

Writ of
Process

At the Royal Pres[idi]o of S[a]n Ant[oni]o de Bexar and Villa of San Fernando of the Jurisdiction of Texas, about seven o'clock in the morning of the nineteenth day of the month of April of the year of seventeen hundred and seventy-two, I, don Luis Ant[oni]o Menchaca, Cap[ita]in and major deputy of the law of the said pres[idi]o and its jurisdiction [by appointment conferred to me by] H[is] M[ajesty], (may God keep him), [received] a notice from the s[eñ]or Governor of this province, d[omi]n Juan Maria Baron de Ripperda, which was brought to me by don Cristobal de Cordova, Lieutenant of the R[oya]l Presidio of Orcoquizac, that in the house of Juana Maria de Abonze there was a man who died from a stabbing he received.

In fulfillment of the aforesaid notice so that the proper inquiry takes place in order to find out who [the deceased] was, who killed him, and the manner in which he was killed, I, the said captain should order, as I do hereby order, the fulfillment of this writ of process. Three men should assist me to wit: Joseph Maria Rodriguez and Antonio Baca, both, soldiers from los Adaes; Pedro Ignacio Farias, soldier from San Saba, and the surgeon Pedro Duran from this vicinity. To this effect [we should] go to the said

house to identify the deceased, and everything that may be found [belonging to him]. After the identity [of the deceased] and the inquest proceedings which may have resulted necessary during this investigation have been recorded, [I order] that all this be certified for that which may be of importance to the law.

Thus I have resolved, ordered and signed, acting as a Juez receptor before my attesting witnesses due to the absence of a notary public or royal for there is none in this province as required by law, and on this present paper for there is no stamped^{lv}// paper available within the limits [of this province]. In witness thereof, I certify.

Luis Antt[oni]o Menchaca
(Rubric)

Attesting Witness
Ygnasio Luzero
(Rubric)

Attesting Witness
Manuel de Vrrutia
(Rubric)

[DS. 1-lv in E.
4-19-1772]

At the said r[oyal] pres[idi]o, on the said day, month and year, I, the said judge, in compliance with the preceding writ, certify that the three above mentioned witnesses and the surgeon went along with me to the aforesaid house where the corpse of a man named Diego Menchaca, soldier from the Presidio of San Saba was found. After [the body] had been examined, there were found on him three wounds to wit: one on the head which came down from the crown to the temple; one on the forehead, close to the other temple, and another on the cheek. No other wounds were found on the rest of his body which may have caused his death.

The following possessions belonging to the deceased were collected to wit: one old saddle with wide stirrups and hangings, some leather weapons, some small cushions, one escopeta, one ~~sword~~ sword belt, one oval leather shield, some spurs, one scabbard, one bridle, some boots, one wool cape, one chulo [a sort of vest], one pair of pants of the same [material], one change of white underwear, all [the aforesaid] old, and which, as of today, is staying in my custody. Concerning the horses [found in] the possession of the deceased, they will be entered in this record as soon as they are identified [as belonging to him].

Because the wounds the deceased received, were

not inflicted upon him in the house where he was found
dead, I do hereby place this [statement] as part of
 these proceedings.

Thus I have acted in my own presence with my
 attesting witnesses in the absence of a notary public²//
 or royal, of which there is none [within] the limits
 of this province.

In witness thereof, I certify.

corrected: sword - not valid - between lines -
 sword belt - valid.

corrected: one oval leather shield - not valid.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Attesting Witness

Manuel de Vrrutia

Ygnasio Luzero

(Rubric)

(Rubric)

[DS. lv-2 in E.
 4-19-1772]

Immediately thereafter, I, the said captain, attentive [to the fact] that the wounds received by the deceased who is mentioned in these proceedings, were not inflicted upon him in the house where he died; and so that [the information concerning the location] of the wounds, the seriousness of them, and the weapon used would be of record, I do hereby order the surgeon to testify as these circumstances. The three witnesses previously mentioned in the opening writ of process should also be cross-examined concerning the objects and valuable [possessions] found belonging to the aforesaid deceased, and which remain at the present time in my custody, as it has been previously stated.

In order that this [writ] may be of record, I do hereby place it as part of these proceedings, which I signed, acting in the presence of the attesting witnesses as it has been previously stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness
Ygnasio Luzero
(Rubric)

[DS. 2 in E.
4-19-1772]

Immediately thereafter, in compliance with the preceding writ, I, the said judge, administered an oath to the surgeon Pedro Duran from this vicinity [an oath] which he took according to law, in the name of God our Lord and the sign of His Holy Cross. After the deponent had examined the body [of the deceased], who was mentioned//^{2v} in these proceedings before me, he promised to tell the truth.

[The deponent] stated that [the body] displayed three wounds: one on the head, one on the forehead, and another on the cheek, and that all of them had been inflicted with a sword or a knife, for they all were long [wounds], as those made by the blow of a sword or of a very sharp knife, [a fact that] could be seen by [the wound the deceased] had on the crown. He [also stated] that one of [the wounds] had been fatal, that is, the one [the deceased] received on the crown, for this was more than one sesma in length, had come down to the temple, had broken the skull, and had penetrated the brain, since he, [the surgeon], had examined [the wound] with a probe he had inserted through the two ends of the wound down into the brain, and as deep or deeper than the length of the wound.

[The deponent also stated] that although the other two wounds had been less serious, he had

recognized them as having been inflicted with the same weapon because of the way and place they had been inflicted. [The deponent added] that everything he had stated herein had been the truth by virtue of the oath he had taken.

After [the deponent's] testimony had been read to him word by word, he affirmed it and ratified it, and he stated that he did not have anything more to add or withdraw from it. He said that he was forty-eight years old, and that he had been a surgeon for about twenty years, little more or less.

[The deponent] signed [his testimony] before me and my attesting witnesses with whom I act as it has been previously stated.

In witness thereof, I certify.

Luis Anttonio Menchaca

(Rubric)

Pedro Duran

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

[DS. 2-2v in E.
4-19-1772]

Immediately thereafter, I, the said captain, administered an oath to Joseph Maria Rodriguez, for that was the name he gave, [an oath] which he took according to law, in the name of God our Lord³// and the sign of His Holy Cross. [He said that he was] a soldier from the troop of the Presidio of los Adaes, and that he was at the present time assigned to this one of San Ant[oni]o de Bexar.

After [the deponent] had been questioned as to whether or not [he knew] of the tenor of the preceding writ, he stated that he had gone with me and other persons to the house of Maria de Abonze, and in it they had found a man dead, who displayed three wounds on the head, and from which he had, apparently, bled copiously. [The deponent stated that] he had seen all this while examining the body. [He also stated] that he had seen the following possessions being collected belonging to the deceased; one old saddle with wide stirrups and hangings, some leather weapons, some small cushions, one escopeta, one sword belt, one oval leather shield, some spurs, one scabbard, one bridle, some boots, one wool cape, one chulo, one pair of pants of the same [material], one change of white underware, all of which were old. [The deponent added that] four saddle horses had also been

gathered, as well as a spirited docked colt which had been brought later on; and that everything had been left in custody of the judge.

[The deponent also stated] that the body of the deceased had been left at the house where it was found, and that he, [the deponent] would identify [the deceased's] belongings any time it would be necessary, for he had seen them, as he had already stated herein, which was the truth because of the oath he had taken, all of which he affirmed and ratified.

After [the deponent's] testimony had been read to him word by word, he stated that he had nothing more to add or withdraw. He stated that he was thirty-two years of age, little more or less, and that he would not sign [his testimony] because he said he did not know how. I, the said judge signed this with my attesting witnesses with whom I act as stated above.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Immediately thereafter, I, the said judge, administered an oath to Pedro Ignacio Farias, for that was the name he gave, [an oath] which he took according to law, in the name of God our Lord and the sign of His Holy Cross. [He stated] that he was a soldier from the troop of [the Presidio] of San Saba, and [that] he was at the present time assigned to this one of S[a]n Ant[oni]o de Bexar.

After [the deponent] had been questioned as to whether or not he knew about the tenor of the preceding writ, he stated that he had gone with me and other people to the house of Maria de Abonze, and that in it, they had found a man dead with three wounds on the head, from which he had apparently bled copiously. [The deponent stated] that he had seen all of this as the examination of the body [was being performed].

[The deponent stated] that he had also seen the following possessions belonging to the said deceased being collected to wit: one saddle with wide stirrups and hangings, some leather weapons, some spurs, one escopeta, one sword belt, one oval leather shield, some spurs, one scabbard, one bridle, some boots, one wool cape, one chulo, one pair of pants of the same material, and one change of white underwear, all

[the above mentioned were] old. [He stated also that] four saddle horses and one spirited docked colt which were brought later on⁴// had also been recognized [as belonging to the deceased]; that everything had been left in custody of the judge; and that the body [of the deceased] was left in the house where it was found. [The deponent added] that he would again identify all these objects whenever necessary because this was the truth under the oath he had taken, which he affirmed and ratified.

After the deponent's testimony had been read to him word by word, he said that he did not have anything more to add or to withdraw. He said he was thirty-four years of age, little more or less, and he signed [his testimony] before me and my attesting witnesses with whom I act as stated above.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Pedro Ygnacio Farias

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

[DS. 3v-4 in E.
4-19-1772]

Immediately thereafter, I, the said judge, administered an oath to Antonio Baca, for that was the name he gave, [an oath] which he took according to law, in the name of God our Lord and the Sign of His Holy Cross. He stated that he was a soldier from the troop of los Adaes, and that he was at the present time assigned to this one of S[a]n Ant[oni]o de Bexar.

After [the deponent] had been questioned as to whether or not he knew about the tenor of the preceding writ, he stated that he had gone with me and other people to the house of Maria de Abonze, in which they had found a man dead with three wounds on the head, and from which he had apparently bled copiously. He stated that he had seen all this as the examination of the body was being performed.

[The deponent stated] that he had also seen the following possessions belonging to the deceased being collected to wit: one saddle with stirrups and wide hangings, some leather weapons, some small cushions, one escopeta, one sword belt, one oval leather shield, some spurs, one scabbard, one bridle, some boots, one wool cape, one chulo, one pair of pants of the same material, [and] one change of white underwear, all [the above mentioned were] old. [He also stated] that

four saddle horses and one spirited docked colt which were brought afterwards, had also been recognized [as belonging to the deceased]; that all the aforementioned objects had been left in custody of the judge; and that the body [of the deceased] had been left in the house where it was found.

[The deponent stated] that he would identify all the [above mentioned] objects whenever necessary because he had seen them, as he stated herein, and because this had been the truth under the oath he had taken, which he affirmed and ratified.

After [the deponent's] deposition had been read to him word by word, he stated that he did not have anything more to add or to withdraw. He said that he was about twenty-six years old and that he would not sign [his testimony] because he said he did not know how. I, the said judge, signed it before my attesting witnesses with whom I act as it has been previous stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

On the said day, month and year, I, the said judge, having seen the proceedings of this criminal cause, should order, as I do hereby order that the⁵// corpse [of the deceased] mentioned in these [proceedings] receive a christian burial. [This act] should be certified by me, the said judge, as part of these proceedings, specifying as to the place where this order was carried out.

Thus I have resolved, ordered and signed, acting in my own presence as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 4v-5 in E.
4-19-1772]

Immediately thereafter, in compliance with the preceding writ, I, the said judge, do hereby give testimony that on this day, about five o'clock in the afternoon, the body of the deceased who was mentioned in these proceedings was buried at this Parochial Church of this Villa of San Fernando in the second aisle of the said church, and in the middle portion of the said aisle.

In order that this would be of record, I have placed it as part of these proceedings, acting in my own presence as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 5 in E.
4-19-1772]

At the R[oya]l Pres[idi]o of S[a]n Ant[oni]o de Bexar, on the twenty-third day of the said month and year, since it is publicly known that Juan de Sosa, soldier from the Pres[idi]o of Orcoquizac,^{5v}// who at the present time is assigned to this one of Bexar, ~~was~~ charged with the homicide mentioned in these proceedings; and so that [the proper investigations will be carried out] in order to find out the truth [about this matter] so that the guilty ones may be punished according to law; and since the aforesaid Juan de Sosa has been imprisoned at the Body of the Guard of this presidio by virtue of the orders [given] by the señor gov[ern]or of this prov[inc]e, I, the said judge do hereby order his confession to be taken, in order to examine the witnesses who may know something about this case.

Thus I have resolved, ordered and signed, acting in my own presence as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Confession of
the accused

At the said r[oya]l pres[idi]o, on the said day, month and year, I, the said judge, in compliance with the preceding writ, summoned the aforesaid Juan de Sosa, who is the accused in these proceedings, to appear before me. I administered an oath to him which he took according to law, in the name of God our Lord and the sign of His Holy Cross.

As this was properly carried out, [the accused] was asked to give his name, his age, his occupation, his residency, and his status. He stated that he was Juan de Sosa; that he was about thirty years old, little more or less; that he was a soldier from the Pres[idi]o of Orcoquizac; and that he was married by the Church to Gertrudis Barron.

After [the defendant] had been questioned as to whether or not he was aware of [the cause] of his imprisonment, he stated that he was aware of the cause of his imprisonment.

After [the defendant] had been questioned as to whether or not he knew about the reason for his imprisonment, he stated that it had been because he had stabbed a soldier by the name of Diego Menchaca, from the troop of San Saba.

After [the defendant] had been questioned as to

whether or not he knew the condition of the aforesaid Diego Menchaca after he stabbed him, and left him, and whether or not he knew that the said Diego Menchaca had died, he stated that after he stabbed [Menchaca] he left him leaning against a forked pole; and that he knew that [Menchaca] had died because he had heard it said, and [because] he had seen "[Menchaca's] corpse being carried to the church.

After [the defendant] had been questioned as to where he had stabbed [Diego Menchaca], the weapon he had used, and at what time, he stated that it had been outside the kitchen of [the house] of the late Jacobo Hernandez where he had stabbed the said Diego Menchaca; that it had been close to ten o'clock at night, and that the [weapon] he had used was a wide sword he was carrying in his scabbard.

After [the defendant] had been questioned as to where he was before he came to commit this crime, and as to the motives he had had, he stated that he was in company of the soldiers and of the deceased, Diego Menchaca, [taking care of] the stud^d horses [the defendant] said had been brought from the mariscada along with a squadron of horses; and that when the said deceased Menchaca left the caballada, about seven o'clock in the evening, he [the defendant] had also left about half an hour later, little more or less, because he was suspicious of the said deceased

Menchaca.

After [the defendant] had been questioned as to where he had stopped after he left the caballada, he stated that he had come straight home, where he dismounted.

After the defendant had been questioned as to whether or not he knew who had been in his house when he arrived and dismounted, he stated that there was a woman by the name of Gertrudis, wife of Jose de Luna, who was boarding in his house, and that there was also a man by the name of Jose Antonio de la Cruz.

After [the defendant] had been questioned as to whether or not his wife was at home, and what he had done after he dismounted at his said home, he stated that his wife was not^{6v}// at home, and that it had been because of this reason that he had asked the wife of the aforesaid Luna to go looking for [his wife] at the house of the wife of Gerardo de la Zerda, (because [the accused] had told [his wife] to go to spend the night there,) and to tell her that he had arrived. [The deponent stated] that after the said Luna's wife had gone out twice looking for his wife, she had come back and had said that she had not found her there, for which reason, he himself had gone out looking for her. After [the accused] had looked in

different places, [he stated that] he crossed to the other side of the San Pedro Creek, and while he was walking down the street that goes toward the house of Jacobo Hernandez, he had seen, close to the said house, a little dog which always followed his wife around. When this little dog headed toward the said house, [the defendant stated that] he had followed him; and when [the defendant] arrived at [the said house], [he said] he found the aforesaid deceased, Diego Menchaca, in the kitchen with [the defendant's] wife.

After [the defendant] had been questioned as to the state [his wife and Menchaca] were in when he found them in the said kitchen, and about everything which proceeded between [the defendant and Menchaca] after he found them, he stated that [right after] he appeared at the kitchen door, the said deceased Menchaca had come to [the door] to meet him, and had asked him what he was doing there. [The accused said that] he then answered that he was looking for his wife, and when the deceased Menchaca threw him out of there, [the accused] grabbed his sword and stabbed him. [He added] that he did not know where he had stabbed [Menchaca] because it was already dark, and that he had left [immediately] accompanied by his wife. [The

defendant also said] that after he left his said wife [at his home], he had returned to the caballada.

After [the defendant] had been questioned as to whether or not he knew that the deceased Diego Menchaca would often come to his house, and whether he was suspicious of his wife's having an illicit relationship with the said deceased, he stated that he knew that the said deceased Menchaca would often come to his house; and that it was because he suspected [something] that he had forbidden him to come to his house.

After [the accused] had been questioned as to what kind of relationship he had had with the aforementioned Menchaca, and whether or not he had had another altercation previous to this one with the said [Menchaca], he stated that he had always had a friendly relationship with him, since they both were soldiers and that he had always welcomed him in his house, until the time he became suspicious of him, for which reason he had forbidden him to enter his house, as [the defendant] has already stated. [He added] that before this [last] altercation, he had had another one with the aforesaid Menchaca, because [the latter] had tried to kill him one night when he, [the defendant] was lying in bed with his own wife; that it had been [on this occasion], [the

accused stated,] that the corporal of the squadroon, Bernardo de la Zerda, who was wounded [during the fight], and Bisente Camaño, soldier from the troop of los Adaes, had come out at the sound of their voices; and that [the defendant] himself had received a stab on his left shoulder.

After he had been questioned as to whether or not he knew who had been present when he stabbed the said deceased Diego Menchaca, and if he knew their names, he stated that at the sound of their scuffle, two men had come out from the house, that is, after he, [the defendant] had stabbed the said deceased Menchaca; that one of them had been Joseph Mireles, and the other Francisco de los Reyes, soldier from the Presidio of San Saba.

After [the accused] had been questioned as to the number of times he stabbed the deceased Menchaca, whether he stabbed him with the intention of killing him, and the type of weapon the said deceased was carrying, he stated that he remembered having stabbed [Menchaca] three times, but that he had no intention of killing him because he was hitting him with the broad side of the sword, and that he never saw the said deceased carrying a weapon of any kind.

After [the defendant] had been questioned as to

whether or not he had met any one on his way to the caballada after he committed his crime and left his wife in his house, at what time he had arrived there, he stated that he did not meet^{7v}// anyone on the way; that he had arrived at the caballada at dawn, very close to daybreak, and that the watch guard of the caballada of los Adaes, whom he thought had been the soldier Miguel de la Zerda, had seen him arrive.

After [the defendant] had been questioned as to where he was apprehended, who brought him in, by whose orders, and at what time, he stated that Corporal Camacho had apprehended him at the caballada about nine o'clock in the morning; and that Corporal of the squadroon, Tadeo Ramos, had brought him in to the guard of this presidio where he had been imprisoned by an order from the señor governor of this province .

After [the defendant] had been questioned as to whether or not he had anything more to say upon this matter, he stated that he did not, and that everything he had stated herein had been the truth under penalty of the oath he had taken.

After [the defendant's] confession had been read to him word by word, he affirmed it and ratified it. He did not sign it because he said he did not know how. I, the said judge, signed [his confession] with

my attesting witnesses with whom I act as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Miguel George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 5v-7v in E.
4-19-1772]

At the said royal presidio, on the said day, month and year, I, the said judge, [certify] that Juan de Sosa, imprisoned at the Body of the Guard of this presidio because of [the charges in] this indictment, has appeared before me to make his confession. After his [confession] was made on this date, I should order, as I do hereby order, that he be returned to the said jail, as stated⁸// in [the order] issued by the señor gov[ern]or of this province. He should be kept in it with the same shackles His Lordship has ordered him to have.

Thus I have resolved, ordered and signed, acting in my own presence as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 7v-8 in E.
41911772]

At the said r[oya]l pres[idi]o, on the said day, month and year, I, the said judge, in fulfillment of the preceding writ, [certify that] Juan de Sosa has been sent back to jail in accordance with that which has been ordered in the said writ.

[Thus] I have signed this [certification] in the presence of my attesting witnesses, as it has been previously stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

[DS. 8 in E.
4-19-1772]

At the said r[oya]l pres[idi]o, on the said day, month and year, in view that Gertrudis Barron, wife of the aforesaid Juan de Sosa, is involved in this cause in accordance to the confession made by ~~her~~ said husband, for she sought protection in the sacred place^{8v}// of the church; and since it is necessary that she appear before this court to make a confession, I, the said judge, do hereby order that by virtue of the corresponding warrant, she be taken out of the church in which she is staying; and that the said warrant be added to those proceedings carried out as a consequence of [this order].

Thus I have resolved, ordered and signed, acting in my own presence as it has been previously stated, according to law. In view thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Ygnasio Luzero

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 8-8v in E.
4-19-1772]

In view of the notice that the woman Gertrudis Barron, wife of Jose de Sosa, soldier from the Presidio of Orcoquisac, is taking refuge in the Church of the Mission of la Purisima Concepcion; and since it is necessary that ~~he~~ she should appear before this court to give a testimony concerning the murder of a man, [a murder which was] committed in this presidio, because the said Gertrudis witnessed the said act; I, don Luis Antonio Menchaca, Captain of the said Presidio of San Antonio de Bexar, and major deputy of the law of the Villa of San Fernando and its jurisdiction, in the name of H[is] M[agesty], (may God keep Him), etc., and in the best manner according to law, do hereby entreat the R[everend] F[ather] Minister F[ray] Juan Jose Saens Grumiel, Minister of the said Mission of la Purisima Concepcion, and immediately admonish him in the name of His Magesty, (may God keep Him), and in my name I request from him, that he permit the said Gertrudis to be taken out of the church in which she is seeking refuge; not to be immediately punished or charged with any transgression, but only to protect her and to prevent that on account of her hiding or flight, this murder may go unpunished, for this would be detrimental and scandalous to this republic.

9v

I do hereby swear to God our Lord// and to His

Holy Cross that according to law, there will be no harm done or charge made to the aforesaid Gertrudis, until the ecclesiastical judge rules whether or not she can have the protection of the church.

In view of that stated at the beginning of the [present writ], I do hereby entreat [Your Reverence] to return this original so it may be added in the corresponding place to these proceedings. In the meantime, I will try to see that Your Paternity's justice be carried out.

This [writ] has been done at this said royal presidio, on the twenty-fourth day of the month of April of the year seventeen hundred and seventy-two, acting in my own presence before my attesting witnesses in the absence of a notary public, for there is none within the limits of [this province] as specified by law, and on this paper because there is no stamped paper as required by law.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Attesting Witness

Manuel de Vrrutia

Joseph Antonio de Bustillo y Zevallos

(Rubric)

(Rubric)

I, Fray Juan Joseph Saenz de Grumiel, Minister of this Mission of la Purisima Concepcion, do hereby certify and swear on my word as a priest, that Gertrudis Barron sought refuge in this Church. I had her released in view of¹⁰// the preceding warrant of arrest.

And thus this may be of record, I signed it on the twenty-fifth day of April, of the year of seventeen hundred and seventy-two.

Fray Juan J[ose]ph Saenz Grumiel
(Rubric)

[DS. 9v-10 in E.
4-19-1772]

At the said r[oya]l pres[idi]o, on the twenty-fifth day of the said month of April [of the present] year, I, the said judge, do hereby certify that the said Gertrudis Barron has been released from the Church in which she had taken refuge. [Her release] is of record in the certification given on this date by the Most Reverend Father Fray Juan Jose Saenz Grumiel, Minister of the Mission of la Purisima Concepcion, [he released her] in view of the warrant of arrest issued by me in conformity with that ordered [in these proceedings], and in fulfillment of the writ of process dated on the twenty-third day of the said month and year, issued in the summary proceedings, [a writ] which preceded [the said] warrant of arrest.

Therefore, I should order, as I do hereby order the original [of the preceding release] to be added to these proceedings, and that immediately thereafter, a confession be taken from the said Gertrudis Barron.

Thus I have resolved, ordered and signed, acting in my own presence with my attesting witnesses as it has been previously stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Miguel George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 10 in E.
4-19-1772]

Testimony given by
Sosa's wife

Immediately thereafter, on the
said day, month and year, in
compliance with the preceding

writ, I, the said judge, do hereby state that the wife
of¹⁰// Juan de Sosa, Gertrudis Barron, for that was the
name she gave and whom I certify I know, appeared before
me. I administered an oath to her in the manner pre-
scribed by law, [an oath] which she took in the name of
God our Lord, and the sign of His Holy Cross. After
she had done this, as stated, she was asked the following
questions.

After [the deponent] had been questioned as to her
residency, her status, her age, and her means of support,
she stated that she was a resident from this Pres[idi]o
of S[a]n Ant[oni]o de Bexar; that she was married by
the Church to Juan de Sosa, soldier from the Presidio
of Orcoquizac; that she was twenty-six years old,
little more or less; and that she supported herself
from her husband's salary.

After [the deponent] had been questioned as to
whether or not she knew about a stabbing received by
Diego Menchaca, soldier from the Pres[idi]o of S[a]n
Saba, and as to who stabbed him, at what time and
where, she stated that she knew that her husband, Juan
de Sosa, had stabbed the said Diego Menchaca about

nine o'clock in the evening, little more or less, in the house of the late Jacobo Hernandez.

After [the deponent] had been questioned as to where she and Diego Menchaca were when her husband, Juan de Sosa, arrived to the house of the said Jacobo Hernandez, and what she was doing [at that moment], she stated that she was in the kitchen of the house of the said Hernandez; that she was lighting up a cigarette at the fire; and that the aforesaid Diego Menchaca was lying down on his bed in the said kitchen.

After [the deponent] had been questioned as to whether there had been another person in the said kitchen at the time her husband arrived to the said house and kitchen, she stated that there had been only one man who had entered in his underwear at the time she had come to light up her cigarette. She said that she thought [this man] was from San Saba, and that his name was Reyes.

After she had been questioned as to what happened right after her husband came into the kitchen and found her and the aforesaid Diego Menchaca there, and what¹¹// did the man whom she said had entered with her to the said kitchen, do at that moment, she stated that immediately after her husband had entered in the kitchen where he had found them, the said her husband took his cape off, and grabbing his sword, stabbed the aforesaid

Menchaca with it. She added that because she threw herself over the said Menchaca, for she was trying to protect him, she had not seen whether the man who had come in with her when she came in to light up a cigarrate had done anything at that moment, for she did not see him [around] anymore, and she did not know what happened to him after that.

After [the deponent] had been questioned as to what she and her husband did after her husband stabbed the aforesaid Menchaca, and as to whether she [had seen Menchaca's] condition after her husband Sosa left the said Menchaca, she stated that they both had left together to go to their home after her husband stabbed the aforesaid Menchaca, and that as soon as they had arrived there, the said her husband had left to go to the San Pedro Creek to wash his hands for they were stained with blood; that afterwards, he had come back to the house and had called her from outside; and that after she had come out to his call, she had seen her husband go toward a barn located in front of Juan Jose Montes' [house], and that she had spent part of the night there with the said her husband until he left to go to the caballada to which he had been assigned.

[The deponent stated] that she did not know whether the said Menchaca had gotten up on his feet or had fallen

down after the stabbing, because she was behind a fence by the time the quarrel was over.

After she had been questioned as to whether or not Diego Menchaca attacked her husband, defended himself, or provoked him with words, she stated that she did not know whether the said deceased had attacked her husband with any weapon, whether he had defended himself or had provoked [him] with words, or in any other manner, because^{llv}// she did not witness anything other than when the aforesaid Menchaca was in bed, her husband, Juan de Sosa, had come in and started stabbing [Menchaca] with his sword.

After [the deponent] had been questioned as to whether or not she knew that Diego Menchaca had died, and about the cause of [his death], she stated that she knew that [Menchaca's] death had come as a consequence of the wounds he had received from her husband, Juan de Sosa.

After [the deponent] had been questioned as to the motives she had had to request protection from the church, and as to why she had done it, she stated that she had requested protection from the church, and had taken refuge there because her husband had stabbed the deceased Diego Menchaca in the manner she had already described, for she had thought that [Menchaca] would

die as a consequence of it.

After [the deponent] had been questioned about the destination of her husband at the time he found her and the aforesaid deceased, Diego Menchaca, in the kitchen of the said [house of] Jacobo Hernandez, she stated that her husband had been assigned to the caballada, for he had been sent to take some horses to the situado del Rey.

After she had been questioned as to [whether or not] she knew that her husband was jealous of the deceased Diego Menchaca because he was suspicious that she was having an illicit relationship with [Menchaca]; and as to whether or not [her husband] had forbidden her to have any friendship or correspondence with the said deceased, for he did not welcome [Menchaca] in his house; and whether or not she knew they had had another fight previous to this one, she stated that [she knew] her husband was jealous of [Menchaca], although [her husband] had never brought this out into the open; that she knew it because of all the quarrels and stern looks [the two men] gave each other while the deceased was boarding in [the deponent's] house. [The deponent stated] that it was true that her husband had forbidden the said deceased to enter his house, because at one time, when her husband Sosa was beating her up, the said deceased Menchaca had drawn out his sword in her defense, and had wounded [Sosa] on his left shoulder.

[She added] that this had been the quarrel mentioned in these proceedings which [Sosa and Menchaca] had previous to this one, and that she did not know whether they had had any other.

After [the deponent] had been questioned as to the motives she had had to go at nine o'clock in the evening to the house of the late Jacobo Hernandez, and what did she go there for, she stated that the reason why she had gone at that hour of the night to the said house had been that she was looking for a woolen handkerchief and some petticoats she needed so she could go to communion the next day, and that she did not go there for any other reason.

After [the deponent] had been questioned as to the order she had received from her husband when he left to take the caballada to the situado del Rey, and where he had told her to spend the night, she stated that he had not given her any orders, and that he already knew she was going to spend the night in the house of Bernardo de la Zerda.

After [the deponent] had been questioned as to whether or not she knew if there were other people staying in the house where her husband stabbed the deceased Diego Menchaca, how many and who they were, she stated that she did not know, [and that] she did not think there had been anybody else but the man Reyes who, as she testified, was from San Saba.

After [the deponent] had been questioned as to whether or not she had had quarrels with her husband, and whether or not he had beaten her because the said deceased Menchaca would come to their house, she stated that she never had any quarrels because of the reason contained in the question, nor had he beaten her on account of that. [The deponent stated] that everything she had stated herein had been the truth under penalty of the oath she had taken.

After this her deposition had been read to her word by word, she affirmed it and ratified it, and she stated that she did not have anything more to add, or to withdraw. She did not sign [her testimony] because she said she did not know how. I, the said judge, signed it before my attesting witnesses with whom I act in the manner previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 10-12 in E.
4-19-1772]

Immediately thereafter, since it has been set forth
12
// in these proceedings, that the said Gertrudis was
present in the house of the widow of Jacobo Hernandez
the night when Diego Menchaca was stabbed, from which
[stabbing] he died, for it was stated in the confession
made by her husband, Juan de Sosa, constituent cause
of the death, which [crime] he committed because he found
his wife, the said Gertrudis, with the said Diego
Menchaca in the kitchen of the house of the said late
Hernandez; and since the inquiry of this criminal
cause had to be continued in order to establish who is
to blame, I, the said judge, do hereby order the
imprisonment with shackles of the said Gertrudis Barron,
in view of the warrant of arrest contained in these
summary proceedings. Because this presidio lacks at
the present time a jail suited for women, [Gertrudis
Barron] will be kept in one of the houses of this
neighborhood that will meet satisfactory security.

Thus I have resolved, ordered and signed, acting
in my own presence with my attesting witnesses as it
has been previously stated. In witness thereof, I
certify.

Luis Antonio Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 12-12v in E.
4-19-1772]

Immediately thereafter, I, the said judge, in compliance with the preceding writ, certify having left secured as specified, the aforesaid Gertrudis Barron, in the house of d[o]n Juan de Arocha of this vicinity.

In order that this may be of record, I entered it as part of these proceedings which I signed with my attesting witnesses as it has been previously stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca
(Rubric)

Attesting Witness

Manuel de Vrrutia
(Rubric)

Attesting Witness

Mig[ue]l George Menchaca
(Rubric)

[DS. 12v in E.
4-19-1772]

Mireles'
[deposition]

At the said royal pres[idi]o on the
twenty-sixth day of the said month
and ¹³// year, for the continuation of
these initial proceedings, I, the said judge, summoned
Jose Mireles, whom I certify I know as resident of
this vicinity, to appear before me. I administered
an oath to him, [an oath] which he took according to
law, in the name of God our Lord and the sign of His
Holy Cross, under penalty of which he promised to tell
the truth insofar as he knew, and might be questioned.

After [the deponent] had been questioned as to
whether or not he knew of the death of the deceased
Diego Menchaca, the cause of his death, whether he
had known him, and where [Menchaca] had been a soldier
from, he stated that he knew that the deceased Diego
Menchaca had died because he had seen him being buried;
that he had known him for several years to this date,
and that [Menchaca] was a soldier from San Saba.

After [the deponent] had been questioned as to
[whether or not he knew] who had wounded the said
deceased Diego Menchaca, where and at what time, he
stated that Juan de Sosa, soldier from Orcoquisac
had stabbed the said deceased Menchaca, in the kitchen
[of the house of] Jacobo Hernandez, about ten o'clock
in the evening, little more or less.

After [the deponent] had been questioned as to where he was at the time of the scuffle between the said Juan de Sosa and the deceased Diego Menchaca, and [whether or not he knew] who else had been present, he stated that he was in the house of Jacobo Hernandez, at the time of the scuffle in a room of the said house which had a separate entrance; and that [he knew that] Francisco Reyes, soldier from San Saba, had been present also.

After [the deponent] had been questioned as to [whether or not he knew] about the condition of the deceased when Juan de Sosa left him, and whether or not he knew the reasons [Juan de Sosa] had for stabbing the said deceased, and as to where was the wife of Juan de Sosa when this tragedy occurred, he stated that [Menchaca] was left laying [on the ground]; that he did not know the reasons the said Sosa had to stab the deceased; and that after the said deceased had fallen [on the ground], he, [the deponent] had seen the wife of Juan de Sosa come out from the said kitchen.

After he had been questioned as to what the woman did and what she said to the said her husband Sosa when she came out from the kitchen and saw the man laying on the ground, and what her^{13v}// husband said to her, [the deponent] stated that she said, "Juan,

you have killed that man, what are you going to do now," and that her husband replied, "let us go home," and that [Sosa] then took her to their said home.

After he had been questioned as to whether or not he knew if the deceased Diego Menchaca frequently visited the house of Juan de Sosa, and whether the said Sosa had another fight with the deceased Menchaca, he stated that he did not know anything concerning the content of this question because it was only a few days since he had come from the Pres[idi]o of la Bahia with his family to this [Presidio] of San Antonio.

[The deponent] stated that everything he had testified herein had been the truth under the oath he had taken. He said he was twenty-five years of age, little more or less.

After [the deponent's] testimony had been read to him word by word, he affirmed it and ratified it, and said that he did not have anything more to add or withdraw. He did not sign [his testimony] because he said he did not know how. I, the said judge, signed it with my attesting witnesses with whom I act as it has been previously stated. In witness thereof, I certify.

Luis Antonio Menchaca

(Rubric)

Attesting Witness

Miguel George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 12v-13v in E.
4-19-1772]

Reyes'

[deposition]

Immediately thereafter, on the said day, month and year, for the continuation of these initial proceedings,

I, the said judge, summoned Jose Francisco de los Reyes, for this was the name he gave, to appear before me. I do hereby certify I know him as a soldier from San Saba. I administered an oath to him which he took according to law, in the name of God our Lord and the sign of His Holy Cross, in view of which [oath] he promised to tell the truth insofar as he knew¹⁴// and might be questioned.

After [the deponent] had been [questioned] as to whether or not he knew the said deceased Diego Menchaca, at what [presidio] he had been stationed, and if he, [the deponent], had learned the cause of [Menchaca's] death, he stated that he had known the deceased Diego Menchaca, for [Menchaca] had been^h his fellow soldier, since [the deponent himself] was a soldier from the troop of San Saba; that he had heard about [Menchaca's] death; and that [Menchaca] had died because of some wounds he received in the presence [of the deponent].

After [the deponent] had been questioned as to whether or not he knew who had stabbed the said deceased Menchaca, at what time and where, he stated that Juan de Sosa had been the one who had stabbed the said

deceased Diego Menchaca about ten o'clock in the evening, little more or less, in the patio of the house of the late Jacobo Hernandez.

After [the deponent] had been questioned as to where he was when the said Juan de Sosa, soldier from the Pres[idi]o of Orcoquizac wounded the said deceased Menchaca, and as to whether or not he knew why [Sosa] stabbed [Menchaca] and who else had been present, he stated that [the night of the tragedy] while he, [the deponent] was laying asleep in the same house of the said late Jacobo Hernandez, he heard the sound of voices coming through the door of a kitchen that is next to the said house. [He stated] that he came out bare-footed thinking that [the voices] were from enemy Indians, but instead, he found the said Diego Menchaca and Juan de Sosa in a clinch [fighting]. When [the deponent] realized that [Sosa and Menchaca] were fighting, he tried to pull them apart, and was able to separate them; and once [the deponent] quieted them down after a long supplication, [he stated that] Juan de Sosa asked the woman [Gertrudis Barron] to come out. The deponent [stated] that he then left to go inside to put his shoes on and get dressed. As the deponent was walking into the house after the wife of Juan de Sosa had come out from the said little

kitchen, [he stated that] he heard the sound of sword-play, and without going into the house at all, he promptly went back [to the patio again], but by the time [the deponent] arrived where Juan de Sosa and the said deceased were, the said deceased Menchaca had already fallen on the ground. When the said deceased was on the ground, [the deponent stated that] the said Sosa was going to stab the said deceased Menchaca again, but he [the deponent] snatched [Sosa's] sword from his hands. [The deponent added] that in his opinion, the dispute between the two men^{14v}// had been because the said Juan de Sosa's wife was in the [said] kitchen.

[The deponent stated] that Jose Mireles was staying in a little house next to the said house [of Jacobo Hernandez], and that [Mireles] had come out at the time of the tragedy. [The deponent added] that he had not seen any other person witnessing [the fight] but a blind man who was asleep inside the said house, and who had not learned anything about it because he was asleep.

After the deponent had been questioned as to what he and Juan de Sosa did after the fight, he stated that he, [the deponent], left toward the Body of the Guard to give the news [about the fight] and leave

there the sword he snatched away from Juan de Sosa, which sword he left with the corporal of the guard. [The deponent added] that [he saw] Juan de Sosa leave with his wife [after the fight], but that he did not know where they went.

After [the deponent] had been questioned about the condition of the said deceased Diego Menchaca at the time he left to [notify] the guard, and Juan de Sosa left with his wife, he stated that the said deceased was left laying on the ground [dead], and that he, [the deponent] had covered [Menchaca's] body with his cape. [The deponent added] that he left the said Mireles taking care [of Menchaca] while he came down to give the said news.

After [the deponent] had been questioned as to whether or not he knew if the deceased Diego Menchaca was sleeping in the aforesaid kitchen; if he, [the deponent] had seen the woman arrive at the said kitchen, and whether or not [he knew] if she had talked to someone before she came into the said kitchen, he stated that he did not know anything concerning this question.

After [the deponent] had been questioned as to whether or not he had seen Juan de Sosa arrive at the house, and what the said Sosa did after his arrival,

he stated that he did not know when Sosa arrived at the said house, or what he did at the time of his arrival.

After [the deponent] had been questioned as to whether or not he knew if the said deceased Menchaca visited the house of the said Sosa, and if the latter had another fight before this one, he stated that he did not know whether the said deceased visited the said house of Juan de Sosa, or if they had another fight previous to this one because he, [the deponent] arrived from his presidio to this one [of San Antonio de Bexar] about six days ago.¹⁵//

After [the deponent] had been questioned as to whether or not he knew where the said soldier Juan de Sosa and the deceased Menchaca were assigned to as soldiers before [Menchaca¹⁵] was stabbed, he stated that he learned that earlier on the day of the tragedy, [Menchaca and Sosa] were assigned to go to the situado del Rey to take a change of horses to the troop which arrived on that day from a reconnaissance trip. [The deponent added] that from what he has figured out, [Menchaca and Sosa] must have come back from the caballada that same night.

[The deponent] stated that everything he had stated herein had been the truth under the oath he had taken.

After [the deponent's] deposition had been read

to him word by word, he affirmed it and ratified it, and [he stated] that he id not have anything more to add or to withdraw. [The deponent added] that he was thirty years old, little more or less, and that he would not sign [his deposition] because he said he did not know how. I, the said judge, signed [his deposition] with my attesting witnesses in the absence of a notary of which there is none as provided by law, and as it has been already stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

[DS. 13v-15 in E.
4-19-1772]

At the said Royal Pres[idi]o of Bexar, on the sixteenth day of the month of May of the said year, after the initial proceedings [for this cause] had been stopped because of the absence of [some] of the witnesses who were mentioned [in these proceedings,] I, the said judge, by virtue of the confession given by Juan de Sosa, aggressor in the murder mentioned in these proceedings, and for the continuance of this cause, summoned Bernardo de la Zerda, Corporal of the guard of the company of this said presidio, and whom I certify I know, to appear before me.

Corporal [de la] Zerda's

[deposition]

I administered an oath to him which he took according to law, in the name of God our Lord and the sign of His Holy Cross, under penalty of which [oath] he promised to tell the truth insofar as he knew, and might be questioned.

After [the deponent] had been questioned as to whether or not he knew that Diego Menchaca died, and what the cause of his death was, he stated that he had learned about Diego Menchaca's death because of hearsay, and not because he had witnessed it. [The deponent added] that it had been said that [Menchaca] had died because Juan de Sosa stabbed him on the head.

After [the deponent] had been questioned as to whether or not he knew or had heard that the deceased, Diego Menchaca, visited the house of Juan de Sosa, he stated that he knew that the said deceased Menchaca lived [at one time] in the house of the said Sosa.

After [the deponent] had been questioned as to whether or not he knew if the deceased Menchaca was still living in the house of Juan de Sosa at the time of the tragedy, or where he was living [at that time], [the deponent] stated that he did not know where the said deceased was living at the time of the tragedy.

After [the deponent] had been questioned as to whether or not he knew that the said deceased Menchaca and Juan de Sosa had another dispute previous to this one, he stated that he knew that one night, the said Juan de Sosa and the deceased Menchaca had another dispute previous to this one, in the house of Juan de Sosa, because [the deponent] was told [that night] that the said deceased and Sosa were fighting in [Sosa's] house. [The deponent said] that when he heard voices in [Sosa's] house, he called the soldier Bisente Camaño who was [living] in a house next to [Sosa's] , and that he had followed the said Camanõ. [The deponent stated] that [when] they arrived at the house of the said Sosa, they had found the deceased

Diego Menchaca outside the house, and the said Sosa inside, and that they, [the deponent and Camaño] had said "what is going on; what is this commotion about," and that both, Sosa and Menchaca, had replied that it was nothing, but that [the deponent] had noticed that the said Juan de Sosa was moaning and crying inside his house. [The deponent added] that he and his friend Camaño¹⁶// then left in view of the reply given.

After [the deponent] had been questioned as to whether or not he knew where Juan de Sosa's wife was when [the deponent] and his friend Camaño arrived at [Sosa's] house, [the deponent] stated that the wife of the said Sosa was inside the house for he had seen her from the door.

[The deponent] stated that everything he had stated herein had been the truth under the penalty of the oath he had taken.

After [the deponent's] testimony had been read to him word by word, he affirmed it and ratified it, and he said that he did not have anything more to add or withdraw. [The deponent] said that he was forty years old, little more or less; and that he would not sign [his testimony] because he did not know how. I, the said judge, signed it with my attesting witnesses with whom I act in the absence of

a public or royal notary for there is none under the terms provided by law. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Miguel George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 15-16 in E.
4-19-1772]

Camaño's

[deposition]

Immediately thereafter, on the said^o day, month and year, I, the said judge, in view of the preceding deposition, summoned Bisente Camaño, for this was the name he gave, to appear before me. I do hereby certify that I know him as a soldier from the troop of los Adaes. I administered an oath to him which he took according to law in the name of God our Lord, and the sign of His Holy Cross, under penalty of which [oath] he promised to tell the truth insofar as he knew and might be questioned.

After [the deponent] had been questioned as to whether or not he knew the deceased Diego Menchaca; at what [presidio] he had been stationed; if he knew he had died; and what had been the cause of his death, he stated that he had known the deceased Diego Menchaca;^{16v}// that [Menchaca] had been a soldier from San Saba; that he had learned [of Menchaca's] death because of hearsay; and that in the same manner, he had learned that [Menchaca] had died because of a stabbing he received from Juan de Sosa, soldier from the Presidio of Orcoquizac.

After [the deponent] had been questioned^{as} to whether or not he knew or heard, that the said d^e-ceased Menchaca would visit the house of Juan de Sosa,

he stated that he knew that [Menchaca] had lived in the house of the said Sosa, and that the wife of the said Sosa had been [Menchaca's] cook. [The deponent added] that he knew that the said deceased had quit living in the said house.

After [the deponent] had been questioned as to whether or not he knew that the said deceased and Juan de Sosa had another dispute before the last encounter, when the tragedy occurred, he stated that he knew that [Menchaca and Sosa] had another dispute previous to this last one. [The deponent stated that] one night, when the said deceased Menchaca was still living in the house of the said Sosa, he, [the deponent], heard voices and the noise of swordplay. [He stated that] he went with Corporal Bernardo de la Zerda to investigate the noise, and that when they arrived at [Sosa's] house, the said Corporal de la Zerda asked what all the commotion was about, and that the said deceased Menchaca and Juan de Sosa, who were inside the house had replied that it was nothing. [The deponent stated] that Juan de Sosa had said on that occasion that the reason for all the shouting was that Diego Menchaca wanted to rule in his house, but that everything was all over. In view of this, the deponent stated that he and the corporal returned to their homes.

After [the deponent] had been questioned as to where Juan de Sosa's wife was, when he and his companion Bernardo de la Cerda arrived at the said house, he stated that she was¹⁷// inside the house because he saw her from the door of the said house. [The deponent swore] that everything he had stated herein had been the truth under the oath he had taken.

After [the deponent's] testimony had been read to him word by word, he affirmed it and ratified it, and he stated that he did not have anything more to add or withdraw. [The deponent] said that he is twenty-six years old, little more or less, and he signed this [his deposition] with me and the attesting witnesses with whom I act in the absence of a public or royal notary, of which there is none under the terms provided by law, as it has been previously stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Visente Caamaño

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

[DS. 16-17 in E.
4-19-1772]

Writ which enables
the accused to name
his defense

Immediately thereafter, on the
said day, month and year, inⁱ
asmuch as I am conducting this
criminal suit against Juan de

Sosa , soldier from Orcoquizac, by appointment con-
ferred to me by the señor governor of this province,
[an appointment] which enables me to proceed according
to law, I, the said judge, do hereby order the notifi-
cation of the state of these [proceedings] to the said
Juan de Sosa, so that he may name his defense or
counsel at law within the term of three days.

It should be understood that this cause will
proceed ~~un~~til a final sentence is determined once the
term [of three days] has expired, for that is the way
provided by law,^{17v}// so that [the accused] may serve
the dictated sentence.

Thus I have resolved, ordered and signed with my
attesting witnesses as it had been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

[DS. 17-17v in E.
4-19-1772]

Immediately thereafter, on the said day, month and year, I, the said judge, personally notified the above mentioned writ to the said Juan de Sosa, for he is the person [accused] in these proceedings.

After this writ had been notified to him, he stated that he is naming d[o]n Joaquin de Orendain, Lieutenant from the R[oya]l Pres[idi]o of S[a]n Ant[oni]o de Bexar, as his defense, or as his counsellor at law.

[I do hereby certify] that [the accused] has given the present [statement] as his reply [to the preceding writ]. He said he would not sign this [his statement] because he did not know how. I, the said judge, signed it with my attesting witnesses with whom I act as it has been previously stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 17v in E.
4-19-1772]

Immediately thereafter, on the said day, month ¹⁸ and year, I, the said judge, notified// the preceding writ contained herein to d[o]n Joaquin de Orendain, Lieutenant from the Royal Pres[idi]o of S[a]n Ant[oni]o de Bexar. After he learned of its content he stated that he would accept the nomination contained therein. [Don Joaquin de Orendain] swore before me, that in the name of God our Lord and the Sign of His Holy Cross, he would defend the accused party and would carry out all the judicial and extra-judicial proceedings which may be required or necessary; and that he would perform and would deep well and with loyalty, all his duties due to him_s [Sosa's] defense.

In view of the acceptance of this nomination and the oath he took, which he signed before me and my attesting witnesses, I do hereby order to pass these proceedings [to the defense] so that he may plead as desired on behalf of the defendant.

Luis Antt[oni]o Menchaca

(Rubric)

Joaquin de Orendain

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

[DS. 17v-18 in E.
4-19-1772]

I, d[o]n Joaquin de Orendain, Lieutenant from the R[oya]l Pres[idi]o of S[a]n Ant[oni]o de Bexar, do hereby state that I have received the proceedings of this criminal suit carried out against Juan de Sosa, totaling eighteen pages. These [proceedings] were passed to me, the counsellor at law to the said Sosa, for the substantiation of his defense. In witness thereof, I signed this [writ] today, on [blank] of 1772.

Joaquin de Orendain
20
(Rubric)//

[DS. 19 in E.
4-19-1772]

Royal Pres[idi]o of S[a]n Ant[oni]o, May 19, 1772

The [following] writ was presented before me, d[o]n Luis Ant[oni]o Menchaca, Cap[ta]in of the said r[oya]l pres[idi]o and major deputy of the law of the Villa of S[a]n Fernando, by d[o]n Joaquin de Orendain, Lieutenant of the company of the said pres[idi]o , etc.,

[DNS.-20 in E.
4-19-1772]

S[eñ]or Cap[ta]in D[o]n Luis Ant[oni]o Menchaca

As the defense for the soldier Juan de Sosa, imprisoned at the body of the Guard of the said pres[idi]o, in view of an indictment issued in those proceedings legally carried out against him, for a crime he did not commit and which [crime] had been unjustly thrust upon him; after having considered his condition, the confession he made, and the depositions of the witnesses, all recorded in the said proceedings; and in view of the charge issued against my party, I, d[o]n Joaquin de Orendain, Lieutenant of the Company of this Pres[idi]o of S[a]n Ant[oni]o de Bexar, do hereby proceed according to law. [I do hereby] entreat [Your Lordship] to declare my party free of the charge imputed upon him; to absolve him of the aforesaid crime of which he is being accused; and to order his restitution to his post as a soldier in the same company, for all this is just.

The crime with which [the defendant] is charged, was committed because he had to save his honor, for after he had looked around for his wife, he found her in a suspicious place with someone whom he distrusted, who had insulted him in his own home, and who had pushed him around with actions as well as with words. [These facts] occurred several times, as [exemplified]

when the said deceased, Diego Menchaca, entered the house of the defendant at late hours of the night, while [the defendant] was in bed asleep with his wife. [Menchaca] went in the provoked him, hit him and wounded him. [This episode] was related by [Sosa's] wife in her deposition, by the Corporal [de la] Zerda on page//^{20v} 10 and 19 verso, and also by the soldier Camaño. [The latter testified] that when [he and de la Zerda] heard the commotion in the house of the defendant, they went and found the said Menchaca at the door of the said house, and my party, [the defendant], inside moaning and crying from the blows he had received from the said Menchaca.

In view of these antecedents, and because [the defendant] had forbidden [Menchaca] to come into his house, [the defendant] was naturally afraid that the said Menchaca would visit his house against his will, and consequently with evil intentions. For this reason, when [the defendant and Menchaca] were assigned to take some horses to the caballada following the orders of the Sargeant Salinas, and [the defendant] searched for the said Menchaca after dark and did not find him around, he knew that [Menchaca] had left to the presidio without permission from the sargeant. This fact made [the defendant] suspect that the said

Menchaca had slipped away to come to his house, and had in addition, deserted his post.

[The defendant] followed [Menchaca] because [the above mentioned fact] made him very jealous and suspicious. And as soon as the said my party arrived at his house about midnight and found that his wife was absent, he searched for her in several places, and found her in another house with the said Menchaca, who came out to meet the said my party at the door and asked him what was he doing there. When [the defendant] replied that he was looking for his wife, the said Menchaca beat him and pushed him away from the door. But [the defendant] knew that his wife was there because of [his wife's] little dog which came out to greet [the defendant]. [The defendant] insisted on entering the house. The said Menchaca prevented it and pushed him out. My party [then] drew out his sword and hit him two or three times with the flat part of it, never aiming to kill,²¹// but in his obfuscation (as the offended party), he turned the sword and stabbed [Menchaca] in defense of his and his wife's honor, and also because the other party, [Menchaca], had offended him by defending the said woman, my party's wife. [Neither of the two] thought otherwise than achieving their [particular] end, that

is, my party wanted to get his wife back and take her with him, and Diego Menchaca wanted to defend her without having the right to her, as he had done on other occasions. [This fact] was testified by the witnesses cross-examined by Y[our] L[ordship]. They testified that the said Menchaca was a hasty man, and that he was always threatening, beating and pushing [Sosa] around, because the said my party was a peaceful, kind, and trusting man, [qualities which] were obvious when [the defendant] took his wife with him the night [of the tragedy] and left her in a secure place without mistreating her. [The defendant] did not think that Diego Menchaca would die on account of the stabbing he gave him [as shown by the fact that the defendant] returned to his job without trying to desert it or take refuge in the church. This fact proved that [the defendant] did not have intentions of killing the said Menchaca, and that he is a man of the qualities already described. Other actions also prove that [the defendant] was a man of tender feelings, for the witnesses Gerardo and Camaño [testified that they] heard [the defendant] crying inside his house the night [the defendant and Menchaca] had the fight preceding this [fatal] one, from which [fight] the said my party came out wounded on the left shoulder.

[This fact] was also testified by the wife of the said my party in her deposition.

Notwithstanding, the said my party has been accused of murdering [Menchaca]. Where can one find a case which will justify a more fearless action than that one of defending one's and one's wife's honor from him who violently^{2lv}// wants to snatch her away, as it happened in this case to the said my party? Any man has the right to defend his honor, his wife, his life, and his property from the enemy. My party is thus convinced that he did not commit a crime, for he did not mean to kill the party who had offended him so much, but only to punish him so he, [the defendant], could take his wife away from where [Menchaca] had her. To ease his conscience, [the defendant] confessed it this way, and there was not a single witness among those who were cross-examined, who did not say that the only reason this tragedy happened was because [Sosa] wanted to take his wife away from where the said Diego Menchaca had her.

Although I have omitted citing the many laws which may favor my party due to the absence within the limits of this province of an attorney at law with whom to consult for a better substantiation for the defense of my party's rights against the charge thrust upon him, I do hereby state that the rights of the said

party in interest [have not been hampered, but] still remain without diminution or injury, unless a penalty is imposed upon him due to the lack of an appeal or failure [on my part] in the [conduction] of the present [defense]. Therefore, I entreat Y[our] L[ordship] to deem absolve my party, and to declare him free by doing as I have requested, for it is just; and to acknowledge this writ [presented] on this common paper because there is no stamped paper available.

I swear in due form to that which may be necessary.

Joaquin de Orendain

(Rubric)

[DS. 20-21v in E.
4-19-1772]

I, [the undersigned], take cognizance of the fact that [the preceding writ] had been presented before this court, and that I have admitted it on the present paper because of the reasons [the defense] had presented therein. In view of the defense that the said don Joaquin de Orendain is making as councillor at law of Juan de Sosa, accused party in these proceedings, I should order, as I do hereby order, this writ to be added to the said proceedings, and to proceed with the other judicial proceedings which may become necessary according to law.

Thus I have resolved, ordered and signed, acting in my own presence before my attesting witnesses in the absence of a public or royal notary of which there is none as provided by law, and as it has been previously stated.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 21v-22 in E.
4-19-1772]

At the said r[oya]l pres[idi]o, on the twentieth day of the said month and year, for the continuation of this criminal cause, and so that I may proceed according to law, I, the said judge, do hereby order the notification of the state of these proceedings to the parties in interest related to the said deceased Diego Menchaca to wit: Francisco Menchaca and Diego Menchaca. Should they have anything to request or deman on behalf of their deceased cousin, they are to present it within a period of three days, with the understanding that at the conclusion of the said period, this cause will continue as provided by law, until a final sentence is dictated.

Thus I have resolved, ordered and signed, acting in my own presence before my attesting witnesses in the absence of a public or royal notary of which there is none^{22v}// within the limits of this jurisdiction as provided by law.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 22-22v in E.
4-19-1772]

Immediately thereafter, on the said day, month and year, in compliance with the preceding writ, I, the said judge, summoned Francisco Menchaca and Diego Menchaca, to appear before me. I do hereby certify that I know [the two of] them as to be the immediate relatives of the said deceased Menchaca, and also [to be residents] of this vicinity.

After I concluded with the reading of the said preceding writ, I made them know the state of the proceedings which are being followed against the aforesaid Juan de Sosa because of the murder he committed on the person of their cousin, the said deceased Menchaca.

They unanimously, as well as separately stated that they had understood the preceding writ which I had notified to them; and that they had also learned about the state of this criminal suit which I had made known to them, and which [suit] is now being followed against Juan de Sosa for the murder he committed of their first cousin, the deceased Diego Menchaca. They stated that since this criminal suit is at the stage recorded herein, they would ratify it; and that in the name of God our Lord and according to law, and in the manner which may pertain to them now or in any future time, they renounce any demand they could place now

or in the future against Juan de Sosa. [They also stated] that they were forgiving the offense committed by [the act of] desisting from²³ filing any civil or criminal action against the said Juan de Sosa. They declared not to have anything to request or demand [in favor] or against the said Juan de Sosa. They conferred this power of their own free will and not from fear that justice would not be done, or for any other reason. (They stated that if necessary, they would swear this under oath and they requested permission to do so). They obligated themselves to the fulfillment of that stated herein, and waived any rights to be tried in any court of law of this jurisdiction. They renounced the General [Law of] Denunciation, and all others which may relate to this case by law.

Francisco Menchaca[stated] to be twenty-seven years old, and Diego Menchaca, twenty-six. Christoval de los Santos, Juan Manuel Ruiz and Julian Mather of this vicinity witnessed this their acknowledgment to the previous writ. Because Francisco [Menchaca] said that he did not know how to sign, Diego Menchaca signed this [their acknowledgment] with me and my attesting witnesses with whom I act according to law, as it has been previously stated. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Diego Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

[DS. 22v-23 in E.
4-19-1772]

On the twenty-fifth day of the said month and year, in view that the depositions and confessions for the initial proceedings of this criminal case are herein recorded as having been taken from Joseph Mireles of this vicinity; from Francisco de los Reyes, a soldier from the troop of San Saba stationed in this Presidio of Bexar; from Bernardo de la Zerda, Corporal of the troop of this said presidio; and from Visente Camaño, soldier from los Adaes, who is at the present time assigned to this one [of San Antonio de Bexar], I, the said judge, do hereby order [the aforesaid persons], as the witnesses for this [cause], to ratify [their depositions] for these plenary proceedings, in order that [this court may] proceed according to law.

Thus I have resolved, ordered and signed, acting in my own presence with my attesting witnesses in the absence of a public or royal notary of which there is none under this legal jurisdiction according to law.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

[DS. 23-23v in E.
4-19-1772]

Mireles'

Ratification

Immediately thereafter, in compliance with the preceding writ, I, the said judge, administered an oath to Joseph Mireles from this vicinity, witness cross-examined in this cause, who took [the said] oath in the name of God our Lord, and stated that he is not subjected to the exemptions from testifying.

After his said [deposition] had been read to him word by word, fact which I certify as having been done, he stated that everything contained therein was the same he said and testified, which [deposition] he again ratified. [He stated] that if necessary, he would repeat it for these plenary proceedings. [Mireles] also stated that he did not have anything more to add, and that he was not subjected to the general exemptions from testifying; that he had told the truth [in his testimony] under the oath he had taken, which [testimony] he again affirmed and ratified. [The deponent] said to be twenty-five years old little more or less, and he did not sign [this his ratification] because he said he did not know how. I, the said judge, signed it with my attesting witnesses with whom I act ~~as~~ it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 23v-24 in E.
4-19-1772]

Another [ratification]
 from Corporal [de la]
 Zerda

Immediately thereafter,
 in compliance with that
 which has been [previously]
 ordered, I, the said judge,

administered an oath to Bernardo de la Zerda, Corporal of the Company of this Presidio of Bexar, witness cross-examined in these proceedings, who took [the said oath] according to law, in the name of God our Lord and the sign of His Holy Cross.

After [the deponent] had been questioned about this lawsuit, and as to whether or not he was subjected to the general exemptions from testifying; and after his deposition had been read to him word by word, a fact which I do hereby certify as having been done, he stated that everything contained therein was the same he had stated and testified, which [testimony] he again ratified. [The deponent] stated that he would repeat [his testimony] if it becomes necessary for these plenary proceedings. [The deponent] stated that he is not subjected to the general exemptions from testifying; and that everything he had stated [in this testimony] had been the truth under the oath he had taken, which [testimony he again] affirmed and ratified.

The deponent [stated] that he was forty years old,

little more or less. He did not sign [this his
ratification] because he did not know how. I, the
said judge signed it with my attesting witnesses with
whom I act as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 24-24v in E.
4-19-1772]

Another [ratification]
from Camaño

Immediately thereafter,
in compliance with that
which has been [previously]

ordered, I, the said judge, administered an oath to Visente Camaño, soldier stationed at los Adaes, witness cross-examined in these proceedings, who took [the said oath] according to law, in the name of God our Lord, and the sign of His Holy Cross.

Immediately thereafter, once [the deponent] had been questioned about [his deposition] and as [to whether or not he was subjected] to the general [exemptions from testifying]; and after his said [deposition] had been read to him word by word, a fact which I do hereby certify as having been done, he stated that everything contained therein was the same he had stated and testified. [The deponent again] ratified [his deposition], and [he stated] that if necessary, he would repeat it again for these plenary proceedings.²⁵// He stated that he did not have anything more to add; and that he is not subjected to the general exemptions from testifying. [The deponent] added that everything he had testified therein had been the truth under the oath he had taken, which [testimony] he again affirmed and ratified. He stated that he was twenty-six years old, little more or less. He

signed this [ratification] with me and my attesting witnesses with whom I act as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attestinge Witness

Manuel de Vrrutia

(Rubric)

[DS. 24v-25 in E.
4-19-1772]

Immediately thereafter, in view of the absence of Francisco Reyes, witness cross-examined for the summary proceedings of this criminal cause, I, the said judge, should order, as I do hereby order the summons for those witnesses who would stand for [the aforesaid Francisco Reyes] and would ratify [Reyes'] [deposition] as provided by law.

Thus I have resolved, ordered and signed, acting in my own presence with my attesting witnesses as it has been previously stated.

In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 25 in E.
4-19-1772]

Proxy for Reyes
who is absent

At the said royal pres[idi]o, on the twenty-sixth day of the said month and year, by virtue of the preceding writ,^{25v} I, the said judge, administered an oath to Bernardo de Torres and to Joseph Ignacio de Estrada, thus the above mentioned soldiers said they were named, [oath] which they took according to law in the name of God and the sign of His Holy Cross. The former is assigned to the troop of los Adaes, and the latter to the troop of this Presidio of Bexar.

After they had been questioned as to whether or not they knew about the tenor of these proceedings; whether or not they knew Francisco de los Reyes, witness [summoned] for these proceedings, and how long they have known him; and after the deposition made by the said Reyes for these proceedings had been read to them, they stated that they have known Francisco Reyes for about twelve years because they have served together [as soldiers] at the Presidio of San Saba. They also stated that [Reyes] has always been regarded as a man of good will, a good christian, fearful of God and of his conscience, and thus worthy of belief and competent to give testimony in court or outside of court. In view of these facts [the deponents] vouched for him and they said that they believe that whatever [Reyes]

deposed for this cause was the truth, because [Reyes] would never go against the truth in act or in part.

After [the deponents] had been questioned as to whether or not they knew the whereabouts of Francisco Reyes, they stated that they knew he had left to go from this presidio where he was stationed at the Villa of San Fernando to that one of San Saba, some eighty leagues distant from this [presidio]; that according to what they have heard, [Reyes] had been assigned as a soldier to the said presidio [of San Saba] but that they did not know his destination or when he will be back. [The deponents added] that everything they have stated herein was the truth under the oath they have taken.

After this [their statement] had been read to them word by word, they affirmed it and ratified it, and they added that they are not subjected to the general exemptions from testifying. The former, [Bernardo de Torres], said that he was twenty²⁶//-six years of age little more or less, and the latter, [Joseph Ignacio de Estrada], said he was fifty years old, little more or less. They did not sign this [their testimony] because they said that they did not know how. I, the said judge, signed this with my attesting witnesses with whom I act in the absence of a public or royal

notary, of which there is none as required by law.

In witness thereof, I certify.

Between lines--thus they said they were named--valid.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

[DS. 25-26 in E.
4-19-1772]

At the said Royal Pres[idi]o of San Antonio de Bexar, on the twenty-seventh day of the said month of May of the said year, in view of the conclusion of the depositions recorded in these initial proceedings, of the confession made by the accused, and of all others, I, the said judge, do hereby order the conclusion of these initial proceedings, and also the remittance of an exact copy of them to the señor don Juan Maria Baron de Ripperdá, Governor of this province, so he may remit them to the Captaincy General for the passing of a final sentence//^{26v} as provided by law.

Thus I have resolved, ordered and signed, acting as receptoría with my attesting witnesses in the absence of a public or royal notary of which there is none as required by law. In witness thereof, I certify.

Luis Antt[oni]o Menchaca

(Rubric)

Attesting Witness

Mig[ue]l George Menchaca

(Rubric)

Attesting Witness

Manuel de Vrrutia

(Rubric)

27
//

[DS. 26-26v in E.
#-19-1772]

No. 23

Mo[st] Ex[cellent] S[eñ]or,

S[eñ]or:

I am remitting to Y[our] Ex[cellency] the proceedings which in view of my order, d[o]n Luis Ant[oni]o Menchaca, Captain of this presidio, carried out against Juan de Sosa, a soldier stationed at the Presidio of Orcoquisac, because of the stabbing of Diego Menchaca, a soldier assigned to the Company of San Saba, but who was stationed [at that presidio], and who died as a consequence of [the stabbing] on the thirteenth day of April last. [These proceedings] have been deferred up to the present time because of the occurrences the said captain has encountered lately.

I do reiterate my respectful wishes of serving and pleasing Y[our] Ex[cellency]. May our Lord keep your important life many years.

San Antonio de Bexar, August 25, 1772.

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

JM Baron de Ripperdá

27v
(Rubric)//

To the Mo[st] Ex[cellent] S[eñ]or d[o]n Ant[oni]o
Maria de Bucareli y Ursua.

[DS.-27 in E.
4-19-1772]

[Marginal Note]

Mexico, October 5, 1772

To the s[eñ]or Assessor.

Bucareli

(Rubric)

[DS. 27 in E.
4-19-1772]

M[ost] Ex[cellent] S[eñ]or:

As it is evident from the proceedings remitted by the s[eñ]or governor of the Province of Texas, Juan de Sosa, soldier stationed at the Presidio of Orcoquisac, murdered Diego Menchaca, a soldier assigned to the troop of [the Presidio of] San Saba, because he found [Menchaca] at night in a dark room with the wife of the said Sosa.

In view that a confession has not yet been taken from the accused and a verdict has not yet been pronounced against him; and that, at the same time because of the remotness of those provinces a default has been detected in the substantiation of the said defense due to the absence of a learned person who could have rendered legal advice or who could have conducted a legal defense, as it has been stated by the defender named by [the accused]; and [in view] that these proceedings have produced enough evidence of the act, I do hereby entreat Y[our] Ex[cellency] to order the remittance of [these proceedings] to the advocator general to enable him to promote the defense of the accused as soon as possible through the officer of the law appointed by the Dean of the Colegio de Abogados.

Mexico, January 11, 1773.

don Domingo de Valcarcel, [Assessor]

(Rubric)

[Marginal Note]

Mexico, January 14, 1773

As it is the opinion of the s[eñor] Judge Advocate.

Bucareli

(Rubric)

[DS. 27v in E.
4-19-1772]

[Marginal Note]

Mexico, January 16, 1773

By virtue of the preceding superior decree, I do hereby appoint don Felipe Palominos, attorney at law, [as advocator to defend this cause].

Doctor Melgares

(Rubric)

[DS. 27v in E.
4-19-1772]

M[ost] Ex[cellent] S[eñ]or:

[I], [Felipe de Castro Palominos] accept [to carry out the defense]. I do hereby request that those [proceedings concerning] this case be remitted to the s[eñ]or Assessor.

[Don Felipe de Castro y Palominos,
Attorney at Law]

(Rubric)

[DR. 28 in E.
4-19-1772]

Mexico, January 27, 1773

To the s[eñ]or Assessor.

Bucareli

(Rubric)

[DS. 28 in E.
4-19-1772]

Joseph Fernandez de Cordova, Advocator General of the destitute, on behalf of Juan de Sosa, a soldier stationed at the Presidio of Orcoquisac in the Province of Texas, for the criminal cause being carried out against him by the Captain don Luis Antonio Menchaca, major deputy of the law at the Presidio of San Antonio de Bexar, because of the slaying of Diego Menchaca, [a soldier] assigned to the troop of San Saba, which [cause] has been remitted [to me] by the señor Baron de Ripperdá.

And in view of the evidence presented, I, [the undersigned] do hereby state in the most proper and legal form that, after having carefully examined the proceedings [to this cause], it can be said that because [Sosa], my party, found the aforesaid Diego [Menchaca] in a kitchen at night with the wife of my said [party], he, [Sosa], stabbed [Menchaca,] who consequently died.

From this fact and from [many] other passages which I will opportunely mention, [one] can establish the innocence of the said Sosa who should, as a consequence, be set free.

It is lawful for the offended party to kill the adulterer. This [fact] is stated by all the laws, and it is [also] the common opinion of the Doctors of

the Law. But because this offence is of a difficult justification, it is necessary to examine the circumstances in order to establish whether or not the charge [of first degree murder] has been proven, and from there, proceed to prove whether or not [the accused] is guilty of the charge when, blinded by the pain of passion, he infers the death of the adulterer.

It is to be supposed from the above mentioned fact that this delict can be justified with presumptions, [the existence of one fact not certainly known, from the existence of some other fact]. And which facts are these to be, are stated in the Royal Law and the Chapter^h of the Canonical Law. It is to be supposed that a man and a woman are committing adultery if they are found alone in a secluded place, [especially] when they are caught alone at night, and during the absence of the husband. All these circumstances occurred in the case in question when Sosa found his wife with Diego Menchaca in the kitchen of a house which was not his own, at night, alone, and at a time when neither one was expecting him back, since [Sosa] had been assigned to the care of a stud of horses. According to those aforesaid provisions of the Law, there was evident adultery. And so it is [evident] the innocence of the said my party.

Of no less degree of importance is the fact that [Sosa] had already suspected an illicit relationship between his wife and MENCHACA, for he had forbidden [MENCHACA] any communication [with this wife]. The fact that [MENCHACA and Sosa's wife] were alone at night and at a time when they were not expecting him back, made this a more evident case of adultery. Any of these factors taken separately would be [more than] sufficient [proof] of the committance of adultery according to the doctrine stated by a famous juriscounsel of this country. Sosa's innocence is therefore more evident since all [the before mentioned] circumstances occurred in this case.

Even if all those presumptions were not to have all the justification as needed for these proceedings, the facts alone as compared to those provisions of the law, would be sufficient to exculpate the said my party when dealing with the defense of the accused. All this circumstantial evidence, although weak as it appears to be, is valid evidence. Therefore, on behalf of [Juan de Sosa], I do hereby [state] that [this circumstantial evidence] proves sufficient in spite of the failure of having presented it as strong as it actually is.

Sosa, as it is of record in his deposition did

not try to kill Menchaca immediately. The element of intent which is the basis and fundament for any offense, is lacking, and therefore [Sosa] cannot be charged with first degree murder.

Because it has already been established that the offended party can kill the adulterer, I do entreat the superiority of Y[our] Ex[cellency] to issue my said party's acquittal, to absolve him from any other charge which may be followed against him in any court of law, and to order his immediate release, remitting for this purpose the corresponding order to the señor Governor of the Province of Texas.

Thus I have requested from Y[our] Ex[cellency], for it is just. I do hereby swear [to everything that may be necessary].

Felipe de Castro Palomino, Attorney at Law
(Rubric)

Joseph Fernandes de Orendain
(Rubric)

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[DS. 28-29v in E.
4-19-1772]

[Marginal Note]

M[ost] Ex[cellent] S[eñ]or:

As it has already been pointed out by the señor assessor in his judgment to this criminal case concerning the slaying of Diego Menchaca, [case which] was notified to Y[our] Ex[cellency] by the Knight Governor of the Province of Texas, there can be seen some defaults in the substantiation of the defense. Nevertheless, there are two constant factors, that is, the corpus delicti, as well as the fact that Juan de Sosa, soldier assigned to the Presidio of Orcoquisac, was the aggressor. And thus he confessed, except that he said he stabbed the aforesaid Menchaca, without the intentions of murdering him, because he found him with his wife, Gertrudis Barron, at night, alone in a secluded room; [and also because Sosa] was suspicious beforehand of her infidelity with the very same Menchaca, since [the accused and Menchaca] had had another fight over her, and for which reason Sosa deprived [Menchaca] from entering his home and from communicating with his wife.

This plea of the accused is also a constant factor [in the testimony] given by the two eye witnesses cross examined about the fight in which Menchaca was²⁹// fatally wounded, for the two of them stated to have seen Sosa's

wife leave the kitchen where Menchaca was at about ten o'clock in the evening, when the whole town was already asleep. This [fact] was confessed by the very same Gertrudis Barron, who confirmed her husband's jealousy and also the preceding fight [Menchaca and Sosa] had because of her, a fact which was also deposed by the two other eye witnesses.

In view that all these [factors] are sufficient proof to substantiate the defense and the plea of the defendant, the determination of a definite sentence should proceed nonetheless the so obvious defaults in the substantiation of this cause.

According to the Statute Law, the husband^{29v}// who on finding his wife in the act of adultery kills her along with the adulterer is not guilty of the crime. According to all jurists, even when [the husband] fails to prove that he found them in the actual act, it will be sufficient [for the husband] to prove that the crime was committed in a secluded or occult place, in such a manner as, should the adulterers have lived, adultery could be proven against them. Therefore, since it is evident first, that when Sosa stabbed Menchaca, [the latter] was with [Sosa's] wife in a dark, secluded and occult place, [which place] was away from the said woman's home; at such an unusual

hour, for it was about ten o'clock at night; and when she was not expecting her husband back, for she thought he was at the camp guarding the stud of horses, which obvious assumption from the part of Gertrudis Barron is again strong evidence against her and Menchaca; and secondly, [since it is evident] that [Menchaca] had previously wounded Sosa, and that the latter had forbidden the former to enter his house because he was suspicious [of an affair between] his wife and [Menchaca]; and although all these facts together are not sufficient proof of infidelity, the fact that [Sosa] found [Menchaca and his wife] alone at the hour and circumstances already described, is indeed sufficient to imagine Sosa as utterly mad at that moment, blinded by anger, and deeply hurt, so much that these [feelings] urged him to kill Menchaca. This genuine hurt prevented him from having complete control of himself and from thinking on what he was doing.

All the above mentioned facts are the most accepted to exculpate the accused from any offence.

It is a fact that the same law which deals with the impunity of the husband who kills the adulterer deals with the case in which [the husband] kills the adultrereess also. And although Sosa did not perpetrate

this act for instead he took his wife along with him after he had wounded Menchaca, this [action] appears to have happened after the fight, therefore, after Sosa had had time to think. It is of record that Gertrudis Barron fled at the time of the fight, and the only one facing Sosa was the soldier Menchaca. This fact therefore excusses the said accused of the charge, for when due to some accident of flight, resistance or any other [circumstance],^{30v}// the husband is not able to kill both of the adulterers, but only one, he is still protected by the principle of the said Law. If Sosa would have killed his wife after the fight, he could not be excused of his crime, for [this law] does not protect [the husband] who kills the adulterers, or only one of them, at any time and place other than in the said act, that is, not after some time has elapsed.

Even in the case when the husband in one action, kills only one of the adulterers and spares the other on purpose or involuntarily, [the husband] should not be charged with first degree murder, but should receive an attenuated sentence according to the circumstances of the case.

In view of all that which Sosa has already endured in jail, Y[our] L[ordship] should deem commute his

sentence according to the time [he has] spent in the said prison, and should in addition impose upon him [a penalty] of giving a contribution for twenty-five masses to be said for the eternal rest of the soul of Diego Menchaca.

Sosa should then be declared free of any other charge, and he should be released from the jail in which he has been held. The same should be done with Gertrudis Barron, his wife. The possessions belonging to the said deceased which have been in custody [of the judge], should be given to the party or parties in interest who may be legitimately entitled to them.

For the fulfillment of all stated herein, I do hereby order the remittance of these proceedings to the Knight Governor of the Province of Texas.

Mexico, February 25, 1773.

don Domingo de Valcarcel

(Rubric)

[DS. 28-31 in E.
4-19-1772]

Mexico, March 1, 1773

Let the [preceding orders] be carried out as resolved by the señor Assessor. For the fulfillment of this [said resolution], let this case be remitted to the governor of the Province of Texas.

Bucareli

(Rubric)

[DS. 31 in E.
4-19-1772]

At the Royal Presidio of San Antonio de Bexar, on the twenty-fourth day of the month of May of the year seventeen hundred and seventy-three, acting as receptoría with my attesting witnesses in the absence of a public or royal notary of which there is none within the limits of this province, for the fulfillment of the preceding order from the M[ost] Ex[cellent] señor Viceroy, Governor and Captain General of this New Spain, (which orders I have respectfully received), I, don Juan Maria Ripperdá, Baron de Ripperdá, Colonel of Cavalry, Governor of this Province of Texas, its missions, conversions and frontiers; Commander of the Armies of it, and of the Government of Coahuila with the assistance of that one of Nuevo Leon, in the name of H[is] M[agesty], etc., immediately^{31v}// ordered the release of Juan de Sosa, a soldier assigned to the Royal Presidio of Orcoquisac, who has been imprisoned at the body of the guard of this [presidio] because he was charged with the slaying of Diego Menchaca, a soldier assigned to [the Presidio] of San Saba.

After I had summoned the prisoner to appear before me, I notified him of the conclusion of the preceding writ concerning his cause. In it, His Most Excellent señor acknowledged agreement with the judgment from the señor assessor general, who had requested from the

said señor to commute the penalty because of [the time] which [Sosa] has already endured in jail, and that a contribution be imposed upon [the said Sosa], to celebrate twenty-five masses for the eternal rest of the soul of Diego Menchaca.

And thus I notified it to the said accused, who replied that he would obey it and that he would give a contribution for the said twenty-five masses [to be said] as soon as his captain would deposite his salary on his account.

In order that this may be of record and for its proper fulfillment, I have written this down as part of these proceedings.

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

Baron de Ripperdá

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Attesting Witness

Anicetto Visente Caamaño

(Rubric)

[DS. 31-31v in E.
4-19-1772]

At the Royal Presidio of San Antonio de Bexar, on the sixth day of the month of July of the year of seventeen hundred and seventy-three, acting with my attesting witnesses as it has been previously stated, I, the said Baron de Ripperdá, Governor of this Province of Texas, order that the receipt of the twenty-five masses which the said Juan de Sosa was ordered to have celebrated as part of his sentence imposed upon him, be added and sewed to these proceedings for future record. The same [should be done with] the letter of don Alexo de la Garza Falcon, Lieutenant of the Company of San Saba who delivered to the widow, as it is of record in the said his letter, the few possessions found belonging to the deceased Diego Menchaca, and which were in custody of Captain don Luis Antonio Menchaca, previously in charge of this royal presidio, and of [the conduction of] these proceedings.

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

Baron de Ripperdá

(Rubric)

Attesting Witness

Antonio de las Barzenas

(Rubric)

Attesting Witness

Anicetto Vissente Caamaño

(Rubric)

[DS. 31v in E.
4-19-1772]

I, [fray Pedro Fuentes] certify that I have celebrated twenty-five masses for the intentions of the soldier Juan de Sosa, [a soldier] assigned to the company under the charge of don Rafael Pacheco, Captain of Orcoquisac. These [masses] were celebrated for the eternal rest of the soul of the soldier Diego Menchaca. [I also certify] that I received a contribution from the salary of the said soldier Sosa. In witness thereof, I certify.

Bexar, June 28, 1773.

Fray Pedro Fuentes

³³
(Rubric)//

[ADS. 32 in E.
4-19-1772]

My dear Sir:

Through Your Lordship's [letter] of the 29th of last month which I received from Sergeant Castro, I learned of the many favors [I received] from Y[our] L[ordship], of which I am grateful. I do hereby acknowledge receipt of the news of the unfortunate death of the soldier Diego Menchaca, and also of all [the possessions] which were passed to me and which are on record on the writ [Your Lordship] deemed to send me for my records as well as for the widow's, to whom I gave everything I received, with the exception of the escopeta and the stirrups which I detained until [the deceased's] accounts are checked to see whether or not he has any debts.

All the expenses^{33v}// of the fourteen soldiers who came, the two deserters inclusive, have been credited to Y[our] L[ordship's] account.

Concerning the matter Y[our] L[ordship] wrote to me about don Bernardo Miranda, I will notify it to him immediately after his return, for he is in Mexico at the present time, so that a hearing be arranged since it is he who has the power of attorney.

I do hereby remain at your service, and I pray to God to keep your life many years.

Villa of San Fernando of Austria. May 15, 1772.

Your most attentive and faithful servitor kisses
Y[our] L[ordship's] hand.

Alexo de la Garza Falcon

(Rubric)

To the Señor Captain don Luis Anttonio Menchaca

[ALS. 33-33v in E.
4-19-1772]