

[Joachínn] Caveza Enriquez [Rubric]	Juan Antonio Mon[te] y Velarde [Rubric]	Modesto de Salcedo [Rubric]
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Duties on this royal provision, being executory and having six leaves and more, fourteen pesos. The Chancellor should receive one-half. Thus I swear.

[Rubric]

Registered

Chancellor

Lic[entiate] Aug[ustín] Tamayo [Rubric]	Lic[entiate] Aug[ustín] Tamayo [Rubric]
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[WAX STAMP]

[Rubric]

Corrected [Rubric]

Executory Provision, committed to the Governor of Nueva Vizcaya so that he might proceed to practice that which is set out in the writ herein inserted, in the case prosecuted by request of Juana Garcia, wife of Juan de Escamilla, against D[o]n Thomas Trabieso, for homicide, of which the latter had been charged.

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//[Cross]

[Seal: Carolus III.

D. G. Hispaniar. Rex.]

[Seal: Carolus III.

D. G. Years 1776.

1777. Cross.]

One real.

THIRD SEAL, ONE REAL, YEARS OF SEVENTEEN HUNDRED SEVENTY, AND SEVENTY-ONE.

D[o]n Carlos

By the grace of God, King of Castille, of Leon, of Aragon, of the Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Mallorca, of Seville, of Sardinia, of Cordoba, of Corsica, of Murcia, of Jaen, of the Arabs of Algecira, of Gibraltar, of the Canary Islands, of the Indies East and West, [the] islands and mainland of the oceanic sea, Archduke of Austria, Duke of Burgundy, of Brabant, of Milan, Count of Hapsburg, of Flanders, of Jirol, of Barcelona, Lord of Biscay, and of Molina S[an]ta:

To ye the Governor of the Kingdom of Nueva Vizcaya:

Know, that before my Regent and the oidores of my Audiencia, Court, and Royal Chancery which is, and resides in the city of Gua[dalajar]a of that, of Nueva Galicia, the Alcalde Mayor of Saltillo has prosecuted a criminal case and acts against D[o]n Thomas Trabieso by complaint of Juana Garcia, wife of Juan de Escamilla, charging that [Trabieso] had taken the life of the stated Escamilla. In view of these [acts], it was ordered that various measures be taken and this my Royal Letter issued, inserting therein the documents and other [papers] which are [deleted: are] punctually as follows.

[M.N.] Attachment

His Grace the said S[eño]r Regidor Alguacil

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//[Cross]

[Seal: Carolus III.

One real.

D. G. Hispaniar. Rex.]

THIRD SEAL, ONE REAL, YEARS OF

[Seal: Carolus III.

SEVENTEEN HUNDRED SEVENTY, AND

D. G. Years of 1776.

SEVENTY-ONE.

1777. Cross.]

Mayor, in view of the antecedent acceptance and the appointment of D[o]n Yldefonso de la Fuente as Receiver, in the presence of D[oña] Rosalia de la Sendeja, immediately took the afore-mentioned declaration of the goods belonging to D[o]n Tomas Trabieso, which were received by the said D[o]n Yldefonso and areas follows.

First she [Doña Rosalia] declared the dwelling house which is composed of six rooms and a small yard. She also declared a white box with the clothing used by said S[eño]ra and inside it, four p[eso]s in reales. The said clothing is composed of a [short, hooped] petticoat of velvet, some mingalas of capichola columbinas, some chintzes, and a glossy [satin?] cloak [manto]. Also [she declared] another [box] with two hundred piloncillos reineros; also another [similar] box with some San Anto[ni]o nuts and a small sack of salt; another medium [sack] with a few unusable remnants.

[There was] also a worn leather-covered chest, ten
 2v //large earthenware pans and three and a half dozen small
 ones, two dozen gugs I mean jugs of patamba, two and a half
 dozen little [china?] basins, five flat earthenware pans, five
 empty bottles, and two and a half dozen pots at a real apiece.

[She] also [declared] a pitcher [pichel] and a large
 china cup, a steel pot, an araña of iron empeñada, some
 cards empeñadas [for combing fiber], a small guangochi sack
 with old iron belonging to D[o]n Lope Guerra, a firelock and
 its case, two almudes of kidney beans in a sack of coarse
 cloth, and another cow-hide sack with four almudes of
 kidney beans.

[There was] also a cabinet with its counter, and in
 it a large box full of kidney beans, six skeins and two
 small balls of cotton empeñadas; also three dozen and seven
 loose timbers [fustes sueltos], a beef leather seroon full
 of cotton; four dozen and nine flat earthenware pans [comales]
 in the room behind the shop [trastienda], at a real apiece;
 and an oblong hamper [guacal] with eight p[eso]s [worth] of
 soap.

Also [she declared] for twenty-three mules, seventeen
 female and six male, and a mother mare, all of them tame;
 also for nineteen aparejos aperados; eight guangochi blankets,
 unusable; and seven [blankets] of coarse cloth [jerga], almost
 in the same state; two handbells [esquilas], three necklaces
 [collares]; also five cargas of pilon at forty manos for each
 four, which makes twenty pesos counted at forty to the peso;

three dozen little earthenware pans; and a red horse, tamed for riding.

[There was] also a small spinning wheel, twenty pots at a real apiece, a large box with half a fanega of salt, and another full of maize; also, a cow-hide sack with half a fanega of maize; a small leather wine bag [bota] of beef lard; some quisquemeles, well treated; a [dress] skirt of wool; also a piece of a skirt of old melendra; and a man's coat of perdurable.



[She declared] also two cargas of flour as well as two a[rrobas] of Yg[naci]o de la Fuente, two cargas of aguardiente which she said belonged to D[o]n Fran[cis]co de Arispe, also an empty barrel which she said belonged to D[o]ña Micaela Flores, eleven cargas of flour in their cow-hide sacks, a beef leather seroon full of flour just short of its mouth, a carga of soap, and a small leather bag [bota] of beef suet.

Also, [there were] some headdress ornaments and three headstalls, or halters of cow-hide, all of which [uno y otro] she said belonged to D[o]n Lope Guerra; two saddles, one with stirrups of iron and the other of wood, and both of them used; a bridle with headstalls of plain cow-hide; and a slave named Maria Yg[naci]a about thirty years old, give or take a year.

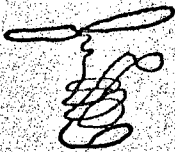
Because she said there were no more goods belonging to her husband D[o]n Thomas Trabieso to declare, she added that this declaration had been done well and in good faith, and to all those [persons] herein expressed,

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 //[Seal: Carolus III.
 D. G. Hispaniar. Rex.]
 [Seal: Carolus III.
 D. G. Years of 1776.
 1777. Cross.]

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 SEVENTEEN HUNDRED SEVENTY, AND
 SEVENTY-ONE.

the afore-mentioned D[o]n Yldefonso de la Fuente declared
 [the goods] properly delivered and received.

He waived the laws of surrender in evidence [leyes del
 entrego a prueba] and obligated himself [instead] to place
 on display anything requested by the Lord Justice in the
 case, or by anyone else who might take judicial notice of
 the case, excepting only that which might be spent [directly]
 in the sustenance of the Señora and her family. In consonance
 with this he obligated himself in his person and in the goods
 he now, or in the future might possess [to] the explicit
 submission and renunciation of law and privilege, also with
 the condition that he not be held to account for any future
 contingencies that time might offer. He signed this with
 His Grace before me, and on this common paper for lack of
 any with seals, all of which I certify.



Melchor J[ose]ph Campusano

Yldefonso Fuentes

Before me Julian Ygnacio Domingues [Notary]

[M.N.] Writ

In the city of

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//[Cross]

Guadalaj[ar]a on the ninth of August, seventeen hundred seventy-seven years, the L[o]rds Regent and oidores of the Royal Audiencia of this Kingdom of Nueva Galicia:

Having witnessed; these acts and the criminal case prosecuted by the Alcalde Mayor of the villa of Saltillo against Don Tomas Trabieso, by virtue of a complaint by Juana Garcia, wife of Juan de Escamilla, charging that [Trabieso] had taken the life of the stated Escamilla-- [a complaint she made] because [Escamilla] having been cargador of [Trabieso's] packtrain, and all of them having come by the road which runs from the Presidio of San Antonio de Bejar, he [Escamilla] had not returned with him;

Witnessed; the afore-mentioned complaint, in which Juana Garcia stated that she had learned from J[ose]ph Cuellar, Augustin Flores, and Miguel Quintanilla that the afore-mentioned Escamilla had been found dead in a ravine, with two knife wounds in his back, for which reason the stated Alcalde Mayor ordered D[o]n Tomas placed in jail with two pairs of shackles, attaching his goods;

Witnessed; the imprisonment executed in [the person of] the aforesaid, the attachment and deposit of his goods; the statements of D[o]n Joseph Bela and D[o]n Fran[cis]co Flores, who stated that on the way from the Presidio of San Antonio,

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//[Cross]

the afore-mentioned Escamilla disappeared one night, [and that] they could not find him in spite of the diligence they exercised in [searching for him];

Witnessed; the statements of Tomas del Toro and that of Mariano Garcia, and those of J[ose]ph Cuellar, Augustin Flores, and Miguel Quintana, who said that on the fourteenth of December, of seventy-six, they found a dead man with two knife wounds in the back, covered with earth, in the pass below the Rio Gr[an]de in a shallow bay;

Witnessed; the statement of D[o]n Thomas Trabieso and the brief which was filed with this R[oya]l Audiencia on behalf of the aforesaid and his attorney Don Pedro J[ose]ph de la Peña, alleging grievance and denial of justice, complaining of the proceedings of said Alcalde Mayor in having placed him in jail and in stocks with shackles, and in having ordered him to the lumber workshop, presuming his guilt in the homicide of Escamilla solely upon the complaint of said Juana Garcia, without the presence of the corpus delicti; wherefor, in fear of the outrages of said alcalde mayor, they [Trabieso and de la Peña] came as fugitives

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//[Cross]

[Seal: Carolus III.

One real.

D. G. Hispaniar. Rex.]

THIRD SEAL, ONE REAL, YEARS OF

[Seal: Carolus III.

SEVENTEEN HUNDRED SEVENTY, AND

D. G. Anos de 1776.

SEVENTY-ONE.

1777. Cross.]

to the mercy of this R[oya]l Aud[iencia] to represent their grievance, and the excesses of the stated alcalde mayor, who has had no other motive for his method of proceeding than to appropriate Trabieso's goods, from which he extracted three dozen [pairs of] shoes, three cargas of piloncillo, and one hundred pesos which he demanded on the same goods, penalizing the guarantor twenty-five pesos, and another thirty pesos for the expenses caused the receiver in the brief which he presented to said Alcalde Mayor, according to the papers [diligencias] presented by Trabieso;

Witnessed; that which was provided for by this R[oya]l Audiencia on the twenty-seventh of November of said year, by which it was ordered that Trabieso should be bonded as adjudged and sentenced, and be kept in jail in this city, [while] his mules and [other] attached goods should be turned over to his son, and a dispatch issued to send the Alcalde Mayor of Mazapil to the villa of Saltillo to take those measures described in said writ for the ascertainment of said homicide, its circum-

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//[Cross]

stances, and the aggressor, and with Trabieso bonded for false accusation up to the amount of one-thousand pesos, the same agent should gather information concerning the excesses of which he accused said Alcalde Mayor, and if they proved to be justified, he should arrest him, and attach and deposit his goods, transferring his person to the royal jail in this court;

Witnessed; the bonds which said Trabieso gave before said agent with the named [previously] Peña, and the information received from five witnesses concerning the afore-mentioned excesses, and the seizure of the goods of said Alcalde Mayor upon the request of the agent, who directed another [request] to the Governor of Nueva Vizcaya for the imprisonment and transferral of said Alcalde Mayor, who excused himself from fulfilling [the request] by stating that the afore-mentioned Alcalde Mayor was under indictment in that government and in the character of prisoner because of crimes he had committed in his territory, and that he [the Governor] should not be deprived of the prosecution of cases involving his subordinates;

Witnessed; the same Governor's letter of the thirteenth of February of this year, in which he warned the Cabildo that although agents might be sent from this R[oya]l Aud[iencia], he would withhold the exercise of their commission, unless they should first consult with said Governor, and that in the future that which was directed in these matters by the royal cedula of the first of June of [seventeen hundred] seventy should be observed;

Witnessed; the cited royal cedula, and the request issued by said Governor, in his capacity as Adviser, to the agent of this R[oya]l Aud[iencia], to the effect that he should release the goods of said Alcalde Mayor and abstain from proceeding in the case on which he was acting;


Witnessed; the measures which were taken for the ascertainment of the afore-mentioned homicide and its circumstances, with the statements that were received from Joseph Antonio de la Garza, D[o]n J[ose]ph Vela, D[o]n Antonio Olibares, Manuel Albares, Alexandro de Casas, Fran[cis]co Moreno, and D[o]n J[ose]ph Santiago Barrera, who was Lieutenant at the time of the discovery of the deceased, in which said Barrera stated: that having received news from Miguel Peres that a dead body had been found in the surroundings of that

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//[Cross]

post on the fourteenth of September of [seventeen hundred seventy-six], said Barrera in the company of D[o]n Joseph de la Garza and others, passing by a ditch next to the afore-mentioned post, saw a dead man covered with earth, and uncovering him found him to be tall, blond, of Spanish coloring [white], with a wound in a lower [portion of his body], apparently given with a lance or a cutlass, and another smaller one slightly higher up, without being able to determine who he might be;

Witnessed; the claim of Joseph Antonio de la Garza that a young man communicated to him that Escamilla had been in Pellotea shearing sheep, and that he was [sapaton], with large eyes and red hair, and that he had spoken to him in September of [seventeen hundred] seventy-six;

Witnessed; the plea of the Señor Fiscal of the 2nd of May of this year, the consultation of the Governor concerning the remission to him of the case which had been formed [correction: against] the alcalde mayor, that which was asked for by said Trabieso, and that which was said by the Señor Oidor Fiscal in his antecedent reply, with the rest which is relevant, and it was appropriate to adjudicate;



They [the Regent and oidores of the Audiencia] said, with respect to the party D[o]n Thomas Trabieso's having had recourse to this R[oya]l Aud[iencia], com-

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//[Cross]

[Seal: Carolus III.

One real.

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SEVENTEEN HUNDRED SEVENTY, AND

D. G. Years of 1776.

SEVENTY-ONE.

1777. Cross.]

plaining of grievance and notorious injustice on account of the voluntary proceedings of the Alcalde Mayor of Saltillo D[o]n Pedro Lucas de la Quintana in the indicated case of homicide, that the Governor of Nueva Vizcaya may not

hear the case either in his capacity as Governor or by avocation. They declared, and do declare, that [the matter] pertains to this tribunal, and that its hearing falls to it by force of the afore-mentioned recourse.

Considering that the corpus delicti was not presented in evidence for the proceedings of said Alcalde Mayor in arresting the person of D[o]n Thomas Trabieso, and chaining him with shackles in the stocks, attaching his goods, and [even] ordering his remission to the lumber workshop without further cause than the simple complaint of Juana Garcia, wife of the supposed deceased Juan de Escamilla, [and considering that] her [description] does not coincide with that of the corpse found in a ditch, next to the post which is called Miguel

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//[Cross]

[Seal: Carolus III.

One real.

D. G. Hispaniar. Rex.]

THIRD SEAL, ONE REAL, YEARS OF

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SEVENTEEN HUNDRED SEVENTY, AND

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SEVENTY-ONE.

1777. Cross.]

Perez, Lieutenant D[o]n J[ose]ph Santiago de la Barrera having stated that he recognized him to be Spanish, and tall, whereas it is evident that Escamilla is a mulatto, and short in stature, and [considering] besides the indications that he is still alive and was seen in the

Bahia del [E]spiritu Santo by the young man named by the witness J[ose]ph Antonio de la Garza, thus having vanished the indications adduced by complainant along with the statements of all those who accompanied Trabieso and Escamilla the day and night of the latter's disappearance,

They absolved and do absolve the above-said D[o]n Thomas of the suit [against him], declaring him free of it. They ordered and do now order that his attached goods, or their equivalent value, be returned to him in whole by said Alcalde Mayor Quintana, whom they condemned, and do condemn to pay costs and the salaries of D[o]n Lorenzo Martines de Sexma, justly commissioned by this Royal Aud[iencia] to investigate a grave and atrocious case, and the ex-

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//[Cross]

cesses of Quintana in this case and others.

In consequence of which is cancelled the surety bond given [by Trabieso] with D[o]n Pedro J[ose]ph de la Peña, who likewise is declared free of all responsibility he might have contracted in the aid and insurance of Trabieso.

Extracting the testimony of the investigation [información] made by the agent, this [order] is remitted to the Governor of [Vizcaya] [mss. faded, torn], so that at the same time he tries the case prosecuted

against said Alcalde Mayor by petition of the Cabildo of Saltillo, he should judge the excesses resulting from the case, and proceeding with the dictate of Adviser should determine according to [law], hearing those pleas which are interposed, and might be worthy of granting for this R[oya]l Aud[iencia].

For all of which [is issued] [mss. faded, torn] [this] R[oya]l P[rov]ision, [and] its execution committed to the afore-mentioned Governor, and that agreed upon, thus it was proved and signed by the Señores Regent, Caeza and [M]on[te].

[M.N., Dec(isi)on] Before me D[o]n Nicolas Lopez Padilla.

In consonance with which, and in order that that which was determined by the said my Regent and oidores in the herein inserted writ should be

[F. E., 1-8v in E.
(1776-1777)]