

LAWS OF COLONIZATION

PASSED BY

THE SUPREME GOVERNMENT

OF

MEXICO,

AND

BY THE PROVINCIAL GOVERNMENT

OF

COAHUILA AND TEXAS

1824-25

LONDON:
1828

TRANSLATION

OF THE

GENERAL LAW OF COLONIZATION

No. 72. DATED 18th AUGUST, 1824.

The Sovereign General Congress, assembled for the purpose of framing the Constitution of the United Mexican States, has decreed as follows:—

ART. 1.—The Mexican Nation offers to those foreigners who may be desirous of settling in her territory security for their persons and property, provided they obey the laws of the country.

ART. 2.—This law relates to those lands, national property, which, as belonging to no individual, corporation or town, may be occupied by settlers.

ART. 3.—For this purpose the Congresses of the States shall as speedily as possible frame laws or regulations for the colonization of those lands which appertain to them, conforming in every respect with the fundamental Constitutional Act, the General Constitution, and the regulations established by this law.

ART. 4.—No lands lying within 20 leagues of the boundaries with any foreign nation, nor within 10 leagues of the coast, can be occupied by settlers, without the previous approbation of the Supreme Executive Power.

ART. 5.—If, with a view to the defence or security of the nation, the government of the federation should think fit to occupy any of the lands, in order to construct magazines, arsenals, or other public buildings, it is empowered so to do, with the approbation of the general Congress, and during its recess with that of the Council of Government.

ART. 6.—Until 4 years from the publication of this law, no impost shall be levied for the admission of those foreigners who may come for the first time, in order to settle in the nation.

ART. 7.—Until the year 1840 the general Congress shall not prohibit the admission of foreigners to colonize, excepting, indeed, circumstances should imperiously oblige it so to do, with regard to the individuals of any nation.

ART. 8.—The Government, without defeating the purposes of this law, shall take those measures of precaution which it may deem expedient for the security of the federation, with regard to those foreigners who may come to colonise.

ART. 9.—In the distribution of lands a preference is to be given to Mexican citizens, and between them no other distinction shall be made

than that to which individual merit, or services rendered to the country, may justify, or, where in other cases a parity exists, residence in the part to which the lands appertain.

ART. 10.—Those military men who, agreeably to the offer of the 27th March, 1821, have a right to lands, shall be recompensed on presenting the documents with which the Supreme Executive Power shall for that purpose provide them.

ART. 11.—If, according to decrees for paying off the principal according to a calculation of the probability of the length of life of the incumbent, the Supreme Executive Power should think proper to alienate any portions of land in favour of any public servants of the federation, military or civil, it is impowered so to do, with the government lands of the territories of the Republic.

ART. 12.—In the possession of no individual shall be allowed to be united, as his own property, more than one square league of 5000 yards of lands fit for irrigation, 4 of arable land not irrigated, and 6 of pasture land.

ART. 13.—The new settlers are not permitted to transfer their property to religious communities.

ART. 14.—This law guarantees the contracts which speculators may make with those families which they may convey at their own expense, provided they are not contrary to the laws.

ART. 15.—No one who in virtue of this law obtains possession of lands, can hold them if settled out of the territory of the Republic.

ART. 16.—The government agreeably to the principles established in this law shall proceed to colonise the territories of the Republic.

The Supreme Executive Power is hereby made acquainted with this law, and will take the requisite measures for its fulfilment, directing that it be printed, published, and circulated.—MEXICO, 18th Aug. 1824.

(Signed)

C. IBARRA,

President, Etc., Etc., Etc.

PEDRO DE AHUMADA,

MANUEL DE VILLA Y CRIO,

Deputies Secretaries.

To DON LUCAS ALAMAN,

Directed to be published by the EXECUTIVE
POWER, in Mexico, 18th Aug. 1824.

(Signed)

N. BRAVO,

President, Etc., Etc., Etc.

VICT^E. GUERRERO.

MIG^L. DOMINGUEZ.

And published on the same day.

(Signed)

ALAMAN.

LAW

FOR

PROMOTING COLONIZATION

IN

THE STATE OF COAHUILA AND TEXAS

DECREE, No. 16.—The Congress, assembled for the purpose of forming the Constitution of the Sovereign and Independent State of Coahuila and Texas, desirous of augmenting by all possible means the population of its territory; of encouraging the cultivation of its fertile lands, the raising of stock, and the progress of arts and commerce, in exact conformity with the Act on which the Constitution is founded; with the federal Constitution; and the basis established by the Sovereign Decree of the general Congress, No. 72; decree as follows:—

LAW OF COLONIZATION

OF

THE STATE OF COAHUILA AND TEXAS.

ART. 1.—All those foreigners who in virtue of the general law of the 18th August, 1824, by which security for their property and persons is offered in all the territory of the Mexican Nation, may be desirous of establishing themselves in any of the towns of Coahuila and Texas, are hereby permitted; that State invites and proposes to them so to do.

ART. 2.—Those who shall do so, far from being in any way molested, shall be secured by the local authorities of the above mentioned towns; which shall allow them full liberty to engage in whatever honest calling may suit them, as long as they duly obey the general laws of the nation, and the ordinances of the State.

ART. 3.—Whatever foreigner at present resident in in Coahuila and Texas, may determine on settling there, shall make a declaration to that effect, addressed to the municipal authorities of the town in which he is desirous of fixing his residence. The municipal authorities then shall bind him by oath, which he shall make, to abide by and obey the general Constitution, and that of the State; to observe the Religion as stipulated by the former; and in a book (the register of foreigners) which shall be kept for that purpose, his name and those of the members of his family, if he has any, shall be set down; noting the country from whence he comes, whether married or single, his employment; and he

having taken the requisite oath, shall be considered thenceforward, and not before that time, a fellow-citizen.

ART. 4.—From the very day in which any foreigner becomes a citizen, agreeably to the preceding article, he may denounce any land belonging to the State, and the proper civil authority being under the obligation of passing to the government, for its approbation, the petition thus made on this subject, shall award it to him; as also to every native of the country, acting in conformity with the laws on that subject.

ART. 5.—The foreigners of any nation and the native Mexicans may undertake to form new settlements on lands belonging to the nation, and even if belonging to individuals under the circumstances stated in Art. 35; but the new settlers, who may demand admission into the nation, must prove, by certificate from the authorities of the place from whence they came, that they are Christians, and also the morality and propriety of their conduct.

ART. 6.—Whatever foreigners shall arrive at a period at which the sovereign general Congress shall have prohibited, as it may do after the year 1840, or previously as regards the natives of any one nation, shall not then be admitted; and all those who shall arrive within the time allowed them, agreeably to this article, shall, nevertheless, be subjected to such measures for the security of the federation as the supreme government may adopt, regarding them without prejudice to the object of this law.

ART. 7.—The government shall take care that no settlement be made within 20 leagues of the boundaries of the United States of North America, and 10 leagues along the coast of the Gulf of Mexico, except such as shall obtain the sanction of the Supreme Government of the Union: for which purpose it shall forward to it every petition on that head, made by Mexicans or foreigners, adding to it whatever remarks it may deem expedient.

ART. 8.—All projects for establishing colonies, on which one or more persons may offer to bring, at their own expense, 100 or more families, shall be presented to the government, which, if it finds them agreeable to the law, shall approve of them, and immediately mark out to the projectors the lands which they are to occupy, and the number of years allowed them for presenting the number of families for which they have stipulated, under penalty of forfeiting the rights and benefits offered them in proportion to the number of families they shall omit to provide, and the grant shall be wholly annulled should they not present, at the least, 100 families.

ART. 9.—This law guarantees all contracts made between the projectors and the families brought at their expense, inasmuch as they are in conformity with its provisions.

ART. 10.—In the distribution of lands a preference shall be given to military men, who, agreeably to the documents granted by the Supreme Executive Power, may have a right to them; and Mexican citizens not military men, amongst whom no other distinction shall be made than that which may be founded on the individual merits, and services rendered the country; or if no other difference exists, residence in the parts where the lands lie: the dimensions of the divisions of those lands will be designated in the following articles.

ART. 11.—A square of land, of which each side is one league of 5,000 yards, or, what is precisely the same, 25,000,000 yards of surface, shall be named a lot, and this shall be considered as the unity in counting one, two, or more lots: thus, also, the unity in counting one, two, or more subdivisions shall be 1,000,000 yards of surface, or a square of 1,000 yards each side, which is the measure of one subdivision: the yard used in these measurements shall be three geometrical feet.

ART. 12.—Supposing the quantity of land above stated to be the unity, and a division of the land being made, when distributed into grazing lands and those adapted for tillage by means of irrigation, or not requiring irrigation;—this law grants to such projector or the projectors of plans for colonization, for each 100 families which they convey, and establish in the State, 5 lots of grazing land, and 5 subdivisions, of which at least one-half shall be arable land, not requiring irrigation; but they shall only receive this premium for as many as 800 families, even if they should introduce a greater number; nor shall any fractional number, be it what it may, which does not amount to 100, give them a right to any recompense, even in proportion to its amount.

ART. 13.—If any one or more projectors shall, on account of the families they have conveyed, obtain, agreeably to the preceding article, more than 11 square leagues, the whole of the land shall be granted to them, but they shall be under the obligation of selling the surplus within 12 years; and should they neglect to do so, the proper civil authorities shall do it, selling it at public auction, and delivering to them the net proceeds, after deducting all the expenses attending the sale.

ART. 14.—To each of the families included in a project of colonization, whose sole occupation is the cultivation of the land, one division of land shall be given; should it also breed cattle, it shall receive also of grazing land a sufficient quantity to complete one lot; and if it only breeds cattle, it shall have of grazing land an extent of 24,000,000 superficial yards.

ART. 15.—Bachelors shall on marrying obtain a similar quantity, and those foreigners who marry Mexican women shall have one-fourth more; but all those who are alone, or forming a part of no family, whether they are Mexicans or foreigners, must content themselves with one-fourth part of the above-mentioned portions, nor will any greater quantity be allowed to them, and the allotments will be assigned to them in this proportion.

ART. 16.—The families, and single men, who having performed the journey at their own expense may wish to join any of the new settlements, shall be permitted to do so at any time; and their assignments of lands shall be to each individual the same as those mentioned in the preceding articles; but if they do so within the first 6 years of the establishment of the colony, one more subdivision shall be given to each family, and each bachelor, in lieu of the one-fourth which the 15th Article designates, shall receive one-third part.

ART. 17.—The government is empowered to augment the assignment mentioned in the 14th, 15th, and 16th Articles, in proportion to the number of persons in each family, and to the industry and activity of the colonists, in conformity with the information relative to those points conveyed by the municipal authorities and the commissioners; but the

government must always bear in mind the purport of the 12th Article of the decree of the General Congress on this point.

ART. 18.—Whatever families shall settle in conformity with the 16th Article shall immediately present themselves to the civil authorities of the settlement which they have selected, which on finding in them the requisites which this law demands in the new settlers, shall admit and put them in possession of the lands to which they are entitled, and immediately inform the government, in order that it, or the person whom it designates for this purpose, may give them the title deeds.

ART. 19.—The Indians of all the tribes on the confines of the States, as also those of the wandering tribes in it, shall be received in the markets without demanding of them any duties on account of the traffic which they carry on in the natural productions of the country; and, if thus induced by kindness and confidence any of them should be desirous (previously making a declaration in favor of the religion and institutions) to establish themselves in any of the settlements which may be formed, they shall be admitted, and obtain the same quantity of land as the settlers mentioned in Articles 14 and 15; the natives being always preferred to the Indians coming from a foreign country.

ART. 20.—In order that no lands may be left without possessors, which will be most sedulously avoided when they are distributed, the divisions will be made in squares or some other figures, although it be irregular, if the situation requires it; and in the above-mentioned distribution, as also in the selection of those in which the new towns are to be placed, the owners of the adjacent lands shall be cited, in order to avoid disputes and contentions.

ART. 21.—If, owing to any mistake in the grant, any land previously belonging to an individual should be occupied, his claim being proved, any portion of land wholly unclaimed shall be given to the person who had obtained it; and, moreover, he shall be indemnified by the occupant, agreeably to a just computation made by proper persons and agreeably to the laws, for all his expenses and the costs of the improvements which may be on it.

ART. 22.—The new colonist shall, as a species of acknowledgment, pay to the State for each lot of pasture land, 30 dollars; $2\frac{1}{2}$ for each subdivision of arable land not irrigated, and $3\frac{1}{2}$ dollars for each one of irrigated land, each in proportion to the kind and quantity of land which has been allotted to him; but the payment of those sums shall not be made in less than 6 years after their settlement, and in 3 equal instalments, the first at the expiration of the fourth, the others at the expiration of the fifth and sixth years, under penalty of forfeiting their lands should they neglect the payment of any one of these instalments: but the projectors and military men, mentioned in the 10th Article, are excepted, with regard to those lands which the former have obtained as a recompense, and the latter agreeably to the documents given them by the government.

ART. 23.—The municipal authorities, each in its respective district, shall collect the abovementioned sums gratis, by means of a committee of its own members or other persons, and shall deliver them as soon as collected to the person who is the depository or treasurer of its funds and receipts, and he shall give the requisite receipt, and, with no other charge than that of $2\frac{1}{2}$ per cent. which, and no more, will be allowed

him, will hold them at the disposal of the government, informing it monthly of the receipts and disbursements, and of any inattention and partiality in the collection; the public functionaries and the individuals of the municipal authorities which have named them, shall be responsible with their property for the conduct of the person, and of the committee, and in order that their responsibility may be at all times positive, the nominations shall be made by vote, naming each individual, and the government shall be immediately acquainted with their names.

ART. 24.—The government shall sell to the Mexicans, and only to them, the lands which they may be desirous of purchasing, but shall not allow more than eleven lots to fall into the hands of one individual, and under the express condition, that the purchaser must cultivate the lands which he obtains by these means within 6 years, under the penalty of losing them: the price of each lot, in conformity with the preceding Article, shall be 100 dollars for grazing, 150 for arable not watered, and 250 for irrigated lands.

ART. 25.—Until 6 years after the publication of this law, the Legislature of the State shall have no power to alter it, inasmuch as regards the measurement of lands, the price to be paid for them, the quantity and description of those which are to be granted to new settlers, and sold to Mexicans.

ART. 26.—It shall be considered, that the many settlers who within 6 years from the date of their grant have not cultivated or occupied according to its quality the land which has been granted to them, have renounced their rights, and the proper civil authority shall resume the grant and the title deeds.

ART. 27.—The projectors, and military men, of whom previous mention has been made, and those who have purchased lands, can sell their lands at any time, on condition that the purchaser oblige himself to cultivate them within the period in which the original possessor ought to do so, including also the time which they have been in his hands; the other settlers may sell theirs when they have cultivated them wholly, and not before that time.

ART. 28.—Every new settler from the very day of his settlement can dispose of his lands by will, made agreeably to the present or then existing law, even although he has not cultivated them; and if he should die intestate, the person or persons who inherit his property agreeably to the laws, shall succeed to them under the same obligations and conditions that he held them.

ART. 29.—The lands granted in virtue of this law can on no account be allowed to pass into the hands of religious communities.

ART. 30.—The new settler who shall determine on quitting the State, in order to establish himself in a foreign country, shall be allowed so to do, together with all his property, but in this case shall not retain his land, and if he has not previously sold it, or the sale been effected agreeably to the 27th Article, it shall be again considered as wholly belonging to the State.

ART. 31.—Those foreigners who agreeably to this law have obtained lands, and established themselves in these settlements, are considered from that moment as naturalized in the country, and should they marry Mexican women will be considered to have established a meritorious claim to obtain the rights of citizenship of the State, except,

however, in both instances the cases provided for by the enactments of the Constitution of the State.

ART. 32.—During the first 10 years, counting from the day in which settlements are established, they shall be free from every contribution under whatever denomination, excepting such as in the event of the invasion of an enemy or in order to prevent it every citizen is subjected to, and the produce and effects of the agriculture, and industry of the new settlers shall neither pay a duty on transit, or sale in the markets, nor any other kind of impost in any part of the State, excepting, indeed, the dues referred to in the following Article. At the expiration of the abovementioned period the new settlements shall bear the same imposts as the old settlements, and the colonists those paid by the other inhabitants of the State.

ART. 33.—From the very day of their establishment the new settlers shall be at liberty to pursue every branch of industry, as well as to work mines of every description, previously coming to an agreement with the Supreme Government of Federation relative to those which belong to the general revenues of the nation, subjecting themselves in the working of the others to the ordinances and laws already established, or which may hereafter be established on this subject.

ART. 34.—The towns shall be founded on the spots deemed by the government, or the person it names for that purpose, most fitting, and for each of them four leagues square shall be designated, which space shall be either of a regular or irregular shape, according to the locality.

ART. 35.—If any one or more of the abovementioned sites should be the property of an individual, and the establishment of new towns in them should be of evident public utility, they shall nevertheless be destined to this purpose; an indemnification agreeably to the decision of arbitrators being previously given.

ART. 36.—The sites for houses in the new towns shall be given gratis to the projectors of them, as also to artizans of every description those which they may require for their workshops, and they shall be sold to the others at public auction, an estimate of the value being previously made, on condition of the price being paid in three equal instalments, the first in six months, the second in twelve, and the third in eighteen; but every possessor of sites, including projectors and artizans, shall pay yearly one dollar for each one that he holds, and this sum, as also the product of those sales, shall be collected by the municipalities, and applied to the purpose of erecting a church in the town.

ART. 37.—At least, inasmuch as is possible, the towns shall be composed of natives, and foreigners, and in tracing them care shall be taken to give them the most appropriate plan to preserve the straightness of the streets, running in a parallel direction to each other from South to North, and East to West, in as much as the ground may permit.

ART. 38.—In order to place the new towns more conveniently, to regulate their plan, and the exact division of the lands and sites, the government, in consequence of having admitted the projects, and agreed with any projector or projectors who have presented it, shall commission a skilful confidential agent, giving him those instructions on the subject which it may deem requisite and proper powers, in order that on his own responsibility he may name one or more land surveyors, who

may measure the land scientifically, and perform whatever other duties may be required.

ART. 39.—The government, agreeably to the latest tarif of notaries public of the old ordinance of Mexico, shall designate to the commissioner his salary, and he, with the consent of the colonists, shall decide on the dues payable to the land surveyor or surveyors; but the expenses of both shall be paid by the colonists themselves, and the mode, and the terms on which each payment shall be made, shall be arranged by an agreement between all parties.

ART. 40.—As soon as at least 40 families are united, they shall proceed to the formal establishment of a new town, all binding themselves by oath, taken before the commissioner, to observe the general Constitution, and that of the State, and subsequently the commissioner presiding for this the first time, shall proceed to the election of the municipality.

ART. 41.—The new town whose population amounts to 200 inhabitants shall elect a corporate body, if there be no other established within the distance of 8 leagues, but if there be one it shall be added to its jurisdiction; the number of members of which the corporation is to be composed shall be regulated agreeably to the existing laws.

ART. 42.—A reservation being made in favour of all the enactments of the Constitution of the State, the foreign settlers are permitted to elect and be elected members of the municipal body.

ART. 43.—Each corporate body shall propose to the government, through the medium of the chief of the civil authorities, a tarif of the municipal and other charges, accompanying a note of the revenues which it considers calculated to cover them, and if the plan proposed should be approved of by the government, it shall order that it shall be carried into effect, without however in any way interfering with whatever the Congress may determine, and it shall immediately be made acquainted with it, together with the opinion of the government, and of the above-mentioned chief of the civil authority, who shall always forward his opinion on the subject.

ART. 44.—The government shall send to the head of that department those individuals who in other parts of the State may be sentenced to hard labour as vagrants or for other crimes, in order that they may be employed in making and repairing the roads in Texas. These persons may also be employed in the services of individuals, who shall in that case pay them the requisite daily allowance, and at the expiration of the period for which they were condemned, they shall be allowed as settlers to join any of the new towns, and to obtain the due quantity of land, if by the improvement of their conduct they shall, in the opinion of the aforesaid chief of the civil department, have rendered themselves fit, but they shall not be admitted without his certificate.

ART. 45.—The government, agreeably to an arrangement with the proper ecclesiastical authorities, shall see that the new towns are provided with a proper number of clergy, and agreeably to an arrangement with the aforesaid authorities, shall propose to the Congress the salary which the new settlers are to pay them.

ART. 46.—As regards the introduction of slaves, the new settlers shall obey the laws already established, and which hereafter may be established on the subject.

ART. 47.—All petitions pending relative to matters which are the subject of this law, shall be decided in conformity with it, and for this purpose they shall be passed to the government; and those families which are established within the limits of the State, without having any land legally designated to them, shall be subjected to it; and those within 20 leagues of the boundaries of the United States of North America, and 10 of the coast of the Gulf of Mexico, shall obey the the dispositions made by the Supreme government.

ART. 48.—This law shall be published in all the towns of the State; and in order that it may come to the knowledge of those who compose the federation, it shall be communicated to (by the secretary of this) their respective Congresses, the government being specially charged to pass a certified copy, agreeably to the 161st Article of the Constitution, to the 2 Chambers, and to the Supreme Executive Power of the nation, together with a request to the latter, by means of its envoys to foreign nations, it may be generally known.

The officiating governor of the State will make himself acquainted with this law, in order that it may be obeyed, causing it to be published and circulated.

Given in town of Saltillo, 24th March, 1825.

(Signed)

RAFAEL RAMOS Y VALDEZ,

President.

JUAN VICENTE CAPOS,

JOSE JOAQUIN DE ARCE ROSALES,

Deputies Secretaries.