



History of Texas Public Lands *Appendices*

Appendix I: *Land and Settlement in Mexican Texas*

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Mexico's Colonization Policy

The overthrow of the Spanish colonial order in 1821 left independent Mexico with the immediate challenge of adopting and instituting a new system of government, organizing and funding some semblance of public administration, rebuilding a shattered economy, reestablishing order and reordering the social structure - all with a depleted treasury and mounting debt. The young nation needed skilled and industrious workers and individuals with capital and managerial skills to promote economic growth and replace the Spaniards who had left or been expelled. The less populous northern frontier, in particular, needed settlers for development and defense against incursions from foreign powers and Indian raids.

Continuing a policy adopted by Spain just prior to its ouster from colonial New Spain, Mexico devised a colonization plan that welcomed immigrants and offered them the incentive of large tracts of government land at cheap prices.

This policy held hope but also brought risk. Settlers, many of them fleeing creditors, responded to the generous terms and Mexico benefitted from their industry. But assimilating the influx of foreigners became a problem, especially in Texas, where new colonists from the United States, added to the hundreds of illegal immigrants from that country already squatting on Texas lands, made little effort to integrate. The local population was soon overwhelmed.

Mexican officials who saw firsthand the effects of the colonization policy in Texas, like Col. José Piedras and Gen. Manuel de Mier y Terán, foresaw its consequences and despaired of their government's ineffectual efforts to stem the tide. Mexican hopes of offsetting American immigration by European and Mexican settlers proved ill-founded; and the hopes of gaining the new settlers' loyalty by making them landowners with a stake in the nation were diminished by, among other factors, Mexico's unsettled internal affairs.

In retrospect, Mexico's colonization policy contributed to a national disaster: the loss of Texas and the rest of its northern territory. For most Texans Stephen F. Austin is still a hero - the most successful of the Anglo-American colonizers of Mexican Texas, the "father of Texas". To many in Mexico, however, he represents the expansionistic intentions of an ambitious neighbor who repaid the generous overtures of a struggling young republic by usurping nearly half of its national territory.

The following description of the laws and procedures devised to implement Mexico's colonization policy are, like many textbook accounts, reconstructed through the actions of Austin. But the story of Mexico's colonization of Texas could also be told very differently when viewed through the eyes of a Mexican empresario like Martín de León, or a government administrator such as Political Chief Ramón Músquiz, or a concerned patriot like Gen. Manuel de Mier y Terán.

Mexican Land Policies and the First Empresario Colony

This government lacks the resources to give each soldier enough to sustain him, and this fact has not caused desertion to decrease. On this date 311 men are missing from the campaign division... I have ordered the paymaster of the Alamo Company to go to the villa of Nava to purchase and bring here the 150 loads of flour for the relief not only of the campaign division

but also of the four companies of this province, but while this is being accomplished, if the said purchase can be made, I have absolutely nothing on hand, the soldiers are in a state of abject misery, and the entire population is in the same unfortunate condition.

[Antonio Martínez to Joaquin de Arredondo, June 19, 1820. *The Letters of Antonio Martínez*, translated and edited by Virginia H. Taylor.]

These despairing thoughts, written by the last Spanish governor of Texas, give a glimpse into the conditions which prevailed then. New Spain, as Mexico was then called, had been wracked by revolution for ten years as the country attempted to assert its independence, and the population of Texas was only about a third of what it had been before the war. The only towns in Texas were Béxar, La Bahía (now San Antonio and Goliad, respectively) and Nacogdoches. Immigration into Texas from outside the Spanish realm was not generally allowed, although toward the end of its colonial regime Spain adopted a more liberal colonization policy. Few Spanish citizens chose voluntarily to migrate to Texas, which they regarded as a remote part of new Spain. Just a visit to Mexico City meant a long and dangerous journey across a harsh arid landscape.

Then, in December 1820, a Missourian named Moses Austin rode into San Antonio. Moses had a plan in mind that would eventually play an important role in determining Texas' future. Nine years later his son, Stephen F. Austin, described this important visit:

...on presenting himself to the Gov. he received a preemptory order to leave the capital instantly, and the province as soon as he could get out of it. This order was issued in consequence of the general regulations, then existing, prohibiting any foreigner from entering the Spanish territory without a specific description of passport. There was no remedy; and he left the Governor's house to prepare for his departure. In crossing the public square he accidentally met the Baron de Bastrop, with whom he had a slight acquaintance, in the United States, many years previous. Mr. Austin had been a Spanish subject in Upper Louisiana, in 1799, and de Bastrop went to the Governor with the documents which he had brought with him to prove the fact; a second interview was thus obtained with the Governor, and after several days deliberations, and consultations, with the Cabildo, a memorial was presented by Mr. Austin asking for permission to settle three hundred families in Texas; which was sent on to the superior government of the Eastern Internal Provinces, strongly recommended by the local authorities of the Province.

[David B. Gracy, II, ed. *Establishing Austin's Colony*, Austin: The Pemberton Press, 1970, p. 2.]

Moses Austin's project was approved on January 17, 1821. Less than six months later, on June 10, Moses was dead of pneumonia. The project was left to Stephen, who made plans to carry it forward.

Austin went to meet with Governor Martínez, who formally recognized him as heir to his father's enterprise and gave him specific instructions about establishing the colony. (Since Mexico had declared its independence from Spain earlier in 1821, Antonio Martínez was both the last governor of Spanish Texas and the first governor of Mexican Texas.) Governor Martínez wrote the following letter to Austin.

Inasmuch as the Supreme Government of this Kingdom granted to your deceased father Mr Moses Austin permission to introduce three hundred Louisianan families who through him petitioned to establish a new settlement in this province under my command, and as you have in consequence of the death of your father come to this Capital charged by him with that trust for

the benefit of said families, I have therefore to say to you, that you can proceed to the river Colorado and examine the land on its banks, which may be most suitable for the location of the beforementioned families, advising me of the place which you may select, in order that upon the arrival of the New Settlers, a competent Commissioner may be sent to apportion and distribute the lands; and as regards the transportation of their property, they have permission to effect it by sea or by land, as may suit their convenience, with the understanding that if it is done by sea, it must be landed in the Bay of San Bernard, where a new port of entry has been established by the Supreme Government, for which purpose and in consequence of the favourable information which this Government has received of you, and in order to facilitate the transportation of property, I grant you permission to sound the River Colorado, from the point where the new Town may be established to its mouth, without extending the sounding any further, and of which you will form as correct a map as circumstances may permit, which you will transmit to me. I have also to apprise you for the information of the said new settlers, that all provisions for their own use, as well as farming utensils and tools, can be introduced free of duty or charge, but all Merchandise for Commerce or trade must pay the established duties. As the tranquility of this province under my command and even the individual interest of the said families require that the immigrants for who permission has been granted should be honest, virtuous, peaceable and industrious, as your deceased father offered to this Government, I expect you will devote the greatest care and attention to this important object, and reject all those who do not possess the qualifications above indicated, or who appear to be idle, unsteady, or turbulent, for you as their head will be held responsible to the Government for the conduct of all of them, and you will be required to present certificates of recommendation for each of them, all of which I communicate to you for your information. God preserve you for many years. Bexar, August 14, 1821----- Antonio Martínez, Governor of Texas-----To Mr Stephen F. Austin [Letter, Antonio Martínez, Governor of Texas, to Stephen F. Austin, August 14, 1821, Texas General Land Office (GLO).]

In response, Austin sent Martínez a description of his vision for Austin's Colony. Austin saw it as a compact community, revolving around a town, with people living near each other to discourage possible Indian attacks. Each settler was to receive a "town lot," a 320-acre tract close to water for cultivation, and a 640-acre tract where livestock could graze. Settlers could receive more acreage in proportion to the number of children and slaves included in the household. Martínez approved the plan and, with no doubt that the higher levels of government would agree, told Austin to proceed.

Having before me your representation to this Government, and finding it to be in conformity with its views, I have to inform you that although I shall lay it before the Supreme Government for its decision, still not doubting that it will be approved of, you can proceed to offer the New Settlers the terms you propose, with the assurance that should the Supreme Government make any small variations, I will in due time communicate it to you, with which I reply to your beforementioned representation. God preserve you for many years. Bexar, August 19, 1821-----Ant. Martínez-----To the Commissioner Mr Stephen F. Austin. [Letter, Martínez to Austin, August 19, 1821, GLO.]

Believing he had all necessary approvals, Austin began arranging for a large number of settlers, mostly from Louisiana and Missouri, to immigrate to Texas. They were to settle in an area along the coast between the Lavaca and San Jacinto Rivers and northwest to the San Antonio Road. (Today, this stretch of 17 counties reaches from Austin almost to Houston.) Two main settlement areas developed first, one on the Colorado River and the other along the Brazos.

On October 20, 1821, the *Mississippi State Gazette* carried an article by Austin describing Texas and his proposal for the settlement, and urging interested parties to arrive by February so they could get their crops planted in time for spring. A few weeks later, he put this notice in the *Louisiana Advertiser*:

Excerpt from November 10, 1821 notice by Stephen F. Austin:

Notice is hereby given to the families who intend emigrating to the settlement forming by me under the authority and protection of the government of New Spain on the Brazos and Colorado River in the Province of Texas, that I shall leave Natchitoches about the 25th of this month with the first company of Emigrants for said settlement...

Not long after this, he learned that his plan for a colony had been rejected by the Commandant General of the Eastern Interior Provinces. Governor Martínez suggested Austin go to Mexico City in person, rather than rely on a letter, to try and persuade the central government to confirm his contract. Austin reluctantly agreed to go.

Before Austin left for Mexico City, about 150 people had already come to the colony. Conditions during the first year were rough and unstable, and the settlers were adjusting not just to a new land but to a new way of life. Austin's long absence in Mexico City only added anxiety about the security of their land titles to their larger worries: floods, mosquitoes, and violent encounters with Indians. Many settlers changed locations more than once in an effort to find a tenable place to begin their new lives.

In 1822, José Félix Trespalacios, the new governor, sent the Baron de Bastrop to the colony to organize the settlers and reassure them that they were indeed under the watchful eye of the government and that issuance of land titles awaited only the completion of a colonization law. Bastrop was also instructed to have the settlers take an oath of allegiance to Mexico and elect an *alcalde* (an administrative and judicial officer, similar to a mayor) and a military commandant. For judicial purposes, Trespalacios ordered the area divided into the Brazos District and the Colorado District, creating the forerunners of what would later become counties.

Although Bastrop found the settlers, according to his report to the governor, "...preparing to abandon [the settlement] and return to the United States, which some families had already done," his assurances eventually convinced them to remain. "Great was the joy" of the settlers, he wrote, to learn of the government's protection. (Bastrop's report to the governor can be found in the Spanish Collection of the Texas General Land Office.) In their newly official status as Mexican subjects, the colonists were charged with preventing vagrants and thieves from settling among them, providing the authorities with a roster of the immigrant families, and reporting all suspicious activities to the government. In Mexico City, Austin lobbied tirelessly for a colonization law and confirmation of his contract. His talent and genuine interest in the affairs of his adopted country won the support and confidence of the men in power, and earned him influence in their councils.

It wasn't until January 1823 that Austin's patience and tenacity finally paid off. The Mexican Imperial Government at last enacted what came to be known as the Imperial Colonization Law on January 4; on the 18th, Emperor of Mexico Agustín de Iturbide signed a decree authorizing

the settlement of Texas. When Iturbide abdicated in March under the threat of revolution, a new Congress suspended all acts he had signed. But largely due to Austin's continued diligence and steadfast belief in the colony, his contract was approved by the Congress the very next month, making Austin's Colony the only one to be established under the Imperial Colonization Law. Here follow several excerpts from the Imperial Colonization Law of 1823.

1. The Government of the Mexican Nation, protects the liberties, property and civil rights of all foreigners who profess the Apostolic Roman Catholic Religion, the established religion of the Empire.

2. To facilitate their establishment, the Executive will distribute land to them under the conditions and terms herein expressed. The Empresarios, by whom is understood those who introduce at least two hundred families, shall previously contract with the Government, and inform it what branch of industry they propose to follow, the property or resources they intend to introduce for that purpose, with any other particulars they may deem necessary, in order that with this necessary information, the Government may designate the province to which they must direct themselves, the lands which they can occupy with the right of property, and the other circumstances which may be considered necessary.

[...]

19. Land shall be granted to each empresario who introduces and establishes families in any of the provinces designated for Colonization at the rate of three Hacienda's [15 leagues] and two Labors, for each two hundred families so introduced by him, but he will lose the right of property over said lands should he not have settled and cultivated them in twelve years from the date of the grant.

Austin left Mexico City on April 18, 1823, no doubt breathing a sigh of relief. In August he arrived at the colony accompanied by the Baron de Bastrop, now serving as the government's commissioner for the purpose of distributing land and issuing titles.

Surveying of the land selected by the settlers began under the supervision of Austin and Bastrop. The settlers generally chose land on the banks of the rivers or principal streams. The rivers provided water, a means of travel and transporting goods to the coast, and fertile land along their banks. The ideal tracts also included timber and prairie. The timber was necessary for fuel and building houses and fences, while the prairies supplied easy grazing for stock.

In July 1824, Bastrop issued titles to the first of the 300 families authorized by Austin's agreement with the government. Austin and Bastrop also selected and surveyed a site for the town of San Felipe de Austin, which served as the headquarters for the new colony.

The settlement and transformation of Texas was underway.

Colonization Laws and the Empresarios

...until after the year 1840, the General Congress shall not prohibit the entrance of any foreigner as a colonist unless imperious circumstances should require it with respect to individuals of a particular nation... [National Colonization Law, Article VII, August 18, 1824.]

The Colonization Laws

In 1824, a constitutional, federal form of government replaced Iturbide's short-lived imperial reign. The federation included the former provinces of Coahuila and Texas, now combined into

one state. In August of that year, Congress approved the National Colonization Law, which provided general guidelines but left the details of colonization up to individual states. The next year, Coahuila and Texas passed its state colonization law with provisions for land grants and specifying conditions and terms for colonization contracts.

According to Article 14 of this 1825 State Colonization Law, as much as one league (4,428.4 acres) could be granted to families whose occupation was raising stock and farming. Single men were offered one fourth of a league. Although these were called grants, that did not mean that the government was not expecting payment in return for the land. Between the fees for surveying and obtaining the title, and the actual payment to the government, a settler could expect to pay around \$150 for a league; in other words, several cents per acre of land.

Mexican citizens could buy up to 11 leagues (48,712 acres) of public land. The price was set at \$100 for a league of grazing land and \$200 for a league of farmland suitable for irrigation, while the same amount of non-irrigable farmland went for \$150 (Art. 24).

The colonization law also provided that empresarios, in exchange for meeting the terms of their contracts, would receive five leagues and five labors for every hundred families (up to a maximum of 800) they persuaded to settle in a colony. Once he had introduced a minimum of 100 families, an empresario was eligible for this compensation.

The Role of the Empresario and the Mexican Colonization Laws

The colonization laws provided for contracts between the government and individuals to introduce settlers and facilitate land distribution. A contractor is one who performs work according to a prior agreement, or contract. In the case of colonizing Texas, the contractors were called empresarios and they were given the right to introduce a specified number of settlers in a designated area within a given time period. The empresario was essentially a colonization agent. Article 8 of the 1825 Colonization Law provided the authority for colonization contracts and defined the empresario's role:

Projects for new settlements, wherein one or more persons shall offer to bring at their own expense, one hundred families or more, shall be presented to the executive; who on finding them in conformity to this law, shall admit the same, and immediately designate to the contractors the land whereon they shall establish themselves, and the term of six years, within which they shall present the number of families for which they contracted, under the penalty of losing the rights and privileges offered in their favor, in proportion to the number of families they shall fail to introduce, and of the contract becoming absolutely null, should they not present one hundred families at the least. [Article 8, State Colonization Law, March 24, 1825]

In a letter to James W. Breedlove regarding the empresario's role, Austin wrote as follows:

...[The empresario] is an agent who is hired by the Government to introduce a specific number of families of a certain description within a certain time, who are to be settled within certain designated limits.-- Should the Empresario introduce the families, and they should be received by the Government Commissioners as being of the description required, then, and not before, he is entitled to receive his pay, which is five leagues of land for each hundred families so introduced by him. The titles for land are all issued by the Government Commissioner, who is

especially appointed for that purpose, and he alone has the power to survey or appoint surveyors to survey the land, and to put settlers in possession and no one, under any circumstances, can hold land unless he first removes to the country and becomes an actual and permanent settler: neither can a foreigner hold real estate at all; and should a person who has lived hard all his life, and who has a good title, sell his land to a foreigner, the whole of the property thus becomes public by escheating to the government the moment such sale is made.

*The Empresario has no power nor shadow of power of any kind or description whatsoever, except to bring in the families. He is nothing but an agent for that express purpose; and like all other agents, he is liable to be dismissed by his employer for malpractices or neglect of duty. He is not entitled to one foot of land until he has complied with the conditions on which he was to get it; he has no claim to nor no right to dispose of one foot of land in any manner whatsoever, (except his premium land [and] that only after he has received his title as above stated) and all the land that remains vacant within the limits assigned to the new Colony or settlement, after the specific number of families are settled, is public land and belongs to the Government, and not to the Empresario as some of them have pretended to claim. [Stephen F. Austin to James W. Breedlove, October 12, 1829, *The Austin Papers* (AP)].*

In addition to the premium land an empresario received as compensation for-and only after-fulfilling the terms of the contract, empresarios also could also charge fees in order to cover their expenses. The following “Notice” gives an idea of the fees required of settlers in Austin’s colony.

Notice

Is hereby given that every Monday, Tuesday, Wednesday, and Thursday will be exclusively devoted to Closing the Concerns of the first Colony settled by the Empresario Stephen F. Austin until finished, and no other business will be attended to on those days either by the Empresario or Commissioner on the other days of the Week applications will be recd for Land in the new Colony of said Austin which must be presented to the Commissioner in the manner prescribed by Law-

The following provisional regulation for fees on Land in the new Colony is adopted until the fee bill is recd from the Government. And the settler will be liable to pay any that may be established over the following rates.

To the Commissioner Thirty dollars on each title above the quantity of a Labor

To the Empresario ditto ditto do do

To the Secretary Ten ditto ditto do

One half of the above fees must be paid on the presentation and admission of the petition and the other half on receipt of the title-

The petition and title must be on Stamped paper of the 3d Seal and the Copies on the 2d Seal which must be paid in Cash by the applicants. Surveying fees will be four dollars per mile to be settled by the Colonists with the Surveyors commissioned by the Colony.

These fees are independent of the acknowledgement of Thirty dollars per league due to the Govt. and payable within Six years.

San felepe [sic] de Austin 16th Apr 1827 [The Austin Papers, Vol. 1, Part II]

The "Grant"

Land which had been set aside for the settlement of immigrants under empresario contracts was often referred to as the empresario's "grant." Unfortunately, the use of this term has led to some confusion when it is interpreted as meaning that the empresario acquired actual ownership of the land. In this context, "grant" simply refers to public land reserved for a colony. Early Texas maps, especially those made in the 1830s and '40s, may give a somewhat misleading picture of the nature and extent of the colonies. Aside from the assumption that an empresario's grant implied ownership, colonies were also frequently shown in which no settlement occurred. Several contracts were made for colonies located in areas where settlement would have been difficult, if not impossible. The most successful were in areas with good land, adequate water, and infrequent Indian raids.

Empresario Contracts

Individuals interested in obtaining a colonization contract submitted a petition to the Mexican government outlining their plans. Green Dewitt's petition and the subsequent terms of his contract, shown below, give a good idea of the process.

Most Excellent Sir,

[I,] Green De Witt, a citizen of the United States of North America, appears before your Excellency and represents that I have come to this country with the view to obtain permission to introduce into it four hundred Catholic families, of industrious habits, for the purpose of settling them on lands in the ancient province of Texas, now a component of part of this State, and at the places I shall herein designate. It being distinctly understood that the said families are to hold themselves subject, and be obedient to the laws, both ecclesiastical and civil, of the country which they will then adopt as their own; that they will settle in conformity with the Colonization law which has just been sanctioned by the hon. the Congress of the State; and that they will in all cases respect the property and possessions of the families already settled. To this end, and protesting not to introduce any other families as settlers than those of known respectability and industry, I pray your Excellency may be pleased to grant to your petitioner the tract of country described by the following limits, to be settled with the beforementioned four hundred families. Beginning on the right bank of Lavaca Creek, and adjoining the Colony of Mr. Stephen F. Austin on the east, reserving the ten Coast Border Leagues and running upward to the main road which leads from Bexar to Nacogdoches [the San Antonio Road]; with this road to a point two leagues this side of the river Guadalupe; from said point on a line parallel with the river downwards to the "Mosquitos," and thence leaving clear the Coast Border Leagues, to place of beginning. We are also desirous that respectable families of this country, should come to settle with us, not only with the view to contract a lasting friendship, but also to acquire the use of the language of a nation which we adopt as our own; and to enable us to have our children perfectly instructed in that language. Therefore, I humbly pray your excellency will be pleased to grant the prayer of this my petition. Saltillo, 7th April 1825 [Petition from Green DeWitt for a colonization contract, GLO.]

The following are the terms of a typical colonization contract.

Terms upon which the project of Green De Witt, a citizen of the United States of North America, is admitted, relative to the introduction of four hundred families to colonize in the department of

Texas.

1st. The Government admits the project- which the party interested offers in the foregoing memorial, so far as it is conformable with the Colonization law of the Hon. the Congress of the State, of the 24th of March, and therefore, in accordance with article 8, and in consideration of his petition, proceeds to designate the land, he petitions for, by the following described boundaries. Reserving the Coast Border Leagues, the line shall commence on the right bank of the Labaca [Lavaca] Creek, and adjoining the colony of Citizen Stephen F. Austin, and following said creek upwards to the upper road which leads from Bexar to Nacogdoches, thence with said road, on a west course, crossing the river Guadalupe, to a point two leagues beyond it, thence downwards towards the coast on a south course, at the same distance of two league from the river aforesaid to the ten Coast Border Leagues, and thence on a line parallel with the coast, on an east course, leaving clear the ten coast Border Leagues to the place of beginning.

2nd. He shall respect all possessions occupied by settlers, under legal titles, which may be found within the limits of the territory designated to him.

3d. In conformity with the aforesaid colonization law of the 24th March the Empresario Green De Witt is bound to introduce the four hundred families which he offers, within the term of six years, to be counted from the date of this day, under the penalty of losing all the rights and privileges granted to him by article 8th of said law.

4th. The families of which this Colony has to be composed, besides being Catholics as he offers in his petition, must be of good moral habits, which qualifications must be accredited by certificates from the authorities of the place whence they may emigrate.

5th. The empresario is bound not to introduce, or permit in his colony, criminals, vagrants, or men of bad conduct; he will cause all such, whom he may find within his district, to leave the territory of the Republic, and in case of necessity, he shall expel them by force of arms.

6th. To this end he shall organize the national militia, according to law; and he shall be the commanding officer of the same, until further orders.

7th. Whenever he may have introduced at least one hundred families, he shall notify the government of the same, in order that a Commissioner may be appointed to put the colonists in possession of their lands according to law, and to establish the towns, for which purpose he shall be furnished with competent instructions.

8th. All official communications with the government or with the authorities of the State, and all public acts and instruments, shall be written in the Spanish language; and when the towns become settled, the Empresario shall be careful to establish schools in the Spanish language.

9th. He shall also be careful to promote the building of Churches in the new towns, and see that they are supplied with ornaments, sacred vessels, and all other adornments dedicated to public worship; and to apply in due time for the priests requisite to the inculcation of the spiritual doctrine.

10th. In all other matters not expressed in these articles of agreement, he will be governed by the provisions of the Constitution, the laws of the General Government, and those of the state which he adopts as his own.

Saltillo, 15th April 1825 [Green DeWitt's empresario contract, April 15, 1825. GLO]

Empresarios, commissioners and surveyors played important roles in issuing land titles. Surveyors laid out the boundaries, made maps, and prepared the description of the grant. The commissioners, appointed by the government, issued and recorded the land title for each settler, and were responsible for maintaining the archives that such record-keeping created.

Commissioners

The role of land commissioners in the land grant process has often gone unrecognized. Commissioners were specifically appointed to issue land titles, which could only be done by a government official. Most commissioners were appointed to issue titles in a specific colony, but a few were given authority to issue titles to settlers not included in colonies, as well as to citizens purchasing land. Other government officials could also be - and often were - authorized to issue land titles under specific circumstances. The first commissioner appointed in Mexican Texas was the Baron de Bastrop, who issued most of the titles under Austin's first contract. His appointment was issued in the following terms:

Inasmuch as the affairs of the government, which have a preference over all others, will not permit me to attend in person to the discharge of duties relating to the Colonial Establishment of Stephen F. Austin, I, by virtue of the authority vested in me by law, and more extensively granted to me by the decree of the Commanding General of these Provinces Brigadier General Felipe de la Garza dated 16th June last past, have considered to appoint, and by these presents do appoint the Baron de Bastrop, (now the second Alcalde of this City) and Commission him to proceed to the District of Colorado and Brazos, with all the power in strict conformity with the rules prescribed in this file of documents, and the instructions which I shall, in due season separately communicate to him, giving him an authenticated copy in order that such occurrences as may present themselves may be noted in continuation, which when concluded will be transmitted to the Government for such purposes as may be requisite.

*I, Luciano Garcia, Lieut. Colonel of the Militia, Cavalry of the Colony of Nuevo Santander, and Governor Pro tem of this Province, did thus order and subscribe with witnesses present according to law, there being no Notary Public, which I attest. Luciano García
Witness: José Antonio Saucedo Witness: Ilario de la Garza [Appointment of the Baron de Bastrop as commissioner of Austin's Colony, July 16, 1823. GLO]*

Commissioners had a number of official duties which were specified by law. As the representatives of the government, they appointed the surveyors, administered the oaths of allegiance to settlers, insured that all land grants complied with the provisions of the colonization laws, issued titles, collected fees and kept records. The following are the general instructions to the land commissioners for the state of Coahuila and Texas:

Instructions by which the Commissioner shall be governed in the distribution of lands to the New Colonists, who may establish themselves in the State, in conformity with the colonization law of the 24th of March 1825.

Article 1st. It shall be the duty of the Commissioner, keeping in view the contract which the empresario may have entered into with the Government, and also the Colonization law of 24th March, scrupulously to examine the certificates of recommendation which foreign emigrants must produce from the local authorities of the place where they removed from, accrediting their Christianity, Morality, and Steady habits, in conformity with the 5th article of said law, without which requisite, they shall not be admitted into the colony.

Article 2nd. In order to prevent being imposed on by false recommendations, the commissioner shall not consider any as sufficient, without a previous opinion in writing as to their legitimacy from the empresario, for which purpose they shall be passed to him by the Commissioner.

Article 3d. The Commissioner shall administer to each of the new colonists the oath in form to observe the Federal Constitution of the United Mexican States, the Constitution of the State, the General Laws of the Nation, and those of the State which they have adopted for their country.

Article 4th. He shall issue in the name of the State the titles for lands in conformity with law, and put the new colonists in possession of their lands, with all legal formalities and the previous citation of adjoining proprietors, should there be any.

Article 5th. He shall not give possession to any colonists who may have established, or who wish to establish themselves, within twenty leagues of the United States of the North, or within ten leagues of the coast, unless it should appear by special order of the government that the Supreme Government of the nation has approved thereof.

Article 6th. He shall take care that no vacant lands be left between possessions, and in order that the lines of each one may be clearly designated he shall compel the colonists to mark their lines within the term of one year and to fix or establish fixed and permanent corners.

Article 7th. He shall appoint under his own responsibility the surveyor, who must survey the land scientifically, requiring him previously to take an oath truly and faithfully to discharge the duties of his office.

Article 8th. He shall form a manuscript book of paper of the 3d Stamp, in which shall be written the titles of the lands distributed to the colonists, specifying the names, the boundaries, and other requisites and legal circumstances, and a certified copy of each title shall be taken from said book on paper of the 2d stamp, which shall be delivered to the party interested as his title.

Article 9th. Each settler shall pay the value of the stamped paper used in issuing his title both for the original and the copy.

Article 10. This book shall be preserved in the archives of the new colony and an exact form of it shall be transmitted to the government specifying the number of the colonists with their names, and the quantity of land granted to each one, distinguishing that which is farming land, with, or without the facilities of irrigation, and that which is granted as pasture land.

Article 11. He shall select the site, which may be most suitable for the establishment of the town or towns, which are to be founded, agreeably to the number of families composing the new colony and keeping in view the provisions of the law of colonization on this subject.

[Articles 12-22 address in detail the duties of the Commissioner in the establishment of towns.]

Article 23. He shall preside at the popular elections, mentioned in the 40th article of the colonization law, for the appointment of the Ayuntamiento and shall put the elected in possession of their offices.

Article 24th. He shall take special care that the portions of land granted to the colonists by Article 14, 15, and 16 shall be measured by the surveyors with accuracy and not permit anyone more land than is designated by law, under the penalty of being personally responsible.

Article 25th. [Petitions for augmentations of land]

Article 26th. [Official documents to be written in Spanish.]

Article 27th. [Titles and copies to be attested to by two witnesses.]

Article 28th. [Personal responsibility of the Commissioner for acts contrary to the colonization law.]

Saltillo, Sept 4th, 1827 [Laws of Coahuila and Texas]

Compensation of commissioners. Decree #62, May 15, 1828. *Laws of Coahuila and Texas.*

Said commissioners shall receive as a compensation for their labors in the ratio of fifteen dollars for every sitio [league] of grazing land they distribute; two dollars for each labor of temporal land; and twenty reals for each labor of irrigable land, to be paid by the same families of settlers

to whom the lands are awarded, and the said families shall be free from every other burden on the part of the commissioner, with the exception of the stamped paper required for issuing their titles and the formation of the respective books, which shall be at their expense.

Provisions governing commissioners. Decree #128, 1830. *Laws of Coahuila and Texas.*

(Art 4) The commissioner shall construct the plans for the archives of the colony...shall be present at all the surveys, and shall write out the titles sufficiently authenticated both for the judicial record or original copy, and right of property of the colonists... (Art 5) For no cause, and under no pretence shall any other fees, be exacted of the colonists, except those designated in this law and those prescribed for the commissioner by Decree No. 62.

Land Distribution and the Commissioners Outside of the Colonies

Not all settlers were included within the boundaries of an empresario contract. The colonization law of 1825 provided for such settlers to receive grants, but they had great difficulty obtaining land titles. This was largely because they lacked a commissioner and an empresario to assist them. A large number of these settlers were located east of Austin's colony.

In March 1827, a petition signed by 168 settlers living in the area of Ayish Bayou, Sabine River, and Trinity River was sent to the president of Mexico, asking for a commissioner to issue titles to land. These settlers, as they pointed out in their petition, had moved to the area before enactment of the National Colonization Law, had taken the oath of loyalty to the government, and had made substantial improvements to the land, including building cotton gins and grist mills. The governor of Coahuila and Texas added his recommendation for approval of the petition, noting "that the inhabitants of Nacogdoches have rendered very important services to the Government by making their declarations against the revolutionists of Nacogdoches raised by Haden Edwards and associates, in December 1826, with whose assistance that nefarious assemblage was completely routed and broken up, and good order restored to that section..."

On April 22, 1828, the Secretary of Home Affairs wrote to the governor to say that the president had approved the petition. Exactly six months later, on October 22, this information was relayed to the government officials in Texas, along with the information that the governor intended to appoint a commissioner. Here is the petition of the settlers.

The undersigned petitioners, natives of the United States of North America, settled within the boundary border leagues of the Republic of Mexico, between Nacogdoches and Sabine, with due respect to the exalted character of the Supreme Government represent: That the greater part of them were located at their actual residence previous to the promulgation of the general colonization law, and most of them by the tacit cognizance of the local authorities, who far from objecting to their settling did, it may be said, authorise it by assembling the inhabitants for the purpose of taking the oath of allegiance to the Constitution of Mexico, which they have done. That they have erected buildings, mills, constructed machinery to gin cotton, and have opened large fields at the cost of immense labor in clearing the lands which were densely covered with timber and brush and they by these means have made considerable improvements. That they are settled so near to one another that a league cannot be granted to each individual without injury to a third party. That the old residents of Nacogdoches have sundry claims on various parts of lands because they have asked them of the government, but your petitioners believe that they

were not all legally obtained by them, and as they were entirely abandoned when your petitioners came into the country; for which reasons, and inasmuch as, Your Petitioners had no hesitancy in settling them, as they did in good faith, they therefore pray Your Excellency may be pleased to grant to each married man four labors and the single men one labor; which quantity of land will be sufficient to include our respective improvements...to appoint a commissioner...
[Petition to the government for the appointment of a commissioner to administer land titles in the border leagues, from the settlers between the Atoyac Creek and the Sabine River, March 10, 1827. GLO]

Below is a letter regarding the appointment of a commissioner, addressed to the Undersecretary of Home Affairs, March 18, 1828. [GLO]

...it will be seen that in the Districts of Ayish Bayou, Sabine, and Tanaha, there are one hundred and forty four families and thirty four single men, four machines for ginning cotton, two grist mills for grinding of corn, and that those who dedicate their attention to farming have cleared off the timber and have under cultivation three thousand three hundred and sixty five acres. The different professions of the others who are not agriculturalists are expressed in the said notes; their habitations are built of wood covered with shingles and sides of boards, and the cost is estimated at from \$200 to \$800 dollars according to the size... ...it appears...that some individuals are not of good report, wither in consequence of crimes committed in their own country or some moral defect in the person. Those guilty of atrocious or infamous crimes or permanently habituated to vice would, it is beyond doubt, be prejudicial to society and ought not to be admitted...but to the respectable [etc].... I think it advantageous to permit them to remain in the country.... [recommends appointing a commissioner according to article 8 of the 1825 colonization law] ...that the inhabitants of Nacogdoches have rendered very important services to the Government by making their declarations against the revolutionists of Nacogdoches raised by Haden Edwards and associates, in December 1826, with whose assistance that nefarious assemblage was completely routed and broken up, and good order restored to that section...

Juan Antonio Padilla was appointed commissioner general by the governor of Coahuila and Texas on December 4, 1828. A major charge of his office, in response to the March 1827 petition, was to issue land titles to settlers living in the border areas of East Texas. Padilla began his work a year later, but his commission was revoked before he could issue many titles. Jose Francisco Madero followed with an appointment to issue land titles in the area of Atascosito (present-day Liberty). He issued titles in that area in 1831-32 and established the municipality of Liberty. In 1835, George Smyth and Charles Taylor were appointed as special commissioners to issue titles in the area of San Augustine and Nacogdoches.

Taylor and some of the *alcaldes* also issued land titles resulting from sales of public lands by the state. In 1835, the state of Coahuila and Texas sold public land to individuals under a contract with John Durst and Samuel M. Williams. It wasn't long before these sales were nullified by an Act of the General Congress of Mexico (April 25, 1835) and by the 10th section of the Constitution of the Republic of Texas.

Radford Berry, *alcalde* of Nacogdoches, issued titles to 41 men for land located in East Texas in 1835. Under a contract with Samuel M. Williams, Francis W. Johnson and Robert Peebles, the state of Coahuila and Texas granted land to military volunteers. The intent was to raise a militia of a thousand men. John Cameron, authorized by an April 7, 1835 contract with James Grant to

sell 100 leagues of land, issued titles in November of that same year. But, since they were issued after the closing of the land offices, these titles were also among those made null by the Constitution of the Republic of Texas.

Surveyors and Surveying in Mexican Texas

The running of boundary lines, defining the framework of ownership and citizenship, is a staple of surveying and mapmaking. Compared to measurement of an arc of the meridian or the mapping of a vast ocean, land surveying may seem a rather pedestrian occupation, but most people who are surveyors spend most of their time surveying boundaries of one kind or another - the lines of property, province, or country. Theirs is a skill dating back at least to ancient Egypt and Babylon.

*At no time is a land surveyor cast in a more indispensable and exciting role than during the settlement of a new territory. [John Noble Wilford, *The Mapmakers*. New York: Alfred A. Knopf; 1981, p. 174.]*

The business I have followed could not be profitable to me until the country should flourish, in consequence of which my last seven years has been spent in a labour that is hard and rough, living in the woods, during all of which time I have been saving and economical, and at this moment find myself not only poor, but largely in debt. [Seth Ingram to Stephen F. Austin, January 8, 1831. AP.]

Surveying the land for each grant was a crucial function in Mexican Texas, as it was in any frontier region. To receive the legal title from the government, a settler had to have a complete description, in Spanish, of the land granted. Before settlers even arrived, land surveyors had often made maps of Texas that charted streams and other land features, essential information for settlement.

Being a surveyor in Texas was not an easy occupation. It could, in fact, be fairly dangerous, since surveyors were often the first non-native individuals to enter an area. But the job was desirable enough to be highly sought after. During 1821 and '22, while Austin was trying to get his colony approved, several people approached him asking to be taken on as surveyors. The first one mentioned in the "Austin Papers" was a Dr. Robert Andrews. Andrews, an old acquaintance of Austin's, had surveyed for him on another project in 1818-19 at Long Prairie in Arkansas. He started to tag along on Austin's 1822 trip to Mexico City but stopped short of the ultimate destination - by July 8, he was practicing medicine in Saltillo. During 1823 and 1824 Andrews' interest in surveying wavered. First applying to be a surveyor of Texas in May 1823, he later turned down Austin's offer of a surveying position. He wrote from Parras that "I would have to spend money continually without receiving any for some time, and the life of a surveyor is so hard..." Andrews to S.F.A., September 5, 1823. AP.

In December 1821, Erasmus Ellis wrote a letter of introduction for Captain Samuel Dixon, who had been a public land surveyor in Missouri and Illinois. James Evans of Jackson, Missouri also wrote Austin introducing Dixon, calling him "a young man of considerable industry and enterprise...he is a first rate surveyor, and as you will have much business to be done, if you can give him a place it will confer a great favour on your friends in this quarter" (AP). At the same time, Henry Elliot travelled to Texas with intentions of being a surveyor. Austin's brother later

wrote that Elliot, knowing Andrews was also on his way to do surveying, wore out his horse trying to reach Austin first. Elliot arrived at Aylett Buckner's house on January 28, 1822 and promptly took a canoe to go down the river in search of Austin.

In May of that same year, J.H. Hawkins, Austin's business partner, wrote a letter of introduction for Seth Ingram. On August 12, 1823 Austin's letter to Bastrop indicated Ingram had been hired as a surveyor. Shortly afterward, Austin wrote to Horatio Chriesman to offer him a position as a surveyor. Chriesman arrived in Austin's colony for the first time in June 1822 and his first survey was for Josiah H. Bell in October of the next year.

The information gathered by surveyors in the course of their work provided one of the essential sources for maps of Texas. Surveying the land in Mexican Texas followed the metes and bounds system, where natural features of the land (such as trees) are used as landmarks for the corners, with the distances indicated between them. The surveyors equipment was a stick called a "Jacob's staff," a compass for determining direction, and a chain for measuring distances. Each link in the chain was a specified length, making it easier for the surveyor to calculate. Texas surveyors were required to use the Mexican system of land measurements. The basic unit of linear measurement was the *vara*, which in Texas came to equal 33 1/3 inches. The basic unit for measuring area was the *sitio* or *league*, equal to 25,000,000 square *varas* (4,428.4 acres) and the labor, equal to 1,000,000 square *varas* (177.1 acres).

Surveyors would blaze a mark on the trees at the corners of the survey. If there were no trees, they might hammer a stake into the ground or make a pile of rocks to mark the corner. Most of the early settlers in Texas located their land near a convenient source of water, usually a stream, so surveyors laid out tracts of land along the streams. Surveying the courses of streams - called "meandering" - was a very important part of the job.

A typical surveying crew could consist of several people including the surveyor, chain carriers (usually two), trail blazers, a cook, and a hunter. Surveyors faced harsh conditions and many dangers, including the possibility of Indian attack. Since they lived as well as worked in the open, they were at the mercy of the weather. But the job had to be done no matter how hot or cold the day. If it rained, the crew could only wait for it to stop. It was a life of isolation and, undoubtedly, long periods of boredom. Diary entries made by John Borden during the last week of April and the first week of May, 1833 tell of windy and rainy weather, a high river and boggy woods. In entries on May 2, he mentioned two events: the discovery of an Indian "line" and the sound of shooting. He noted on "Tuesday morning 5 men, 2 boys & 1 woman of the Kichie tribe came to our camp-appeared friendly," and added, with apparently equal concern, "Tobacco gave out yesterday, much lamented by all hands..." (GLO).

The field notes and plats of the Mexican Texas surveyors are almost identical in form to those used in the United States, and would seem to indicate that most surveyors probably got their early training and experience there. Too, the abilities demanded by the job meant that most Texas surveyors - particularly the good ones - were well-educated and literate and probably knew a good deal more than surveying. Horatio Chriesman, Elias Wightman, Francis W. Johnson and brothers John, Thomas, and Gail Borden were among the surveyors who became prominent figures and came to play important roles in the revolution and the subsequent Republic of Texas.

An example of a surveying contract follows:

...Said Ingram agrees to survey such tracts of land in this colony as he may be directed to survey by sd. Austin and the commissioner of the Government in the form and manner which they may direct, using the Mexican vara as the standard for regulating their chains and running by the true meridian after calculating the variation of the compass, and the sd. Ingram agrees to execute his work accurately and in a good and workmanlike manner and to complete it as speedily as possible, establishing corners with bearing trees at each corner of a survey with the initials of the owners names marked on the bearing trees where the owner is known, or erecting sufficient mounds of earth in prairie at least three feet high and marking every line not bounded by a river or creek which runs through timber so that it can be easily traced and followed, and finally to make out correct returns and plots of each survey to sd. Austin on completion of the work in the manner above stated. The sd. Ingram shall be entitled to demand and receive from each settler pay for surveying their land at the rate of five dollars per Spanish mile payable in property or three dollars pr. mile payable in cash, to be paid by the settler, and for which payment the sd. Austin is not to be in any manner accountable or responsible other than to refuse to deliver the titles to any settler until he brings a certificate from the surveyor...

[Surveyor's contract, Austin to Seth Ingram, October 1, 1824. AP.]

Gaspar Flores, the second commissioner for Austin's colony, issued the following instructions to the colony surveyors:

The surveyors shall be regulated by the following instructions,

1st. That they shall take care that no surveys whatever are made within the 10 littoral leagues.

2nd. When they know that a survey may be even partially within the ten littoral leagues of the coast, they shall move back as much as possible to ensure that they are clear, for which purpose they should have the map made of this colony.

3d. No survey shall be made without the applicant for the land being present, summoning the adjoining parties if there be any, taking special care at the time of the survey to designate the boundary lines and mark the corners with the greatest care and exactness in the customary manner so that when I recover my health I may go to examine them.

4th. Upon rivers or principal creeks with permanent water no tract shall include both sides.

5th. A league of land is composed of 24 million square varas and a labor of 1 million square varas, and the surveyors under their responsibility shall not survey more land than they are ordered to survey by the empresario of this colony, Stephen F. Austin, and by me.

6th. The field notes of the surveys shall be transmitted to said empresario, accompanied by a plat of each survey.

7th. Care shall be taken that no irregular fractions remain between surveys.

8th. The surveyors shall be responsible for any charges that may result from failure to comply with these instructions. [Gaspar Flores to Austin, May 1827. GLO]

Commissioner George A. Nixon issued the following instructions to the surveyors under his supervision:

In consequence of your known honor, integrity, and ability, you are hereby appointed surveyor for the colonists granted to the following Empresarios by the Supreme Governor of the State, to wit, Lorenzo de Zavala on the 12th of March 1829 to David G. Burnett...

Instructions to Surveyors

Article 1st. Each and every surveyor shall provide himself with a compass after Rittenhouse's construction.

2nd. All the lines shall be run in conformity with the true meridian and the greatest care shall be taken to have the horizontal measurement obtained by chain carriers.

3rd. In surveying chains of iron or brass 10 varas long shall be used and the length of each link shall be 11 2/3 inches and the pins used for surveying shall not exceed 12 inches.

4th. Field books must be provided to keep the notes in the following manner.

Notes

Varas. Tenths Set post and made mound for the beginning corner of N.S. Survey on the West bank of the Willow Bayou, or branch, running into Trinity River, from which a W. Oak 8 inches diameter bears S. 10° W. 29 2/10 varas distant, thence

Hickory 10 diam. A line tree

[more of example follows]

Article 5th. The initials of the grantees name must be cut on the bearing trees at each corner with a marking of iron and a mound raised three feet high and three feet in diameter at the base around the stake and the timber shall be blazed near the line that it may be followed with ease. Line trees shall be blazed, and a notch cut above and below the blaze.

Article 6th. Rivers, large streams and lakes must be considered natural boundaries, and no survey shall cross them, but their courses must be correctly taken and the contents of all surveys must be calculated by latitude and departure.

Article 7th. All surveys that do not close by 50 varas must be connected and make each league contain 25 million square varas as near as practicable.

8th. On all natural boundaries one half league front shall be allowed at each league of land and so on in proportion to the whole quantity that may be surveyed

9th. The field notes must be forwarded to this office, so soon as the surveys are completed.

10th. No surveys will be acknowledged, unless expressly ordered in writing by the Commissioner.

11th. Special care shall be taken that no vacant land be left between the possessions.

12th. A report must be made qualifying the lands and giving as near as practicable the quantity of arable, and grazing land contained in each survey.

13th. All chain carriers shall be sworn by the surveyor before commencing the survey to perform their duties truly and faithfully according to the best of their ability and no person akin to the parties interested nearer than the fourth degree, shall be appointed to that survey. [Instructions to surveyors from George A. Nixon, 1829. GLO]

The following letters from Stephen F. Austin to Surveyor Elias Wightman give insight into the routine followed by a surveyor in Austin's Colony.

January 15, 1830

I have left a commission for you as surveyor, and wish you to survey all the vacant land on the river below Betts League and Jinnings camp and all the land on Trespalacios Creek, Prairie Creek, Cany Creek but you will have to wait until I get there...

January 24, 1830

I have sent Mr. Selkirk for the purpose of making up another set of hands so as to start another compass. The work that is wanted will not be a very profitable job and rather bad runing. I wish the coast meandered, beginning at Jinnins' camp on Colorado and meandering down to its mouth, thence along the coast to the Karankaway Bay.

March 13, 1830

You will lay off four quarters of a League next below H.H. League on the west side of Colorado and the balance on both sides of the river below Betts on the east side, and below the above mentioned quarters on the west will be laid off in League tracts...

The league on Trespacios must join those on the Colorado...

I think it will be the best plan to lay off on one connected plot all the meandering and then lay down all the tracts on Colorado and on the east side of Trespacios, the west side of Trespacios may remain for the present, as there are no tracts taken there at this time...

...A district can be laid off for surveying on San Jacinto to commence at the mouth of Buffalo Bayou, thence up the same, north side to its head, thence northwardly so as to include all the waters of San Jacinto on the west side of its main branch up to its head. Mr. Weightman can have this district if he wished by applying to me or Williams...

April 4, 1830

Col. Wallace and company wish to take a look at that country he wished to get a place on Prairie Creek, and I have told him that you could point out the places that are selected there by the emigrants who came with you-

If the leagues are not yet layed off on the west side of the Colorado I wish an alteration made which is this-run one league next below H.H. Leagues tract, then one quarter for Harrison next below that, then run League tracts below Harrison's...

...There are a number of tracts promised on that river and I want as many as the land will admit.

April 7, 1830

Should you wish to commence work before my return you will call on Mr. Williams for the plots of the surveying done by Borden on the waters of San Jacinto, so as to connect your work with his-

I wish you to commence at the mouth of the west fork a short distance above the Tuscacito road and work up the west side of the main San Jacinto and on all the creeks that discharge into it on the west side-

...You will be guided by the printed regulations issued by the Commissioner Juan Antonio Padilla-Be careful to regulate your chain and compass agreeably to the standard heretofore used in this Colony as directed in said printed regulations. You will make your returns and a general connected plot of your work as soon as possible, and write the name, in pencil, of the applicant on each trac, on the Genl. Plot. Take especial care not to leave any vacancies or irregular slips between tracts, Should it be absolutely necessary to leave any vacant land let it be in the middle of some prairie, where there is neither water nor timber, that is, land which is of no use at all for pasture or anything else-

...A tract was granted to David Harris on the west side of San Jacinto and you will connect your work with the upper line of that tract, I believe that line has never been run and you will therefore run it. [Here Austin includes the description.]

...your best way is to go from here direct to [Frederick Rankin's] home where he now lives in what they call "New Kentucky"-This corner will be your beginning place, and from there work up as before Stated-I wish you to finish all that country including all the branches and creeks west of the main San Jacinto up to its head, as soon as possible for I wish all the returns by the middle of May at Most-

May 17, 1830

I recd your letter by the Indian and am much pleased with your account of the country and progress in surveying-It will be impossible for me to visit there for I shall leave here for San Antonio in a few days-

you will therefore exercise your own judgement in laying off that country so that there will be no vacancies left...and above all make all the tracts you can, and economise the water fronts as much as possible...

...Keep harmony with the Beedies [Indian tribe] and enjoin it on the Settlers to do the same and to treat them well and try to persuade them to settle on the East side of the San Jacinto.

June 12, 1831

It must be remembered that Coast Surveys require four times the work in Surveying as well as plotting to what just square Leagues do, and great time is spent in hunting land, to suit people such was the fact on, and about Spring Creek... [Dated excerpts regarding surveying, Austin to Wightman. AP.]

Surveyors' Maps

The sketches and maps made by the surveyors were integral to preparing the actual documents that would grant a settler title to land. These are the very first detailed maps of Texas and are of a type called "cadastral" maps; that means they are specifically made to show the boundaries of land ownership. In the Texas colonies, they were made to show land that had been selected by settlers. These maps also played a significant role in acquiring information necessary to make many of the comprehensive Texas maps that were to come in the 1830s. A number of these maps have survived and can be found at the Texas General Land Office.

A very important feature of land maps was showing where vacant land remained. A map also provided a visual record of claims and their status. By looking at and using the maps, an empresario could keep track of which claims had yet to receive their titles. Some of the maps that were made for Stephen F. Austin show names entered on grants and then scratched out as settlers changed their minds about their choice of land. There are cases where as many as three names have been scratched out on one grant.

Theoretically, land was surveyed after a settler chose a location. However, the surveyors in Austin's Colony surveyed large areas before the land was settled, leaving blanks on their field notes so the name of the title holder could be filled in later. Austin could then present prospective settlers with a choice of tracts in specific locations, which allowed him to manage the course of settlement in a more orderly way than if settlers just located wherever they wanted. Stephen F. Austin was apparently Texas' first residential land use planner.

Obtaining Land in Austin's Colony

An individual or family had to go through several steps, based on the requirements set out in the colonization laws, to be admitted into a colony and receive title. Austin's Colony was particularly thorough in documenting the colonization process and its records remain intact, leaving us an excellent example to look at today.

Stephen F. Austin periodically distributed notices explaining the title process as it applied to his colony. One of the best descriptions of the requirements for admitting new settlers and the administration of titles can be found in this notice from Austin to potential emigrants, written in 1829:

Each Emigrant who has removed to this Colony, as a part of the Colonists, which I am authorized to settle under my contracts with Government, as Empresario, and who has not received a title, is notified to present himself to me, after the 1st day of December next, in person, and hand in a list in writing, in conformity with the 3d article of the Colonization Law, containing the name and ages of the head of the family and his wife, the names and age and sex of each child, the number of dependents, or servants, his occupation or trade, where removed from, and the date of arrival in this colony with his family, which list must be signed by the applicant. Single men will also present themselves and hand in the above list, so far as it is applicable to them. The said list must be made out before coming to the office, and the recommendations accrediting the Christianity, morality and steady habits of the applicant, which are required by the 5th article of the said law must be presented at the same time, in order that if the applicant should be received as a settler by me, his name may be registered, the oath prescribed by the 3d article of the said law administered, and a certificate to that effect issued to him or her.

Two dollars must be paid to the Secretary on receipt of such certificate, fifty dollars must be paid to me, ten dollars of it on the receipt of title and the balance one year thereafter; and ten dollars must be paid to the Secretary, five of it on presenting the petition, in form, to the Commissioner, and five on receipt of title. - Notes for these sums must be executed before the above certificate will be issued in which notes all the benefits of law No. 70, approved 22d January 1829, exempting lands, &c. from the payment of debts must be renounced. The above is a compensation for the labor of translating and attending to getting the title for the applicant, which I am not bound to do as Empresario, unless paid for it. This however, does not extend to locating land for the settler, each one must do that for himself, under such regulations as may hereafter be established by the Government Commissioner who alone is authorized by law, to survey lands and issue titles; the above sums are independent of the Commissioner's legal fees. - Also, thirty dollars must be paid to the Government on each league in four, five and six years, from date of title, and quarter leagues in proportion, besides the stamp paper.

I am daily expecting the Commissioner, and therefore, wish all those who have removed and have their families in the country, to present themselves as above stated, as soon as possible, after the 1st of December next, to him. None, who cannot present satisfactory recommendations and who have not actually removed with their families to this colony, need apply.

The certificate of reception may be declared null and void, any time before the title is issued, should it appear that the applicant had attempted to deceive me by false recommendations or false statements of any kind, or should he remove out of this Colony, or fail to present himself to the Commissioner, within one month after public notice is given to that effect, or should he refuse to comply with the terms of payment herein stated.

I also reserve the right of changing or modifying the terms of payment above stated, any time after the 1st of February next. No attention will be paid to any application, unless made by the applicant in person, and in the manner above stated, for it is evident that no other can take the oath but the applicant.

In order to have uniformity, applicants will use the following form:

To Mr. S.F. Austin, Empresario-I have emigrated to this Colony, as one of the colonists, whom you are authorised by Government to introduce; and I request that you will examine my

recommendations, and if found to be agreeably to law, receive me and my family under your contracts with the Government. I agree to the terms published by you, on the 20th November, 1829; and am ready to take the oath prescribed by the Colonization Law.

[Here the list and other particulars, stated in the first paragraph of the above notice, must be inserted in regular order, and also whether the applicant is married or single, widow or widower.]

(Date and signature.)

S.F. Austin

Town of [San Felipe de] Austin, 20th November, 1829. [Notice to emigrants, Stephen F. Austin, 1829. GLO.]

The application for admission to Austin's colony from Edward Burleson reads as follows:

I have emigrated to this colony as one of the colonists you are authorized by government to introduce and I request to be admitted under your contract with government. I agree to the terms published by you 20th Nov. 1829 and am ready to take the oath prescribed by law. Edward Burleson, 33 years old Sarah my wife 35 years old 3 male and 1 female children. Moved from Tennessee and arrived in this colony 1st May 1830. Town of Austin June 18, 1830. [GLO]

Anyone wishing to settle in Austin's Colony was required to submit a detailed application that included the names and ages of family members, a list of dependents, and statements attesting to the applicant's good character. The settler also signed a promissory note at this time, saying that he would pay a sum of \$50 in two installments: \$10 due on receipt of the title, and the remaining \$40 to be paid in one year. After that, the settler looked for the land he wanted to own. This was usually chosen from the land that Austin had already had surveyed. On occasion, a prospective landowner would ask Austin to choose the land himself, sometimes specifying a preferred general area, sometimes not. Many settlers travelled to Texas first by themselves, took care of the business details and selection of a piece of land, and then returned for their families. Land was initially surveyed in tracts fronting the rivers. Austin would instruct the surveyors as to how these tracts should be laid out, taking into account the presence and amount of timber. Austin also made every attempt to see that no tract was more desirable than another. But complaints of favoritism were not uncommon, in spite of his efforts.

The Land Title

...and we put him in possession of said land with all rights privileges and appurtenances thereunto belonging., for himself, his heirs and successors, and the said Francis F. Wells in evidence of having real and personal possession of said lands without any opposition whatever, shouted aloud, plucked plants, threw stones, set posts and performed all the other necessary ceremonies, being at the same time notified of the obligation he is under to settle and cultivate said lands within the term of two years... [Excerpt from the "act of possession," Francis F. Wells' title under Austin's first contract.]

Although the empresarios played the leading role in Texas settlement during this time, they weren't alone: commissioners, surveying crews, clerks and, their assistants were all directly involved in the land distribution process. Their ultimate goal was to convey the title to a plot of land from the government to the settler. This was of course also the settler's ultimate goal.

The legal land title itself was a formal document, written in Spanish, with carefully delineated contents. The form of a standard title in one of the empresario colonies had several parts: a petition for the land from the settler addressed to the commissioner of the colony; a request from the commissioner to the empresario asking for a report on whether the applicant met the qualifications; a report from the empresario recommending the grant; the order of survey signed by the commissioner; a description of the boundaries of the tract of land (the surveyors field notes translated into Spanish); and the title of possession signed by the commissioner and two witnesses.

Here is a translation of Elliot Millican's land title.

Town of Austin, March 1, 1831.

Honorable Commissioner:

[I], Elliot M. Millican, a native of the United States of the North and one of the colonists introduced by empresario Estevan F. Austin, appear before you with the greatest respect and make known: That I have resided for nine years in this Department, where I married, and desiring to obtain land on which to maintain my family, and having received permission from Empresario Austin to selected a league of land to which I am entitled by the law as the head of a family, I appear before you that you may be pleased in the exercise of the authority conferred on you by the Supreme Government of the State as commissioner to put me in possession of a league of land situated on the left side of the Brazos River, adjoining and north of a tract of land of my father Robert Millican, with the understanding that I offer to settle and cultivate it in conformity with the law and to comply with the other obligations it prescribes. Therefore, I ask that you may be pleased to do as I have stated, wherein I shall receive favor.

Town of Austin, February 28, 1831

Elliot M. Millican

[Rubric]

To the agent of Citizen Estevan F. Austin, the empresario, in order that he may be pleased to report on this petition and whether the land is vacant and outside the ten littoral leagues.
Arciniega [Rubric]

Honorable Commissioner:

Pursuant to your foregoing decree I must say that what the petitioner states is true, he is one of the colonists introduced by Empresario Austin, is married and a man of very good customs, much honesty and industrious, and by the law I consider him worthy of the favor he requests. The tract is vacant and outside the ten littoral leagues.

Town of Austin, March 2, 1831

Samuel M. Williams

[Rubric]

In view of the statement of the agent Citizen Samuel M. Williams in the preceding report, I admit the petition in accordance with the law and order surveyor Horatio Chriesman to survey the designated tract in order to issue the corresponding title to the interested party.

Town of Austin, March 3, 1831

Migl. Arciniega

[Rubric]

Citizen Miguel Arciniega, Commissioner appointed by the Supreme Government of this State to distribute and give possession of land and to issue titles to the new colonists in the colonization enterprise of the empresario, Citizen Stephen F. Austin, outside the ten littoral leagues of the coast:

Whereas, Elliot M. Millican has been admitted as a colonist in the colonization enterprise contracted with the government of the State of Coahuila and Texas by Empresario Stephen F. Austin on June 4, 1825, as appears on folio 271 of this record book, and the said Elliot M. Millican having proved that he is married and finding in him the requisites prescribed by the State Colonization Law of March 24, 1825, in conformity with the said law and the instructions governing me dated September 4, 1827, and the additional article dated April 25, last year, 1830, in the name of the State I grant to, confer upon and put the said Elliot M. Millican in real and personal possession of a league of land, which tract has been surveyed by surveyor Horatio Chriesman, previously appointed for the purpose, under the following situation and boundaries: situated east of the Brazos River and north of Navasota Creek; and from the northwest corner of the league granted to Henry and Bowlin Whitesides a line was run west 800 varas to a landmark, from which a post oak bears north 16° west 13 varas distant and a blackjack bears south 26 1/2° west 11 varas distant. Thence north 3,000 varas to a mound of earth for the northeast corner. Thence west 3,924 varas to a mound, from which a post oak bears south 66° west 5 varas distant and another bears north 23° west 13 varas distant. Thence south 5,800 varas to the north boundary of Robert Millican's tract, to a landmark on said boundary for the southwest corner, from which a post oak bears north 39° west 15 varas and another bears south 1 1/2° east 15 varas distant. And thence east with said boundary 4,679 varas to the northeast corner of said tract of Robert. And thence north and with the east [west] boundary of the aforesaid tract of Henry and Bowlin Whitesides 2,800 varas to the place of beginning, comprising one league of land in area. Of the said tract five twenty-fifth parts belong to the class of arable land and twenty twenty-fifths are pasture land, which serves as classification for the price he must pay the State for it according to Article 22 of said law under the penalties established therein; he being notified that within one year he shall construct permanent landmarks at each corner of the tract and that he shall settle and cultivate it in conformity with the provisions of the law.

Therefore, exercising the authority vested in me by the same law and consequent instructions, I issue the present instrument and order a testimonio be taken from it and delivered to the interested party, that he may possess and enjoy the tract, he, his children, heirs and successors, or whoever from him or from them shall have cause or right. Given in the town of San Felipe de Austin, on the 26th of March, 1831, which I sign with assisting witnesses according to law.

Migl. Arciniega

[Rubric]

The Geography of Mexican Texas

When Texas was part of Mexico, its boundaries were somewhat different from what they are today. The northern and eastern boundaries haven't changed much, but the southern boundary, once marked by the Nueces River, is now marked by the Rio Grande. The area between these two rivers used to be part of the Mexican state of Tamaulipas instead of Texas, and much of what is today west Texas was then part of the state of Chihuahua.

The political geography of Texas was different, too. During most of the Mexican period, Texas was a subdivision of the state of Coahuila and Texas. The state legislature and the governor were

located in Saltillo, which was the capital of the state of Coahuila and Texas (although, for a time, the capital was moved to Monclova.)

The governor appointed the principal governmental official for Texas, who was called the political chief and was located in San Antonio. He was responsible for enforcing the laws, administering justice, and commanding the militia. He was also responsible - and this was a particularly important function - for communicating legislative decrees and directives from the governor to the local authorities and keeping the governor informed about local affairs. In time, Texas was divided into three administrative departments, each with its own political chief. At the local level was a body of officials, similar to a city council, called the *ayuntamiento*. Towns of fewer than 2,500 people - and, at this point, that meant every town in Texas - were to have an *ayuntamiento* elected by the citizens and made up by an *alcalde*, two *regidores* (council members), and a *síndico procurador* (much the same as a district attorney). The municipalities kept records, took charge of local law enforcement and judicial proceedings, and administered public works such as building roads. Within Texas, the area that was actually settled during the Mexican period was mostly concentrated in east Texas, southeast of the San Antonio Road. The San Antonio Road was one of three main roads which dated into Spanish times and provided a connection from interior Mexico to Nacogdoches. The La Bahia Road was situated about 25 miles south of the San Antonio Road and connected with it east of the Navidad River. Also important was the Atascosito Road, running east to west about 50 miles south of the San Antonio Road; it provided a route from La Bahia to Louisiana.

The most attractive land then was that which was easily prepared for planting, close to water and had some timber (for fuel, building homes, making fences). Rivers were especially important, both as sources of water and as a means of shipping goods or travelling.

Most of the new settlements in Mexican Texas were located between the coast and the San Antonio Road. Although Native Americans and settlers still had periodic confrontations, this area was safer than others farther west. Many Native American tribes in east Texas had been "pacified" by the Spanish missions there. Going farther west or north increased the likelihood of danger by attack from the original inhabitants of the land.

Austin's Colony occupied the most ideal location, which favored its development. Though slower to develop, the area east of Austin's colony, from Nacogdoches south, also acquired a large immigrant population.

Three locations in Austin's colony served as Texas ports: Matagorda, founded by Elias Wightman in 1829; Velasco; and Galveston Island. Settlement in all of the colonies tended to be along the main roads, rivers and streams. In Austin's colony most of the towns and the larger plantations were along the Brazos and Colorado Rivers. (A look at the GLO map of the colony shows clearly how many settlements and plantations were located adjacent to these two rivers.) In 1824, Austin founded the capital of his colony, San Felipe, at the intersection of the Atascosito Road and the Brazos.

A network of roads crisscrossed the region, but most of these were in a very primitive condition - in fact, they were little more than trails. As settlements developed in different areas, new roads were made to connect them. The *ayuntamiento* of San Felipe, which had jurisdiction over this area, took an interest in roads and ordered several new ones to be constructed during the year

1830 (*Minutes of the Ayuntamiento, GLO*). One of these roads, shown on the Austin's colony map, was called the "New Road to Brazoria."

Appendix II: *Early County Maps*

The Archives of the Texas General Land Office (GLO) has thousands of maps and sketches of Texas counties made by the GLO and county surveyors during the 19th century. These special maps, called cadastral maps, are made specifically to show property boundaries.

The GLO county maps show the location of patented (or titled) land grants from Spain, Mexico, the Republic of Texas and the State of Texas. County maps allowed surveyors and the Land Office to determine whether or not there were conflicts between the survey for a new claim and land which was already patented. These maps were also useful to settlers scouting locations, as they showed where unsettled land was available. And the maps could be used as a visual index for locating land grant files in the GLO records.

The Role of the GLO in Making County Maps

Throughout the 19th century, the Land Office's drafting department was a very important part of the agency. At one point, drafting department employees accounted for half of the total Land Office staff.

The drafting department drafted and compiled original maps of each county, based on information and maps received from county surveyors. When someone requested a county map, the drafting department made a copy-by hand. This demanding and time-consuming method was used until the 1860s, when an ever-increasing demand for maps led to making copies by photograph. By the next decade, the Land Office had abandoned photography and begun ordering quantities of lithographic copies of those county maps most frequently requested. The lithographic copies were available for sale to the public.

Many GLO draftsmen went on to achieve some renown, with surely the most famous being William Sidney Porter-better known as the author O. Henry. Two county maps known to be Porter's work survive; both are embellished with the same sort of whimsical drawings he often added to his personal writings. O. Henry was only one of many talented people who worked at the Land Office. German artist Hermann Lungkwitz, noted for his beautiful paintings of early Texas, worked as a map photographer for several years. (The Lungkwitz family may also have made history of another sort: Lungwort's daughter is thought to have been the first woman to work in Texas state government.)

Conrad C. Stremme, also from Germany, brought his expertise as an architect to the new world. Stremme designed the original Land Office building, built in 1856, which now houses the Capitol Complex Visitors Center. Stremme's maps were often decorated with intricate cartouches (that part of the map that contains the title), showing the influence of German decorative styles. Charles S. Pressler, another German immigrant, made many county maps and created several important landmark maps of Texas which were published in the 19th century.

Using County Maps to Study History

County maps can be a useful and interesting way to study Texas and local history. What should you look for?

Origins of place names. Some local place names were derived from early grantees, and county maps can provide clues about how those names came about. However, the appearance of a name on the map doesn't necessarily mean that person actually lived there: headright grants and grants for military service were issued through certificates which could be sold, or located on public land anywhere in Texas. Most pre-emption grants from the state, on the other hand, were settled by the person whose name appears on the map.

Patterns of settlement within a county. A look at an older map of a particular county is likely to show large vacant areas, indicating the land that was available for settlement at the time. A settler holding a certificate for a land grant, visiting the county surveyor's office in the county where he wanted to live, might have looked at just such a map to get an idea of what available land suited his purposes.

Examining the way land grants were distributed. Are the grants clustered in one area, while large plots of land in another area of the county remain vacant? For instance, early maps of Travis County show the western part of the county to be mostly unsettled, while the eastern areas are more crowded. East Travis also happened to be blackland prairie, a more desirable farm land than the hilly woodlands and rocky soils of the west. Another factor in this particular settlement pattern may have been the Comanche and Apache tribes of west Texas, who still roamed the hill country west of Austin.

Famous names. Soldiers in the War for Independence were given land grants in payment for their service, and as a reward for participating in major battles. Famous soldiers David Crockett, Sam Houston and James Bowie all located grants in one county or another. However, as with place names, a tract with one of these names on it doesn't always mean the person actually lived there.

History of Land Grants

Because Texas was settled from east to west, there are distinctive differences in the kinds of grants shown on county maps.

For each grant shown on a map there is usually also a file number shown, with one of the following abbreviations: T (indicating a Mexican title); 1 - 4 (showing different classes of headright from the Republic of Texas); P (pre-emption grant, similar to a homestead grant); or S (school land, proceeds from which benefit the public schools of Texas).

In counties west of Interstate Highway 35, there are sometimes extremely large grants with Spanish names. These were most likely purchased by Mexican citizens, who were allowed to buy up to 11 leagues. Such grants were controversial, because they were often purchased on behalf of Anglos whose main purpose was land speculation. In East Texas counties, look for Mexican-period land grants, made between 1821 and 1836. Aside from a few Spanish grants, these are the oldest ones; they tend to be large and occupy the best land. Maps of Central and North Texas counties generally show large blocks of land set aside for special purposes such as railroad reservations and the capital reservation. (Railroad reservations appear as a large block of surveys with the railroad company's name on them. This land was set aside for railroad scrip, certificates issued to the railroad companies to encourage building railroads. Every other survey in the railroad reservations was set aside for the state; proceeds benefitted public schools. In many

cases, the state retained the mineral rights even if the land was sold, and money from the mineral rights also contributed revenue to the schools.

The land in West Texas was the last to be settled, creating a number of counties in the 1880s and '90s.

Comparing county maps of West Texas with those of East Texas shows how differently surveys could be drawn. In the eastern part of the state, surveys tend to be irregular in shape, following natural boundaries such as rivers, while in the west they are rectangular and more uniform-the way surveys look in most western states. This difference reflects the shift from the Spanish and Mexican surveying traditions to practices followed in the United States.

County maps also record the periodic adjustments that have been made to land grant boundaries. Some tracts show lines that have been moved when a survey was later corrected (early surveys were not always entirely accurate). Roads were not always shown on county maps, but the maps do generally show railroad lines, some of which no longer exist.

The archival county maps at the Texas General Land Office are valuable both as artifacts and study or documentation tools. There are often several maps of the same county, all made at different times. To find out more about the county maps, or to order copies, see the Texas General Land Office Map Collection online or contact the Texas General Land Office Archives & Records Program at (512) 463-5277.

Visit the GLO web site at <http://www.glo.texas.gov>



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