

Year of 1782

Demand presented by Señor bachiller Don Pedro de Fuentes, cura vicario of the parish church of this villa of San Fernando, concerning 45 pesos and 5 reales owed to him by Joaquín Menchaca and paid by Don Fernando Beramendi from money belonging to the said Menchaca, which he had in his possession.

No. 52

//^v [Blank]

[Cross]

Señor Governor:

Bachille Don Pedro Fuentes, rector in charge of this villa of San Fern[an]do, assuming the solemnities of law, appears before Your Lordship and states that he has justly petitioned Señor Alcalde Don Macario Sambrano to impound the sum of fifty pesos--which belongs to Juachín Menchaca and is in the possession of Don Fern[an]do Beramendi--pending payment therefrom of forty-five [pesos] and five reales, which the said Menchaca had owed [Fuentes] for three years, as he admits. [Menchaca], due to misfortunes, delayed making payment in lumber, which was essential, since the money had already been spent collecting it. Finally the said Menchaca resolved--among other incidents here omitted to avert fatigue--that as soon as he extricated himself from imprisonment, he would satisfy [his indebtedness]. But this did not seem just. [The circumstances] did not allow him the time or other means to pay, especially in wood, and the longest [Fuentes] could wait for it would be one month. This would, in fact, necessitate the disbursement of money to succeed in recovering the balance, as above stated. [Fuentes therefore] humbly beseeches Your Lordship to deign--if it be just--to command the aforementioned Beramendi to deliver to the complainant the sum demanded.=====

For all this he begs and beseeches Your Lordship to deign to command // ^{lv} and provide as he has requested, that he may thereby receive mercy, &c.

B[achille]r Pedro Fuentes
[Rubric]

[A.L.S., 1-lv pp., in E. 5/29/1782-6/6/1782]

Decree In order to decide more advantageously and with the
 knowledge that Joaquín Menchaca's wife is aware of the
charge demanded of her husband, [I order that] a transcript [of these
proceedings] be sent to her, and [when this is] done, autos [shall be
made]. Thus it is provided, ordered, and signed by me, Don Dom[ing]o
Cabello, Colonel in the Royal Armies, Governor and Commandant of Arms
of the Province of Texas, its Missions, Conquests, and Frontiers,
Captain of the Cavalry Company of the Royal Presidio of S[an] Ant[oni]o
de Béxar, and Inspector General of the Militia Corps and Presidial
Troops of the said province by Commission Conferred by the Lord
Commandant General of the Interior Provinces of this Kingdom of New
Spain; at this Presidio of [San Antonio de] Béxar, on the twenty-ninth
day of the month of May, in the year seventeen hundred eighty-two; before
the attendant witnesses with whom I act in the absence of a notary,
doing so on this plain paper, as there is none stamped. This I
certify.

Cabello
[Rubric]

[Cross]
José Plázido de Monzón
[Rubric]
Attendant Witness

Pedro Días del Castillo
[Rubric]
Attendant Witness

[D.S., 1v p., in E. 5/29/1782-6/6/1782]

//²

[Cross]

Señor Governor:

Sir:

Having seen the content of the present [documents] which Your Lordship's superior authority has ordered delivered into my custody, I reply with all acquiescence and state [the following:] Not knowing that my above-cited husband had contracted the debt which his creditor imputes to him in the present [proceedings], I only know that [the person] with whom he contracted the said obligation is Don J[ose]ph de la Santa. But as for this matter, Your Lordship will decide it as is most suitable to your legitimate court. For I am a poor woman who can neither understand nor do anything concerning the afore-mentioned matter except leave it to your good counsel as I have stated above.

I swear that I bear no malice, &c.

Juana Delgado
[Rubric]

[A.L.S., 2p., in E. 5/29/1782-6/6/1782]

Decree In view of the discrepancies between the narration of the complainant and the reply of Juana Delgado, Don José de la Santa shall answer the charge made against him by forming an account in order to show //^{2v} whether [Menchaca] is liable for [the charge], which results in the s[e]ñor rector's statement that Joaquín Menchaca owes him the forty-five pesos and five reales which [Fuentes] demands of him. Thus it is provided, ordered, and signed by me,

Don Dom[ing]lo Cabello, Colonel in the Royal Armies, Governor and
 Commandant of Arms of the Province of Texas, its Missions, Conquests,
 and Frontiers, Captain of the Cavalry Company of the Royal Presidio
 of San Antonio de Béxar, and Inspector General of the Militia Corps
 and Presidial Troops of the said Province by Commission Conferred by
 the Lord Commandant General of the Interior Provinces of this Kingdom
 of New Spain; at this Presidio of [San Antonio de] Béxar, on the first
 of June, in the year seventeen hundred eighty-two; before the attendant
 witnesses with whom I act in the absence of a notary, doing so on this
 plain paper, as there is none stamped. This I certify.

Cabello
 [Rubric]

[Cross]
 José Plázido de Monzón
 [Rubric]
 Attendant Witness

Pedro Días del Castillo
 [Rubric]
 Attendant Witness

[D.S., 2-2v pp., in E. 5/29/1782-6/6/1782]

//³

[Cross]

Señor Governor and Commandant of Arms of the Province,
Don Dom[ing]lo Cabello

Sir:

It happens that Juachín Menchaca owes me 55 pesos and 2 1/2 reales-- the balance of a greater amount--as [shown] on the attached account which (with due solemnity) I am sending Your Lordship, and which the said Menchaca approved, not finding therein any entry which might disaffirm the said balance which he was to pay me in wood. During the past year [seventeen hundred] eighty I sold to the señor rector, Don Pedro Fuentes, the plot, stone, and wood which he bought to build a house. The obligation of the afore-mentioned Menchaca as stated above also was involved in the said sale. The said gentleman [Fuentes] concurred in it and the debtor [complied] in the conveyance which was carried out. I was satisfied with credit. Although the request of the petitioner is for 45 pesos and 5 reales, the rest of the above mentioned 55 [pesos] and 2 1/2 reales, as he will recall, was delivered to //^{3v} the said petitioner in wood. This is [all] I can say in the particular matter, since it is the truth thereof; wherefore Your Lordship will act in accordance with your superior wishes, which, as always, will be best.

Villa of San Fern[an]do, June 1, 1782

Señor

José de la Santa
[Rubric]

[A.L.S., 3-3v pp., in E. 5/29/1782-6/6/1782]

Auto At the Royal Presidio of S[ca]n Ant[oni]o de Béxar and villa of S[ca]n Fern[an]do, on the third day of the month of June, in the year seventeen hundred eighty -two, I, Don Dominglo Cabello, Colonel in the Royal Armies, Governor and Commandant of Arms //⁴ of the Province of Texas, its Missions, Conquests, and Frontiers, Captain of the Cavalry Company of the Royal Presidio of S[ca]n Ant[oni]o de Béxar, and Inspector General of the Militia Corps and Presidial Troops of the said Province by Commission Conferred by the Lord Commandant General of the Interior Provinces of this Kingdom of New Spain, [do state the following:] I have seen the account presented with the foregoing report by Don José de la Santa. One infers [from it] that Joaquín Menchaca has continued to owe fifty-five pesos and two and one-half reales. One notes that [the account] in its liquidation was not signed as it should have been to avoid the results which it is possible for the afore-mentioned Menchaca to state, especially since this credit was transferred to the señor rector of this villa at the time of the sale of the plot, stone, wood, and other accessory acquisitions involved in this matter. These conditions ought to have been explained in the first presentation so as not to leave the truth of the facts uncertain with respect to the difference noted between that [first] report and the one expounded upon by Don José de la Santa. The cuaderno containing the foregoing account with Joaquín Menchaca, rubricated by me, will be returned to [de la Santa], //^{4v} until such time as the said Menchaca may repeat the objections which it may occur to him [to present], since his rights are held harmless. Consequently I must command and do command that his wife be apprised of these facts, in the

absence of her husband. [This assignment] is committed to one of the attendant witnesses with whom I act in the absence of a notary. [When this is] done, he shall notify Don Fern[an]do Beramendi that he is to repay the señor rector the forty-five pesos and five reales, which he has in his possession, which belongs to the afore-mentioned Joaquín Menchaca, for which he will hereunder set forth the corresponding receipt for evidence in these proceedings, for such ends as are and may be appropriate. Thus I have provided, ordered, and affixed my signature, before the attendant witnesses with whom I act in the absence of a notary, doing so on this plain paper, as there is none stamped. This I certify.

Dom[ing]o Cabello
[Rubric]

[Cross]
José Plázido de Monzón
[Rubric]
Attendant Witness

Pedro Días del Castillo
[Rubric]
Attendant Witness

[D.S., 3v-4v pp., in E. 5/29/1782-6/6/1782]

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Notification

At the Royal Presidio of San Ant[on]ilo de Béxar and villa of San Fernando, on the fourth day of the month of June, in the year seventeen hundred eighty-two, I, José Plázido de Monzón, one of the attendant witnesses with whom the lord governor of this province acts in the absence of a notary, in order to effect that which was ordered in the auto aforegoing, did go to the residence of Juana Delgado, wife of Joaquín Menchaca, and made known to her personally the above provision. She said that she would comply with it, since it had been ordered--or was an order--from the said lord governor. She refused to sign, thus I have done so. Witnesses to this notification were Mathías del Río and Ant[on]ilo Guadalupe Guebara, both residents at this presidio and villa, and for evidence [thereof] I place [this notification] in the proceedings.

José Plázido de Monzón
[Rubric]

[A.D.S., 5p., in E. 5/29/1782-6/6/1782]

Notification

On the said day, month, and year, I, the afore-said José Plázido de Monzón, in order to comply with that which was ordered in the auto aforegoing, did go to the residence //^{5v} of Don Fernando de Beramendi and notified him in person of the provision contained therein. Apprised and informed thereof, he stated [the following:] He had bought from Doña Juana Delgado, with the permission of her husband Don Joaquín Menchaca, one day of water with two plots of land on the upper tract, which belonged to the latter, for

the sum of one hundred fifty pesos. It is true that the remaining forty-five pesos and five reales which His Lordship orders the notifyee to deliver is due the señor blachiller Don Pedro de Fuentes. [Beramendi states that] he is prepared to tender [that amount]. But he makes known to His Lordship that, having considered [the fact] that the said Menchaca is involved in smuggling, which point still has not been resolved, he is afraid of what may happen to the property of the afore-mentioned Menchaca, in which case he will lose [the money] he has disbursed and [also] the afore-cited forty-five pesos and five reales which he is ordered to deliver. Thus he beseeches the above-named lord governor, aware of this statement, to deign to determine, if he considers it just, that the said amount remain in [Beramendi's] possession in the form of a deposit //⁶ pending determination of the above-mentioned cause involving the seller, [Menchaca]. This was all he stated on this matter. He signed [this statement] with me, as evidence whereof I have placed it in the proceedings.

[Cross]
 José Plázido de Monzón
 [Rubric]

Fern[and]lo de Beramendi
 [Rubric]

[A.D.S., 5-6 pp., in E. 5/29/1782-6/6/1782]

Decree I have seen the statement of Juana Delgado, wife of Joaquín Menchaca, and that of Don Fernando Beramendi. Let all of that which was provided in my auto of the third of the current [month] be upheld, and let [this] be made known to the afore-mentioned Don Fern[an]do Beramendi, so that he may act on the part incumbent upon him

in the said provision. Thus it is provided, ordered, and signed by me,, Don Dominglo Cabello, Colonel in the Royal Armies, Governor and Commandant of Arms of the Province of Texas, its Missions, Conquests, and Frontiers, Captain of the Cavalry Company of the Royal Presidio of S[an] Ant[oni]o de Béxar, and Inspector General of the Militia Corps and Presidial Troops of the said Province by Commission Conferred by the Lord Commandant General of the Interior Provinces of this Kingdom of New Spain; at this Royal Presidio of S[an] Ant[oni]o de Béxar, on the fifth day of the month of June, // ^{6v} in the year seventeen hundred eighty-two, before the attendant witnesses with whom I act in the absence of a notary, doing so on this plain paper, as there is none stamped. This I certify.

Cabello
[Rubric]

José Plázido de Monzón
[Rubric]
Attendant Witness.

Pedro Días del Castillo
[Rubric]
Attendant Witness

[D.S., 6-6v pp., in E. 5/29/1782-6/6/1782]

Notification

On the said day, month, and year, I, José Plázido de Monzón, one of the attendant witnesses with whom the lord governor acts in the absence of a notary, pursuant to that which was ordered in the decree foregoing, did go to the house of Don Fern[an]do de Beramendi and in person made known to him the foregoing provision. When he had heard it, he said that he would obey it, and in compliance therewith he delivered to S[e]ñor b[achiller]

Don Pedro Fuentes the above-cited forty-five pesos and five reales, as ordered, in //⁷ hard cash, immediately. In consequence thereof, the afore-mentioned Señor b[achille]er [de Fuentes] issued the corresponding receipt, as evidence whereof I place [this notification] in the proceedings.

[Cross]
José Plázido de Monzón
[Rubric]

Fern[an]do de Beramendi
[Rubric]

[A.D.S., 6v-7 pp., in E. 5/29/1782-6/6/1782]

I have received [the amount tendered].

B[achille]r Pedro Fuentes

[A.D.S., 7p., in E. 5/29/1782-6/6/1782]

Decree In view of [the fact that] Don Fern[an]do de Beramendi has paid the forty-five pesos and five reales to the señor rector of this villa, which [amount de Beramendi] had retained in his possession and which belonged to Joaquín Menchaca, as is more extensively evidenced in the foregoing proceedings, they are considered concluded. They are to be kept in the archives of this governorship for such ends as are or may be appropriate. Thus it is provided, ordered, and signed by me, Don Dom[ing]o Cabello, Colonel in the Royal Armies, Governor and Commandant of Arms of the Province of Texas, its Missions, Conquests, and Frontiers, Captain of the Cavalry Company of the Royal Presidio of S[an] Ant[oni]o de //^{7v} Béxar

and Inspector General of the Militia Corps and Presidial Troops of the said Province by Commission Conferred by the Lord Commandant General of the Interior Provinces of this Kingdom of New Spain; at this Presidio of [San Antonio de] Béxar, on the sixth day of the month of June, in the year seventeen hundred eighty-two; before the attendant witnesses with whom I act in the absence of a notary, doing so on this plain paper, as there is none stamped. This I certify.

Cabello
[Rubric]

[Cross]
José Plázido de Monzón
[Rubric]
Attendant Witness

Pedro Días del Castillo
[Rubric]
Attendant Witness

[D.S., 7-7v pp., in E. 5/29/1782-6/6/1782]