

9.1353

In the Villa of San Fernando of the government of Texas and the New Philippines on August 14, of this present year of 1745, having assembled the very illustrious council and the houses that serve for those council meetings in company of Very Rev. Fr. Benito Fernandez de Santa Anna, apostolic preacher and president of all the missions of the Province of Texas, belonging to the College of Santa Cruz de Queretaro, as prelate of all the Rev. Fathers Missionaries and in the name of the Indians of the forementioned missions to whom was given part and with the free and spontaneous consent of all these missionaries who belong to that College and in my presence, Francisco Joseph Arocha, public notary of the council of said Villa and said to be licensed that by that position thru participation in said Villa of San Fernando, he is appointed to represent it before His Most Exc, Señor Viceroy of this New Spain thru his authorized titles and reasons and principal aims that concern his rights for the harvest of corn crops with reference to the purchase made by the Captains of this province from the residents of this Villa, requesting also that the Indians of said Nations should work in the fields of those residents who would be paying them for their labor and that these missions be reduced or cleared out or transferred by two for damages we are experiencing in raising cattle of the Indians with whom they thought of having free commerce and other points and the continued disputes by the Rev. Fr. Missionary in behalf of the rights of the Indians, their causes, true justification and privileges and laws which favor said

Indians, so that the claims presented by the Villa will not take effect. In addition to this the clearance of this Villa and other points for causes that represent all of them and from both sides are expressly evident of previous attention in the higher tribunal of Your Excellency in which is referred and attending to the delays and expenses; which are the reasons and causes of the disputes and doubts in their convictions for peace and harmony. They have assembled and mutually agreed as to what should be mentioned in this writing. And to get the right effect, the two parties sure and informed of their rights and what belongs to each, in this case the free and spontaneous will and as to what other better offer there is in useful right for this writing that in order for all and each one of the points entered by claims of said Villa, that the Captains be obligated to purchase corn crops; the Indians to the work and all the other efforts that are of industry and it can be deducted from said representations that are dated are to be stipulated in every detail, as also what refers to Rev Fr. Missionaries and the Indians of these pueblos, that they also be clear in details to all the referred points that are mentioned in the presentations that are dated as to the site in which the Villa was founded - these are to be acknowledged always as lands pertaining to said Villa, as also those that are to the side of the river to the west, and upon foreseeing those certain and ponderable inconveniences that can result from the union of the Villa with said mission, being of a good distance, which was measured in the past from the house of Juan _____ to the Mission of San Antonio; we are forced to be obligated to not negotiate, nor let the house be built in all that space, in whatever manner, with the

exception of one sanctuary or any house that will not be a hazard to that Mission of San Antonio; to avoid the failure the controversy and disputes that may originate in the lands that have been apportioned - all unanimously united and in agreement with the Acknowledgment of planned design of said mission. Starting with measurements and following the spring of water that is to the east and sprouts at the same field that starts at the place of the snakes in the direction to the ~~south~~ north, we shall divide on the west the lands of the Villa and on the east those of the pueblo of San Antonio. Making each one corresponding to possession what it would have and then following other points that are stipulated already and with some clearly stated points which are contradictory to this judgment, as predetermined by the Most Exc. Señor Duque of the Conquest and giving the freedom in favor of the missions in the dispatch which they obtained in the year of 41 (1741) and which are the same ones that are expressed in our intentions that must be in force and alive which should have as a case -o be judged and in virtue of remaining obligated in view of this writing to guard, comply and observe all and each one of said condition. Said parts they mutually desisted of whatever rights that belong to those intentions, aforesaid arguments the one and the other and the other against the other so as not to use from it nor to ask in the future the means in common, nor the inhabitants, nor investigation nor efforts nor inhabitants of Canary Islands in any particular against Rev. Fr. Missionaries nor the pueblos in common nor in no way nor whatever person or nation whatever of the missions - ? - or some Islander neighbors neither belonging nor against Villa in common, and that if there

is litigation that states demanding in superior Tribunal any such favorable case would have come out or all of it in favor of Rev. Fathers or of the missions or of the Villa in common or in particular th that said parts ~~muty~~ mutually state condemn them and precisely state that they remain obligated to the treated disputed circumstances which in this writing is renouncing as will remounce by Indians whatever right that thru their works possessions and whatever other causes pertain to them and said parties given by vote and cancellation the decrees that have been passed up till now, and it would be made in the future, so that they want try to pass judgment or reason or out of it in view of the desire of those involved who wished to have the future peace, union and conformity and also wish to remain equal in their intentions, each observing additions in those foreseen points -f this writing and when they are not and that there be in these parties the major right that it be sent and graciously given and that said parties will be mutually renouncing all laws that in their favor would be made and specially those of deceptions because they decalre that there is nothing in the resolved by this writing and even if there were known = don't let it be repeated nor shall they say against it for any reason nor for whatever other reason they might have and if they so desire not to be heard and in case that one of the parties were to do it or his own or thru an intermediate person, then that person will be under the penalty of disobedience to fail to that which gives or removes the right to whatever is intended to obtain and that it assigned and that he will be able to execute it by his swearing in this writing and with no other proof

even though it is required and then whatever defect shall be fulfilled (covered up) of substantial matter and then upon giving anew of this writing with the necessary formality, adding to it force with force, contract to contract and that here will be guarded and complied said dispatches of this writing, in reference to each one on his own renounces again whatever laws that could favor them, that give power to the justices and judges of His Majesty. Each one in the judgment that pertains to them in order that he be made to comply and obey, what is in this writing shall be evident by all rigor thru execution. It was thus signed and ordered by the very excellent cabildo and the Rev. Fr. Preacher Fr. Benito Fernandes de Santa Ana, President, ~~of~~ Antonio Rodrigues Mederos, Antonio Santos, Juan Delgado, a ruego de Dⁿ Manuel de Nis, Dⁿ Antonio Rodrigues, Dⁿ Juan Joseph de Montes de Oca, a ruego de Dⁿ Francisco G Hernandez, Antonio Santos, Martin Lorenzo - ante mi, Francisco de Arocha, escribano publico y de Cabildo entre renglon lo que en tiene en comun ni en particular ni contra alguna ni todas las misiones ni los dichos RR PP Misioneros - Vale -

Taken from its original which remains as protocol in the archives of this Villa and gives as true and truly emended (corrected) and to be seen upon transaction of this account. The following are present: Antonio de los Santos Coy, ^{council man} regidor Dⁿ Antonio Rodrigues y Joseph Curbelo, citizens of this Villa, where this is composed on November 11, 1745, the present year.

I sign in testimony of the truth

Francisco Joseph de Arocha
public notary and member of the
Council