

GENERAL COURT MARTIAL 1851  
TRIAL OF ANTONIO GARRA  
CONFESSIOIN WILLIAM MARSHALL

At a General Court Martial convened by order of Major General J. H. Bean Commander of the 4th Division California Militia at Rancho del Chino for the trial of Antonino Barra an Indian December 26 A.D. 1851 the following named persons were detailed to compose the said court.

- Maj. Genl J. H. Bean
- Mr. Myron Norton
- Lt Caleb Smith 2nd U.S. Infy
- Lt Roy Bean Cal. Vol.
- Don Diego Sepulveda
- Don Louis Roubidoux
- Don Ignacio Palomares
- Don Ignacio Alvarado

Major Myron Norton was appointed to act as Judge Advocate and to record the proceedings of the court.

Senor Don Louis Roubidoux was appointed to act as interpreter to the court.

The members of the court were then formally sworn by the Judge Advocate and afterwards the JA was sworn by the President in the presence of the prisoner. The JA then proceeded to administer the oath to Don Louis Roubidoux as interpreter.

The first charge and specification being made to the prisoner and being asked if he was guilty or not - the prisoner at first replied guilty and afterwards he said not guilty.

To the second charge and specification the prisoner pleaded not guilty.

To the third charge and specification the prisoner pleaded not guilty.

The prisoner being then questioned by the

Judge Advocate through the interpreter, he said he was the son of Antonio Garra, of the tribe of San [Luis Rey, that he] writes and speaks Spanish a little, don't know anything about the massacre at Juan [Lugo's.] When my father is absent Jose Maria [Maru] commands the tribe - knows Bill Marshall lived at Agua Caliente with the [daughter of Jose Noca. He] was there the last time he saw him - saw Juan [d.] last at his ranch - one muchacho went with me to his Ranch the last time..

Never killed any person at Warner's Ranch or stole any cattle or horses. Done nothing for the last 3 months but eat and gamble. When the men were killed prisoner says he was at Aguas Calientes.

The written confession of the prisoner written voluntarily by him yesterday was here offered in evidence [and hereto] attached marked "A."

The prisoner [said] in connection with his confession that the 52 articles he [got] from the Caluillus, he gave to Juan Bautist they were shoes, shirts, pantallons etc, and that they were taken at Warner's Rancho - Juan Bautiste is my uncle and we are friends.

Antonio Garra sworn - when the attack was made at Aguas Calientes and Warner's Ranch I stopped at San Sycro because I was sick. Juan Barro asked me how I could draw back being so much compromised - Only one Indian remained with me at Sycro - (San Sycro is about half way between Los Coyotes & Agua Caliente) all my people were in Agua Caliente.

Roy Bean sworn - Says that the road from San Gorgonio to this place. I asked him if the prisoners was present when the four Americans were killed - He said he was, said he was in command - I think I understand Spanish well enough to have

understood what he said.

Russell Sackett sworn, says that he ~~was~~ has the original confession of Bill Marshall that the copy now in court is the copy he took and that he furnished the copy to the editor of the Los Angeles Star. Said copy is hereto attached marked "B."

The court hereupon adjourned until 9 o'clock p.m.

At 9 pm the court again met, all the members being present.

During the adjournment of the court the prisoner made a further confession in writing which is the paper marked C hereto attached.

The opinion of the several members of the court having been taken, the prisoner was unanimously found guilty upon all the charges and specifications.

The court then proceeded to pass sentence upon the prisoner, which sentence was that he should be shot tomorrow morning at daylight - The court then adjourned till tomorrow at 5 P.M.

J. H. Bean Maj. Genl  
Commander & President of the Court

Myron Norton  
Aid de Camp &  
Judge Advocate

The foregoing proceedings and sentence are hereby approved.  
Chino Dec. 26, 1851.

J. H. Bean Maj. Genl  
Commander 4th Div. Cal. Militia

The above sentence was carried into effect this morning at daylight Dec. 27th 1851 -

Myron Norton  
Aid de Camp

## Confession of William Marshall

I was born in the City of Providence State of Rhode Island. My name is William Marshall. I came to this place in the ship "Hope" in the year '44. I have been residing at Agua Caliente since the year '46. I know nothing of the intentions of the Indians until the night of the murder of James Ridgley, Mr. Black, Mr. Fiddler, and Mr. Manning. About 12 o'clock myself and Juan Bero received a message from Antonio that he was about to commence a ~~war~~ war against the whites and that unless we joined him he would kill us. We consented to do so. I was in the same house with three of the Americans, I did not notify them of the intentions of the Indians. The Indians arrived at our house about 2 o'clock in the morning. Antonino the son of Antonio commanded the Indians. The three Americans with me were taken and tied and carried off to the burying ground and killed. I did not see it done but remained in the house. Antonino sent to Jose Noca's house captured Manning and killed him, part of the Indians then went up the mountains, myself and Juan Bero accompanying them, to another portion of the Indians about sun rise next morning attacked Warner's Rancho. The following day our party arrived at Los Coyotes and within found Antonio with Warner's stock and goods. Antonio has told me that he did not command the party that attacked Warner. That Tomito did. The first six days of my stay at the Coyotes, Indians were arriving and departing daily. Most of them armed with bows and arrows, a few of them had lances and guns, but the sixth day Antonio received a message from Juan Antonio to come and see him at Pason's (Pagon's) rancheria and talk over their plans. Antonio went with Juan Baptista and the Alcalde to the Coyotes. The alcalde returned

and reported that Juan Antonio had taken Antonio prisoner and carried him to Los Angeles. Upon the receipt of this information we all broke up. Myself and Juan Baro and Warner's servant started for San Diego. At San Isabel we were taken prisoners by Col. Harszthy and party. At the Coyotes Antonio informed me that he had been to the Colorado and incited the Indians (Yumas) to rise, that they had killed three men and captured 8000 head of sheep. That the Yumas had two other skirmishes with the troop whom they designed killing. The plan as developed by Antonio, was for the River Indians of the Colorado to join the Mission Indians fall upon the City of Los Angeles, kill the Americans and lay waste the country. He also told me that the native Californians were to join and assist the Indians. That they would act under pretense to join the whites until they got in the neighborhood of the Indians and then desert them and join him. Antonio said that the Lugos at San Bernardino were in his favor. I dared not inform Slack and the Americans at Agua Caliente of the promise I had made to join Antonio or let them know that any danger was at hand. I was afraid to do so. I intended to leave the Indians the first opportunity and only agreed to join them to save my life own life. I have lived with the daughter of Jose Nocar's as an Indian belonging to Antonio's tribe for five years. She has one child by me that is now alive. All my conversations with Antonio took place at the Coyotes after the murder of Slack and party. He then told me that last fall when the Americans were collecting taxes Joaquin Ortega gave a feast to all the Indians at Santa Maria and then addressed them and told them to rise this winter against the Americans who would always be disturbing them. That he, Ortega, would go at once to Santa Barbara (Barbara) and get all the Californians to join them, Andreas Pico and all the

Principal Californians, at the Collates. Antonio wrote a letter to Ortega which letter did not reach Ortega finding this out he wrote a letter to Mrs. Estudillo. Antonio told me that the Indians knew best what to do. Sometime previous to the first outbreak it was talked of among the Americans that the Indians were going to rise but Warner nor myself did not believe it. I have told the whole truth & I solemnly swear that it was not my intention to take any part in the war, that I joined solely to save my life & left them at the first opportunity. I say ~~that~~ this as my dying declaration and assert it to be a free confession made to Maj. McKinstry as my counsel. I request him to write to my father and mother who reside in Providence. My father's name is Joel Marshall. I am twenty four years of age.

Signed  
Wm Marshall

The above declaration was made in our presence and is attested by our signatures,

J. McKinstry                      J. Bankhead Magruder  
 Lt Major U.S.A.                      Lt Col. Light Arty. U.S.A.

Philip Crosthwaite

Prisoner here requested to make some further disclosures Dec. 11, 1851. Confession of Wm Marshall taken in the Presence of Maj. McKinstry, Mr. Brinley, Mr. Noel, Mr. Tibbets, and Maj Fitzgerald USA

I assert that my statement of yesterday is correct. I have told the truth. Panito told me previous to my departure from the Coyotes for this place that if Antonio was killed

the Indians were determined to carry on the war until they were exterminated. I believe that the war is not over, that the Indians will continue to be hostile. Antonio reinforced by the Colorado Indians expected to have a command of six thousand men. I expect to die and my only object is to atone for my errors as far as lies in my power by telling all I know and putting the Americans on their guard. The San Isabel Indians attended the feast at Santa Maria and they must know the fact that Joaquin Ortega advised the Indians to rise against the Americans. Juan Baptista one of the Lahuillas told me that he could rely upon the aid and assistance of the native Californians and the Mormons of San Bernardino who were opposed to the Americans.

The prisoner further stated that the Indian Chief Manuelito had combined with Antonio. That he (Manuelito) should profess friendship to the Americans and wait upon the commander of the volunteers and offer himself and people at his service, as also request the commander to allow him to go to the Coyotes and reconnoiter the position of Antonio from there he was to return to the camp of the Americans (after having conferred with Antonio) and tell them that they could easily obtain entrance into Antonio's camp upon which he (Manuelito) was to pretend to join the Americans and Antonio with his people to lay in ambush and upon his (Manuelito's) arriving at the place of ambush of Antonio they were to turn around and mutually assassinate the Americans.

Prisoner was asked if he had anything further to say or any more witnesses. He said he did not require the witnesses asked for.



Order  
No. 5.

Head Quarters South. Dist. Cal.  
Las Coyotes Dec. 24<sup>th</sup> 1857.

The proceedings of the Council of War convened by virtue of Order No. 4, Hq. Qrs. S. Dist. Cal. Las Coyotes Dec. 23<sup>d</sup> 1857. before which were tried Juan Bautista or Cotton, Jacoto or Qui-sil, & Luis the Alcalde of Agua Caliente & Francisco Mocate Captain of San Ysidro, all Indians, upon charges of Murder, Arson, and Robbery & severally found Guilty of the charges preferred against them and recommended to be executed, the finding and recommendation concurred in by Dr. O. N. Fitzgerald the U. S. Commissioner and Indian Agent for California, I have carefully considered and examined the proceedings and approve of the finding and recommendation. The above named Indians will therefore be shot to death at this place to-morrow morning at ten o'clock under the direction of the Officer of the Day and in the presence of the troops and Indians.

The Council of War of which Brig. Gen. J. B. Magruder is President is dissolved.

J. T. H. Campbell  
Capt. 2<sup>nd</sup> Regt. 1<sup>st</sup> Major  
Leandy.

1st case.

Proceedings of a Council of War convened in the valley Los Coyotes December 23d 1851 by virtue of the following orders:

Head Quarters South. Dist. Calh.  
Los Coyotes Decr. 23d 1851.

Orders &

No. 4

A Council of War to consist of Jot. Lt. Col. J. P. Magruder 1st Arty., Capt. D. Davidson 2d Inf., 1st Lt. E. Murray 2d Inf., Apt. Surg. Jno. E. Summers 1st Lt., 1st Lt. F. E. Patterson 1st Arty., 1st Lt. J. Hamilton 3d Regt., 2d Lt. J. W. Frazer 2d Inf. & 2d Lt. A. J. Stimmer 1st Arty. will assemble immediately for the trial of certain Indians, taken on the Eastern slope of the mountains after the action of Los Coyotes and charged with being engaged in the murder of four Americans at Agua Caliente & the attacks on the Hon. J. J. Warner & destruction of his ranch.

From the peculiar state of the country & the absence of all civil authority, the U.S. Commissioner and Indian Agent for California, Sr. O. M. Fitzgerald is requested to be present at the trial and deliberations of the Council & to express his opinions thereon.

Signed J. P. Nitzelman  
Capt. 2d Inf. Jot. Major  
Comdr

The order convening being read to the Council when it met at 8 P.M. and all the members present, Lt. J. Hamilton 2d Arty. was appointed Recorder and the Hon. J. J. Warner was shown as Interpreter to the Council of War. The Council

1st Case

Then proceeded to fix its rule of action and determined to first enter upon an examination of all persons within their power as a Court of Inquiry - after which was arraigned, before the Council,

Juan Paulista or ~~Colon~~ an Indian of Agua Caliente on the charge of assisting in the murder of Joseph Manning, an American citizen then lying in Agua Caliente Cata. at or near the house of Joci No-ca, chief of Agua Caliente, on or about the night of the 31st November 1817. - The charge being explained to the prisoner, the Council together with Sr. Coll. Wagoncraft & Sr. J. Warner were sworn according to the Articles of War -

The prisoner then plead to the charge - 'Not Guilty'. He was then confronted with the evidence of Joci No-ca and afterwards confessed as follows. That he with the son of Antonio Barra [Antonino] who had arrived at Agua Caliente and who had forced the people of that place to join him, went to the house of Joci No-ca about midnight of the said day. They were accompanied by Luis the Alcalde who asked permission of said No-ca to take out the said Manning from his house. The permission having been obtained, Antonino entered first, then Joci Luis, then Luis the Alcalde, then Carlos and after them the other Indians - Bonifacio, Roman, Cosme, and Antonio were the ones that led out Manning - - - Those present were Antonino, Cosme, Colon, Mariano, Bonifacio & Roman his father, Joci Luis, Luis el Alcalde, Carlos, and a Gentile nephew of Antonio Barra called Joci - This last Joci, struggled with me for Manning's money which had fallen on the floor, but I got it. Joci carried a lance and with it killed Manning, Mariano and Cosme struck on his

1st Case.

head with clubs - Because Luis was Akaldi and demanded  
the money I gave it over to him; he took Manning's jacket  
also I got Manning's pantaloons - I saw nothing more, but  
went to bed, and left Agua Caliente for the Coyotes on the  
morning of the 23<sup>d</sup> - The prisoner's confession being certified  
with reference to Luis and Juan being had an interview before  
taking out the prisoners, each party affirmed the truth  
of their assertions - The Council then proceeded to decide  
upon the evidence and after mature deliberation did and do declare  
the prisoner "Guilty" of the charge alleged against him and  
do recommend unanimously that the prisoner Estor or  
Juan Bautista be executed, as the Commanding Officer may  
find expedient.

J. Hamilton  
1st Lt. 3<sup>d</sup> Art'y.  
Recorder.

Attest  
Wm. B. Keck  
Capt. U.S.A.

### II<sup>d</sup> Case.

II<sup>d</sup> Case

Before the same Council of War was arraigned Jacinto or  
Qui-dil an Indian of Agua Caliente on the charge of assisting in  
the murder of Joseph Manning, an American citizen and three  
other Americans at Agua Caliente on or about the 1<sup>st</sup> of November  
1857 - The charges being read to the prisoner and explained by  
the interpreter the Council was then sworn, and the prisoner being  
called upon for his plea - Pleads as follows To the charge "Not Guilty"  
Jui Ni-ca was then called as a witness for the prosecution and being  
sworn says: I know Antonino, Estor, Coome, and Mariani in the night  
by their voices. afterwards I heard from the boys that Jacinto was present.  
Jui a son of Domingas was then called for the prosecution and being

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The case -

Sworn says: I saw Jacobs there that night. I saw him in Joe Manning's room with an armed lance in his hands and after that ~~fact~~ they had killed Joe, I saw the party and Jacobs still carried the lance - I did not hear Jacobs trying to prevent the murder by virtue of his order from Antonio Lara or in any other way - Bonifacio calledo says he was present at the house of Manning and did not see Jacobs - Roman the father of Bonifacio being calledo says he saw Jacobs present in Agua Caliente before the murder and saw him present when they took Joe out of his room. I did not hear Jacobs try to prevent the murder - Joe was killed about midnight - Bonifacio was again calledo and when confronted with his father's testimony confirms it and says that Jacobs prompted him to the first denial of his presence - Roman says that immediately after the murder, Jacobs returned to Antonio with the news and came back again asking why they had killed the Americans, and then told us to clear out to San Ysidro or some other remote point. Jacobs was present at the murder of the 3. Americans Hunt, Tidwell, and Ridgeley, also. Bonifacio says that Jacobs had a lance in his hands at the murders. Francisco Abocate says that Antonio sent Jacobs from San Ysidro to follow Bill Marshall and Juan Herrera who went away from San Ysidro uncharged with the murder. Jacobs left San Ysidro shortly after Bill and Juan and had plenty of time to reach there before midnight - Luis being calledo and sworn says Jacobs was not present at the murder. Here the evidence closed and after weighing the evidence carefully with reference to the probabilities and credence to be given to the several witnesses do declare their opinion

II<sup>d</sup> Case.

in favor of Jose the son of Dominga's testimony and after mature deliberation <sup>the Council</sup> ~~de~~ do and do find the prisoner facts or Qui-si Guilty of the Charge and do recommend unanimously that he be executed as the Commanding Officer may find expedient.

Manuel de Jesus  
Antonio de la Cruz  
Antonio de la Cruz

Hamilton  
1st Lt 3rd Regt  
Records

III<sup>d</sup> Case.

III<sup>d</sup> Case.

Before the same Council of War was arraigned the Indian Luis, the Alcalde of the village of Agua Caliente charged with assisting in the murder of Joseph Manning, an American citizen and 3 other Americans lying in Agua Caliente on or about the night of the 21<sup>st</sup> of November 1855. The Charge having been read and explained to the prisoner, the Council was sworn and the plea of the prisoner was then taken as follows To the Charge "Guilty" and proceeded with the following Confession - "On this night Antonino, Jorifacio, Jose son of Dominga, Jose Luis, Jose son of Julian, Baton, Casome and Pio came to my house, I saw Mariano at the murder of Black Fiddler and Ridgely but not at that of Manning - ~~facts~~ <sup>was not present.</sup> Upon leaving my house and going to the house of Jose Noca I entered and told him that Antonino had come with orders from Antonio Garra his father to take Joe Manning from his Noca's house and kill him - He replied "Well - let them take him" - I then went out and found they had brought Joe out of the house. Jose Luis took his saddle

III<sup>rd</sup> Case.

middle and boots, some got his mangle, Bonifacio took the  
 rifle Estor took his money and jacket, I ordered him to give  
 them up to me which he did and I took them with the  
 intention of returning the money to his friends - I  
 also got his serape - The money was composed of 3 large  
 \$50 pieces of Golds and 3 other small pieces - I gave one of the  
 \$50 pieces to Antonio to depreciate him as I feared his anger,  
 gave another small piece to Jose Luis, I spent the other  
 two small pieces for aguardiente - Here the prisoner  
 handed over the other 2 large pieces of \$50 each to the  
 Recorder in the presence of Sr. Manning - The Council  
 after maturely weighing the Confession and comparing  
 it with the evidence in the other cases did and do  
 unanimously find him "Guilty" of the Charge they  
 confirming his plea and do recommend that he  
 be executed as the Commanding Officer may think  
 most expedient -

J. Hamilton - I shall heed the order  
 set at 3<sup>rd</sup> party - As to the 1<sup>st</sup> party -  
 Recorder & use the 2<sup>nd</sup>

IV<sup>th</sup> Case -

IV<sup>th</sup> Case.

Before the same Council of War was arraigned  
 Francisco Mocate, Chief of the village of San Guido  
 by appointment of Antonio Sarrat, an Indian charge  
 with assisting with his people in the attack on the Hon.  
 J. A. Werner on the morning of the 22 day of November 1851.  
 at the about, and with the destruction and despoiling  
 of his house and other property at the same time -

IVth Case -

The Council being then sworn after the charges were explained to the prisoner - he pleaded to them as follows: To the Charge 'Not Guilty' - Francisco son-in-law of Jose No-ei was then called as witness for the prosecution and says 'I with the rest of the people of Francisco Moscato, went to the alleged attack on Warner. Chapule chief of the Coyotes was the heads chief, present and commanded all. I saw the prisoner taking a part in the attack; he took with him his bows and arrows and led his people - We went because we were ordered by Antonio and were afraid of his power.'

At this point of the examination the prisoner confesses that he went and took his people to the attack, but merely out of fear of Antonio's anger in case of disobedience. In defense he says he went purely out of fear of Antonio, that he had had no idea of killing or hurting Mr Warner, and that he only reached there very late, after Mr Warner had left his house for San Jose - Francisco the witness says he saw Francisco Moscato, the prisoner, in Mr Warner's house after his departure and saw the prisoner joining in plundering the house. Aquatin for the prosecution being called witness says that he saw the prisoner with his people returning from the attack but did not see him bring any of the property with him -

Mr Warner being called and sworn says: The attack was made on my house about sunrise on Saturday the 22d day of November 1857. My house was sacked immediately after. I know this as I returned to my house from San Jose about 9 o'clock AM on the same day - It is about 4 miles from San Ysidro to Agua -



Saliente and about the same distance from San Ysidro to my house - The Council here closed the examination, and the prisoner continuing the same defense, the Council proceeded to its findings - After mature deliberation on the evidence on the case they unanimously find the prisoner as follows of the Charge "Guilty" and do therefore recommend that Francisco Mocate the prisoner suspected as the Commanding Officer may find most expedient -

Hamilton  
1st Lt. 3d Regt.  
Recorder -

Manuel de Maqueter  
1st Lt. 1st Regt.  
USA. Post.

Being present by request in the foregoing Council of War, and having participated in their proceedings in the cases of Juan Pautista or Eston, Jacobs or Qui-sil, Luis El Alcalde, and Francisco Mocate, and being convinced of the urgent necessity of inflicting summary punishment in order to prevent future occurrences of like nature nature and being fully satisfied of the guilt of the above-named Persons, I concur fully in the proceedings, findings, and recommendations of the Council.

J. W. Mosecraft  
1st Lt. 1st Regt.  
USA. Post.

~~The Court having no more business to transact adjourned to tomorrow -~~

Hamilton  
1st Lt. 3d Regt.  
Recorder

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We, the undersigned members of a Council of War, convened at Camp Los Coyotes in virtue of an order dated Heads Quarters Southern District of California Decr. 23<sup>d</sup> 1851 - and signed Jt. Maj. S. P. Heintzelman Capt. 2<sup>d</sup> Reg. Comdg. for the trial of Juan Facinoros or Estor, Jacobo or Quisil, and Luis El Alcalde, all of Agua Caliente Cal. and Francisco Mocate Captain of San Ysidro, all Indians, upon charges of Murder, Treason, and Robbery, after mature deliberation on the evidence adduced have found and do find said Indians severally guilty of the charges preferred against them and have recommended and do hereby recommend to the Commanding Officer that they be executed -

Wm. Keith Major Genl  
 both also 1<sup>st</sup> Regt - USA  
 D. Davidson Post  
 Capt & Infy  
 G. May  
 1<sup>st</sup> Lt. 2<sup>d</sup> Regt  
 Geo. E. Sumner Post. Surg. U.S.A.  
 J. G. Satterton  
 1<sup>st</sup> Lieut. 1<sup>st</sup> Regt.  
 A. Hamilton 1<sup>st</sup> Lt 3<sup>d</sup> Regt. 1<sup>st</sup> Div.  
 W. F. Russell 1<sup>st</sup> Lt  
 A. J. Hemmer 1<sup>st</sup> Lt 1<sup>st</sup> Regt.

10<sup>th</sup> The Council having no more business before it  
 adjourns sine die -  
 Hamilton  
 1st Lt. 3rd Regt  
 Recorder -

- Mouth closed in a quiet  
 - No words for any  
 - Best