Carabajal passed by and said that that was one of Chirinos' debts. [The deponent stated that he had also heard the latter] replying that they were [Carabajal's] debts, in view of which the aforesaid Carabajal replied that Chirinos was a liar, who in turn replied to [Carabajal] that he was the liar.

[The deponent also stated that he had also heard] that after the said Carabajal saw that Chirinos was leaving toward the situado of los Adaes he had followed him; and that after [Carabajal] changed horses, he had rode off on this grizzled horse toward the three caballadas of the detachment, and also toward the two situados, until he came out of the [situado] of San Antonio where he was killed, as it has been stated.

[The deponent also stated] that he did not hear

any one say that there had been anybody witnessing¹¹//
as to how [the slaying] occurred, but a boy named
Francisco Guerra, son of Miguel Guerra, who [the
deponent] thinks may be about fifteen years old.

After [the deponent] had been questioned as to
whether or not he knew if there had been any rancor
or ill will between the murderer and the deceased; or
[whether he knew of] any other circumstances preceding
[the slaying], he replied that he had always seen them
as friends, with the exception of the day preceding
the slaying, when he had left the presidio that after-
noon along with the detachment.

That morning, the deponent stated, that while the
was at the s[eño]r governor's house, he saw Christoval
and Juan Chirinos coming, the latter requesting for
the first one to pay him a promissory note about
three horses and a he-mule, signed by [Carabajal],
and which Juan Chirinos had drawn in favor of his
father. The said Carabajal alleged that he had al-
ready paid [the said note] but that he had not been
given the [paid] note because Juan Chirinos' father
had not been with them; and that the aforesaid
Christoval Carabajal had [then] told [Chirinos] that
he would promise to pay him double if at the time of
his father's return from Mexico, [his father] would

state that [Carabajal] had already paid. [The deponent said that] Juan Chirinos had agreed to this.

Afterwards, having the señor gov[ern]or ordered the aforesaid Carabajal to pay, [the deponent stated that the] latter replied that if he had not paid [while they were] at the house of the said s[eñor], it had been because he had not had anything to pay with.

[The deponent added that] afterwards, when Carabajal and Chirinos left together, [the first one] had asked [Chirinos] how come he was so good at collecting debts but not so good at paying, and that the latter had then replied that he was demanding that which was owed to his father because he had been [good] at paying one hundred^{11v}// and so many pesos for his father's [debt]. [The deponent stated] that at the time they all parted, the aforesaid Carabajal had said [to Chirinos] that he was going to find out whether he was man enough for as he was at collecting that which was due, and that [Carabajal] had not finished saying what [Chirinos should be man enough] for. [The deponent stated that] after he was left alone with the aforesaid Carabajal, the latter had told him that [Chirinos] was going to pay for what he had done. For this reason, [the deponent stated], he

had told [Carabajal] to forget it, and that [afterwards] they both parted in different directions.

The deponent stated that later on, when the said Juan Chirinos had come to the deponent's house, the latter had told him to be careful because Carabajal wanted to let him have it, and that [Chirinos] had answered that [Carabajal] would not do such a thing because he was not demanding anything belonging to him, but only that which belonged to his father.

After [the deponent] had been questioned as to whether or not he knew if Carabajal had come to this presidio that night, as the other soldiers from the detachment had come with license to get drunk, along with others who had also left their camp, he stated that he did not know whether [Carabajal] had come to this presidio [or not], and that he could only say that he had seen [Carabajal] leave the camp at sundown, not knowing whether he had come to the presidio or had stayed at the situado of los Adaes which was located on the same direction. [The deponent] also stated that he had seen [Carabajal] return at day-break wearing only his cape and no hat, and unarmed, and that this had been the way he had seen him leave the previous afternoon. [The deponent] added that he had not taken¹²// a good look at [Carabajal's] face

that morning, until he met with him, when [Carabajal] was riding hurriedly on this grizzled horse belonging to Joseph de la Garza. [The deponent stated that] he had asked him jokingly why he had left the presidio without telling him so he could have gone along with him, and that [Carabajal] had replied that he had just forgotten to tell him. The deponent stated that he did not know whether [Carabajal] had answered in the same jokingly manner or not.

[The deponent] went on to say that, the preceding afternoon, while [the detachment] was marching up [to the rivers], he had noticed the aforesaid Carabajal looking very pale, in view of which he had asked another soldier [whether he knew] what was wrong [with Carabajal], and that the [soldier] had answered that [Carabajal] was drunk. Carabajal then passed [the deponent] until he got close to the alférez in charge of the said detachment, and when the deponent got close to them, [he stated that] he overheard the said alférez telling Christoval Carabajal that "the sword was to punish the enemies and the truncheon for the soldiers, because with the latter there was no danger of wounding or hurting [the soldiers], as it would be with the sword," and that Carabajal had replied [by saying] "just try to hit a soldier with a sword,

and you will see what you get." At that moment [the deponent stated] that he saw the said alférez spur his horse and get ahead of [Carabajal]. The deponent [said] that he did the same, and that he did not see [Carabajal] again until they all had camped.

After [the deponent] had been questioned as to whether or not he had anything more to say [about this matter], how old he was and if he knew how to sign, he answered that he did not have anything more to add, that he was a little^{12v}// less than thirty years old, and that he did not know how to sign, but that he would affix a cross as his signature.

Baron de Ripperda

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness:

Antonio de las Barzenas

(Rubric)

[DS. 10-12v in E.
1-16-1772]

Deposition made by Fran[cis]co Guerra, witness mentioned in all the preceding testimonies as the only [eye] witness to the slaying of the soldier Christoval Carabajal, eventhough [the deponent] is not of age.

After [the deponent] had been questioned as to whether or not he would swear before God and to a sign of His Holy Cross which he made with his hand, to tell the truth insofar as he may be questioned, he said he would swear to do so.

After [the deponent] had been questioned as to whether or not he had known a soldier from los Adaes by the name of Christoval Carabajal; and if he knew he had been murdered; where and who had done it, he stated that he knew [the aforesaid soldier], and that he had seen the soldier Juan Chirinos murder him on this side of the Pass called el Astillero, which is about one and one half leagues from this presidio.

[The deponent] stated that while he was near the caballada of San Antonio he had seen Christoval Carabajal arrived hurriedly on a grizzled horse, and which he had heard everyone say, belonged to another soldier by the name of Joseph de la Garza, from whom [Carabajal] had borrowed it. [The deponent stated] that the way he had heard it, and as he had seen it happen, was that the said¹³// Christoval Carabajal was

looking for Juan Chirinos, because as soon as [Carabajal] got close [to Chirinos] he started gashing him on the head over the hat, with a sword. [The deponent] stated that he did not hear [Carabajal] say a word, but only Juan Chirinos, for after Carabajal had ran after him for about one escopeta shot distance, hitting him with a belt, Chirinos had then said [to Carabajal], "stop it, because I will kill you," and that he already had his escopeta in his hands because he was not carrying his sword. The aforesaid Christoval Carabajal continued to hit him with the belt, and the aforesaid Juan Chirinos again said, "stop it, you idiot, or I will kill you." [The deponent stated] that all this [happened] while he was minding the horse he was helping to bring from the caballada [of San Antonio], and which was running ahead of him within a distance of one pistol shot.

[The deponent stated] that this must have been the distance he must have traveled from the time he heard the last words and the shot, for he [immediately] turned back and saw Juan Chirinos very close to the aforesaid Carabajal; and that the first one then tried to escape toward the Presidio or to the San Antonio Mission by the time the aforesaid Carabajal was swaying on the saddle while the horse was still running,

and from where he fell, at a distance of one and one half pistol shots after he got wounded.

The deponent [stated that] he got close to [Carabajal] and dismounted,^{13v}// and that he found [Carabajal] face down^{ward} and still alive. [The deponent] then sat him up and held him in his arms until he expired, which it was before [the deponent] could finish reciting the Creed. [The deponent stated that] he left [Carabajal] laying on his back, and he covered him with a blanket, [and that] his sword was near [Carabajal], where he had turned it loose before he fell off his horse, and where he had also lost a spur. And leaving everything the way it was, [the deponent stated that he] went to notify his father who was at the detachment's camp. The deponent stated that his aforesaid father notified the officer in charge, and that the said officer immediately left with some people who had gathered around where [Carabajal's] body was lying, and that afterwards, they all had left in pursuit of the murderer.

After [the deponent] had been questioned as to whether or not he had anything more to say, how old he was, and if he knew how to sign, he stated that he did not have anything more to say nor to add, that he was at least twelve years old, and that he did not

know how to sign, in view of which he affixed a cross
as his signature.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONEale

(Rubric)

Attesting Witness:

Antonio de las Barzenas

(Rubric)

[DS. 12v-13v in E.
1-16-1772]

At the R[oya]l Presidio of S[a]n Antonio de Bexar,
 on the day, month and year already mentioned, acting
 as receptor as it has been already stated, and after
 the summons of¹⁴// these proceedings had been served
 and the testimonies taken, I should order and I do
 hereby order to take the defendant out of jail. After
 his shackles have been removed, he should be brought,
 with the outmost security, before me, in order that
 his confession may be taken.

Thus I have resolved, ordered and signed.

Baron de Ripperdá

(Rubric)

Attesting Witness:

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 13v-14 in E.
 1-16-1772]

Confession of the soldier Juan Chirinos, defendant of this criminal suit.

After [the defendant] had made the sign of the Cross, he was questioned as to whether or not he would swear to God and would promise the King to tell the truth insofar as he may be questioned, he stated that he would swear and promise to do so.

After [the deponent] had been questioned as to whether the testimony he made had been read to him word by word, whether he had anything more to add or withdraw, and if he would ratify everything he had stated therein, he said that his testimony had been read to him word by word. At the time of this ratification and confession, [the deponent] stated that he did not have anything more to add or to withdraw. [The deponent] confessed and ratified the same, one, two and three times.

After [the deponent] had been questioned as to whether or not he would confess that he himself committed the slaying of the soldier Christoval Carabajal^{14v}// with the escopeta which as a soldier he was carrying, he replied that he was confessing that he himself had committed the slaying of the soldier from the Company of los Adaes named Christoval Carabajal, and that he had shot him with the escopeta he was carrying for he

was not carrying any other weapon. [The deponent stated that he had done it] because the aforesaid Carabajal was in his pursuit, gashing him with a sword, and saying that he was going to kill him. [The defendant] stated that this is the truth under penalty of the oath he had taken as a Roman Catholic Apostolic.

Thus he had confessed and signed.

Baron de Ripperdá

(Rubric)

Attesting Witness:

Joseph Yg[naci]o ONealeq

(Rubric)

Attesting Witness:

Antonio de las Barzenas

(Rubric) ✓

[DS. 14-14v in E.
1-16-1772]

On the said day, month and year, I, d[o]n Marcos de Castro, second ranking regidor, at the present time in charge of this jurisdiction because of an illness ailing the first ranking regidor, and in the absence of the lesser mayors, notified Christoval Carabajal's death to the immediate family of the deceased, as they are his three aunts, Antonia de Carabajal, Pheliciana de Carabajal and Juana Carabajal.

After they all had been questioned as to whether or not they had any requests to make as members of the deceased's family, or whether they had anything to allege against the accused murderer, they all stated¹⁵// that neither of them had anything to request or to allege in favor or against the aforesaid accused now or at any future time. For the efficacy of that which should be done, they submitted themselves to obey everything in justice that may be carried out according to law.

And so this would be of record, the aforesaid d[o]n Marcos de Castro and my attesting witnesses signed this with me.

Marcos de Castro

(Rubric)

Baron de Ripperdá

(Rubric)

Attesting Witness:

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness:

Antonio de las Barzenas

(Rubric)

[DS. 14v-15 in E.
1-16-1772]

On the said day, month and year, after the testimonies of the defendant and the witnesses mentioned in this litigation have been completed and laid before me, and in view that each of them, as well as the confession to the slaying of the soldier Christoval Carabajal made by the defendant constitute a ground for action on the establishment of the punishment meritorious of his offence, I do hereby present an accusation charging that the person therein named is guilty of the offense to which he has been fully accused of.

Therefore, I request that [the defendant] be given the full sentence provided by law for the homicide in evidence in this litigation, as well as the exemptions to which he is entitled by right.

San Antonio de Bexar. Dated as above.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Ygnacio ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Let this formal accusation be notified to the
defendant named in this indictment. Dated as above.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 15 in E.
1-16-1772]

At the Royal Presidio of San Antonio de Bexar, on the eighteenth day of the month of January of [the year of] seventeen hundred and seventy-two, I, don Juan María de Ripperdá, Baron de Ripperdá, Colonel of Cavalry, Governor and Commander-general of the Province of Texas, New Philippines, its presidios, conversions and frontiers, etc., acting as receptoría with my attesting witnesses in the absence of a notary public or royal for there is none in this province, and on this present paper because there is no stamped paper available, have ordered [the preceding indictment] to be notified to Juan Chirinos, soldier of the company of the R[oya]l Presidio of los Adaes, who is imprisoned at the Body of Guard of the Principal of this presidio.

Because [the accused] was found guilty -- as preferred by me in the aforesaid indictment, of the murder he committed on the morning of the sixteenth day of the present month and year, on the person of Christoval Carabajal, soldier of the same Company [of los Adaes], the defendant should defend himself or should name a legal advisor to conduct his defense and to act as a representative of his very person, rights and actions.

The aforesaid indictment states as follows:

"On the said day, month and year, after^{16v}// the

testimonies of the defendant and the witnesses mentioned in this indictment have been completed and laid before me, and in view that each of them, as well as the confession to the slaying of the soldier Christoval Carabajal made by the defendant constitute a ground for action on the establishment of the punishment meritorious of his offense, I do hereby present an accusation charging that the person therein named is guilty of the offense to which he has been fully accused of. Therefore, I request that [the defendant] be given the full sentence provided by law for the homicide in evidence in this litigation as well as the exemptions to which he is entitled by right. San Antonio de Bexar. Dated as above."

I, [Baron de Ripperdá], thus certify that this is a true copy I had ordered to be taken from the original, which has been filed along with the proceeds of this lawsuit.

Baron de Ripperdá
(Rubric)

Attesting Witness
Joseph Yg[naci]o ONeale
(Rubric)

Attesting Witness
Antonio de las Barzenas
(Rubric)

In view that I find myself imprisoned at the Body of Guard of the Principal of this Royal Presidio, and because of the preceding notification ordered by the señor Governor Baron de Ripperdá, of the indictment preferred by him of the slaying of the soldier Christoval Carabajal, I do hereby confer [according to form], all such ample legal powers as are or may be required or necessary for my defense, to the señor don Raphael¹⁷// Pacheco, Captain of the R[oya]l Presidio of Orcoquisac.

I therefore request of the said señor to accept this instrument which enables him in my name to appear, as he may see fit, as a representative of my rights and actions.

Principal of the Royal Presidio of S[a]n Antonio de Bexar, January 19, of the year seventeen hundred and seventy-two.

Ju[an] Chirinos

(Rubric)

[DS. 16v-17 in E.
1-16-1772]

[Señor] Governor Baron de Ripperdá,

In view of the instrument presented by the soldier Juan Chirinos, by which he enables me, d[o]n Raphael María Pacheco, Captain of the Royal Presidio of S[a]n Agustín de Ahumada, and auxiliary [Captain] of this Presidio of San Antonio de Bexar, to conduct the defense on the murder charges he is being imputed with, I do hereby accept the said nomination preceding this instrument.

I entreat Y[our] L[ordship] to deliver to me the proceedings relative to the defense of the rights [of the defendant] whom I represent. I will acknowledge proper receipt of them.

I also entreat Y[our] L[ordship] to do as I have asked, for it is of justice. I swear according to form and to whatever necessary, that this is not with malice.

Raphael María Pacheco

(Rubric)

Let these proceedings be remitted to Captain
^{17v}
 d[o]n Raphael// Pacheco as they are at this present
 stage. The indictment preferred by me against the
 accused soldier, Juan Chirinos, should also be delivered
 to him as he has requested therein, so, as the defense
 for the said soldier, he would put in legal form that
 which may favor the rights [of the accused]. [Captain
 Pacheco] should acknowledge receipt of them, returning
 [the said] proceedings within three days.

Thus I have resolved, ordered and signed.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric) 18
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[DS. 17-17v in E.
 1-16-1772]

[Señor] Governor Baron de Ripperdá,

[I], don Raphael María Pacheco, Captain of the Royal Presidio of San Agustin de Ahumada, and auxiliary [Captain] of this [Presidio] of San Antonio de Bexar, as the defense for the soldier Juan Chirinos now imprisoned at the Body of Guard of this aforesaid presidio, [do hereby stated that I have read] the judicial proceedings carried out on the murder charges unjustifiably imputed upon him.

Having considered the circumstances stated [by the defendant] in the confession he made, the testimonies of the witnesses, all of which are on record in the aforesaid proceedings; and in view of the appointment made by the defendant enabling me to represent his rights as I may see fit, I do hereby entreat Y[our] M[Lordship], for it is of justice, to acquit the defendant from the charges he has been fully accused of, and to order a prompt restitution of his employment as a soldier of the aforesaid company.

[The defendant] killed in defense of his life. He followed an instinct innate in all human beings to defend their life from the enemy who dares to tamper with it. He had the right to kill before he would have gotten killed//^{18v} or would had had his body mutilated, thus being left unable to defend others as well as

himself.

This was the case of the defendant. If he had not defended himself, he would have been killed by the enemy who was violently and blindly gashing him with a sword, and with a greater impact because of the hasty speed of [his horse].

The deceased left his camp to go looking for [the defendant] to kill him. This had been stated by the witnesses officially summoned to testify on these proceedings, and who I am now requesting to be summoned [again] to answer the adjoining interrogatory, in order to substantiate the defense against the charges the defendant is being fully accused of.

The witnesses officially cross-examined by Y[our] L[ordship] have positively stated that the said Christoval Carabajal had intentions of taking the life of the defendant. The five witnesses testified strongly, as it is of record on the said proceedings from page five verso to page thirteen, that when the defendant was in the presence of the alférez making a petition against the soldier Jose María Rodríguez concerning a horse, he had seen Christoval Carabajal come [toward him] and call him a swindler. [The defendant] moderately replied that he was not [a swindler], but the said Carabajal replied that he certainly was, and then he called him a liar. [Carabajal] came toward

[Chirinos] in rage in the presence¹⁹// of [the officer] in charge, that is, the alférez who stepped forward to stop [Carabajal]. [The latter] paid little attention [to the alférez], for he did not comply [with his orders] immediately.

If the presence of the alférez and of the two Mayors did not make the said Christoval restrain his anger, how could [the defendant] have stopped a man in rage clinching a sword tightly in his hand, and hastily running on a fast horse which he had borrowed from a soldier expressly for this purpose? This fact has been stated by all the witnesses officially cross-examined in these proceedings.

It has also been stated that the said Christoval Carabajal was a man of great determination, and that he was in the prime of life, while [the defendant] is young and of very peaceful spirit. This [fact] was proven in all the occasions he was provoked. None of the witnesses ever stated that [the defendant] lost composure when replying [at all of Carabajal's] insults. Quite the contrary, for every time he answered he did it with moderation. To illustrate this point: when [the defendant] found himself facing [Carabajal] alone he thought of dying by [Carabajal's] hands rather than to kill him. Eventhough as a soldier [the defendant] was carrying an escopeta he used for the service, he

tried to run away when he saw [Carabajal coming], but the horse [the defendant] was riding was tired, for he had not changed horses. [This fact] had been testified by the witnesses and [the boy] who was present [at the time of the slaying]. [The boy stated that] he had the [fresh] horse running ahead of him. It was because of this [fact] that the said Christoval Carabajal overtook [the defendant] before he could^{19v}// reach the camp where the alférez was. [The defendant] was therefore forced to defend his life by making use of his escopeta, and to shoot [Carabajal] before [the latter] would have mutilated his body or would have killed him, for there was not a single person around who would had stopped [Carabajal].

If to these [circumstances, Your Lordship] adds the fear the deponent had in his mind due to the preceding occurrences which [Carabajal] had had against the defendant, especially since he had been warned by Xavier de Zepeda, also a soldier who was cross-examined on page ten, for he testified as having told [Chirinos] to be careful because Christoval Carabajal had said that [the defendant] had to pay for what he had done. This is another real fact which made [the defendant] realize the seriousness of the trouble he was in when he saw that the said Carabajal wanted to

kill him.

Nevertheless [these aforesaid evidences], the defendant has been unjustly accused of being a murderer. Where can there be a more evident case [of self defense] than the present one, as it is [evident] happened to the defendant, where he had to kill the other who was trying to take his life. Any prudent and quiet man would have done what the defendant did. [The defendant] has a clear conscience that he shot [Carabajal] because he had to save his life from a sure menacing and violent death. Although he confessed he had [killed Carabajal] in order to ease his conscience,²⁰// [the defendant] confessed that he had never had any intentions of harming [Carabajal], until he found himself in a predicament such as this in which he had to defend his life. There has not been a witness yet who has testified that the defendant had any intentions of harming [Carabajal]. Not even [of offending him] with words.

For the defendant to have taken this bloody and violent attack from Christoval Carabajal, and let himself be killed thus becoming a homicide of his own person, is more than what Y[our] L[ordship] would have wanted for him to have done. [Your Lordship] would not have approved either if the said Carabajal would

have killed [the defendant] because [the latter] did not defend his life, even when he had the weapon to do it with, for it is accepted [by law] that a person is allowed to defend himself against all, and or any person, whether he uses the same kind of weapon or a different and more powerful one.

In order to prove the defendant's innocence of this crime, [I do hereby repeat] that which was stated by the relatives of the deceased Christoval Carabajal after they were notified about the slaying that they did not have anything to allege against the defendant, as it is of record on page fourteen verso, for^{20v}// it became publicly known that the deceased provoked and pursued the defendant because he wanted to kill [the defendant].

Although I have omitted at the present time citing the innumerable laws which favor the rights of the defendant, and which may speed up his acquittance from the charges he is being fully accused of, in the absence of a scholar in this province who may quote them for a better sustanciation of the defense, I entreat Y[our] L[ordship] through this judicial writ, to deem acquit the defendant, and to declare him free and innocent, for this is of justice. [I also entreat

Your Lordship] to admit this writ on this present
common paper for there is no stamped paper available.

I swear to this in due form, and to all that which
is necessary.

Raphael María Pacheco

(Rubric)

21
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[DS. 18-20v in E.
1-16-1772]

In view of the interrogatory presented by the Cap[tai]n Raphael Martínez Pacheco, as the defense for the defendant accused in these proceedings, I, don Juan María de Ripperdá, Baron de Ripperdá, Governor of this Province of Texas, acting as receptoría with my attesting witnesses on the twenty-fourth day of the month of May of [the year of] seventeen hundred and seventy-two, should order and thus do hereby order for the soldiers Joseph Antonio Sauzedo and Antonio Rodríguez Baca to be summoned to appear before me. The former is from this royal presidio, and the latter from the [Presidio] of los Adaes. They both should appear as witnesses to testify all they may know on behalf of the defendant. They should also present other witnesses, if they should know of any, for this has been requested by the defense.

Thus I have resolved, ordered and signed. In witness thereof, I certify.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Deposition made by the soldier Joseph Ant[oni]o Sauzedo

After [the deponent] had been questioned as to whether or not he would swear to God and to the Holy Cross which he made, and would promise the King to tell the truth insofar as he may be questioned, he replied that he would swear and promise to do so.

After [the deponent] had been questioned as to where he was on the sixteenth day of the present month and year when the [aforesaid] slaying occurred between the caballadas^{21v}// of the two situados, and the camp of the detachment that was on its way to the Guadalupe River; what was the motive he had to go up there; who had been the deceased; who had taken his life; what had been the motive for it; and whether he knew about any circumstances preceding the slaying, he stated that he had not been present at the slaying; that he had gone along with Corporal Tadeo Ramos to collect the baggage and supplies of some soldiers who that night were put in prison by the governor's orders because they had left the said detachment's camp without leave; that he had heard everyone say that the soldier murdered had been Christoval Carabajal from los Adaes, and that Juan Chirinos, soldier from the same presidio, had murdered him.

[The deponent] stated that he had arrived [at the situado] at the time when Juan Chirinos was arguing about his rights to another soldier's horse, and that he had heard Christoval Carabajal shouting to Chirinos from the distance, saying that Chirinos was lying. [The deponent] stated that the latter had replied by saying that [Carabajal] was lying much more than he was, in view of which the aforesaid Christoval Carabajal replied that he [would bet] that [Chirinos] was not man enough to repeat that [statement] away from the officers [who were present], and that the said Juan Chirinos had replied that he would repeat it anywhere he wished. At this point, [the deponent] stated, the alférez in charge of the detachment stopped [the dispute] between the two, and he added that [afterwards], he had seen the aforesaid Christoval Carabajal leave towards the camp [at the time when the deponent] had gone to separate some horses which belonged to him and which had joined the²² caballada of the detachment. He [also] stated that when he was telling the aforesaid Chirinos to take one of his horses, he had seen the said Christoval Carabajal change horses and ride off hurriedly on this grizzled horse toward the caballada of the situado of los Adaes.

[The deponent also stated] that [Carabajal] was

carrying his sword sheated to his belt, and that [later on], he had seen him come back in the same manner and roamed around the caballada where the deponent was [standing], and that he had heard [Carabajal] talking to himself and saying: "I swear that you will pay for this, you idiot." The deponent stayed there until he finished separating his horses, and he stated that a little afterwards, he had heard someone say that Juan Chirinos had murdered Christoval Carabajal. [The deponent stated] that he immediately left to where [Carabajal] was, and that he had found him dead at the edge of the caballada of the situado of S[a]n Antonio.

After [the deponent] had been questioned as to whether or not he had anything more to say, about his age, and if he knew how to sign, he stated that he did not have anything more to say; that he was twenty-six years of age; and that he would sign.

Baron de Ripperdá

(Rubric)

Joseph Antonio Saucedo

(Rubric)

Attesting Witness
Joseph Yg[naci]o ONeale
(Rubric)

Attesting Witness
Antonio de las Barzenas
(Rubric)

22v
//

[DS. 21-22 in E.
1-16-1772]

Deposition made by the soldier Antonio Rodríguez Baca

After [the deponent] had been questioned as to whether or not he would swear to God and to the Holy Cross (which he made with his hand), and would promise the King to tell the truth insofar as he may be questioned, he stated that he would swear and promise to do so.

After [the deponent] had been questioned as to whether or not he had been present at the slaying of the soldier Christoval Carabajal; on which day it had happened; where; who had been the murderer; why; and whether he knew of any other [witnesses] who may know anything more [about this matter], he replied that he had not been present at the slaying of the said Christoval Carabajal and that he could not remember the day on which the slaying occurred, but that he remembered it being [the day on which] a detachment assigned to go to the Guadalupe and San Marcos Rivers was camping between the two situados by the Arroyo el Salado. [The deponent stated] that he was from the squadron of the situado of los Adaes and that he had heard from all [the soldiers] that the soldier Juan Chirinos had been the murderer because a boy, son of Miguel Guerra, whom he thinks is about twelve years old, had testified so.

The deponent stated that he did not know, and that he had not heard of any other person having been present

at the time of the slaying; and that he did not know of any antecedents [preceding the slaying] other than when he was between his caballada and the one of the aforesaid detachment, accompanied by the alférez in charge, and the two señores mayors of this villa and many other soldiers and residents [of the said villa], and at the time when the aforesaid Juan Chirinos was presenting his petition as to his right to a horse which another soldier from los Adaes had in his possession, he had heard Christoval Carabajal saying that Juan Chirinos²³// was a swindler, and that [the latter] had replied to the said Carabajal by saying that he was the swindler, for which reason the said Carabajal had repeatedly called Chirinos a liar. [The deponent stated that] the latter had then replied that [Carabajal] was lying much more than he was, for which reason the aforesaid Carabajal had said that [he would bet] that [Chirinos] was not man enough to repeat [that statement] away from there. The alférez then stepped out to stop [Carabajal] by trying to grab a sword from a soldier [standing close by] because he was not carrying his own.

[The deponent stated] that after that [incident], the aforesaid Carabajal left toward his camp to get his sword, for later on he had been him carrying it sheathed to his belt, after [the latter] had changed

horses at the caballada of the detachment. [The deponent stated that Carabajal had then rode off toward his camp on a grizzled horse belonging to the soldier Joseph de la Garza, and that he had not seen him again until he saw him dead. [The deponent] stated that he did not see Juan Chirinos either until [the latter] was imprisoned at the [Body of the Guard] of this principal.

After [the deponent] had been questioned as to whether or not he knew if there were any other witnesses who may know a little more about this matter, he stated that he did not have anything more to say, and that he did not know whether there were any more witnesses who may know more about this matter or not.

After [the deponent] had been questioned about his age and whether or not he would sign this, he stated that he was twenty-two years old, and that he did not know how to sign, in view of which he [stated that he] would make a cross as his signature.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONEALE

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric) 23v
//

After the two witnesses [summoned] because of a request presented by the defense had been direct-examined by me, as it is on record in the preceding depositions, [I do hereby order these depositions] to be remitted to the said [defense], along with the rest of the proceedings, in order that he may proceed with other [witnesses] he may have and who may testify on behalf of the accused for the conclusion of this litigation.

Thus I have resolved, ordered and signed.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 23v in E.
1-16-1772]

[Señor] Governor Baron de Ripperdá

I, d[o]n Raphael María Pacheco, Captain of the Royal Presidio of San Agustin de Ahumada, and auxiliary [captain] of this [Presidio] of San Antonio de Bexar, as defender of the soldier Juan Chirinos, now imprisoned at the [Body of] the Guard of the said presidio, [do hereby state that I have read] the proceedings on the murder charges unjustly imputed upon [the defendant].

After having considered the circumstances stated [by the defendant], the testimonies of the two witnesses summoned by request of the defense, and the depositions of the [five] official witnesses, all on record in the aforesaid proceedings, and in view of the appointment made by the defendant enabling me to represent his rights as I may see fit, and in view that the depositions of the two witnesses summoned to testify on behalf of the defendant coincide in content with those given by the five official witnesses, I do hereby state that the innocence of the defendant has thus been proven in full.

All the witnesses agreed that the defendant was provoked by the said Christoval Carabajal, because the latter went looking for him at the situado of San Antonio where the said alférez in command, and the two lesser mayors and all of the other people were, and which was where the said Christoval was killed.//
24v

[Carabajal] left this place on a horse which he borrowed from a friend to go looking for the defendant. He sheathed his sword to his belt after he provoked [Chirinos] in the presence of the alférez and the two mayors, for which he was reprehended by the alférez. All these reasons in evidence were enough to impell the defendant to defend himself in order to save his life, and consequently prevent all the injuries which may have resulted [if he would not have done so]. What else could the defendant have done but to run after he saw Christoval Carabajal coming toward him? But the said Carabajal was [ridding] a fast horse, as it has been stated, and thus he reached [the defendant] quickly and attacked him before [the defendant] could arrive to the camp where the alférez was. The defendant could not have helped but shoot Carabajal because there was no one there to defend and save him from the attack which Christoval Carabajal wanted to commit upon the person of the defendant.

It should have been up to the judges who had been present at the provocation to have stopped the said Carabajal, especially when the said justices and the alférez knew that the said Christoval Carabajal was a hastily and provoked man,²⁵// and that he had [deliberately] abandoned his post to go looking for the defendant at

the situado of San Antonio which was at a fairly long distance [from the detachment's camp], as it has been stated by all the witnesses on the first cross-examination. These are enough proofs to acquit the defendant from the murder charges which he has been fully accused of, and for him not to receive any punishment because he justly [killed in] defense of his life, for this has been stated by the witnesses in all their depositions.

In view of this, I entreat Y[our] L[ordship] to acquit the defendant and to set him free, and to do everything I have already requested in my preceding writ, as well as in the present one, because it is of justice. [I also entreat Your Lordship] to admit this said writ on this present common paper for there is no stamped paper available. I swear in due form to all that which is necessary, etc.

Raphael María Pacheco
25v
(Rubric)//

[DS. 24-25 in E.
1-16-1772]

At the Royal Presidio of S[a]n Antonio de Bexar, on the thirtieth day of the month of January of the year of seventeen hundred and seventy-two, in view of the new evidences presented by the defense on behalf of the defendant, I, the Baron de Ripperdá, Governor and Commander-general of this Province of Texas and New Philippines, acting as receptoría with my attesting witnesses in the absence of a notary public or royal for there is none in this province, do hereby state that this litigation is now ready to receive, under oath, the ratification of the depositions given by the witnesses presented by both parties in interest.

For the fulfillment of that which has been stated herein//²⁶ I should order and thus do hereby order to take under oath, the corresponding ratifications from the witnesses cited in this litigation.

Thus I have resolved, ordered and signed.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 25v-26 in E.
1-16-1772]

Ratification made by the soldier Xavier Zepeda, witness mentioned by the defendant.

After [the witness] had been questioned as to whether or not he would swear to God by a sign of the Holy Cross which I asked him to make, and would promise the King to tell the truth insofar as he may be questioned, he stated that he would promise to do so.

After [the witness] had been questioned as to whether or not the deposition he made under oath before me, on the seventeenth day of the present month and year, concerning the slaying of the said soldier Christoval Carabajal, and about the circumstances preceding the event, had been read to him word by word, he stated that [his deposition] had been read to him word by word on the same day he had made it, as well as of today. He stated that he had no doubts in his mind that it was the same [deposition] he had made.

After [the witness] had been questioned as to whether or not he had anything to add or withdraw from it, and if he would ratify it as a whole and each and every clause contained therein, he stated that he did not have anything more to add or withdraw from it, and that he would ratify it as a whole and each and every clause contained in his said deposition^{26v}// because he made it according to law, under penalty of an oath he

took.

[The witness] stated that he was ratifying his deposition for he did not have anything more to say [about this matter]. Because he did not know how to sign, he made the sign of the cross.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 26-26v in E.
1-16-1772]

Ratification made by the mayor d[o]n Domingo Delgado, witness in this indictment.

After [the witness] had been questioned as to whether or not he would swear to God by a sign of the Cross I asked him to make, to tell the truth insofar as he may be questioned, he stated that he would promise to do so.

After [the witness] had been questioned as to whether or not the deposition he made under oath before me on the seventeenth day of the present month and year, concerning the slaying of the soldier Christoval Carabajal and about the circumstances preceding it, had been read to him word by word, he stated that it had been read to him word by word on the same day he had made it as well as of today and that he had no doubts in his mind that it was the same one he had made, as a whole and in all its parts.

After he had been questioned as to whether or not he had anything to add or withdraw from any of the replies contained in his aforesaid deposition, and if he would ratify everything contained therein, he stated that he would ratify everything he had stated in the aforesaid deposition, and that he did not have anything more to add or to withdraw. [He stated that] he would not alter²⁷// in any way that contained therein because

he made it in good faith, and fully aware of the seriousness of an oath. He stated that he would ratify his aforesaid deposition.

Baron de Ripperdá

(Rubric)

Domingo Delgado

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 26v-27 in E.
1-16-1772]

Ratification made by d[o]n Fran[cisc]o Xavier Rodríguez, mayor of second ranking.

After [the witness] had been questioned as to whether or not he would swear to God and to the sign of the Holy Cross which he made, to tell the truth insofar as he would be questioned, he stated that he would promise to do so.

After he had been questioned as to whether or not the deposition he made under oath before me on the seventeenth day of the present month and year concerning the slaying of the soldier Christoval Carabajal, and about all the circumstances preceding it, had been read to him, he stated that the said deposition had been read to him word by word on the same day he had made it as well as of today, and that he did not have any doubts in his mind that it was the same he had made as a whole and in each one of the parts contained therein.

After he had been questioned as to whether or not he had anything more to add or withdraw from that which he had stated therein, or if he wanted to modify any of its clauses, and whether or not he would ratify it as a whole and each one of its clauses, he stated that he would ratify^{27v}// everything he had stated therein without having to make any changes, add or

withdraw anything, for he made it under the same
penalty of the oath he had previously taken.

Baron de Ripperdá

(Rubric)

Francisco Xavier Rodríguez

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONEale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 27-27v in E.
1-16-1772]

Ratification made by the Alférez d[o]n Joseph Menchaca.

After [the witness] had been questioned as to whether or not he would swear to God by a sign of the Cross which I asked him to make, and would promise the King to tell the truth insofar as he may be questioned, he stated that he would promise to do so.

After [the witness] had been questioned as to whether or not the deposition he made under oath before me on the sixteenth day of the present month and year, concerning the slaying of the soldier Christoval Carabajal, and about all the circumstances preceding it, had been read to him word by word, he stated that the deposition had been read to him word by word on the same day he had made it as well as of today, and that he did not have any doubts in his mind that it was the same one he had made on the sixteenth of the present month and year, as a whole and each and every part contained therein.

After [the witness] had been questioned as to whether or not he had anything more to add or withdraw from the clauses contained²⁸// in the said deposition, and whether or not he would ratify everything he had stated therein, he said that he did not have anything more to add or withdraw from that which he had testified

therein because he had stated the truth under the oath he took, and that he would ratify everything contained therein.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Joseph Menchaca

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 27v-28 in E.
1161772]

Ratification made by Fran[cisco] Guerra, only eye witness [to the slaying].

After [the witness] had been questioned as to whether or not he would swear to God by making the sign of the Cross I asked him to make, to tell the truth insofar as he may be questioned, he stated that he would swear to do so.

After [the witness] had been questioned as to whether or not the deposition he made before me on the seventeenth day of the present month and year had been read to him word by word, and whether it was the same one he had made about the slaying of the soldier Christoval Carabajal at which he had been present, he stated that [the deposition] had been read to him word by word, and that as far as he knew it was the same one he had made under oath on the day he had been summoned to testify as the only eye witness to the slaying of the soldier Christoval Carabajal.

After [the witness] had been questioned as to whether or not he had anything more to add or withdraw from the said deposition; and if he would ratify everything he had stated therein along with that which had been read to him [today], he stated that he had nothing more to add or to withdraw from it, and that he had understood it completely, for it had been read

to him twice. [The witness] stated that he would ratify
 it as a whole and in all its parts, for although he was
 not very old,^{28v} he was aware of the responsibility
 of telling the truth when taking an oath.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naç]i]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 28-28v in E.
 1-16-1772]

Open Writ (Patent writ)

After having received on the seventh day of the month of February of the year of seventeen hundred and seventy-two, the summary proceedings [which include] all the witnesses' ratifications made under the penalty of a second oath taken, of that which they stated on their testimonies; and since all of the latter have agreed on the main points of their content, I do hereby declare this inquest period for presenting evidence as concluded.

Therefore, I should order, as I do hereby order, for this [present writ] to be added to these proceedings, and for the defender to be notified, as I do hereby notify him, of the above.

Thus I have resolved, ordered and signed. In witness thereof, I certify.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

²⁹
(Rubric)//

[Señor] Governor, Baron de Ripperdá,

After having reviewed the confession made by the defendant; the testimonies and ratifications made by the witnesses, all of which agree in their contents; the evidence presented by the defendant, all of it in conformity and agreeing with the main points contained in the official testimonies and ratifications taken from [the witnesses], I, d[o]n Raphael María Pacheco, Captain of the Royal Presidio of San Agustín de Ahumada, and auxiliary [captain] of this [Presidio] of San Antonio de Bexar, in the defense of the soldier Juan Chirinos, in the Body of the Guard because of the murder unjustly imputed upon him, do hereby request ratifications from the two witnesses summoned by the [Presidio] taken for a better substantiation of the [defense] of the defendant. After these ratifications [are taken] with the testimonies, [I] entreat Your Lords [to] [make] the deponent free and innocent from the [murder] [imputed upon him], and to issue his acquittal, as I have requested in my preceding writs.

I entreat Y[our] L[ordship] to do as I have requested in all my writs because it is of justice, and to admit this writ on this present common paper for there is no stamped paper available in this province.

I swear that [this is not with malice], and to
all that which may be necessary, etc.

Raph~~ael~~ María Pacheco

(Rubric)

[DS. 29 in E.
1-16-1772]

Let the two witnesses requested by^{29v}// the defendant
be summoned to appear before me, so their ratification
be taken, for that has been requested by the said party
in interest.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

[DS. 29v in E.
1-16-1772]

Ratification made by the soldier Antonio Rodriguez Baca.

After [the deponent] had been questioned as to whether or not he would swear to God and to the sign of the Holy Cross which he made with his hand, to tell the truth insofar as he may be questioned, he replied that he would swear to do so.

After [the deponent] had been questioned as to whether or not the deposition concerning the inquest on the slaying of the soldier Christoval Carabajal, and of all the events preceding [the slaying] had been read to him word by word at the time he made it, as well as today, and that he did not have anything more to add or to withdraw from it. [He stated] that he was ratifying that which he had stated in his afore-said deposition, as being the truth.

After [the witness] had been questioned as to whether or not he had something more to add [to his deposition]; about his age, and if he knew how to sign, he stated that he did not have anymore to add, and that he would affix a cross as his signature because he did not know how to sign.

Baron de Ripperdá

(Rubric)

Attesting Witness
Joseph Yg[naci]o ONeale
(Rubric)

Attesting Witness
Antonio de las Barzenas
30
(Rubric)//

[DS. 29v in E.
1-16-1772]

At the said Royal Presidio, on the eighth day of the month of February of the said year, I, the aforesaid Governor Baron de Ripperdá, acting as receptoría as it has been previously stated, do hereby order that the ratification I had ordered to be taken from the soldier Joseph Antonio Sauzedo, since it was requested by the aforesaid party in interest, be omitted because he is absent [from this presidio].

In view of the evidence on record in these summary proceedings as well as those which have been included thereafter, as presented by the defense on behalf and plea of the defendant, I should order as I do hereby order for the defendant to be summoned to appear before me for the conclusion of this criminal case.

Thus I have resolved, ordered and signed. In witness thereof, I certify.

Baron de Ripperdá

(Rubric)

Attesting Witness:

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness
Antonio de las Barzenas
(Rubric)

[DS. 30 in E.
1-16-1772]

Señor Governor:

In view of the preceding summons, I am appearing before Y[our] L[ordship] to state that [I] have nothing more to present on behalf of the defendant, with the exception of the evidence gathered in the testimonies of the witnesses whom the defendant presented in answer to the indictment preferred by Y[our] L[ordship]. And because I have disregarded the ratification of the [witness who is] absent, I do hereby entreat Y[our] L[ordship], for it is of justice, to declare [the defendant] free as I have requested in my ^{30v} // preceding writs, for it has been proven that he is not guilty of the charges he has been fully accused of.

The undersigned,

Raphael Maria Pacheco

(Rubric)

[DS. 30-30v in E.
1-16-1772]

On the said day, month and year, acting as it has been previously stated, and after all of the proceedings from the part of the prosecution as well as from the part of the defense have been concluded, I do hereby declare this case as concluded and definitively ready to receive sentence.

To this effect and in fulfillment of that stated in Article one hundred of the Regulations of the Interior Presidios, I should order, as I do hereby order the remittance of [these proceedings] as they are in the present stage, to the Superiority of the M[ost] Ex[cellent] S[eñ]or Viceroy Governor and Captain-general of this New Spain.

Thus I have resolved, ordered and signed. In witness thereof, I certify.

Baron de Ripperdá

(Rubric)

Attesting Witness

Joseph Yg[naci]o ONeale

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

31
//

[DS. 30v in E.
1-16-1772]

M[ost] Ex[cellent] S[eñ]or:

I am remitting to Y[our] L[ordship] the enclosed proceedings of the indictment preferred against a soldier of the Company of los Adaes under my command, because he, on the sixteenth day of the last month [of January] killed another [soldier] of the same Comp[an]y, in defense of his life, according to the evidence presented. For this reason I do [hereby] plea clemency on behalf of the defendant, in order that Y[our] Ex[cellency] may give him a prompt and favorable sentence.

Meanwhile, I place myself at your command, and I pray God our Lord to protect Y[our] Ex[cellency's] life many years.^{31v}//

San Antonio de Bexar, February 11, 1772.

Your most humble and loyal servitor kisses Y[our] Ex[cellency's] hand.

Baron de Ripperdá

(Rubric)

M[ost] Ex[cellent] S[eñ]or d[o]n Ant[oni]o Maria³²
Bucareli y Ursua.//

[Marginal Note]

Mexico, March 23, 1772

To the señor Assessor,

[Enclosed are] all the letters relative to this
matter.

Bucareli

(Rubric)

[DS. 32 in E.
1-16-1772]

M[ost] Ex[cellent] S[eñ]or:

As a summary [statement] to this criminal case remitted to Y[our] Ex[cellency] by the Governor of Texas, Baron de Ripperdá, it can be said that Juan Chirinos, a soldier of the aforesaid Presidio of los Adaes, shot Christoval Carabajal, soldier of the said presidio, in what seems to have been an act of self defense. [His action] has been justified in all the proceedings presented in this [litigation], and by the only witness present at the time of the shooting despite [the fact] that he is a boy of such a young age,^{3lv}// for he is hardly twelve years old; as well as by the circumstances preceding [the slaying].

From [those circumstances] which have been stated in all the testimonies given by the witnesses who were cross-examined for the plenary proceedings, as well as for the summary proceedings, it can be established that Carabajal became very angry and swore his threat of revenge because Chirinos demanded, before the governor, the payment of a promissory note for three horses and a he-mule, which Carabajal had signed; and that this [fact] motivated another soldier, who is one of the witnesses, to warn Chirinos to be careful because Carabajal wanted to kill him.

In the same manner, it can be established that in

the morning of the following day, which was [the morning] when the slaying occurred, Carabajal passed nearby and shouted to Chirinos saying that [Chirinos] was a swindler, [just] because Chirinos was at the detachment's [camp] placing a demand before the alférez about a horse which another soldier had, and which belonged to him; that when Chirinos replied he was not what Carabajal [was saying], the latter repeatedly ³² // called him a liar as he started toward [Chirinos] in a fury, for which [action] he was reprimended by the alférez who told him to shut up and to go away; [that the aforesaid Carabajal] did not comply with the order until after he saw that [the alférez] had made a motion to grab a sword from a soldier standing next to him; and that after this incident was over and Chirinos had left to go to the caballada to get the horses in question in fulfillment of the orders given by the alférez, as it was testified by all the witnesses, Carabajal mounted a fast horse and left in pursuit of Chirinos, carrying his sword, which he was not carrying before the time of the aforesaid incident; and that after a while they all had received the news at the detachment's camp that Chirinos had killed Carabajal.

All these events, which occurred in the presence

of the aforesaid alférez, the two lesser mayors of this villa, and the several witnesses, make credible the account of the slaying given by Francisco Guerra, a minor, and the only witness to the slaying, for he stated that the said Carabajal was in pursuit of Chirinos, because once he got close to [Chirinos] he grabbed his sword and gashed him with it; that after [Carabajal] had run after [the defendant] for a distance of one escopeta shot, he had heard Chirinos warning [Carabajal] twice, for he said [to him], "stop it, or I will kill you," because [Chirinos] already had his escopeta in his hands; that immediately afterwards, [the witness] heard the shot and had seen Carabajal, who was riding very close to Chirinos, sway on his horse and fall; and that afterwards, the witness had run [to Carabajal's] aid, who expired in his arms.

The testimony of another witness^{32v}// who was at one of the caballadas of los Adaes can also be mentioned [to justify Chirinos' act]. [This witness testified that] he had seen Carabajal come back and roam around the edge of the caballada where this witness was standing; that [Carabajal] had kept on going in this said manner; that when [Carabajal] was passing close to where the said witness was standing, [the latter]

had heard him say "I promise that you will pay for this, you idiot;" and that after a little while, this witness heard that Chirinos had killed [Carabajal].

According to Law 4, title 23, Vol. 8 of the Recopilacion de Castilla, which states that every man who premeditatedly kills another should be sentenced to death, unless he kills an enemy, or in defense of his life; and [according] to other tenets of the law, which state that anyone can lawfully kill someone else when [the latter] is armed and has intentions of killing; and since all the previous evidence [prove Carabajal's provocations], there can be no doubt that Chirinos proceeded justly in self defense. He did not commit any crime because he did not have any doubt [in his mind] of [Carabajal's] emnity, especially when he had been warned by the soldier who had told him to be careful; and because of the dispute of that aforesaid morning, when Carabajal, without reason at all, and for something which he did not have the right to claim, got furious with [Chirinos], although the presence of the alférez and the lesser mayors and other people present was not sufficient to restrain his anger.

Therefore, when Chirinos saw that [Carabajal] was after him at this deserted place where [there

was] not [one person from whom] he could receive any help, and [when he saw that Carabajal was in his pursuit with a sword in his hand³³// and at a greater speed because of the lightness of Carabajal's horse and the SEAL YEAR OF SEVENTEEN HUNDRED AND

SEVENTY-TWO, AND SEVENTY-THREE

weariness of his own; and [when the defendant realized that] not even the fact that he had already his escopeta in his hands and was warning [Carabajal] to stop or he would kill him; and that [the latter] was getting so close that according to Chirinos, he touched his [clothing] with the barrel of [his escopeta] as it was of evidence when [Carabajal's] clothing was examined, the defendant was in his right to have killed [Carabajal] without committing any crime, for this has already been substantiated by the aforesaid tenets of the law and by the aforesaid Law [4, title 23, Vol. 8 of the Recopilacion de Castilla].

Because when the slaying occurred, Chirinos sought refuge at the Mission of San Antonio de Valero, where he was apprehended by virtue of a warrant of arrest, a substantiation of this cause should not have been followed, but rather, [Chirinos] should have [been allowed] to return to the church, for he did not commit a crime that would have deprived him of his rights.

[There was] no call [for the issuance] of edicts and proclamations against his act of default, nor to have had a hearing to decide whether he should have been allowed to remain [in the church] or should have been apprehended en lugar profano. For the same reasons, [the prosecutor] should not have proceeded with a final sentence, for the procedure was to have had [Chirinos] return to the church, [where] those proceedings should have been carried out.

This case should have been [remitted] for consultation, for it is the opinion of the Assessor that the time it took for the remission of all the proceedings because of the great distance there is between this capital and that presidio; for all of [those proceedings]^{33v}// to have been completed and sent to this city for a termination of the sentence; and for them to have been remitted back to that presidio, should have been taken into consideration, for in the meantime the defendant endured the terrible experience of delayed imprisonment, in addition to all that which he had already endured, especially when his innocence was [so] evident in the said proceedings.

In view of these reasons, I do hereby plea with Y[our] Ex[cellency] to declare the defendant, Juan Chirinos, free of the charges of the slaying of Christoval Carabajal; and to order that after his

release he will continue his job in the service, and that [the defendant] will not stand trial for the same offence now or at any future time.

Let this be notified to the R[everend] F[ather] President of that Mission, in order that by virtue of [this notification] he will return the warrant of arrest given to him [for the release of the accused].

For [the conclusion] of this criminal cause, let all these proceedings be remitted to the señor governor of that province.

Mexico, April 29, 1772.

Domingo de Valcarcel

(Rubric)

[DS. 31-33v in E.
1-16-1772]

Mexico, April 29, 1772

As it is the opinion of the señor Assessor; and for the fulfillment [of that ordered therein], let these proceedings be remitted to the señor governor of Texas.

Bucareli

(Rubric)

[DS. 33 v in E.
1-16-1772]

At the Royal Presidio of San Antonio de Bexar, on
the twenty-second day³⁴// of the month of June of the
year of seventeen hundred and seventy-two, acting as
receptoría before my attesting witnesses in the ab-
sence of a notary public or royal within the limits of
this province, and on this common paper for there is
no stamped paper available, I, the governor of the said
province, have received on this day from [His] M[ost]
Ex[cellent] S[eñor Viceroy, Governor and Captain-
general of this New Spain, among other documents, the
preceding criminal case followed against Juan Chirinos,
soldier of los Adaes, because of the slaying of Chris-
toval Carabajal, soldier of the same company. The
said M[ost] Ex[cellent] governor had deemed remit [these
proceedings] to me, which enclosed the judgment dic-
tated by the s[eñor Judge Advocate [by which he] de-
clares [Juan Chirinos] completely free [of the charges
contained therein], in order that [the defendant] may
return to the same post he held as a soldier. This
judgment has been approved in all by the said M[ost]
Ex[cellent] Señor.

In fulfillment of the venerable preceding decree
given in Mexico on the twenty-ninth day of the month
of April of this same year, I should order, and do
hereby order the immediate release of the aforesaid

Juan Chirinos.

[The deponent] was brought to my presence and [that one of] my attesting witnesses, and he was set completely free, and in good health, to continue the royal service in the same company.

The [aforesaid] was notified to him, and [he stated that] he would obey it.

In witness thereof, I certify.

Baron de Ripperdá

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Attesting Witness

Anicetto Vissente Carmañor

(Rubric)

34v
//

[DS. 33v-34 in E.
1-16-1772]

On the said day, month and year, acting as it has been previously stated, [I, the Baron de Ripperdá], remitted a notification to the R[everend] F[ather] Fr[ay] Asis de los Valverde, Minister of the San Antonio Mission, (previous president of the Four [Missions] of the Holy Cross of Queretaro), in order that he may return the warrant issued for the arrest of the defendant at the church of his Mission, so that the preceding final judgment from the señor Judge Advocate may be completed, [for it already has] the approval of H[is] M[ost] Ex[cellent] S[eñor] Viceroy.

After the return of the said warrant of arrest by the aforesaid Reverend Father, I do hereby order it to be added to the originals of [these proceedings]. Let all be filed in the archives of this my office of the government, as it has been previously stated in these proceedings.

In addition, I do hereby order to file that which has been resolved by H[is] Ex[cellency] as part of these proceedings.

Thus I have resolved, ordered and signed. In witness thereof.

Baron de Ripperdá

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Attesting Witness

Anicetto Vissente Carmaño

(Rubric)

35
//

[DS. 34v in E.
1-16-1772]

To the M[ost] R[everend] F[ather] P[resident] F[ray]
Azis de los Valverde.

Having Juan Chirinos, soldier of the Presidio of los Adaes sought refuge at the church of that Mission because of the murder he just committed on the person of Xr[istoval] Carabajal, soldier from the same presidio, [I] entreat Y[our] M[ost] R[everend] F[ather] to deliver the said criminal to Lieutenant d[o]n Xr[istova]l de Córdoba, who is going with some soldiers to take charge of his delivery by virtue of this warrant of arrest, which I am issuing in due form^{35v}// in order that his arrest at that church may be of record thereafter, and it could be decided whether he is legally entitled [to the protection of the church] according to that which has been lately ordered by H[is] M[agest]y.

May Our Lord k[ee]p the life of Y[our] M[ost] R[everend] [Father] m[an]y y[ear]s. S[a]n Antonio de Bexar, January 16, 1772.

Your most attentive and faithful servitor k[isses]
Y[our] M[ost] R[everend] hand.

Baron de Ripperdá

(Rubric)