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# THE QUARTERLY

OF THE

# TEXAS STATE HISTORICAL ASSOCIATION

VOLUME VIII.

JULY, 1904, TO APRIL, 1905.

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AUSTIN, TEXAS:

PUBLISHED BY THE ASSOCIATION.

1905.

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JOHNSON REPRINT CORPORATION  
1 Fifth Avenue, New York, N.Y. 10003

JOHNSON REPRINT COMPANY LTD.  
Berkeley Square House, London, W.1

First reprinting, 1967, Johnson Reprint Corporation

Printed in the United States of America

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*Organized March 2, 1897.*

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# THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. VIII.

JULY, 1904.

No. 1.

*The publication committee and the editors disclaim responsibility for views expressed by contributors to the Quarterly.*

## BONILLA'S BRIEF COMPENDIUM OF THE HISTORY OF TEXAS, 1772.

(An Annotated Translation.)

BY ELIZABETH HOWARD WEST.<sup>1</sup>

### *Introductory Note.*

Bonilla's *Breve Compendio*, of which a translation is here given, is one of several known summaries of the early history of Texas written in Spanish.<sup>2</sup>

In 1772, Barón de Ripperdá, the governor of Texas, presented to Viceroy Bucareli a report embodying certain measures which he thought it advisable to put into effect in Texas. Thereupon the viceroy ordered that the government office "whose duty it is" should make a summary of all the previous history of the province, so as to have data upon which a *junta de guerra y hacienda* afterward to be

<sup>1</sup>The translator is under especial obligation to Professor Lilia M. Casis, Dr. George P. Garrison, Dr. Herbert E. Bolton, and Miss Mattie Austin, all of The University of Texas.

<sup>2</sup>The following is a list of such documents: 1. *Testo, de un Parecer dado en los Auttos fechos en Virtud de Real Cedula en qe S. M. manda se le informe sobre surttos abusos cometidos en la Provincia de Texas en el tiempo que se expresa: y Tambien de un Parrapho de ottro Parecer*

held could base its action. The task fell to Antonio Bonilla,<sup>1</sup> then an officer of the Secretaria de Cámara of Mexico. He finished the work in fifteen days.<sup>2</sup>

The *Breve Compendio*, as he called his report, consists of four main divisions: 1. A description of the Province of Texas as it was in 1772 (Secs. 1-2); 2. A summary of the history of Texas from 1685 to 1770 (Secs. 3-24); 3. A summary of Ripperdá's reports made in 1770 and 1772, and of a report of de Mezières, with such of the history of Texas from 1770 to 1772 as bears upon these reports. 4. The conclusion, which is an expression of Bonilla's personal opinion. Even though Bonilla had as a guide Altamira's *Testimonio*, mentioned in the list on page 1, the *Breve Compendio* is quite a remarkable document, especially when one considers what a mass of material Bonilla used, and what a short time he was at work. It is written in a spirit of fairness, and so far as I have had time and opportunity to compare it with other documents, is in the main correct, notwithstanding some mistakes of detail. Not counting the copies recently made by students in the United States, there are at least four copies of the *Breve Compendio* known to be extant, viz.: 1. A manuscript belonging to the Agricultural and Mechanical

*dado en los propios Auttos, uno y otro del Sor Auditor Grál de la Guerra, 1744.* 2. *Expediente formado sobre las variaciones, y mutaciones que han tenido los Presidios internos, esquadras, y demas Tropas, desde que los arregló el Exmo. Sor. Marques de Casafuerte.* "Signed by Domingo Valcarcel, and dated August 17, 1760. Folios 20-28 are on Texas." 3. *Memoria Acerca de los limites de la Luisiana, sacada de varias Autores y Mapas, y Cartas Geograficas por el Padre Doctor Don José Peredo, Presvitero del Oratorio de San Felipe Neri de Mexico, 1770.* 4. *Breve Compendio, 1772.* Full title below, p. 9. 5. *Historia del Descubrimiento y población de la Provincia de Tejas hasta el año de 1730. Escrito por el Pe. Fr. Melchor de Talamantes, c. 1808.* 6. *Quadernos trabajados por el Pe. Dn. José Antonio Pichardo de la Congregación de Sn. Felipe Neri; sobre la línea Divisoria entre las Provincias de los Texas, y Luisiana.* Volume 301, Sección de Historia, Archivo General.

<sup>1</sup>Numerous documents among those noted by Dr. Bolton in the Sección de Historia, Archivo General, bear the signature A. Bonilla, perhaps the same officer. Some of them are dated as late as 1807 (see THE QUARTERLY VI, No. 2, and VII, No. 3).

<sup>2</sup>*Breve Compendio*, Sec. 25.



College of Texas.<sup>1</sup> This copy is hereafter designated in this paper as A. 2. The first document in volume 27 of the *Memorias de Nueva España*. A copy<sup>2</sup> of this, in the possession of The University of Texas, and used by me, is herein designated as M. 3. Document No. 9 in volume 43, Sección de Historia, Archivo General.<sup>3</sup> 4. A document in volume 302 of the same collection.<sup>4</sup>

The text from which the subjoined translation is made has been obtained by a comparison of M and A. The text is mainly that of A, which bears *prima facie* evidence of greater accuracy, except in a few instances. For convenience in collation, however, M is taken as the basis.

There are numerous differences between these two texts, in mechanical form and in content. A, for example, uses more abbreviations than M; it usually writes out numbers, while M, for the most part, uses numerals; it often uses older forms than M does. M often omits individual words, or even phrases or sentences, which are found in A. Occasionally, however, M is fuller than A, notably, in that it contains the appended *Nota del Padre Colector*,<sup>5</sup> which A lacks. Different words are often used at corresponding places in the two manuscripts, especially words of nearly the same form, or of nearly the same meaning.<sup>6</sup> As to the relationship of these four

<sup>1</sup>Formerly a part of the collection gathered in Mexico and carried to Europe by Ramirez, a member of Maximilian's cabinet. After Ramirez's death, his collection became scattered. This document, together with two others, was bought for the College in 1881 from Bernard Quaritch, in London. It is temporarily in the possession of The University of Texas.

<sup>2</sup>Copied by Professor Lilia M. Casis and Mr. R. C. Clark for The University of Texas and for the Texas State Historical Library.

<sup>3</sup>See "Some Materials for Southwestern History in the Archivo General de Mexico," by Herbert Eugene Bolton, in THE QUARTERLY, VI 103-112.

<sup>4</sup>Cited by Dr. Bolton in THE QUARTERLY, VII 212.

<sup>5</sup>Probably the religious appointed to collect the *Memorias*. See "The Archivo General de Mexico," by Professor George P. Garrison in *The Nation*, May 30, 1901.

<sup>6</sup>The copy in volume 43 (No. 3 in the list above) is apparently also more complete than M. Like M, it contains the *Nota*; and it contains in addition, marginal notes by Padre Fray Manuel Vega (THE QUARTERLY, VI 108).

copies, nothing positive can now be stated. It is hoped that more definite conclusions can be reached later.

In addition to translating Bonilla's history, I have made a somewhat detailed comparison of it with Altamira's *Testimonio*, by which, as has been stated, Bonilla was aided in his work. In making this summary, Altamira was carrying out an order given in royal *cédula* of July 15, 1740, in virtue of which Boneo y Morales, afterwards [1743] appointed governor of Texas, was called upon to sketch the previous history of Texas.<sup>1</sup>

Altamira's summary<sup>2</sup> emphasizes the question of international claims and rights. Its descriptions are more detailed than those of the *Breve Compendio*. Its narrative, however, except in the Sandoval case, is more condensed. A comparison with other documents will show that it is in the main accurate.<sup>3</sup> Besides giving additional information in the Sandoval case, it has been helpful in gaining an understanding of the *Breve Compendio*, and, in one case,

<sup>1</sup>His death soon after his arrival in Texas prevented his doing the work (Bonilla, *Breve Compendio*, Sec. 18). Altamira, in the opening paragraph of the second part of the *Testimonio*, mentions this same *cédula* and two later ones to the same effect. The long delay in carrying out orders he explains by a reference to the voluminous evidence and the numerous appeals in the Sandoval case.

<sup>2</sup>As this document is brought before the reader only in fragments, it may be well to give here an analysis of its contents:

1. The second opinion (*otro parecer*), mentioned in the title, urging resistance to French encroachments (Sec. 1).

2. The opinion mentioned in the title (Secs. 2-58). a. Introduction, stating the occasion of bringing forth the document, and giving a general description of its contents (Sec. 2). b. A general survey of the Spanish and French possessions in North America (Secs. 3-22). (1) A bird's-eye view of the actual status in North America (Secs. 3-14); (2) A statement of the right of the Spanish to all the territory west of the Mississippi (Secs. 15-17); (3) A more detailed description of Texas, its physical features, its resources, its state of settlement. Incidentally, its boundaries are partially defined (Secs. 18-22). c. A brief summary of Texas history, 1685-1744 (Secs. 23-58); (1) The history, 1685-1730 (Secs. 23-34); (2) Reflections on the conditions and the needs of Texas (Secs. 34-41); (3) The history, 1730-1744, with especial attention to the Sandoval case (Secs. 42-58).

<sup>3</sup>Some of its errors of historical detail may be, like many of its mechanical imperfections, slips of the scribe or the printer.

in ascertaining the text. Bonilla was so far influenced by the *Testimonio* as to use, in some instances, almost its very words.

The copy of the *Testimonio* to which reference is here made is the reprint given in Yoakum, *A History of Texas*, I, Appendix A. The original has not yet come to light, either in the Bexar or the Nacogdoches Archives, to which some of the old Bexar papers have found their way. There is an abridgment of the *Testimonio*, known as the *Puntos del Parecer*.<sup>1</sup>

The only other compendium with which comparison has been possible in this article, is the *Historia* of Talamantes, copies of which, made in the City of Mexico<sup>2</sup> in 1903 are now in the Texas State Historical Library and at The University of Texas. It consists of thirty-two sections, and is based upon Espinosa's *Crónica Apostólica*. Its relationship to the *Breve Compendio* is much less close than is that of the *Testimonio*; its emphasis, owing to its dependence upon Espinosa, is mainly upon the ecclesiastical side of the history.<sup>3</sup>

<sup>1</sup>Bancroft, *North Mexican States and Texas*, I, lists in his bibliography: "Altamira (Marques), *Puntos del Parecer*, 1744. MS. in Texas, Doc. 491. Mayer MSS. No. 28." Document No. 13 of volume 28 of the *Memorias de Nueva España* bears the title: *Puntos del Parecer que el Señor Auditor de Guerra Marques de Altamira expuso al Exmo. Sor Virrey Conde de Fonclara, en 4 de Julio de, 1744*. Bancroft's is no doubt the same as this.

The *Puntos del Parecer*, as has been said, is an abridgement of the *Testimonio*. It omits sections 1-2, and 53-58. It is signed by Thorivio de Urrutia, and is dated at San Antonio de Vexar, November 25, 1749. The *Testimonio* is signed by Felix de Sandoval, and is dated Mexico, July 4, 1744.

So far as it goes, the *Puntos* is practically the same as the *Testimonio*, though variations are found by the score. The two most striking differences are the occasional omission in the *Puntos* of individual words or even of phrases or sentences which occur in the *Testimonio*, and the absence of the peculiar doubling of the t's which is a characteristic feature of the *Testimonio*. Often the *Puntos* text helps in correcting that of the *Testimonio*.

<sup>2</sup>By Dr. Herbert Eugene Bolton.

<sup>3</sup>The occasion of the compilation of Talamantes's *Historia* is told in THE QUARTERLY, VII 196-213.

The references to Talamantes in the notes are to an unpublished translation by Miss Mattie Austin, Fellow in History in The University of Texas.

It would be impracticable, in a translation of this sort, to note all textual variations. Such as are considered sufficiently important, however, are indicated, either in the body of the translation or in footnotes. Additions from M to A are bracketed and italicised. Additions to A from M are enclosed within asterisks. The translator's amplifications are bracketed. Doubtful or unusual translations are followed by the corresponding Spanish printed in Italics and enclosed within parentheses. For the sake of convenience, the section headings, which are in the margin of A, are printed in the middle of the page.

Spanish proper names are consistently retained in the form given by A. Spanish words having no exact English equivalent are also retained. For the sake of clearness, abbreviations are usually written out in full. A is usually followed in the matter of writing out numbers, instead of using numerals, except in the case of dates including months.

It has been the translator's purpose to render the meaning of the Spanish with the utmost possible accuracy, and at the same time to secure good English. With this end in view it has been necessary to break the long, involved sentences of the text, and to omit words such as *y* [and] and *dicho* [said], where they add nothing to the sense.

The annotation is by no means complete. So great was the mass of material upon which Bonilla drew that a complete set of notes, giving reference to the documents he used, would be a work of immense proportions. It is hoped, however, that enough has been done in this line to throw some light upon the character and the value of the *Breve Compendio*.



A BRIEF COMPENDIUM OF THE EVENTS WHICH HAVE  
OCCURRED IN THE PROVINCE OF TEXAS  
FROM ITS CONQUEST, OR REDUCTION,  
TO THE PRESENT DATE.<sup>1</sup>

BY LIEUTENANT OF INFANTRY DON ANTONIO BONILLA.

MEXICO, NOVEMBER 10, 1772.

[*Compendium of all the events which have occurred in the Province of Texas from its conquest, or reduction, to the present date.*]<sup>2</sup>

*Compiled from royal cédulas and orders which I have seen in the Secretaria de Camara of this viceroyalty, and from the bulky volumes (quadernos) of reports<sup>3</sup> which are in the Government Office of Don Joseph Gorraez, which likewise I have examined freely.*

I.

[*Brief Description of the Province.*]

The Province of Texas, or Nuevas Filipinas, is worthy of the closest attention, equally because of its extensive, rich, and very fertile lands, and of the immense number of warlike nations of heathen Indians who infest it and who may work its ruin and desolation.

At the Medina River, where the government of Coaguila ends, that of Texas begins; it ends at the Presidio<sup>4</sup> of Nuestra Señora del Pilar de los Adaes. Its length from south to north is estimated

<sup>1</sup>*Breve Compendio de los sucesos ócurridos en la Provincia de Texas desde su conquista, ó reducion hasta la fecha. Por el Teniente de Infanteria dn. Antonio Bonilla. Mexico 10. de Noviembre de 1772.* Found in A on the title page; in M, in substantially the same form, on the first page, just before the text.

<sup>2</sup>*Compendio de todas las novedades ócurrids. en la Provincia de Texas desde su conquista, ó reducen. hasta el dia de la fha.* Found in A on p. 1, just before the text.

<sup>3</sup>*Autos*, in the sense of judicial decisions. When used with reference to a decree, or order, the word *auto* is retained in this translation.

<sup>4</sup>English fort, or post. The word *presidio* is retained when it refers to a Spanish fort, but is translated when it refers to a French fort.

as two hundred and forty leagues, and its width from east to west<sup>1</sup> as eighty. To the southeast it borders on the Seno Mexicano [Gulf of Mexico], and to the east-northeast on Luisiana.

All the country is level. It is crossed by twenty-seven rivers and very deep creeks (*arroyos*) which in their freshets and overflows form many small streams<sup>2</sup> and lakes.

The rivers abound in fish, and the forests in large and leafy trees, some bearing savory chestnuts,<sup>3</sup> nuts, persimmons,<sup>4</sup> and mulberries; and likewise in buffalo, deer, bears, rabbits, partridges, and other animals.

## II.

### [*Present State of Settlement of the Province.*]

This very spacious region contains the Presidio of San Antonio de Vexar, eight leagues<sup>5</sup> distant from the Medina River, and three hundred and seventy from this capital.<sup>5</sup> I has a garrison composed of a captain, a lieutenant, an *alférez*,<sup>6</sup> a sergeant, two corporals and thirty-nine soldiers.<sup>7</sup> Under its protection are the Villa

<sup>1</sup>"From the west to the Seno Mexicano [Gulf of Mexico]" (*Test.*, Sec. 22).

<sup>2</sup>*Esteros*, here used in reference to a stream produced by an overflow, and disappearing at its subsidence.

<sup>3</sup>A has at this point *estrañas*, M, *entrañas*, either of which is hard to fit into the connection. The *Testimonio* has *casttañas*. Bonilla had no first-hand knowledge of Texas, and was influenced by the *Testimonio*, as has already been remarked. *Casttañas*, therefore, is no doubt the true reading, incorrectly copied by the scribe.

<sup>4</sup>*Nisperos*. In Lopes and Bensley, *Nuevo Diccionario*, *nispero* is rendered medlar (*mespilus germanica*). In Spanish North America, it has the meaning given in the translation.

<sup>5</sup>The *Testimonio* (Sec. 19) speaks of this presidio as being six leagues within the province and seventy from San Juan Bautista. The estimates of the length and width are the same in the two documents.

<sup>6</sup>A cavalry officer, according to the *Diccionario Enciclopédico de la Lengua Castellana*, who, in the absence of the lieutenant or of the captain, takes command of the company. He formerly had the additional duty of a standard bearer.

<sup>7</sup>A captain and forty-three soldiers (*plazas*), (*Test.*, Sec. 19).

of San Fernando and five missions, namely (*tituladas*): San Antonio de Valero, La Purisima Concepcion, Señor San Josef, San Juan Capistrano, and San Francisco de la Espada.<sup>1</sup> Taking a southeasterly course one finds at forty leagues' distance from the said Presidio of Vexar that of Espiritu Santo, with the missions of Nuestra Señora del Rosario and San Bernardo.<sup>2</sup>

The Presidio of Orcoquisac used to be situated in the center of the province, and in its immediate neighborhood was the Mission of Nuestra Señora de la Luz.<sup>3</sup> Since it is at present abandoned, however, its garrison, composed of a captain, a lieutenant, a sergeant, and twenty-five soldiers, is to be found in San Antonio de Vexar.

At a distance of a little more than a hundred and twenty-six leagues from the above-named Mission of Nuestra Señora de la Luz are situated (*tienen su establecimiento*) those of Nacogdoches and los Ais.

The Presidio of Nuestra Señora del Pilar de los Adaes is the capital and most remote settlement of the province. It has adjoining it the mission of the same name. It is seven leagues distant from the Presidio of Nachitoches, which belongs to the government of Luisiana, twenty from the Mission of los Ais, forty-seven from that of Nacogdoches, one hundred and fifty from the Presidio of Orcoquisac, two hundred from that la Bahia, two hundred and forty from that of San Antonio de Vexar,<sup>4</sup> and six hundred from this capital. Its force consists of a captain,—the governor of the province holds that office,—a lieutenant, an *alférez*, a sergeant, six<sup>5</sup> corporals, and forty-one soldiers.

<sup>1</sup>The *Testimonio* (Sec. 19) states that there are five missions in the province, but does not give their names. It states further that they are ministered to by Franciscan religious of the colleges of Querétaro and Zacatecas.

<sup>2</sup>The *Testimonio* (Sec. 19) mentions one mission and presidio without giving their names.

<sup>3</sup>The *Testimonio* mentions neither presidio nor mission.

<sup>4</sup>The *Testimonio* (Sec. 22) puts los Adaes two hundred and forty-two leagues from San Antonio, six hundred from the City of Mexico, and seven from "San Juan Bauttistta de Nochitos."

<sup>5</sup>One (M).

At present, therefore, the the province contains four presidios, one villa, and eleven missions, and has assigned for its defense one hundred and sixty<sup>1</sup> effective troops, including nine officers, whose salary and stipend amount to eighty-eight thousand and ninety-six *pesos* a year.

### III.

#### [Circumstances which led to the Discovery and Reduction of the Province.]

In a letter of December 31, 1686, His Excellency the Viceroy, Conde de Monclova, gave to His Majesty, in connection with a statement that Frenchmen had established themselves on the Bay of Espiritu Santo, an account of having ordered the making of two pirogues, which were to go out of Vera Cruz, on the twenty-fifth day of the same [month], to make an investigation of this [matter]. This precautionary measure was approved in royal *cédula*<sup>2</sup> of April nineteenth of the following year, 1687.

The suspicions were not groundless, inasmuch as Roberto Cavalier de la Sala, a native of Ruan [Rouen], at the time (*siendo*) a citizen of Canada, had undertaken the discovery of the Misisipi River. When, in the year 1684, he took two Indian chiefs (*principales*) to Paris, and presented the map<sup>3</sup> and description of the said river to

<sup>1</sup>One hundred and seventy (M). In neither M nor A do the figures for the total of the *plazas efectivas* agree with that obtained by adding the separate lists, as will be seen from the following comparison:

	Officers.		Soldiers.		Total.	
	A	M	A	M	A	M
	27	21	148		176	169
Deducting the number at Orcoquisac as possibly duplicated in the San Antonio list,	24	18	123		147	141

<sup>2</sup>The *cédula real* is a decree issued by the king personally; the terms *decreto* [decree] or *orden* [order] have a somewhat broader application. The *cédula real* is headed "*El Rey*," is signed by the king personally, and by the secretary of the appropriate tribunal. The rubrics of several ministers are placed below the secretary's name.

<sup>3</sup>Bonilla probably refers here to the Franquelin map of 1684. Thomassy (*Cartographie de la Louisiane*, p. 2) speaks of this map as being intended to give expression to the geographical knowledge gained in La Salle's



the Most Christian King, the latter gave him the title of marques

voyage down the Mississippi in 1682, and to prepare for the next voyage he wished to make. The exploration of the Mississippi had proved to La Salle's satisfaction that its mouth was farther west than Mobile Bay, where he had thought it emptied. This was a very satisfactory result, because it proved that the country the French claimed was farther from the English country than he had thought, and also because it favored his schemes of Spanish conquest. These schemes constituted so large a part of his plan for the next voyage that he made as much as possible of his late discoveries. Accordingly, in this map, which Franquelin drew in Paris in 1684, no doubt in conjunction with La Salle, the lower course of the Mississippi is placed about as far west as the lower Rio Grande ought to be, while its southernmost western tributary, the Seignelay [Red River] is placed about where the upper course of the Rio Grande belongs.

Margry (*Découvertes et Etablissements des Français*, I xxxii) makes the supposition that the map which he gives in tome III is a copy from an original map of La Salle's. There was a piece torn from the lower part of the original of which this map is a facsimile, so the mouth of the Mississippi is not shown. Now Minet, an engineer, who was with La Salle's expedition, published a map in 1685, giving two drawings of the mouth of the Mississippi. One of these, placed very far west, purported to represent the position La Salle gave it in his map; the other, farther eastward, to give the draughtsman's own idea of the true position, as gained from personal observation of what he thought was the same river. Margry seems to think that the drawing on the piece torn out was probably La Salle's drawing of the river as represented on Minet's map. He does not make any surmise, however, as to who the draughtsman was.

The original of the Franquelin map of 1684, formerly in the Archives du Ministère de la Marine in Paris, is lost. Fortunately, however, a colored facsimile was made before it disappeared. Such a facsimile is found in volume LXIII of the *Jesuit Relations*. A comparison of this map with the facsimile given by Margry, has convinced me that the two represent the same map. The Margry copy, it should be noted, cuts off part of the original, both north and south; the colored facsimile extends through lat. 18° to 65° N., the sketch in Margry only through 19° to 61°. The title, too, has been changed in the copy. The Franquelin title is as follows: *Carte de la Louisiane ou des Voyages du Sr de la Salle les pays qu'il a decouverts depuis la Nouvelle France jusqu'au Golfe Mexique, les annees 1679, 80, 81, 82, par Jean Baptiste Louis Franquelin, l'an 1684. Paris.* The Margry title reads: *Carte de la Louisiane en l'Amerique Septentrionale, depuis la Nouvelle France jusqu'au Golfe de Mexique, ou sont descripts les Pays que le Sieur de La Salle a decouverts dans un grand continent compris depuis 50 degr. de l'elevation du Pole jusques a les annees 1679. 80. 81. 82.*

and a small box of *louis d'or*,<sup>1</sup> and ordered him to return to take possession of the river (*a su conquista*) with a ship of fifty guns (*cañones*), a large pink,<sup>2</sup> a sloop, and a tender (*patache*); with a troop of infantry, families to settle, seeds, goods for barter, and some Jesuit and Capuchin missionaries. He suffered the ill-fortune, however, of missing the entry into the Misisipi, and landed on our Bay of Espiritu Santo, properly [called Bay of] San Bernardo, which he named [Bay] of San Luis. Here, in the year 1685, he erected a fort of the same name. Leaving it garrisoned, he set out by land with twenty men in search of the Misisipi, went inland as far as the country of Texas,<sup>3</sup> and, in the year 1686, was murdered by an English sailor or soldier<sup>4</sup> whom he had in his company.

The designs of Sala could not be found out, despite the efforts<sup>5</sup>

<sup>1</sup>The whole expression—*un cofrecillo de Luices de oro*—is underscored in M because of a reference to it in the *Nota del Padre Colector*, which is appended to the document. A lacks the *Nota*, and has no underscoring.

<sup>2</sup>*Pingue*, a narrow-sterned vessel.

<sup>3</sup>*Provincia de Texas*. Bonilla here means the comparatively small district in the eastern part of what he elsewhere calls the *Provincia de Texas*.

<sup>4</sup>*Vn marinero, o soldado Yngles*. Following the punctuation of the Spanish text, the translation would be "a sailor, or English soldier." The punctuation, however, is so arbitrary as not to be depended upon to help the sense, so the translation given above is probably correct.

The *Testimonio* (Sec. 23) says merely that in the year 1687 La Salle was murdered by his own companions.

The authoritative account of La Salle's last expedition is the *Journal Historique* of Henri Joutel, a member of the expedition. In Joutel's story of the murder, Duhaut, a Frenchman, is stated to have been the assassin. Joutel gives 1687 as the date of the murder, thus confirming the *Testimonio* date.

<sup>5</sup>The *Testimonio* sums up these efforts of the government in the words: "When the various efforts of this government in regard to the designs of Roberto were brought to nothing."

The *Carta* of Father Manzanet (*Carta de Don Damian Manzanet á Don Carlos de Sigüenza sobre el Descubrimiento de la Bahía del Espiritu Santo*) does not mention the sea-expedition, but tells of two cavalry expeditions under Alonzo de León sent by Aguayo, governor of León, at the order of Viceroy Laguna (1685-6). These two expeditions were both fruitless. Following the Gulf shore from Tampico northward, they crossed the Rio Grande (*Rio Bravo*), but were turned back each time by a river

made by their Excellencies the Viceroy, the Marques de Laguna and the Conde de Monclova, until, in the year 1689,<sup>1</sup> a Frenchman<sup>2</sup> named Juan Henrique<sup>3</sup> was arrested near Coaguila.

## IV.

[*First Entrada into the Province of Texas, by Alonzo de Leon.*]

He made known the entry<sup>4</sup> of the French into the Bay of Espiritu Santo, and, by order of His Excellency the Conde de Monclova, Captain Alonzo de Leon, governor of Coaguila, went thither.

He began his expedition with a hundred men on the twenty-third<sup>5</sup> day of March of the said year 1689, taking with him the above-mentioned Frenchman Juan Henrique. On the twenty-second day of April they found the fort which they were seeking dismantled, the buildings sacked, and the Frenchmen dead. On the twenty-third, [Leon] examined the bay, where only small vessels could anchor, and on the twenty-sixth [he explored] the San Marcos River, which

which they called Rio Solo, before they had learned anything about the French settlement. A facsimile of the *Carta*, with a translation by Professor Lilia M. Casis, is found in THE QUARTERLY, II, No. 4. All references in my notes are to this translation.

<sup>1</sup>1688 (*Testimonio*, Sec. 23).

<sup>2</sup>The *Historia* does not mention Juan Henrique. Its version of the story is that news of the French settlement was given by some heathen Indians to Father Manzanet, who reported to Alonzo de León. The first Spanish *entrada* into Texas was the result.

Father Manzanet (*Carta*) also mentions the report of the Indians as to the French settlement. He reported to León, who in the course of his investigations brought "Juan Francisco So-and-So" to Coahuila from an Indian *rancheria* near by. Juan was a native "by his own account" of Cheblie, New France. The father describes him as "painted like the Indians, old and naked." "In his testimony," he concludes, "the said Frenchman always proved himself untruthful."

<sup>3</sup>Enrique (M).

<sup>4</sup>*Entrada*. When used with reference to a Spanish expedition, the word is retained in the translation.

<sup>5</sup>26th (*Carta*); 24th (*Derrotero que hizo el General Alonzo de Leon para el descubrimiento de la Bahia del Espiritu Santo, y Población de Franceses: Año de 1689, in Memorias de Nueva España, XXVII, fols. 1-16*).

has its outlet through the said bay. On the first of May,<sup>1</sup> the chief of the Texas presented himself, bringing in his company two Frenchman,<sup>2</sup> streaked with paint like the Indians. [The Frenchmen] brought news that more than a hundred of their companions had died of small-pox, and that the rest, surprised by the Indians, had miserably perished by stabs and blows. [*Alonzo de Leon treated the chief of the Texas kindly. The latter, very much pleased, offered to go with some of his nation to the Province of Coaguila.*]

## V.

[*Second Entrada, by Alonzo de Leon.*]

In the year 1690, the aforesaid Alonzo de Leon returned with a hundred and ten soldiers. He rescued two Frenchmen and one Frenchwoman.<sup>3</sup>

The feast of Corpus Christi was celebrated among the Texas on the twenty-fifth day of May, in the presence of the [*In-*

<sup>1</sup>May 2 (*Carta*). The *Derrotero*, in this and all other dates for this expedition, except the date of starting, agrees with the *Breve Compendio*.

<sup>2</sup>"They sought out for him two of the five Frenchmen who were staying among the Texas Indians. Returning to Coahuila [Leon] sent them to Mexico, giving valuable information about those regions and about the heathen Indians, with a view to their reduction." (*Test.*, Sec. 24).

The *Carta* gives their names as Juan Archebeque [Jean Archevêque] of Bayonne, and Santiago Grollette. It further states that the viceroy sent them to Spain the same year, 1689.

The *Derrotero* gives their names as Juan Larchieverque of Bayonne, and "Jacome, native of Rochela [Rochelle]."

<sup>3</sup>Ten Frenchmen and one Frenchwoman (M).

The *Historia* gives the names of three French boys, Pedro Talon, Muni, Roberto, and one girl, Magdalena Talon. The Indians who had possession of Magdalena Talon and Roberto gave them up only after being defeated in battle.

The *Carta* mentions the finding of four boys. Two he mentions by name—Pedro Muni, a Creole from Paris, apparently about twenty years old; and Pedro Talo, a Creole from New France, about eleven or twelve. Later, two others were found among some coast Indians, who readily agreed to give them up, in consideration of a gift of horses and clothing. After fulfilling their promises, however, the Indians grew suspicious of the Spaniards, and began a fight in which four Indians were killed and two wounded.



dian] chief and all his nation. When mass was over, the ceremony of raising the standard in the King's name was gone through with, possession was taken of the country, and the Mission of San Francisco de los Texas was founded.<sup>1</sup>

## VI.

[*Third Entrada, by Don Domingo Teran de los Rios.*]

Report was given to His Majesty of these *entradas*, and of Captain Alonzo de Leon's having disclosed the fertility and abundance of that province,<sup>2</sup> and the anxious desire with which the Texas Indians were beseeching that missionaries be sent to them, for their conversion to our Holy Faith. [The report] set forth (*manifestando*) that in pursuance of this purpose (*con este motivo*) extensive neighboring territories would be discovered and reduced to subjection. Finally, the King was informed of the pious tradition that the Texas Indians were some of the fortunate Indians whom the Venerable Sister Maria de Agreda used to visit and teach.<sup>3</sup> On

<sup>1</sup>The *Testimonio* adds the statement that some missionaries were in De León's party. As the license of the soldiers was likely to work disaffection among the Indians, only a small guard was left at the mission.

The *Carta* and the *Historia*, while more detailed, agree substantially with the *Breve Compendio* and the *Testimonio*.

<sup>2</sup>*Aquellas Provincias* (A).

<sup>3</sup>The *Testimonio* (Sec. 25) sums up the whole report in the words, "His Majesty being informed of the undertaking."

The *Historia* mentions Leon's report to the viceroy, and says that the viceroy was influenced by the "fine faces and splendid personal appearance" of three Indians whom León had sent to Mexico, and by the father's [Manzanet's] report toward holding "a *junta general* upon advice of the king, in which an expedition into Texas by land and sea was decided upon."

In the concluding paragraph of the *Carta*, Manzanet tells a story of being asked by the governor of the Tejas for a piece of blue baize to bury his mother in when she died. "I told him that cloth would be more suitable, and he answered that he did not want any color other than blue . . . , that they were very fond of that color, particularly for burial clothes, because in times past they had been visted by a very beautiful woman, who used to come down from the hills, dressed in blue garments . . . , that it had been before his time, but his mother, who was aged,



the twenty-seventh of May, 1690,<sup>1</sup> he issued his royal *cédula* which ordered that His Excellency the Conde de Galve should put this work of conversion (*estas conversiones*) into the charge of the religious of San Francisco, that some should go from the College of the Holy Cross of Queretaro, and that, in order not to burden the royal treasury, there should be discussed and sought out some ways of meeting the expenses.<sup>2</sup> In another royal *cédula* of the twelfth of November, 1692, His Majesty ordered that a new exploration be made, by sea and land.<sup>3</sup>

For the land expedition Don Domingo Teran de los Rios was commissioned, being appointed governor of Coaguila and Texas, with a salary of two thousand and five hundred *pesos* a year, and being given the proper instructions. He took in his company fifty soldiers, fourteen Franciscan religious—seven [of them] lay-brothers, [the rest] priests.<sup>4</sup>

had seen that woman, as had also the other old people. From this it is easily to be seen that they referred to the Madre Maria de Jesus de Agreda, who was very frequently in those regions, as she herself acknowledged to the Father Custodian of New Mexico, her last visit having been made in 1631. . . ." See also Rev. E. J. P. Schmitt's article in *THE QUARTERLY*, I 121-124.

<sup>1</sup>Besides this, the *Testimonio* (Sec. 25) mentions another royal *cédula* of September 20, 1690.

<sup>2</sup>The *Testimonio* sums up the contents of the *cédulas* of May 27th and September 20th in the words, "His Majesty ordered . . . that the pacification and reduction of that province be pressed, as [being] so important toward the safekeeping of the rest of these dominions."

<sup>3</sup>The *Testimonio* (Sec. 25) mentions the expedition of Terán just after speaking of the two *cédulas* (May 27th and September 20th), and then adds, "which was approved afterward in royal *cédula* of the thirtieth of December, 1692, ordering that the said conversions be continued with all efficacy."

<sup>4</sup>The enumeration, *catorce Religiosos Franciscanos Sacerdotes y siete legos*, may mean "fourteen Franciscan religious [who were] priests, and seven lay-brothers besides. The *Testimonio* makes the same enumeration as the *Breve Compendio*. Manzanet, however, in the *Diario que hicieron los Padres Misioneros que principia en 16 de Mayo, y y [sic] finaliza en 2 de Apto. de 1691* (*Memorias XXVII*, fols. 87-112), mentions by name nine Querétaran priests besides himself, three lay-brothers, and one boy,

On the sixteenth day of May, 1691,<sup>1</sup> Teran set out from the Presidio of Coaguila with his men and baggage, travelling in a northerly direction. On the fourth<sup>2</sup> of August following they arrived at the Mission of San Francisco de los Texas, which the first discoverer, Alonzo de Leon, had founded.

On the eighth of September,<sup>3</sup> they met the company (*gente*) of the captain of the sea-expedition, who had been on land since the twentieth<sup>4</sup> of July preceding, staying at the Bay of Espiritu Santo.

The ill-feeling (*disgustos*) and the disagreements which arose between the governor and the missionary fathers<sup>5</sup> rendered this expedition ineffectual. The lack of progress of the mission established by Captain Alonzo de Leon, and the severe season, which

thus confirming the total, but disagreeing in the division, given by the *Breve Compendio* and the *Testimonio*.

The *Testimonio* adds the statements that each soldier was to get four hundred pesos, and that the object of the expedition was to put three missions among the Texas, four among the Cadodachos, and one on the Guadalupe River.

The account of Terán's expedition given by Espinosa is confused. Talamantes recognizes the confusion, but does not clear it away, except in so far as he shows that there could have been only one expedition under Terán, while Espinosa gives two.

<sup>1</sup>June, 1691 (*Historia*, Sec. 8). The date given in the *Breve Compendio* is confirmed by the *Descripcion y diaria demarcacion executada por el General D. Domingo Teran, principiada en 16 de Mayo de 1691, y finalizada en 15 de Abl. de 1692. Memorias XXVII, fols. 23-74*. According to the *Diario*, the priests started on the same date, from the Mission of San Salvador, and were joined by Terán and the soliders on the 20th.

<sup>2</sup>4th (*Descripcion*) ; 2d (*Diario*, and *Historia*, Sec. 7).

<sup>3</sup>October 26 (*Historia*, Sec. 7).

<sup>4</sup>2d (*Descripcion*).

<sup>5</sup>The *Diario* mentions no disagreements. The *Descripcion*, under date of January 4, 1692, gives an account of Terán's asking the father commissary at the Mission of San Francisco for some horses to continue his journey, since his own were sadly diminished as a result of the severe season. The father refused, though the horses were of little or no use in the mission. Hints are given elsewhere in the document that the feeling between Terán and the religious in his party was not very cordial. The *Historia* makes no suggestion as to any disagreement.

brought very heavy snows and overflows of rivers,<sup>1</sup> threw the minds of all into consternation; and Governor Terán returned by sea to Vera Cruz from the Bay of Espiritu Santo, or San Bernardo, leaving in charge of [the mission] fifteen religious<sup>2</sup> and one corporal.<sup>3</sup>

The only thing accomplished by this *entrada* was the discovery that the Cadodachos<sup>4</sup> River was navigable; for, although the religious devoted themselves to founding the missions, these were of very short duration, because of the failure of crops, the death of stock, and the disaffection (*disgustos*) of the Indians, who stoutly held (*acerimos en seguir*) to their superstitions, believing that the water of baptism caused them to die.<sup>5</sup> To the foregoing [reasons] were added the [facts] that the soldiers caused them [the Indians] many vexations, and that, as a result of the whole [situation], threats had been made against the religious. Dreading death at the hands of the Indians, they left the country in the year 1693,<sup>6</sup> abandoning everything; and the diligent efforts (*dili-*

<sup>1</sup>The *Descripcion* gives a very vivid description of the suffering and the hardships Terán's party experienced on account of the terrible weather of the winter of 1691-'2.

<sup>2</sup>*Religiosos Misioneros* (M).

<sup>3</sup>The *Testimonio* omits all mention of the circumstances noted in this paragraph. The *Historia* (Sec. 9) gives the same enumeration of troops as does the *Breve Compendio*.

<sup>4</sup>Candadachos (*Test.*, Sec. 26). For an account of the soundings taken in this river, see the *Descripcion*, November 29—December 4.

<sup>5</sup>Possibly there was an epidemic of fever. The *Diario*, under date of June 18, and August 2, speaks of the great number of deaths among the Tejas Indians during the past year. Father Fortcuberta, too, had died, in February, 1691, of fever.

<sup>6</sup>"When the governor was gone, some soldiers were killed. There was disobedience, disorder, and libertinism among the soldiers, who disgusted the Indians by their conduct and excesses, and rendered the efforts of the missionaries useless." Discouraged at this state of things, fearing another French invasion, and despairing of aid from Mexico, the missionaries buried the bells and what could not be carried with them, and abandoned the country, in October, 1693 (*Hist.*, Sec. 10).

*gencias*] made up to that time with immense expense to the royal treasury, were frustrated.<sup>1</sup>

## VII.

[*Fourth Entrada, by Capt. Domingo Ramon.*]

Twenty-two years had passed without their thinking again about the conversion of the Texas,<sup>2</sup> when, in the year seventeen hundred and fifteen,<sup>3</sup> while His Excellency the Duque de Linares was governing this Nueva España, there came in from Luisiana to the Rio Grande del Norte Don Luis de San Denis and Don Medar Jalot with two<sup>4</sup> other Frenchmen. They brought a passport from their governor, Monsieur de la Mota Cadillac, and an order to buy horses,

"When account of this was given to this Superior Government, it was resolved in a *junta* of the eleventh of March of [one thousand] six hundred and ninety-four, that there should be a stoppage of measures connected with this pacification until time should offer better opportunity. Account of this was given to His Majesty in the said month of March" (*Test.*, Sec. 26).

<sup>2</sup>There was some thought in the course of these twenty-two years of re-entering Texas, but the matter stopped with thinking, so far as any results were concerned. The King issued *cédulas* in 1700 directing the viceroy, the bishop of Guadalaxara, and the governors of León and Coahuila, to help the missionaries of the College of Querétaro to establish missions in Texas. Four years later, with a view to facilitating missionary enterprise in Texas, he granted permission for the founding of the College of Missions of Zacatecas, on the same plan as the College of Querétaro.

Fray Hidalgo was very active in urging the missionary re-occupation of Texas. The father guardian of the College of Querétaro, while on a visit to the missions of the Rio Grande in 1709, in pursuance of an order of Viceroy Alburquerque, penetrated almost to the Texas country (*Hist.*, Secs. 11, 12).

<sup>3</sup>August, 1714 (*Test.*, Sec. 27). The *Declaration de D. Luis de San Denis, y D. Medar Naturales de Francia* (*Memorias*, XXVII, fols. 121-126) is dated Mexico, June 22, 1715. The *Testimonio*, therefore, may be correct, since Pénicaud (*Relation*, Margry, V 501) says that Saint-Denis was not sent to Mexico until the year following his arrival in Coahuila.

<sup>4</sup>Pénicaud (*Relation*, Margry, V 499) says that Saint-Denis brought twelve Frenchmen with him from the Natchitoches village.



cattle, and other stock from our Texas missions, which they believed to be in existence.<sup>1</sup>

San Denis stated (*declaró*) that he had been summoned by the aforesaid governor for that purpose; that having left Movila [Mobile] with twenty-four Canadian soldiers, he had sailed westward along the Misisipi River, forty leagues to the fort of San Juan, of which he was captain for the Most Christian King<sup>2</sup>; that from

"And when, by order of His Excellency the Viceroy, the Duque de Linares, they were taken to Mexico, San Denis showed them a patent from the governor of la Mobila dated in September of the year [seventeen hundred and] thirteen [ordering him] to go with twenty-four men to Texas and buy there cows, horses, and other stock for the Colony of Luiciana, under the impression that our missions were [still] kept up in Texas." (*Test.*, Sec. 27.)

In the passport (*Patente Luisiana y Septe. 12 de 1715, Memorias, XXVII, fol. 120*) Antonio de la Mota Cadillac, etc., gives permission to Señor de San Denis and the twenty-four Canadians with him to select as many savages as necessary to go to the Roxo [Red] River and to look for the Mission of Fray Francisco Hidalgo, recollect religious, "according to his letter written to us on the 17th of January, 1711, to buy cows, horses, and other stock for the Province of Luisiana."

Pénicaut (Margry, V 495) says that Cadillac's plan in sending Saint-Denis to Mexico was to see whether it were possible to establish trade relations between the French and the Spanish colonies.

<sup>2</sup>The *Declaracion* (fols. 121 and 122) divides Saint-Denis's voyage into stages, the first of which was from la Movila to San Juan, "forty leagues along the Misisipi River to the west;" the second, from San Juan to the mouth of the Roxo [Red] River, forty leagues along the Misisipi to the north; the third, along the Roxo to the Nachitoches village, eighty leagues to the west—in all, one hundred and sixty leagues by water. Again, describing the voyage more in detail, it says, "Setting out from Movila, then, in their canoes, they coasted along the shore westward to the mouth of the Misisipi, or Palizada, River, continuing their course to the said Fort of San Juan. . . . Coming to this fort, which has a garrison of twenty men, he went on with the men under his command to the north, forty leagues, still in his canoe on the Misisipi River, to the mouth of the River Roxo del Espiritu Santo, which empties into the great river. . . . From there, changing his course, he went in his canoe along the said Roxo River eighty leagues to the west."

It is evident that these estimates of the distance Saint-Denis traveled by water leave out of consideration the distance from Mobile to the mouth of the Mississippi, which by a rough estimate, not counting the ins and outs of the coast line, would have added at least forty-five leagues



there he had continued his course to the Roxo [Red] River, forty leagues farther to the north; that eighty leagues to the west he had disembarked among the Nachitoches, a nation that for fourteen years had been trading with the French.<sup>1</sup>

From this point he had followed on foot the route to the Texas, where he and his party were well received. When San Denis' intention of coming to our frontiers became known to the Indians, they charged him straitly to ask in their name that missionaries be sent to them, and among these the Padre Fray Francisco Hidalgo de la Cruz of Queretaro, and a Viscayan named Captain Urrutia, whom they had known since the establishment of the old, abandoned missions, [both of whom] were most acceptable to them.<sup>2</sup>

to the distance. The Fort of San Juan, therefore, would seem to have been on the Mississippi about where Saint John the Baptist, Louisiana, is situated today. Pénicaut, however, distinctly states that Saint-Denis was living at Biloxi at the time Cadillac gave him this commission. There is a confusion in the several contemporary accounts of the voyage from Mobile to the mouth of the Red River, which has not yet, to my knowledge, been satisfactorily explained away.

<sup>1</sup>The Nachitoches [Natchitoches] and the Cadodachos [Caddo] Indians had first become acquainted with the French about 1700, when Saint-Denis and Bienville, then in command of a fort on the Mississippi, eighteen leagues above its mouth, had made a voyage of exploration up the Red River. About 1708, some of the Natchitoches Indians had taken refuge with Saint-Denis at his fort, and had been placed by him with a tribe living on the shore of Lake Pontchartrain. (This fort, it may be stated in passing, was abandoned soon afterward. Saint-Denis then returned to Mobile, afterward to Biloxi, where Pénicaut says he was living when Cadillac called him to Mobile in 1713.) This detachment of the Natchitoches tribe returned with Saint Denis to their old home on the Red River in 1713, joining him at Biloxi, where he waited for them "some days" on his way from Mobile to the Mississippi.

<sup>2</sup>Mr. Clark, "Louis Juchereau de Saint-Denis and the Re-establishment of the Tejas Missions" (THE QUARTERLY, VI 1), remarks that in the course of the return of the missionaries and soldiers from Texas in 1693, Captain Urrutia with three other soldiers had deserted and had gone back to live with the Indians. He was among them seven years. "Fray Hidalgo also returned later to live among the Asinais [Texas], where he continued his missionary work for several years, contemporary with Captain Urrutia's stay." Both these Spaniards had thus greatly endeared themselves to the Indians.

Accompanied by twenty-five Texas with their aged chief, Bernardino<sup>1</sup> and three Frenchmen,<sup>1</sup> leaving the rest at that place,<sup>2</sup> San Denis set out in search of the Presidio of San Juan Bautista del Rio Grande.

On the banks of the San Marcos River, they met about two hundred Indians on the warpath (of course they must have been Apaches), enemies of the Texas; and, after waging a bloody combat, the latter were victorious. At once, however, they concluded a peace, or truce, twenty-one of those [Indians] who were accompanying San Denis returning from the said river. With the four remaining, and his three Frenchmen, he came at last to the Presidio of San Juan Bautista del Rio Grande, a year and nine months after his departure from Movila.<sup>3</sup>

Report was given to His Excellency the Viceroy of the entry of these foreigners. In consequence of his orders they were taken to Mexico, where they arrived in the month of June, in the year seventeen hundred and fifteen. Their reports and declarations being ratified, the fourth *entrada* into the Province of the Texas was decided upon, in *junta de guerra y hacienda*.<sup>4</sup>

The *alférez* Domingo Ramon was appointed head of this enterprise, with an annual salary of five hundred *pesos*. Don Luis de

<sup>1</sup>See note 4, p. 21.

<sup>2</sup>*Destino*, i. e., among the Texas.

<sup>3</sup>The *Testimonio* (Sec. 27) gives a much briefer report of Saint-Denis' statement. "San Denis stated that they had come in a pirogue from Mobila to Nachittos, where they had disembarked; that when they arrived among the Texas and did not find the Spanish there, the French soldiers returned, only four staying among the Texas; and that with the three he had passed on to the said Presidio del Rio Grande. He stated, moreover, that the Texas Indians desired that the Spanish missionaries should return."

The *Historia* (Sec. 13) gives an even briefer account, merely stating that in 1715 two Frenchmen set out from Mobila and came to the Presidio of San Juan Bautista asking for stock and provisions.

<sup>4</sup>I. e., a meeting of governmental officers called by the viceroy to decide upon the best course of action for the government to take under the circumstances. The date of this *junta*, according to the *Testimonio* (Sec. 28), was August 22, 1715.

San Denis was given the title of *conductor de viveres*<sup>1</sup> with an equal salary (*assignacion*). Four hundred *pesos* were assigned to each of the twenty-five soldiers. This small body (*numero*) of troops, with their commandant and *conductor*, five missionary religious from the College of the Holy Cross of Queretaro, four from the [College] of Zacatecas, and three lay-brothers,<sup>2</sup> set out from the Presidio of San Juan Bautista del Rio Grande del Norte on the twenty-fourth<sup>3</sup> day of April in the year seventeen hundred and sixteen. On the eighteenth of June following they came to the river which they named Corpus Christi, not very far from the village (*poblacion*) of the Texas.

There they were received by the Indians with unspeakable kindness and special demonstrations of good faith (*sincero animo*). Accompanied by these and by other new friends who had joined them from time to time, they continued their march.

The *conductor*, Don Luis de San Denis, had gone ahead to let the chief of the Texas know about the entrance (*entrada*) of the Spanish into his territory. He accomplished the mission very quickly. Having sent a son of the leader, Domingo Ramon, to carry back news

<sup>1</sup>The nearest English equivalent is commissary. Saint-Denis, however, was more than a mere commissary. He was really in charge of the expedition, though Ramón was the official head.

The *Derrotero para los Misiones de los Presidios Ynternos* (*Memorias*, XXVII, fols. 135-159) calls him *cabo comboyador*.

<sup>2</sup>"Some missionaries and all else necessary to re-establish the missions in Texas" (*Test.*, Sec. 28). In the other enumerations, the *Testimonio* agrees with the *Breve Compendio*.

The *Historia* (Sec. 13) mentions by name five religious from Querétaro, and states that their number was increased by other religious who joined them at San Juan Bautista.

The *Derrotero* names nine religious, without distinction of college.

The permission to establish the Apostolic College of Zacatecas, it will be remembered, was granted by the King of Spain in 1704. See note 2, page 21.

<sup>3</sup>25th and 26th (*Historia*, Sec. 14). According to the *Derrotero*, Ramón came on the 18th to the vicinity of the Presidio of San Juan on his march from Saltillo. He stayed in camp near the presidio the next day. On the 20th, he marched two leagues east, taking the stock across the Rio Grande. There, Ramon says, he was delayed four days. He states, however, that he began his march from the Rio Grande on the 27th.

of this, he presented himself [in camp] on the twenty-sixth day of June, with five captains, and twenty-nine Indians.<sup>1</sup>

These came on horseback, some armed with French guns; they followed San Denis in single file; as soon, however, as they came to the camp of the Spaniards, they dismounted, leaving their horses to other Indians, [who were] on foot (*peones*). Still in single file (*baxo del mismo orden*), they approached our men, who were waiting for them drawn up in two lines, between which were (*cuyo centro ocupaban*) Captain Domingo Ramon and the missionary religious.<sup>2</sup>

All in turn embraced one another, with especial marks of love and friendship. After a salute of musketry, they betook themselves to a hut [*covered*] with leafy boughs, which the Spaniards had prepared for their reception. There, when all were seated according to their rank, the Indians gave the sign of peace, using the [accustomed] ceremony. Their chief commander (*capitan comandante*) took out a pipe, much adorned with white feathers, filled it with tobacco, and, lighting it, smoked it first, and obliged everybody to do the same. All responded with like demonstrations on their part.<sup>3</sup>

<sup>1</sup>According to the *Derrotero*, Ramón's son came with one Indian on the 26th; Saint-Denis, with more than twenty-five Indians, most of them captains, on the 27th. The *Historia* (Sec. 14) says that on June 27th they met thirty-four Texas Indians, five of them captains.

<sup>2</sup>The *Derrotero* (*Memorias*, XXVII, fol. 154) describes the Spanish formation somewhat differently. "I ordered my soldiers to form in line to receive them, and I went forward accompanied by all the religious, with a Holy Christ and Our Lady of Guadalupe as standards." This does not necessarily contradict the *Breve Compendio*, however, but may only carry the description further.

<sup>3</sup>The *Derrotero* (fol. 155) gives a more detailed description of the peace-pipe ceremony. "They fetched a large pipe, which they use only for the peace [ceremony], took out some of their tobacco, of which they have much, filled the bowl (*chacuaco*), and put fire in the middle. The captains smoked first, in this fashion: they blew the first puff toward the sky, the second to the east, the third to the west, the fourth to the north, the fifth to the south, and the sixth toward the earth, which are the signs of true peace. The bowl is decorated with many white feathers. The stem, which is about a yard (*mas de una vara*) long, [also] has white feathers, from one end to the other. They gave it to me, to smoke in the same way, making the same demonstration of peace. In turn they gave it



This act was finished with a serious harangue delivered by the Indian [chief in which] according to the interpretation of San Denis, who understood perfectly the language and vernacular of that nation, he manifested his pleasure that the Spanish were settling his country. Afterward various chiefs and families of Indians joined the party, and all with demonstrations of rejoicing submitted themselves to the dominions of our King and Lord and became his vassals.

Captain Ramon distributed lavishly among the Indians the presents which he was bringing for them. He appointed as captain-general of those nations a son of the chief [*of the Texas*]; he appointed also the alcaldes and fiscals of each village. Finally, there were founded the four missions of San Francisco, la Purisima Concepcion, San Josef, and Nuestra Señora de Guadalupe, where more than five thousand persons of the same vernacular were congregated. The most remote of these missions was situated seven leagues from Nachitoches. As early as the year 1716, the French erected (*havian erigido*) there a post of the same name, and established themselves among the Cadodaches.<sup>1</sup>

to every body, including the women. The captains took tobacco out their pouches and made a heap in their midst, and filled the pipe from that. I did the same, giving them some of my tobacco."

<sup>1</sup>The *Testimonio* (Sec. 28) says: "The missions in Texas were really re-established and others were newly founded among the Adaes, seven leagues this side of Nachitoches. Ramon went thither and saw the fort which the French had on a little island of the Colorado or Roxo [Red] River with thirty men. They were expecting fifty more for that point and for the Candadachos. Among the Texas were found blue cotton cloth, muskets, beads, and other goods, which the Indians had got from the French; and it is a well-known fact (*se supo*) that the latter, after the year 1716, were already settled among the Candadochos and the Nochittoos."

The *Historia* (Sec. 15) says: "Then four missions were founded, and the religious distributed among them. The first mission was that of San Francisco with the same persons who had founded it in [16] 90. Twenty leagues farther on in the Asinais nation Concepcion Mission was founded. Fray Ysidro Espinosa took charge of it on the 7th of the same month. Ten leagues farther on, among the Nacogdoches nation, a place was selected for the mission of Nuestra Señora de Guadalupe. This belonged to the Zacatecan fathers, who took possession on the 9th. On the 10th, among a portion of the Nasones nations, ten leagues to the north of Con-



## VIII.

[*Fifth Entrada, by the Sergeant-Major of Militia, Don Martin de Alarcon.*]

The conversion of the heathen of the North would have been completely accomplished had not Don Luis de San Denis fallen into misfortune. This man, worthy of eternal remembrance, facilitated the *entrada* of the Spanish into Texas; his kindly manner rendered the Indians docile, and he gave the most consistent proofs of his fidelity.

He had married a niece of the Commandant Domingo Ramon,

ception, the fourth mission, called San José, was founded." The *Historia* further states (Secs. 17-22) that in 1717 Father Margil came to Texas and founded the Mission of Nuestra Señora de los Dolores among the Ais, and the Mission of San Miguel, in the Adaes country, fifty leagues east of los Dolores, both under the charge of Zacatecan religious. San Miguel is spoken of as being only ten leagues from the French fort at Natchitoches—"nearer the French than any of the other Spanish settlements." In 1718, Father Fray Antonio de Buenaventura y Olivares, in pursuance of the viceroy's orders, removed "the Xomanes Indians and everything belonging to the Mission of San Francisco Solano," on the Rio Grande, to the San Antonio River, where he founded the Mission of San Antonio de Valero.

According to *Pénicaud* (*Relation* in Margry, V 499) Saint-Denis built two houses on an island between two forks of the Red River, and left twelve soldiers in charge of his goods, while he went on to the Texas country. When he returned to Mobile [August 25, 1716 (Margry, VI 146)], Cadillac determined, in view of his report, to establish a post among the Natchitoches, to prevent the Spanish from encroaching upon French territory. Accordingly, twenty-five soldiers, a sergeant, and M. de Tissenet, their commander, were sent with three canoes of goods and supplies to establish a fort (Margry, V 535-537). These were the troops whom Ramón found there, according to the *Testimonio* account. Pénicaud mentions a visit of four Franciscans (Cordeliers), who had been sent by the Spanish captain with six cavalrymen to say mass among the Natchitoches, and who informed Tissenet that sixty cavalrymen and a captain had come to the Asinais [Texas]. Tissenet treated the religious kindly, gave them presents, and invited them to come back to say mass. He wrote to Cadillac of the Spanish arrival, and was reinforced by twenty-five men and a sergeant, with four canoes of provisions. Saint-Denis was made commander of this fort in 1721 (Margry, VI 224). His commission calls it "the fort of the Nassitos;" later documents usually refer to it as Saint-Jean, or Saint-Jean Bautiste aux Nachitoches.

and, with a view to becoming a citizen in the Spanish dominions, he went to Mobila to get his goods, which he transported in fourteen packs.

Accusation was made against this unfortunate man that he had brought in through the Rio de Nachitoches, or Colorado,<sup>1</sup> four frigates laden with contraband goods. It was charged against him that he held familiar intercourse with the Indians,<sup>2</sup> that they loved him dearly, and that he knew their vernacular.

These calumnies found support in the information given by the Governor of Pensacola, Don Gregorio Salinas, that some Frenchmen<sup>3</sup> had come to his presidio, with much stock, publishing [the fact] that they had penetrated to Coaguila. As a result of all this, His Excellency the Viceroy, the Marques de Valero, who had just taken charge of Nueva España, ordered San Denis brought a prisoner to this capital; but after a searching inquiry [*into his proceedings*], they found only the above-mentioned fourteen bales.

Report of this occurrence was made to the King, and in a royal *cédula* of the thirtieth of January, seventeen hundred and nineteen, his Majesty ordered, in the case of San Denis, that his goods be returned to him, and that he be compelled to establish himself with his wife in Guatemala; in the case of his uncle Ramon, that he be removed from the Presidio of San Juan Bautista [*del Rio Grande*], and be given another place (*destino*) far away from possibility of communication with the French; the latter, however, died a natural death in the said Presidio of San Juan Bautista \**del Rio Grande*\* in the year seventeen hundred and twenty-four; and after all we shall see Mr. de San Denis commandant of the Post of Nachitoches in the year seventeen hundred and nineteen.<sup>4</sup>

<sup>1</sup>Red River.

<sup>2</sup>"Among whom he had been for periods of time, some of four months" (*Test.*, Sec. 29).

<sup>3</sup>"That the Frenchman who had left Mobila in the year seventeen hundred and thirteen had returned thither with much stock, publishing that they had penetrated to Coahuila" (*Test.*, Sec. 29).

<sup>4</sup>As has been stated, the true date is 1721. The Rev. Edmond J. P. Schmitt (*THE QUARTERLY*, I 206) cites a letter of Saint-Denis', written in 1735, reprinted in Margry, VI 238. The *Testimonio* (Sec. 31), whose

The missionaries kept anxiously begging for San Denis, with a view to the subjection of the Indians, and clamoring for a reinforcement of people helpful in promoting their stability.<sup>1</sup> But His Excellency the Marques de Valero gave the appointment of governor of Coaguila and Texas to Don Martin de Alarcon of the order of Santiago,<sup>2</sup> with a salary of two thousand and five hundred *pesos* a year.

He had been, at the beginning of the century, an *aventurero*<sup>3</sup> in the royal navy (*armada*), a distinguished soldier in Oran; captain of [*a company of*] infantry in the kingdom of Valencia, with a title granted by the Conde de Cifuentes; *alcalde mayor* of the Villa of Tacoma y Zamora, by appointment of the viceroy, Conde de Galve; and last, sergeant-major (*sargento mayor*) of the militia of Guadalajara.

This new governor was under orders to carry fifty married soldiers, three master-carpenters, a blacksmith, and a stone-mason,<sup>4</sup> to teach the Indians and put the settlement on a firm basis, each one, like the soldiers, drawing a yearly salary of four hundred *pesos*. These measures were approved in royal *cédula* of the 11th of June, 1718.

A year's salary was advanced to Alarcon, and at the beginning of [17] 18 he entered the Province of Texas. But, although he founded the Presidio of San Antonio de Vexar, the missionary fathers

date, it will be remembered, is 1744, speaks of him as being at that time in command at Natchitoches, thus—"Don Luis de San Denis, who was (and is today) commandant of the said French Post of San Juan Bautista de Nochittoos."

<sup>1</sup>*Gente util para su sustencia*. The idea is probably "helpful toward developing in them steady habits and settled mode of living"; *sustencia*, however, may mean subsistence.

<sup>2</sup>*Caballero del orden de Santiago* (*Test.*, Sec. 30).

<sup>3</sup>There seems to be no exact English equivalent for this word; the nearest, perhaps, is the expression "soldier of fortune."

<sup>4</sup>"That he go with fifty soldiers, master-carpenters, -stone-masons, and -blacksmiths, stock, and everything else needful to settle in the said Province of Texas" (*Test.*, Sec. 30).

According to the *Historia* (Secs. 19-21), the plans of the government included settlements along the San Antonio and the Guadalupe, and also in the intervening country.

at once made complaint that he had not brought the master mechanics, or filled out the number of the [fifty] soldiers, and [that] those [he did bring were] idle fellows, and very hurtful, on account of belonging, for the greater part, to the most corrupt and worthless classes in all Nueva España; and, finally, that his irregular measures endangered success in the reduction of the heathen.<sup>1</sup>

Alarcon asked at the same time for an increase of troops and other auxiliaries.<sup>2</sup> On being refused everything, he tendered his resignation of the governorship, which was accepted. In a royal *cédula* of the 31st of October, 1719, however, orders were given that he be thanked for his zeal and painstaking.

## IX.

[*Sixth Entrada, by Marques de San Miguel de Aguayo.*]

War having broken out between Spain and France during the regency of the Duque de Orleans, the French invaded the Presidio of Panzacola, on the 19th of May, 1719; and on the same day in the month of June following Don Luis de San Denis took the opportunity to relieve his outraged feelings, by attacking, with the aid of the Indians of the North,<sup>3</sup> the missions of los Adaes and Texas and compelling their inhabitants to retreat post-haste to the Presidio of San Antonio de Vexar.<sup>4</sup>

<sup>1</sup>Alarcon was so negligent, according to the *Historia* (Sec. 22), that the only thing he accomplished was to bring a company of soldiers with their families to the banks of the San Antonio River, where the Mission of San Antonio de Valero had already been founded. The missionaries had incurred great danger and many hardships since the founding of the missions, so they sent a delegation to give the viceroy information of the unfortunate state of affairs in Texas. The report of these religious emphasized the danger of French encroachment, especially since the French had put a stronghold among the Cadodachos, and were so continually trading with the Indians.

<sup>2</sup>"Alarcon asked for money, supplies, and a hundred and fifty other soldiers" (*Test.*, Sec. 30).

<sup>3</sup>Cf. *Test.*, Sec. 31. No mention is there made of Indian aid.

<sup>4</sup>According to the *Historia* (Sec. 24), the presidio and the missions at los Adaes were sacked by the French from Natchitoches. The religious who escaped carried the news to the other missions near by. The sol-



He would have succeeded in dislodging our Spaniards from all the province, had not His Excellency the Viceroy, Marques de Valero, accepted the worthy and laudable proposition which the Marques de San Miguel de Aguayo made him, in offering his fortune and his person to carry on the war against the French.

With the appointment of the governor and captain-general of las Nuevas Filipinas and Nueva Estremadura,<sup>1</sup> approved by His Majesty in Royal *cédula* of the 6th of May, 1721, the aforesaid Marques de San Miguel de Aguayo started on his march to Texas in the year 1719,<sup>2</sup> with five hundred dragoons which he had levied at his own cost, and two companies of cavalry,<sup>3</sup> paying all expenses<sup>4</sup>

diers, terrified by a rumor that the French from Pensacola were about to invade the country, overruled "the determination of the missionaries," and all retreated to San Antonio.

<sup>1</sup>The *Testimonio* (Sec. 31) entitles him merely "governor of that province [Texas] and Coahuila. The *Diario del Viaje del Marqués de San Miguel de Aguayo Escrito por el B. D. Juan Antonio de la Peña, Capelán Mayor del Batallón, de San Miguel de Aragón* (*Memorias*, XXVIII, fols. 1-61) also omits the term captain-general from the title. The names Coahuila and Nueva Estremadura were at that time used interchangeably.

<sup>2</sup>Aguayo received his commission in 1719, levied and equipped eighty-four men in Saltillo, and then went to Coahuila, where he continued his preparation for the expedition. Owing to various delays, he did not actually begin the march into Texas until the latter part of 1720 (*Diario del Viaje*, fols. 2-6).

<sup>3</sup>As to the number of troops, and their organization, the *Breve Compendio* is not supported by the *Testimonio* or by the *Diario del Viaje*. The *Testimonio* (Sec. 31) says he had five hundred mounted troops, divided into eight companies; the *Diario del Viaje*, as has already been stated, mentions five hundred and eighty-four in all. On folio 3 of the *Diario del Viaje*, the statement is made that Aguayo formed a battalion of mounted infantry, forming the five hundred men into eight companies. On folio 4, mention is made of "the artillery, and all the companies."

<sup>4</sup>Part of the expense, as a matter of fact, was borne by the government. The *Diario del Viaje* (fol. 2) says that in equipping the eighty-four troops from Saltillo he furnished 9,000 pesos in addition to the 12,000 pesos which the "viceroy had put at his disposal for that purpose." After arriving at Coahuila, he informed the viceroy of the exposed condition of the country, whereupon His Excellency ordered a recruit of five hundred men, and put at Aguayo's disposal 450 pesos—a year's salary—for each soldier, and 25,000 pesos besides.



occasioned by this expedition. He came without opposition to the Adaes country, as the French had retreated to their posts of Candoachos and Nachitoches, and the general convocation of the Indians which San Denis had assembled, had disappeared.<sup>1</sup>

The King, being notified that this expedition had been prepared, ordered in the above-cited royal *cédula* of the sixth of May, 1721, that when the Province of Texas was once recovered, steps should be taken to fortify it, and that war should not be waged against the French.<sup>2</sup> Accordingly, all acts of hostility were suspended.

<sup>1</sup>Before Aguayo had left the Rio Grande a dispatch came from San Antonio de Bexar telling of a report brought by some Samas Indians that Saint-Denis and other Frenchmen were holding a convocation of many Indian tribes, about thirty leagues from the presidio. Aguayo thereupon sent a detachment to protect San Antonio from possible attack. A scouting party sent out soon after the detachment reached San Antonio brought no more definite information than that they had reached the forks of the Brazos, but had been unable to cross; that they had seen smoke on the other side of the river, from which they had inferred that the convocation was being held between the branches of the river, as had been reported by the Indians.

Aguayo afterward got information from an Indian that Saint-Denis had held this convocation with a view to getting possession of Espiritu Santo Bay, and afterward attacking San Antonio de Bexar (*Diario del Viaje*, in *Mem.* XXVIII, fols. 6, 7, 40).

Saint-Denis, at his own suggestion, came to see Aguayo after his arrival in Eastern Texas (July 31). The two commanders held an amicable conference (August 1), agreeing that in view of the truce lately effected between Spain and France, Saint-Denis with his men should retire to Natchitoches and leave the Spanish in undisputed possession of the whole province as far as the Adaes country (*Diario del Viaje*, 35 *vuelta*, 37).

On the first of September, however, a letter came to Aguayo from Rerenor, commandant at Natchitoches, informing him that Saint-Denis had gone to Mobile immediately after returning from the conference with Aguayo, to report to the governor of Louisiana. The letter further stated that Rerenor had no orders to allow the Spaniards to stay at los Adaes, and that Aguayo must therefore suspend operations pending the governor's decision. Aguayo replied, however, that he intended to hold to his purpose of re-establishing the mission and placing a presidio in that region. Thereupon Rerenor made no further protest, and the Spanish were allowed to go on with their work unmolested (*Ibid.*, 47 *vuelta*, 48).

<sup>22</sup>His Majesty, being notified that this expedition had been prepared, ordered in royal *cédula* of the sixth of May, seventeen hundred and twenty-

The Marquez de Aguayo re-established the old missions, founded the rest which are now in existence, and the presidios of Nuestra Señora del Pilar de los Adaes, Loreto, or Bahia del Espiritu Santo, on the same site where Roberto Cavalier de la Sala had put his fort, and that of los Dolores, which today is the site of the abandoned Orcoquisac; he found a better site for San Antonio de Vexar, locating it between the rivers San Antonio and San Pedro; and finally, left the province garrisoned with two hundred and seventy-eight soldiers,<sup>1</sup> a hundred at los Adaes, ninety at la Bahia, twenty-five at los Dolores, and fifty-three at San Antonio, taking eighteen<sup>2</sup> months for the expedition.<sup>3</sup>

one, that war should not be waged against the French, and that when the Province of Texas was once recovered it should be fortified, and especially Espiritu Santo Bay, with such presidios as [should be found] expedient" (*Test.*, Sec. 32).

On the 18th of November, 1721 (*Diario del Viaje*, fol. 52), Aguayo received a dispatch from the viceroy, informing him of this royal *cédula*, in which the King expressed his approbation of the arrangements made for this *entrada*, "ordering anew that war should be not waged against the French, in recovering this province, . . . ordering also that this province should be fortified with such presidios, on such sites, as should appear expedient, especially at the Bay of Espiritu Santo (which had already been occupied for a year by forty soldiers). The viceroy ordered that the governor should add fifty soldiers to this garrison, selecting the best of those under his command."

<sup>1</sup>A mistake. The number was 268. See below, page 37. The *Testimonio* also gives 268.

<sup>2</sup>Twenty-six (*Diario del Viaje*, 60). The *Breve Compendio* counts from November 15, 1720, when Aguayo started the battalion to Texas; the *Diario del Viaje* probably counts from April 1, 1720, when the five hundred recruits began their march to Coahuila. The expedition formally closed May 31, 1722.

<sup>3</sup>The *Testimonio* (Secs. 32-33) reads: "The Marques re-established the three missions of los Adaes, and erected there the above named Presidio of Nuestra Señora del Pilar, seven leagues this side of the [Post] of Nachittoos, and on the same road. He located another presidio, and restored three other missions in the region properly called Texas,—the name clings to all the province —; it is about in its center, a hundred and seventy-two leagues beyond San Antonio, seventy leagues this side of the French [Post] of Nachittoos, and thirty from the [Post] of Candadachos, which likewise belongs to the French.

"He established another presidio with the name of Nuestra Señora de

## X.

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[Measures considered for settling the Province.]

When the province was reduced to peace, re-established, and augmented, the Marques de San Miguel de Aguayo requested the sending of two hundred Tlascalcan families, and the same number from Galicia or from the Canaries. His Majesty, however, ordered that the [whole] four hundred should come as volunteers from those

Loreto on the said Bahia del Espiritu Santo, or San Bernardo, and on the same site where the French introduced by the said Roberto Cavalier de la Sala had had theirs. The Marques added another mission under the protection of the said presidio, which has already been referred to as having been afterward moved inland to thirty leagues from the [Presidio] of San Antonio de Vejar; and today, for fear of the Apaches, one descends thither to go to los Adaes. He improved the site of San Antonio, placing it between the San Antonio and San Pedro Rivers, with its two missions, to which were afterward added [three others] from the Texas region. He left in the said four presidios two hundred and sixty-eight soldiers, a hundred in los Adaes, twenty-five in Texas, ninety in la Bahia, and fifty-three in San Antonio de Bexar. He occupied in all the above-mentioned (not counting the preparations) from November, seventeen hundred and twenty, to May, seventeen hundred and twenty-two."

The *Diario del Viaje*, fols. 38-50, gives account of the founding of seven missions, in addition to San José y San Miguel de Aguayo, a mission three leagues from San Antonio, which Aguayo had had founded before leaving Coahuila. The names given to these missions are: "San Francisco de los Nechas, commonly, de los Tejas," (with a pueblo, San Francisco de Valero), Nuestra Señora de la Concepcion, Santissimo Joseph de los Nazones, Nuestra Señora de Guadalupe de los Nacogdoches, Nuestra Señora de los Dolores de los Adais, San Miguel de los Adais, and the Mission of Espiritu Santo de Zuniga (near the Presidio of Bahia del Espiritu Santo. Besides these, whose founding is distinctly described, there are two other names mentioned further on in the narrative, whose reference is not made quite clear. These are the missions of Nuestra Señora del Pilar, and Nuestra Señora de la Assumpcion. On fol. 60, the statement is made that Aguayo founded nine missions anew, in addition to San Antonio de Valero. The presidios whose founding is described are: the Presidio of Texas, with a garrison of twenty-five soldiers, a presidio [los Adaes] seven leagues from Natchitoches, with a garrison of one hundred men; and the Presidio of Bahia del Espiritu Santo, presumably with a garrison of ninety men. (Forty were sent from the Rio Grande in 1720; the viceroy, in 1721, ordered fifty more sent. No statement is made, however, as to whether the order was carried out). This docu-

islands, and ordered in royal *cédulas* of the 10th of May, 1723,<sup>1</sup> and the 14th of February, [17] 29, that they should be promptly helped on their way, so that they should be given no reason for turning aside from their destination. The outcome of this measure will be given in its place.<sup>2</sup>

## XI.

*[The Government of San Fernando Perez de Almazan.]*

When the Marquez de San Miguel de Aguayo retired from the Province of Texas, his lieutenant general, Don Fernando Peres de Almazan, stayed as governor. In the time of the former the attacks (*insultos*) of the common and the most perfidious enemy of the Internal Provinces, the Apache tribe, had begun to be experienced, [and] afterward they were so often repeated and so cruel that they compelled the governor [Almazan] to ask for permission to wage a vigorous war against the tribe if they did not consummate the peace which they had promised.

This representation was not favorably received by the Superior

ment also mentions Aguayo's fortifying San Antonio de Bexar in a new site, between the San Antonio and the San Pedro rivers (folio 54).

The *Historia* (Secs. 25-27) says that Father Espinosa went to see the viceroy, and got him to issue an order that the province should be settled with families of married men, in place of the soldiers who had previously been carried out. These men were to draw the salaries of soldiers for two years; their wives, and their children over fifteen, should draw half-pay. Some were to be skilled mechanics and artisans, who were to help build the settlement and teach the young people. On their arrival in Texas, the settlers were to be given lands, which they could dispose of for the benefit of their children and heirs. "In response, some poor families volunteered, but as they were so far away from the place where the orders were to be carried out, recruits were gathered in various cities. People were forced to go, and among the number were many people taken from prison." Only six missions are mentioned as being restored by Aguayo: San Francisco, Concepcion, San José, Nuestra Señora de Guadalupe, Ays, and Adays. The building of one presidio, among the Adays, is mentioned. This expedition, the author says, was not favorable to the missions, because Aguayo did not leave oxen and other stock for them, or provisions and tools for cultivating the land.

<sup>1</sup>1733 (M).

<sup>2</sup>See below, pages 40-41.



Government. There had not been time for them to find out the character of that perfidious nation; they believed that those [Indians] who were professing friendship in Nuevo Mexico and Coaguila would maintain it in Texas. But since the remote distances at which these territories are situated, have (as might be expected) always made [the authorities] cautious in their decisions, the procedure in this instance was left to the judgment of the Governor, though not with such unlimited authority that he was left free from responsibility as to the results.

Information was received that the Apaches were trading with the French in Nachitoches, and that the latter were giving them arms, offensive and defensive. While these Indians were soliciting peace, their enemies, those of the North, were doing likewise. At last peace was consummated with the former, after the latter had murdered Captain Diego Ramon in his own presidio of la Bahia del Espiritu Santo—although, to be sure, the negligence, laziness, harshness, and cruel dealing of this officer occasioned his unfortunate death.

## XII.

[*Government of Don Melchor de Media Villa y Ascona; the Revista made by Brigadier Don Pedro de Riviera.*]

Governor Don Fernando Perez de Almazan was succeeded by Don Melchor de Media Villa y Ascona. In the month of September, 1727, the Brigadier Don Pedro de Rivera began the *revistas*<sup>1</sup> of the presidios of Texas.

He reduced the garrison of los Adaes to sixty<sup>2</sup> troops, that of la Bahia del Espiritu Santo to forty, and that of San Antonio de Vexar to forty-three; and he suppressed (*reformando*) that of Nuestra Señora de los Dolores; so that the strength of these companies,<sup>3</sup> which had consisted of two hundred and sixty-eight<sup>4</sup> men, re-

<sup>1</sup>The *revista* was more than a simple inspection, in that the officer making it exercised a certain amount of executive authority, making such changes in local affairs as he saw fit.

<sup>2</sup>Seventy (*Historia*, Sec. 28).

<sup>3</sup>In the whole province. Cf. Sec. 9, last sentence.

<sup>4</sup>M has two hundred and seventy-eight.



mained, as a result of this *revista*, one hundred and forty-three. Even this number of troops seemed to him too large, for he states in his plan that the soldiers would live in tranquillity, without being discommoded by the hardships of the service.<sup>1</sup>

To each captain he left a short ordinance or instruction for the government of his presidio; he corrected some abuses, among them the oppressive practice of furnishing to the soldiers the goods and effects which they needed, at exorbitant prices.

He found the Mission of San Miguel de los Adaes without a single Indian; that of Nuestra Señora de los [*Dolores de los*] Ais with only one small *rancheria*,<sup>2</sup> and not a single Christian; that of Nuestra Señora de Guadalupe de Nacodoches with many Indians, all heathen, though of good disposition and industrious; these three missions are those which the Religious of Zacatecas serve[d] but have given up in the present year.<sup>3</sup>

Contiguous to the Presidio of la Bahía del Espíritu Santo was found [*at that time*] only the mission of this name, in which were eight families of the Tancames, though [they were] not Christians; and the Religious of the aforesaid college were trying to convert the Xaramanes.

Next to the Presidio of Nuestra Señora de los Dolores, he inspected the establishment of the missions of Nuestra Señora de la Concepcion de los Asinais, San Francisco de los Neches, San Josef de los Nazones; all without Indians, and the missionaries with little hopes of collecting them. These missions, however, were afterward removed to the vicinity of San Antonio de Vexar.<sup>4</sup>

<sup>1</sup>The *Testimonio* does not mention this *revista*.

<sup>2</sup>I. e., a collection of huts and cabins; a sort of village.

<sup>3</sup>As a result of the *revista* of the Marqués de Rubí in 1767 (see below), the Presidios of Pilar and Orcoquisac were abandoned. Thereupon the Zacatecans gave up their three missions, which had been under the protection of those presidios (See Garrison's *Texas*, 91).

<sup>4</sup>The Querétaraans in charge of these three missions were disappointed at finding that their equipment was to be reduced, instead of being increased, as they had hoped, hence they asked that they might move their missions to the vicinity of San Antonio de Bexar. The removal was effected by the close of 1730, and the Zacatecans were for the next forty-two years in sole possession of the field. Talamantes's suggestion that a

In connection with this presidio [San Antonio de Valero] were situated the [Mission] of San Antonio de Valero, and that of San Juan Capistrano with a sufficient number of Indians already converted.

In the opinion of the Brigadier Don Pedro de Rivera, the character of the Northern Indians is fickle, like that of all the other Indians, but more docile, less turbulent, and more loyal. They use firearms with dexterity, but they revere the Spanish, and they follow the natural instinct of self-defense [only] when they feel themselves harassed or persecuted. From this [opinion] originated the idea of the aforesaid brigadier, in regard to reducing the strength of the garrisons of the province; for he did not consider them necessary for its defence, or for restraining the French, although, being then in possession of the territories of Luisiana, they gave occasion for suspicion. This suspicion no longer exists since the cession of those dominions to our Catholic Monarch. I shall not linger, therefore, to set forth the various measures which have been taken at different times to prevent illicit commerce, to define and contest the limits [of the possessions] of both crowns.

When Don Pedro de Rivera came to Texas there were no other enemies but the Apaches; these have been, are, and always will be enemies (*lo*) of the Spaniards and of every rational being. To confirm me in this opinion, which I have been caused to form by the numerous books of *autos*, ancient and modern, which I have read—now to get myself into the merits of the immense, incomprehensible [*mass of*] business of the Provincias Internas, now to work up this brief compendium, and again to dispatch the reports of the day,—the only thing that I lack is a sight of those countries; although, to be sure, I believe that I am not in error, since the acts of inhumanity, the intrigues, the perfidies of that savage nation, charged with numberless shameful deeds, sadden the heart, stir the passions, and make the name of Apache abhorrent.

When his *revista* was over, the above-mentioned Don Pedro de Rivera returned to Mexico; his arrangements were approved, and the ordinances were drawn up in the year 1729. The missionary

difference between the two colleges influenced the removal, seems quite plausible, since los Adaes was more strongly garrisoned than San Antonio (See *Historia*, Secs. 28-30).

fathers of Texas not only made representation against suppressing (*la providencia de reformar*) the Presidio of Nuestra Señora de los Dolores, but also petitioned that its former force and that of the Presidio of los Adaes should be doubled, and that, in case their request should not be granted, the captains of the Presidios should place at their disposal competent guards for the missions and for separating the apostate Indians from among the heathen.

The Brigadier Don Pedro de Rivera refuted these propositions in a well written *dictamen*<sup>1</sup>; and the father president,<sup>2</sup> Fray Miguel Sevillano, since he could not carry out his ideas, appealed to His Majesty, complaining of the measures of the government.

His Excellency the Marques de Casafuerte was asked in royal *cédula* of the 7th of June, 1730, for his report; Don Pedro de Rivera repeated his, with even more solid, and [well] established arguments than before. Testimony was taken, and sent to His Majesty, who deigned to dispatch another royal *cédula*, of July 3, 1733, approving the viceroy's action.

The governor, Don Melchor de Media Villa, was not free from responsibility (*no dexó de tener parte*) for the representations which the Padre Sevillano had made. Suspicions of this, his appeals, full of vain fears, and the fact that the term of his governorship was ended, furnished reasons for removing him therefrom.

### XIII.

#### [Government of Don Juan Bustillo y Zevallos.]

At the suggestion of the Brigadier Don Pedro de Rivera, Don Juan Bustillo y Zavallos, Captain of the Presidio of la Bahia, entered upon the government of the province at the beginning of the year 1731.

In this term was founded the villa which is next to the Presidio of Vexar; the Señor Casafuerte would not have it given his name, but [favored giving it] that of San Fernando in honor of His

<sup>1</sup>The *dictamen* in the technical sense here used was an official document presented in response to the viceroy's order, generally reviewing the facts in the case, and advising the government as to how it should act.

<sup>2</sup>The ecclesiastic having general oversight and control of the Texas missions.

Serene Highness the Prince of Asturias. From the Canaries came only sixteen families, at immense cost; with them and others from this Nueva España was made the only settlement of Spaniards that is [now] to be found in the spacious, fertile, beautiful Province of los Texas.<sup>1</sup>

At the end of the year 1730,<sup>2</sup> the drove of horses of the Presidio of San Antonio de Vexar was attacked (*se insultaron*) by five hundred Apache Indians. Captain Antonio Perez went out to defend it with twenty-five men; a bloody battle was fought, lasting two hours. The Indians retreated, though many of their number were killed, carrying off with them more than seventy head of cattle, and leaving two [*of the*] presidial soldiers dead and thirteen wounded.

To punish and restrain the arrogance of the Apaches, a formal expedition was organized by order of His Excellency the Marques de Casafuerte, in accordance with a *dictamen* of the Brigadier Don Pedro de Rivera. The expedition was placed (*pusose*) in charge of the governor of the province, and, with a hundred and sixty men and sixty Indian auxiliaries, it sought the enemy in their *rancherías*. [The party] went about seventy leagues to the banks of a swollen river whither the Spaniards had never penetrated before. They found encamped in four hundred tents, which spread over more than half a league of ground, these tribes, the Apaches, Sandis, Pandis, and Chenis, to the number of seven hundred. They fought a bloody contest for five hours; two hundred Indians

<sup>1</sup>"By royal *cédulas* of May 10, 1729 [May 10, 1723, and February 14, 1724 (*Puntos del Parecer*, Sec. 33)], His Majesty ordered that four hundred families should come from the Canaries (ten or twelve at a time), in register ships to Havana, whence they should be transported by way of Vera Cruz to Texas. There they were to be maintained a year at the expense of the royal treasury. Up to the present time only ten [families] of five persons each have come. These were brought to Texas in June, 1730, with no little expense and trouble. [With them] and other families, added from this country, was founded the Villa of San Fernando, which is the only settlement of Spaniards in such an extensive province and such an excellent frontier" (*Test.*, Sec. 34).

<sup>2</sup>This would seem to mean that the attack was made in the latter part of Media Villa's term, and that the Spaniards retaliated in Perez's. The narrative, however, seems to indicate that the whole occurrence was in Perez's term, and that 1730 is a scribal error, probably for 1731.



fell in the battle; the rest fled. The Spaniards took away from them more than seven hundred head of cattle, and captured more than thirty persons of both sexes, without loss to their little camp other than seven wounded, one of whom died.

Who would not believe that this ill-starred event would have served as a warning to the Apaches? Far from it, they gave the most consistent proofs of their perfidy; they solicited peace, and when the time came to consummate it, after they had been regaled and treated with the utmost kindness, they committed the atrocious crime of murdering the *alférez* and two soldiers of the presidio, who, satisfied of the good faith in which they had presented themselves, were convoying two Indians of that tribe, to put them into a place where they might make use of their liberty. Not only did they pay for this kindness with their lives, [*but on their dead bodies*] one saw with horror the [marks of] the fury, the impiety, and the cruelty of the heathen.

#### XIV.

[*Government of Captain of Infantry, Don Manuel de Sandoval.*]

After the resignation of Don Juan Antonio Bustillo, the Captain of Infantry Don Manuel de Sandoval entered upon the government of the province. He had been a cadet, sub-lieutenant, and lieutenant,<sup>1</sup> in the Regiment of Santa Fe; and when this body was reorganized, he had passed with promotion to the [Regiment] of Granada, whence he came to this kingdom with the rank of captain and as governor of Coaguila.

He entered upon the government of Texas in the early part of the year 1734, and by order of the Señor Casafuerte took up his abode in San Antonio de Vexar in order [to be on the spot] to meet the hostility which the Apaches were showing.

These continued their double-dealing, presenting themselves time and again in peace, the better to secure their plots against the lives and property of the Spaniards. On one of those occasions, after [the Spaniards] had made them presents of tobacco, *piloncillo*,<sup>2</sup>

<sup>1</sup>The *Testimonio* (Sec. 42) reads: "*cadette, oficial y Theniente de Capittan de Granaderos.*"

<sup>2</sup>Diminutive of *pilón*, a sugar loaf.



and other trifles (*maritatas*) which are pleasing to them, and had shown a desire for their goodwill in return, consigning to oblivion the crimes up to that time perpetrated, they made return, as they were leaving, with the outrageous deed of surprising two citizens [*of the villa*], inhumanly cutting them to pieces. The governor, therefore, saw himself compelled to reinforce the Presidio of San Antonio de Vexar with twenty-five men from those of La Bahia, Adaes, and San Juan Bautista del Rio Grande, and to fortify it, to keep it safe from an invasion by the enemy in case they were planning one, of which there were more than sufficient indications.

The governor secured little advantage from his zealous measures, not because the Apaches could withstand them, but because the captain of the Presidio of Vexar and the citizens of the villa calumniated him before His Grace<sup>1</sup> Don Juan Antonio de Vizarron, bringing against him the charge, among various others, that he had allowed the French to move the Post of Nachitoches a musket-shot further within our territory. This furnished a reason for his being removed from the government of the province, on the ground that he was a traitor to the King.

## XV.

[*Government of Col. Don Carlos Benites Franquis de Lugo.*]

It happened that at this juncture Colonel Don Carlos Franquis had recently come from Spain with the right of succession to the governorship<sup>2</sup> of Tlascala which he found occupied; and in consideration of this, that of Texas was conferred upon him *ad interim* by His Illustrious Excellency, the Archbishop Viceroy.

The events (*lances*) which occurred in the short space of a year, the time that the governorship of Franquis lasted, are as public as [*they are*] scandalous; he showed plainly his haughty, precipitant, stormy temper in his indiscretions and in the insolence with which he treated the missionary religious, all the inhabitants of the province, and his predecessor, Sandoval.

<sup>1</sup>"*El Ylustrisimo y Exeletisimo Señor.*"

<sup>2</sup>*Con la futura del Gobierno.*

Without being judge of Sandoval's *residencia*,<sup>1</sup> he forced the latter to undergo shameful imprisonment in the stocks, with two pair of fetters; and dispossessing him of all his papers, he instituted criminal proceedings against him for unwarranted requisition of the troop of the Presidio of los Adaes; and for permitting the removal of the Post of Nachitoches, an offense which Franquis exaggerated terribly. He removed various religious from the missions, and intercepted the despatches and letters which were sent to Mexico. Finally, it was necessary to make him leave the province immediately.

As it is a matter of no importance for the end toward which this paper is directed to detail these clamorous stories, though, having examined more than forty collections of reports<sup>2</sup> in regard to the matter, I could dwell upon them at length, I shall merely state that Don Carlos Franquis and Don Manuel de Sandoval, having been called upon for their *residencias*, were both acquitted of the charges against them.<sup>3</sup> The former returned to Spain to continue his service in the Regiment of Savoya, and the latter died in this capital, serving in the capacity of sergeant major in the *Regimiento Urbano del Comercio*.

## XVI.

[*Government ad interim of Don Prudencio de Orobio y Basterra.*]

In the year [17]37, in view of the removal of Franquis, Don Prudencio de Orobio y Basterra entered upon the government *ad interim*. He had been a trader in the Villa of Saltillo, and alcalde mayor of Parras.

The Apaches, always arrogant, were showing hostility in the environs of the Presidio of Vexar; its captain, Don Josef Urrutia,

<sup>1</sup>The *residencia* was an official account of his administration given by the retiring official. The judge of the *residencia* was the official, sometimes appointed especially for the occasion, whose duty it was to examine the *residencia*, and decide whether or not it was satisfactory.

<sup>2</sup>*Piezas de Autos*.

<sup>3</sup>The *Testimonio* (Secs. 42-58) details the Sandoval case so much more fully than does the *Breve Compendio* that it is given in full in the appendix.

proposed to undertake at his own cost a campaign against them; but under the express condition that Governor Orobio should have no part in it further than to place at his disposal the auxiliaries for which he should ask. His request [for permission to undertake the campaign] was granted. The result was that, after multiplied hardships and frequent reports, he irritated the enemy more. He also discovered a main range of mountains, which stretches opposite the said presidio, and passes along the banks of the Guadalupe River toward the Apache country (*Apacheria*), with no other place of entrance, because of its impassable roughness, than a narrow pass, which facilitates the ingress of the Indians. Yet, after all, he claimed that the fruit of his vigilance should be rewarded by the addition of a hundred men to the forty[-four] of whom the garrison of his presidio was composed, thus assuring the re-establishment and good order of the province.

It is true that by the common agreement of all intelligent persons of former and present times, it is in [*the Presidio* of] \*San Antonio\* de Vexar that the troops are needed, [and] not in that of los Adaes or La Bahia del Espiritu Santo; for, while the former has always experienced the cruelty of the Apache nation, the latter have enjoyed the greatest tranquillity. The reasons for this notable difference, however, I shall bring to view when I come to treat of the *revistas* and plans of His Excellency the Marques de Ruby.

## XVII.

[*Government ad interim of Don Thomas Phelipe Winthuisen.*]

Don Thomas Felipe Wintuisen succeeded Orobio *ad interim*; he governed two years and a half, beginning in the year 1741, without the occurrence of any noteworthy events except that the Apaches with their craftiness kept stealing the droves of horses, and scalping the soldiers and citizens who, through carelessness or overmuch confidence, fell into their treacherous hands.

In this term Urrutia again urged that he be permitted to go out on a campaign against the Apaches, or that, in default of this, a presidio be erected on the banks of the Guadalupe River; both propositions, however, were rejected, and he was urged to stand on the defensive. In the year 1743 was had the first intelligence

of the numerous and strong Comanche nation. The Apaches dared to attack them in their own territory, but were valiantly repelled, and from that day to this retain a servile fear of them; for all that, however, they lose no opportunity to inflict upon them what injuries they can, being their irreconcilable enemies.

## XVIII.

[*Government of Lieut.-Colonel Don Justo Boneo y Morales.*]

By royal appointment Lieutenant-Colonel Don Justo Boneo y Morales, Knight of the Order of Santiago, came to serve as governor of Texas. By royal *cédula* of July 15, 1740, he had been ordered to make an exact report of all that had taken place up to his time in the Province of Texas; he was unable to carry this out, because of his death a little while after his arrival in the Adaes country. The task was accomplished, however, by His Excellency the Marques de Altamira, who undertook the [same] work which I have mapped out, that of examining all the collections of *autos*, royal *cédulas*, and various other instructive papers.

## XIX.

[*Government ad interim of Don Francisco Garcia Larios.*]

At the death of Lieutenant-Colonel Don Justo Boneo y Morales, Don Francisco Garcia Larios entered upon the governorship *ad interim*. In his term the commissary, Fray Francisco Ortiz, of the College of Queretaro, represented to the King that several nations of Indians—the Vidaes, Caocos, Lacopseles, Anchoses, and innumerable others—had asked to be brought into the bosom of our Holy Religion, and that the land situated on the banks of the San Xavier River would be very suitable for gathering them into missions. In consequence, His Majesty ordered in royal *cédula* of the 16th of April, 1748, that if the establishment should be considered useful, it should be effected. The religious had not waited [patiently] for this decision, for since the year [17]46 they had pressed their petition [*in this Superior Government*]*—*the Padre Fray Mariano de los Dolores with an especial degree of insistence.

The governor opposed this, setting forth that the region of San



Xavier, which had been named, was lacking in the qualities requisite for the foundation, insomuch as the waters of the river, or creek, offered no facilities for irrigating the fields, nor was the land the most fertile, nor the harvest of neophytes so great as the missionaries represented and finally that in case the missions asked for should be established, the site of Orcoquisac seemed to him better.

Sundry reports were required (*tomaronse*), and, although the disagreement between them made Don Fulano Vedolla and Auditor Marques de Altamira hesitate in their *dictamens*, His Excellency the Conde de Revilla Gigedo finally ordered, in a decree of the 1st of February of the year [17]47, that three missions be established in San Xavier, and that for their protection and preservation seventeen<sup>1</sup> soldiers be detached from the Presidio of los Adaes and seven from la Bahia. The expenses of establishing them (*cuyos gastos*) came to about sixteen thousand<sup>2</sup> pesos.

Not content, the missionary religious solicited the erection of a presidio with eighty or ninety troops. Although the official opinions (*pareceres*) of His Excellency the Auditor, Marquez de Altamira, worthy of eternal remembrance, adduced the most solid arguments against this second request, which was made at the beginning of the year [17]47, it was so insistently repeated, and supported by such favorable representations, that finally an order was issued to the effect that, pending the decision as to the founding of the [*proposed*] presidio, the missions of San Xavier should be garrisoned with fifty men detached from the presidios of los Adaes, Bahia del Espiritu Santo, [*San Juan Bautista del*] Rio Grande, and Santa Rosa del Sacramento.

## XX.

[*Government of Don Pedro del Barrio y Espriella.*]

From the year [17]48 on, Don Pedro del Barrio y Espriella was governor *ad interim* of the province. Since the issue of the day was the much-talked-of establishment of the new presidio and missions, he framed *autos* in which he demonstrated their uselessness

<sup>1</sup>Sixteen (M).

<sup>2</sup>One hundred and sixty (M).



at San Xavier. He brought to view the advantages which the San Marcos River offered for the purpose, equally because of the abundance of its waters, which enrich the surrounding lands, and because of its being the only barrier which impedes the ingress of the Northern Indians into the interior of the province.

The governor exerted himself in vain, since it was alleged against him that, being influenced by mischievous prejudices, he was giving false information. It was necessary, therefore, to adopt the measure of commissioning an impartial person to make inquiry [into the question].

Don Josef de Eca y Musquiz, lieutenant of the Presidio of Santa Rosa del Sacramento, was therefore selected, with an allowance equivalent to one soldier's salary as a gratuity, or an addition to his pay. He discharged his duties with such felicity and satisfaction to the interested parties, that in *junta de guerra y hacienda* held on the 11th day of March, 1751, the establishment of the presidio, with allowance for fifty troops as its endowment, was decided upon. This had been solicited for six years, for neither the heavy expenses which this project demanded, nor the solid arguments with which it was opposed, could dislodge the ideas of the petitioners. Experience afterward justified [these objections]. Grievous events occurred, in which the reputation of many persons suffered, the King's royal treasury paying for it all in such fashion that even to this day the mischief has not been completely undone.

## XXI.

[*Government of Lieut.-Col. Don Jacinto de Barrios y Jauregui.*]

At the close of the year [17]51, Lieutenant-Colonel Don Jacinto de Barrios y Jauregui took possession, by royal appointment, of the government of Texas. It is hard to relate the events that occurred in his term in such a way as not to fall into the error of telling them too early or too late; but, keeping so far as possible to an orderly method, not confusing or complicating the questions in hand, I shall try to elucidate everything with [all] possible distinctness and brevity.

The office of captain of the new Presidio of San Javier was conferred upon Don Felipe Rabago y Teran. As soon as he arrived at

his destination, he made [*documentary*] report that the river had no water to fertilize the lands; that these were sterile; that there were no materials for buildings; that the Mission of San Ildefonso was found deserted; that of la Candelaria with twenty-five persons of both sexes, and that of San Javier with a hundred and nine. He proposed that all should be combined into one and removed to the banks of the San Marcos River, where the presidio should be built.

These propositions, the opposite of those which had occasioned the above-mentioned measures, and the scandals which arose from the fact that the above-mentioned captain and the soldiers were living shamelessly in illicit connections, gave rise to very unfortunate consequences. The father president, Fray Miguel Pinilla exhorted and admonished the soldiers; the captain issued an *auto* that the religious should refrain from rebuking his soldiers publicly, since this course of action was resulting in the publicity of the excesses, and in discord and jealousy between several married couples; but the father excommunicated them all, posting edicts on the doors of the church.

Without delay most opportune measures were passed by this Superior Government to stop these grievous scandals, pregnant with trouble; but they came [too] late to prevent the unfortunate, violent death of the Padre Gonzabal<sup>1</sup> by a wound from an arrow which pierced his heart, and the death of a native who was found taking refuge in the mission, and whose wife was in illicit intercourse with Captain Rabago.

Twenty-four very bulky volumes of *autos* were written to find out the aggressors in this sacrilegious crime; sundry persons were brought to the prisons of this capital, the above-mentioned captain among them. However, he came off clear from the charge, and was restored to his office;<sup>2</sup> the rest had the same fortune.

While these inquiries were being made, Don Pedro de Rabago Teran, a kinsman of Don Phelipe's, went to command the Presidio of San Xavier. He knew how to make friends with the missionary religious, and the removal of the said presidio to the site of San Savas was agreed upon.

<sup>1</sup>Fray Josef Gonzabal (A).

<sup>2</sup>In 1760. See p. 58.

The Padre Fray Mariano de los Dolores, who was the center of all the events which had occurred since the year [17]46, gave report in the year [17]52<sup>1</sup> that the Apaches were anxiously seeking to be brought into missions; and for the purpose he suggested that the Presidio of San Antonio de Vexar be removed to a site not far distant, which they call de los Pedernales.

This removal was rendered difficult by the citizens of the Villa of San Fernando, who represented the helpless condition in which they would be left. When the plans of the Padre Fray Mariano were thus frustrated, he took occasion to attribute the frightful condition of the [Presidio] of San Xavier to the violent death of the missionary Padre Gonzabal, saying that since then the territory had been filled with infection, and the rivers dried up; that the pools emitted a foul odor; and that even up to the heavens the punishment of that sacrilegious crime was being announced by portents in no wise common. He asked, finally, that the Presidio of San Xavier be removed to the banks of the Guadalupe River, or of the San Marcos, which on repeated occasions he had spoken of as pernicious and impracticable for this purpose.

The College of the Holy Cross of Queretaro supported these plans, and [so did] Captain Don Pedro de Rabago. The latter expressed the opinion that the Apaches were docile Indians, and capable of being converted; that it would be expedient to gather them into San Sabas as the center of the Apache country; that it was necessary to abandon the site of San Javier, and garrison the new Presidio \*of San Savas\* with a hundred men; and that the few converted Indians should be brought into the missions contiguous to San Antonio de Vexar.

To make this vast project more feasible, he showed also that the royal treasury would incur no greater expense, since the extra number of men could be taken from such presidios as would not need their full quotas. Finally, he made apparent the advantage of [the fact] that by these means the conversion of the numerous Comanche nation would be accomplished, that communication would be opened with Nuevo Mexico, Coaguila, and Leon, and that all the hostilities of the Indians would stop, the whole country entering upon a tranquil peace. These suggestions had the desired

<sup>1</sup>M has [17] 51.

effect, the removal of the Presidio of San Javier to San Sabas being approved in *junta de guerra y hacienda*, which was held on the 27th day of February, in the year 1756.

By this time Captain Don Pedro Ravago had died, but Colonel Don Diego Ortiz Parilla succeeded him. Instructions for the new establishment were given to this official. It was ordered that he should recruit twenty-seven men, and take twenty-two from San Antonio de Bexar, so that with the troops of the presidio to be removed its garrison should be filled out to the number of a hundred; and that, after all the converted Indians had been transferred with the missionaries from the district of San Xavier to the missions contiguous to Bexar, the said missionaries should go to take charge of others in San Sabas, the government of which was declared independent of that of Texas, Coaguila, and Nuevo Mexico.

When these measures were passed, Don Pedro de Terreros, today Conde de Regla, was allowed to assume the pious obligation, which he had undertaken, of keeping up at his own cost, during the space of three years, all the missions that should be founded north of [*the Province of*] Coaguila, afterward turning them over with their churches, ornaments, and treasures, to be maintained in the future by the royal treasury.

Due account of all was given under oath to His Majesty by ordinary channels (*por el via de consejo*) in a letter of November 1, 1756, and by special communication (*por la reservada*) under date of October 1st [*of the same year, His Majesty deigning to approve it in royal cédula and order of the 12th of August and 25th of October, 1758.*] Provision was made in the first that he [the King] be informed as to the remuneration considered most appropriate in the case of the aforesaid Don Pedro [*de*] Terreros.

Colonel Don Diego Ortiz Parilla at once started on his march to the Province of Texas. The Indians of San Javier did not wish to be brought into the missions of the Presidio of San Antonio, and by special permission they remained congregated (*congregados*)<sup>1</sup> on the banks of the River \*Nuestra Señora de\* Guadalupe. The Villa of San Fernando opposed the dismemberment of the force of the presidio, but did not then obtain a favorable decision. The

<sup>1</sup>That is, grouped together, apart from a mission, for purposes of instruction (See THE QUARTERLY, VI 191, note.—EDITOR QUARTERLY).



recruiting of the twenty-seven men was effected; and finally, Parrilla, accompanied by the missionary religious and part of the troops of his command, was transferred to the San Savás River.

Before he arrived at his destination, which was on the 17th of April, 1757, he received information that that point was not suitable for the projected establishment; but when the site had been minutely examined, the presidio was erected, and, at the distance of a league and a half, a mission—without Indians, because the Apaches, after having worn away the time with vain promises, declared themselves openly, saying that they had no desire to become subjects or bind themselves to citizenship and fixed residence in missions; and that it was more agreeable to them to live in their wandering fashion, continuing in mutual good-will and friendship with the Spaniards.

This occurrence might have caused much discouragement, since it left illusory the great, costly preparations which had been made with no other purpose than that of the Apaches' conversion—held so certain that already the delay in the measures had been blamed in dolorous exclamations and lamentations that so many souls steeped in heathenism were being lost. Yet there was continuous protest that once the erection of the presidio had been decided upon, it was necessary to carry it through, because if it were abandoned occasion might be given for the savages, attributing this action to discouragement or cowardice, to despise our arms; that it would be expedient, however, to better the situation of the said presidio, by bringing it nearer to that of San Antonio de Vexar, in order to facilitate prompt aid in case the Indians should attempt to besiege it. Among other arguments, which I omit, so as not to make this paper too diffuse, was added [the statement] that under the generic name Apache thirteen nations inhabited that part of the North, with the family names of Ypandis, Natajes, Mescaleros, etc., and so numerous that they amounted all told to about one hundred thousand persons.<sup>1</sup>

These matters were being discussed in the Superior Government, when the news came that the Comanche Indians, the Tuacanes, Taovayases, Vidais, Queisseis, and others, to the number of two thousand, had attacked the Presidio of San Sabas. The

<sup>1</sup>M has *almas*.



governors of Texas and Coaguila believed it entirely destroyed; suspicious that the enemy would continue their inroad within the limits of their respective jurisdictions,<sup>1</sup> they gave report of this occurrence.

In consequence they received orders that, keeping the presidios under their command in a state of defence, and getting ready the men of their garrisons, and the citizens who could equip themselves, they should send all the auxiliaries possible to the captain of San Antonio de Bexar, so that he might go to help the Presidio of San Sabas. Before these measures were put into execution, however, a detailed account was received at the capital of the occurrence which had given occasion for their adoption.

On the 22nd day of March, 1758, the aforesaid Northern Indians dashed boldly upon the Mission of San Sabas; they were all on horseback, armed with guns, sabres, and pikes, painted with various colors, decorated with skins [*of beasts.*] Their war-whoop (*algazara y griteria*) terrified the religious, who bolted the door of the mission. Under pretense of peace and friendship, however, they treacherously took it by surprise; the father president, Fray Gerardo de Terreros, Fray Josef de San Estevan, and three soldiers, lost their lives at the cruel hands of the infidels; the rest were freed by a manifestation of the divine mercy. The barbarians sacked the mission, destroyed the images, profaned the sacred vessels, and burned everything in horrible flames.

Well would they have liked to do the same with the presidio, but the commandant had had previous warning of the bad faith with which they had acted in the case of the unfortunate mission; and the fury of the heathen, when they found him prepared, contented itself with setting fire to the outposts of the fort, and carrying off part of the drove of horses. The troops of San Sabas were so demoralized by these events that if their captain had not restrained them they would have deserted him. The request was made that the presidio should again be removed to the Guadalupe River or to the San Marcos. It was proposed, also, that it might well be removed to los Chanas,<sup>2</sup> forty[-*nine*] leagues from San Antonio de

<sup>1</sup>San Savas was independent of Texas and Coahuila. See page 51.

<sup>2</sup>Los Chamas (M).

Bexar, or to the adjacent site, which they call los Almagres; that the garrison (*dotacion*) should be increased to a hundred and forty; and that to punish the arrogance of the Indians a formal expedition should be organized to hunt them in their *rancherias*.

In the year 1755, Governor Don Jacinto de Barrios gave report that a vein had been discovered in the aforesaid site of los Almagres, which promised abundance of silver ore<sup>1</sup> of good quality. After the report had passed through the regular channels, it was resolved that one Don Bernardo de Miranda should investigate the matter. As a reward for his toils he was promised that, if the facts came up to the expectations, a presidio should be founded there, and he be given the rank of captain.

On the 27th day of June [1758], these points were discussed in *junta de guerra y hacienda*. It was agreed that the site of the Presidio of San Sabas should not then be changed; that its assignment of troops should remain one hundred; that an attempt should be made to bring in the Apaches; and that, assembled in San Antonio de Bexar the governors of Texas and Coaguila, Col. Don Diego Ortiz Parilla, Don Josef de Eca y Musquis, and other persons of experience and intelligence, should confer and deliberate upon the way and time to make the campaign against the nations of the North, and the number of troops of which the expedition must be composed, and make a careful estimate of the expenses which it would occasion for the royal treasury.

Under date of the 6th of September of the year indicated above, account was given to His Majesty; and in royal decree of March 29 following, he enjoined the greatest circumspection and care lest, the enterprise failing, the danger be incurred that, the barbarians, whom it was not expedient to accustom and train to make war, become more insolent.

When the *junta* of officers was held, it was decided to make the campaign at the beginning of June, with five hundred men—a hundred and thirty-nine presidial soldiers, two hundred and forty-one militia, thirty Tlascalan Indians, and ninety from the missions; that the first should have their usual salary<sup>2</sup>; the second and

<sup>1</sup>Cf. p. 63.

<sup>2</sup>*El haver correspondiente á sus plazas.*

third a *peso* a day, and the last four *reales* [a day]. It was estimated that these expenditures would approximate fifty-three thousand *pesos* [in four months].

The Presidio of San Antonio de Bexar was chosen as the place of meeting. As the troops had been unable, on account of the distances, to come together at the time appointed, it was not till the first of August that the expedition set out, under orders of Colonel Don Diego Ortiz Parilla, in search of the enemy. They, advised of this occurrence, were awaiting our forces to harass them and defend themselves vigorously.

The above-mentioned colonel traveled one hundred and fifty leagues northward with the troops under his command. He found several *rancherias* deserted; he took one by surprise, killing fifty-five Indians, and taking a hundred and forty-nine prisoners. When, however, he advanced to the village of the Taovayases he found it fortified with intrenchments, stockades, and ditches; and inside more than six thousand confederated Indians, who with boldness and arrogance were flying a French flag.

In well concerted sallies they attacked our troops; and, increasing their outposts and detachments, they tried to cut off the retreat, so as to entrap their enemies and leave them no other alternative than death or surrender.

This mode of warfare, never [before] experienced among the Indians—in which they not only used a regular military discipline, but also dextrously inflicted injuries with the musket, saber, and lance, throwing aside the bows, arrows, and *macanas*, the arms peculiar to their ancient usage—so astounded Parilla's troops that this officer's ardor, good example, and persuasions were of no avail. They retreated, leaving behind all the baggage-train, and the six field-pieces; and the memory of this [event] remains to this day on the Taovoyases frontier, as a disgrace [to the Spaniards].

Such was the end of the much-talked-of expedition against the nations of the North, which cost the king's treasury, in less than two months, more than sixty thousand *pesos*. I am impelled to say, however, in the interest of the truth, that the leader of it would have been successful in his operations with troops of another sort, more obedient and better trained, than these, whose conduct would have endangered his reputation had he not [already] been tried in

his [*long-continued*] services and achievements in Europe and America.

Becoming insolent, the enemy pressed the rear-guard closely as far as San Sabas, but without doing further damage. Since that time they have continued their hostilities, never forgetting the glorious day of their victories; nevertheless, however much one might wish to be convinced of the valor, intrepidity, boldness, and constancy of the Indians, they gave little evidence of these qualities, allowing a frightened troop, who were thinking only of refuge and security, to retreat over more than a hundred and fifty leagues.

The disputes over boundaries between French and Spanish territory, and the erection of the abandoned Presidio of San Agustin de Ahumada,<sup>1</sup> are alone lacking to complete the narrative of the events which occurred in the governorship of Lieutenant-Colonel Don Jacinto Barrios y Jauregui.

In regard to the first [*matter*] it seems to me profitless, for the reasons which I mentioned in the twelfth chapter of this compendium,<sup>2</sup> to rehearse the various measures enacted by this captain-generalship. They appear in bulky volumes of reports, which I have seen in different representations made to His Majesty by their Excellencies the Marques de los Amarillas, and the Marques de Cruyllas, and in repeated royal orders, giving direction that the French be not permitted to make an entry into the Province of Texas.

If I had to tell anew all the occurrences in connection with the second [*matter*] I should fill more paper than was used [*to relate*] those of San Sabas.

In the time of Governor Orobio it was proposed to found a presidio on the Santissima Trinidad River, to prevent the trade and settlement of the French. In the year 1757 there were arrested, by order of Don Jacinto Barrios, an old Frenchman named Blanc Pain, two others of the same nation whom I knew in Cadiz, and

<sup>1</sup>Established in 1755 (Bancroft, *North Mexican States and Texas*: I 643); abandoned, 1772 (*Ibid.*, 655-6).

<sup>2</sup>That is, that at the time of Bonilla's writing, Louisiana belonged to Spain.



two negroes; they were brought as prisoners to this capital, where the first died.

These persons lived in a hut or cabin on the banks of the said river, and carried on trade with the heathen. That post [on the Trinity] was garrisoned with a lieutenant and thirty men; as it was marshy and uninhabitable, the troops were removed to the springs of Santa Rosa de Alcazar; there the presidio was to be founded, with fifty families, twenty-five [of] Spaniards, and twenty-five [of] Tlascalcan Indians; this second site, however, was likewise defective. At last it was established at los Horconsitas, the site of the Mission of Nuestra Señora de la Luz; with the subsequent misfortune that the presidio was fired by the Spaniards who by order of the Governor Don Angel Martos came to arrest Captain Don Rafael Martinez Pacheco (as shall be told in its place) and that the mission was abandoned.

Three *juntas de guerra y hacienda* were held in regard to these removals—on February 4, [17]57, and December 9, [17]62. Account of all these was given to the King, and the resolutions passed at the first of these *juntas* was approved in royal order of August 13, 1766.

## XXII.

[*Government of the Lieutenant of Navy Don Angel de Martos y Navarrete.*]

Although the naval lieutenant (*teniente de navio*) Don Angel de Martos y Navarrete came to this kingdom in the year 1756, he did not enter upon the government of Texas till the year [17]57, because his predecessor was engaged in the establishment of the Presidio of San Agustin de Ahumada, the measure for which was approved in royal order of February 13, 1758.

The events which occurred in the term of this governor are many, and very complicated. Under the pretext that the Carancaguazes Indians were asking to be brought into missions, allowances for ten soldiers were added to the Presidio of la Bahia del Espiritu Santo, in the year 1758; yet even to this day they abide in their heathenism, becoming apostates when the inclination siezes them.

In the year 1760 the nations of the North, Tuacanes, Taovayases, Maquies, Queitseis, etc., who had attacked the Presidio of San



Savas, asked, through the agency of Padre Fray Josef Calahorra, for peace and for the foundation of a mission within their territory.

The aforesaid religious went to visit them in their *pueblo*, where he stayed eight days, very obsequiously treated by the heathen, who, with sincere demonstrations, gave assurance of the good faith of their actions.

From this resulted the proposition that the Presidio of San Sabas be removed to the center of the country inhabited by the above-mentioned nations. It had no effect, however, because in imagination the Lipan Apaches had then been gathered into the Missions of the Cañon, and because the fruitless expenditures which they had occasioned and the amount of trouble which these removals had caused, were kept in mind.

The Northern Indians, whether moved by their natural fickleness, or by resentment at seeing their plans miscarry, showed such hostility in the neighborhood of San Antonio de Bexar, the Villa of San Fernando, and the missions, that it was necessary to garrison the region with auxiliary troops.

The Apaches did not fail to make cautious use of their tricks in stealing as much as they could. At the same time the nations of the North kept attacking the Presidio of San Sabas, which Captain Don Felipe de Rabago<sup>1</sup> had had under his command since the 1st of October, in the year [17]60; these inroads, however, were not dealt with successfully until Lieutenant Colonel Don Hugo de Oconor came to govern the Province of Texas *ad interim*.

It would now be the time to treat of the public scandals of the burning of the Presidio of San Agustin de Ahumada, the attempted imprisonment of its captain, [*Don Rafael*] Martinez Pacheco, his vigorous defence, the removal of Don Angel Martos from the governorship, and the investigation which Lieutenant-Colonel Oconor made of the whole matter; but the documents bearing on the matter are at present in the possession of the Señor Auditor; I can not say more, therefore, than that after an examination into the conduct of Captain \*Don Rafael Martinez\* Pacheco, the latter was exonerated from all his charges and restored to the command of his company.

<sup>1</sup>Cf. p. 49.

## XXIII.

[*Revistas and Visitas executed by His Excellency the Marques de Ruby.*]

The numerous appeals and repeated reports in regard to the deplorable state of the Provincias Internas which came to the sovereign notice of His Majesty, moved his august mind to dispatch sundry royal orders and *cédulas*, from the year 1753 on, ordering their excellencies the viceroys to turn their attention to the regulation of those rich, valuable frontiers. The vast responsibilities of this government, however, the long distances, and the variety of *dictamens*, impeded progress, and rendered measures timid.

To remedy this mischievous inaction, the king deigned to charge the Marques de Ruby<sup>1</sup> with the important and serious duty of the *revista* of presidios; and in royal order of the 7th of August, 1756, he ordered that the appropriate papers and documents be given over to the Marques, and that the aids which he might need be put at his disposal.

In the month of March, 1766, His Excellency \*the Marquez de Ruby\* set out from this capital, directing his course toward Durango, whence he began his *revistas*. Having inspected the provinces of la Nueva Vizcaya, Sonora, Sinaloa, Coaguila, and Nuevo Mexico, he came to that of Texas by August, 1767.

The fearful plight in which the presidios of San Antonio de Bejar, Adaes, Bahia del Espiritu Santo, and Orcoquisac were found, because of the private aims of their respective commandants, are very clearly shown in the documents relating to the *revista*, as [are] the real troubles which have to this day afflicted the Provincias Internas, and which forbode their impending ruin; but as to whatever makes for the remedy for such inveterate evils, the *dictamen*, or plan, which embraces the essentials of all the *revistas*, gives as full information as could be desired.

It is a paper truly worthy [*and characteristic*] of the lofty, distinguished, and very subtle talents of its most excellent author. It cannot be represented by extracts, because taken as a whole it is an [*admirable*] compendium of important information, logical, [*pru-*

<sup>1</sup>Rubi (M).

dent] considerations, and safe expedients, on the practice of which depends the good fortune of those unhappy provinces.

When he comes to treat of the [affairs] of Coaguila and Texas, he describes with inimitable accuracy the perfidious, brutal character of the horribly vile Lipan Apache nation. After setting forth the very grave perils which, under cover of pretended peace, they have caused in the territories of both jurisdictions,<sup>1</sup> he shows that the ill-timed mercy displayed in protecting these domestic enemies, has furnished the reason why the irreconcilable hatred with which the innumerable nations of the north regard the Apaches is causing trouble on our frontiers.

How well, therefore, he sets forth in detail the way to put an end to his evils!<sup>2</sup> He proposes, then, that the false promises of friendship be disregarded, and that cruel war be waged against the Apaches, so that, driven to extremities by the arms of the King, or by those of their enemies, the Northern [Indians], they may see themselves under the strait necessity of submitting themselves to the law which it is desired to put over them, and may [thus] realize if they are capable of it, the kindnesses which up to the present they have spurned.

From this proposal alone one may judge of the strength, intelligence, circumspection, and insight, with which His Excellency the Marques de Ruby framed all those which are embraced in his very judicious plan. Even yet, however, the second point of the said proposal is undecided, the gist of which is that the Apaches be not admitted to the shelter of our missions and presidios, if they are conquered; that they be divided and transferred to the interior of this kingdom; in a word, that this detestable nation be exterminated.

All who have treated of the nations inhabiting the spacious regions of the North, agree in testifying to their good disposition, and His Excellency the Marques is of the same opinion. They had not dared to attack the dominions of our sovereign until the Apaches had with infamous treachery forced them to leave their lands; [and then only] to take just revenge on those common ene-

<sup>1</sup>Coahuila and Texas.

<sup>2</sup>(*Perjuicios*).

mies. From this one infers that if these [Apaches] be exterminated or destroyed, we can promise ourselves, if not a tranquil peace in the Provincias Internas, at least the satisfaction that their citizens will gain relief and that conquests will be more feasible.

The cordon of presidios proposed in the above-mentioned *dictamen*, approved in *junta, de guerra y hacienda*, and set forth in the new ordinances framed by His Excellency the Marques de Croix in the past year 1771, appears to be the only expedient which will restrain the incursions of the Indians; and it will make easier of realization the advantages offered.

In the part treating of the Province of Texas it is proposed to abandon the Presidio of los Adaes, and that of Orcoquisac, which is now [1772] abandoned; with their garrisons that of San Antonio de Bejar is to be reinforced, to the number of eighty troops, twenty being ordered to the Arroyo del Cibolo; and that of la Bahia del Espiritu Santo, with which the proposed cordon ends, is to remain as it is.

The Presidio of Adaes, as I have already stated, was established in the reconquest effected by the Marques de San Miguel [de] Aguayo, to serve as a barrier to the French; it has never been attacked by the Indians; and if the colony of la Luisiana had been subject to Spanish rule when the Brigadier Don Pedro de Rivera made his *revista*, his opinion, I believe, would have been in no wise different from that of the Lieutenant-General Marques de Ruby, for he reduced the excess in its garrison, although he could not reorganize it as he did that of la Bahia. Moreover, it even appears that he let that of la Bahia remain [merely] because he foresaw the use which it is [now] intended to make of it, although he considered it useless [at the time].

The clauses which adorn the *dictamen* of \*His Excellency the Marques de\* Ruby demonstrate the uselessness of the expenditures incurred in maintaining the presidios of los Adaes and Orcoquisac, and those<sup>1</sup> of certain missions of los Ays and Nacogdoches; the little or nothing to be lost in abandoning the unpeopled territories which extend from Espiritu Santo Bay to the above mentioned Presidio of Los Adaes; the better opportunity which re-

<sup>1</sup>Los. The Spanish may refer either to *presidios* or *gastos*.



mains to us for defending our [present] conquests and those which time may give us the opportunity to effect.

I do not stop to give at length the other very cogent arguments with which His Excellency the Marques de Ruby supported his *dictamen*, because it is a document hard to make extracts from. In any other resolution whatsoever this *dictamen* must be kept in view.

## XXIV.

[*Government of Lieutenant-Colonel Don Hugo de Oconor.*]

When Lieutenant-Colonel Don Hugo de Oconor came to take possession *ad interim* of the government of the province, which was in the middle of the year 1767, he found it in consternation and in the deepest dejection. On account of the continued hostilities of the Northern Indians, and the crafty tricks of the Apaches, it was considered necessary to reinforce the Presidio of San Antonio de Bexar. But Oconor attained the glorious distinction of leaving an immortal name in the province. He attested his valor, disinterested conduct, and military policy, he preserved peace in the land, and he made himself an object of fear to the savages, who know him by the name of el Captain Colorado [the Red Captain].

This officer complied faithfully with his charge to investigate that notorious incident, the burning of Orcoquisac; he reduced to order the company of the Presidio of los Adaes; he often inspected the province from north to south, and from east to west; and he returned to this capital in the year [17]70 with general regret on the part of officers, soldiers, and citizens.

## XXV.

[*Present Government of Col. Varon de Riperdà.*]

Colonel Varon de Ripperdá succeeded Don Hugo de Oconor. The laborious task which I have undertaken in this paper has had no other object than to summarize all the events which have occurred in the Province of Texas, so that, keeping them in view, one may, in the well-considered, prudent, and serious deliberation of a *junta de guerra y hacienda*, investigate and decide upon what is expedient in regard to the last proposals of the Varon de

Ripperdá. I shall therefore now state those which he made in the time of His Excellency the Marquez de Croix, trying [meanwhile] to bring this compendium to a speedy close, so as not to render it too tiresome.

PROPOSITIONS MADE BY COLONEL VARON DE RIPPERDÁ, GOVERNOR OF TEXAS, TO HIS EXCELLENCY THE MARQUES DE CROIX.

1st. That authority should be given to recruit in Luisiana three hundred French *chasseurs*, who, formed into one or two companies, should be employed in the war against the Indians of the North, being assigned the same pay [*as that*] which the soldiers of the presidio receive.

2d. That in the hill country of los Almagres a presidio should be erected with two hundred men as a garrison, so that under its protection the precious metal might be taken from a gold mine,<sup>1</sup> which, abounding in numerous very rich veins, offers profits for more than four hundred owners.

3d. That the sum of eight or ten thousand *pesos* should be appropriated, with the order that the citizens of the Villa of San Fernando should assist in the building of a fortification in the Presidio of Vexar, capable of mounting from twelve to fourteen cannon, at least four-pounders.

RESOLUTIONS.<sup>2</sup>

1st. These deliberations were passed to the knowledge of Lieutenant-Colonel Don Hugo de Oconor. After the consideration of his *dictamen*, the proposed recruit of Frenchmen was not considered expedient; however, to the end of restraining the savages who were engaging in hostilities against the Villa of San Fernando and the Presidio of Bexar, order was given to reorganize this [presidio] with fifty men from los Adaes, an equal number from San Sabas, thirty-one from Orcoquisac, and fifty Indians from the missions. These are all still in that post [Bexar] today, with the exception of the twenty-nine men who were withdrawn to San Sabas, by order of His Excellency the present viceroy.

<sup>1</sup>Cf. p. 54, where the los Almagres mine was called a silver mine.

<sup>2</sup>I. e., the action taken by the government with reference to Ripperdá's report.

2d. The second proposition was likewise rejected, in view of the meager results obtained from the investigation made in the hill-country of los Almagres by Don Bernardo Miranda, notwithstanding the rewards which had been offered him, and which are stated in chapter 21.

3d. The third proposition was likewise rejected, in consideration of the fact that the villa and presidio are obliged to construct and keep in repair such stockade and fortification as shall be considered necessary.

*[First Measures carried into Effect by Capt. Don Atanacio Demeciers to reduce the Indians of the North.]*

From the end of the year 1770 on, the Captain of Infantry Don Atanasio Demeciers, lieutenant-governor of the Presidio of Nacitoches, was engaged in subjugating and conciliating the nations of the North. He took infinite pains, searching them out in their own countries. Before his plans had been completely successful, a heated disagreement sprang up between Demeciers and a certain missionary religious; so that it was necessary for the latter to make a sort of apology to the former.

*[Information communicated by Baron de Ripperdá to his Excellency the present Viceroy.]*

When this quarrel was settled, Captain Demeciers continued his efforts (*solicitud*) with the Indians. On the sixteenth of June of the current year he presented himself to the governor, Baron de Ripperdá, accompanied by various chiefs of the nations of the North, who, being received with benevolent kindness, agreed upon a treaty of peace, confirming it by means of the ceremony which they call the feather dance, with mutual promises to declare war on any who should perfidiously violate the promised friendship. For all that, however, the Indians did not fail to carry off more than a hundred head of cattle.

A detachment sent out found the aggressors, who were Comanches. Although their chief (*capitan*) asked that they be punished with death, the rest interceded for their pardon, which was granted—though, to be sure, the infliction of that punishment would not be strange or new, since to make reparation for the murder of a soldier

of los Adaes by an Indian of these nations, his own tribesmen put him to death<sup>1</sup> in the sight of Lieutenant-Colonel Don Hugo de Oconor, while he was governor of the province.

When peace had been made on the terms desired, Don Atanasio Demeciers set out with the Padre Ministro of the Mission del Rosario, in search of forty-odd Xaramanes families, apostates from the said mission, and of the Vidaes and the Texas, having as his object to reduce the first, and to dissolve the cowardly alliance of the second with their enemies, the Apaches. The propositions made by the reverend missionary were with arrogance refused, and he could not secure the desired result of his labors.

The points referred to are the principal ones that are embraced in the representations of the Varon de Ripperdá, for, although they include various others, these must be regarded as incidental, and it seems to me profitless to recall them, because His Excellency the Viceroy, in view of the *dictamen* of the Honorable Fiscal, has seen fit to issue his decree that an extract be formed from the said representations, by the office of the Superior Government to which that duty belongs, and that when it is finished a *junta* be summoned. Under this consideration, therefore, I shall state only what the governor proposes, and what in substance is contained in a report of Captain Demeciers.

PROPOSITIONS OF THE GOVERNOR BARON DE RIPPERDÁ TO HIS EXCEL-  
LENCY DON ANTONIO MARIA BUCARELY Y URSUA.

1st. That in the territories inhabited by the nations of the North a presidio be erected, and that the contiguous missions of los Ais and Nacogdoches be removed and reduced to one.

2d. That Demeciers select the site and lay out the [*new*] settlement, and make a map of all the province, which he shall have the honor of presenting to His Excellency the Viceroy; and that thirty or forty families of the Adaes be placed as citizens in the said settlement.

3d. That the command of the presidio be conferred on Don Luis de San Denis.<sup>2</sup>

<sup>1</sup>*Le pasaron por los Armas.*

<sup>2</sup>A son of Louis Juchereau de Saint-Denis. See page 68.



4th. That the friendly Indians be established in villages (*pueblos*) under the protection of the presidio and mission.

5th. That a campaign be made against the Apaches, with the aid of the Northern nations, whom Demeciers offers to equip with munitions of war, provided that they be maintained at his Majesty's expense, and that the captives they have taken be ransomed. The governor adds that if this permission is granted he will set out with two hundred men, to attack the enemy in another quarter.

6th. That the said Indians of the North be allowed to trade for guns, powder, and balls.

EXTRACT FROM THE REPORT OF CAPTAIN DON ATANACIO DEMECIERS.

In the preface he proposes as a result of the investigations which he has just made in the territories inhabited by the nations of the North, to give information about those countries, about the characteristics of the Indians, about their number, wars, alliances, commerce, and the way in which he considers it necessary to assure the peace and tranquillity of the province.

The nations are called Quitsies, Yscanis, Tuacanas, Tancagues, Yacovanes, Macheyes, Xaramanes, Ovedsitas, Taovayases, Comanches, Osages, and Vidais.

He says that the Quitsies are twenty families, composed of eighty men, for the most part young; that they are in alliance with the Cadodachos [*and Texas*] and are irreconcilable enemies of the Osages and Apaches; that the women cultivate the fields, build the houses, and tan the hides; that the men devote themselves wholly to war and the chase; that they trade in buffalo and deer skins, in exchange for guns, powder, and balls; that they are ministered to from the Presidio of Nachitoches, by order of his Excellency the Conde de Oreylli; that they are not very friendly to the English; that they are the ones who have shown the least hostility on our frontiers; that they live in a regular village (*pueblo formado*), from which they absent<sup>1</sup> themselves in cold weather and that they are full of superstition.

That the Yscanes are only sixty men, and that in their customs and in other respects they are like the Queitseis, the only difference being that they are divided into numerous little *rancherias*.

<sup>1</sup>A, *se ausentan*; M, *se aumentan*.

That the Tuacanes occupy two settlements, the one composed of a hundred and twenty men, the other of thirty families; that these Indians, the Yscanes, Ovedsitas, and Taovayases, are considered as one and the same nation; that all solicit the establishment of the proposed presidio in their country to submit their differences to those in charge of it; and that the second of these settlements appears to him very well adapted to the erection of the stronghold.

That the Tancagues, Yacovanes, and Macheyes have an alliance with the preceding [tribes], but are despised as vagabonds; [that they are] inclined to thievery, and fickle in their promises; and that they are apostates from the Mission of San Xavier.

That the Xaramanes are likewise apostates—from the mission of Espiritu Santo; that their number is reduced to forty-six men; and that they have done much injury through their relations (*conocimiento*) with our territories.

That the Ovedsitas and Taovayases nations are composed of six hundred<sup>1</sup> men; that they live in villages; that they have a religion; that they observe its rites; that they acknowledge the Creator; that they believe there is an eternity, reward for the good, and punishment for the evil; that in their territories are found the cannon which [Colonel] Don Diego Ortiz Parilla abandoned, when he made a formal expedition against the Indians; that they solicit with anxiety the establishment of the proposed presidio and that in the said lands there is abundance of very choice salt and minerals.

That the Comanche nation has a great many people, and that they are divided into small divisions (*quadrillas*); that they live scattered about and in nomad fashion; that they recognize as their superiors the Taovayases and Tuacanas; that he considers their reduction easy, if they are brought into fixed habitations (*pueblos fijos*) and are given farming implements in exchange for their buffalo hides.

He sets forth in detail the good characteristics of the Indians, and gives assurance of the advantages which will accrue if their conversion is brought about.

He states that all the requests of the above-mentioned Indians

<sup>1</sup>300 (M).

are reducible to the petition that the presidio be established, they promising a perpetual peace, friendship, and subjection.

Giving his ideas at length, he shows the expediency of persecuting and exterminating the perfidious Apaches, who infest our frontiers, and the Osages, who are enemies of Luisiana.

He says that Señor O-Reylli left presents of muskets and powder and balls, intended for sundry nations, and that they have been disposed of accordingly. That if these munitions are not given to them, they can provide themselves from the English colonies, since experience has shown that they supply them with much pleasure, trying to make friends with them.

He describes the situation of the English, and the ease with which they can insinuate themselves into the dominions of our Sovereign, unless they are prevented by [our] making friends with the nations of Indians who can oppose them. [He shows also] the consequent impossibility of reducing those who live on the banks of the Misuris [Missouri]. The source if this is unknown, though, because of the discovery of a quantity of ivory and elephants' bones made in the course of an expedition in which Demeciers took part, it is believed to be on the border of Asia.

In conclusion he treats of the populous Osage nation. [They are] faithless, [*very fierce*], and hostile to the Indians who have just made peace, and who restrain them from introducing themselves into our territories; and he treats likewise of the Vidaïs, whom he counts as enemies because they furnish to the Apaches arms and munitions.

#### CONCLUSION.

Here ends the compendium of the events most worthy [*of attention*] which have occurred in the Province [*of Texas*] from its conquest to the last proposals of its present governor. Yet, since the desire to prove my love for the service of God and the King has induced me to examine for fifteen working days—not without risk of getting beyond the narrow range of my limited talents—more than a hundred *autos*, forty bulky volumes of royal orders, and various valuable papers bearing on the matter in hand, I may be granted the privilege of making some remarks, which are not to be looked upon as recommendations (*dictamens*), for I dare not give

one in a matter of so grave moment, especially since I have not seen the country.

In the year 1760, the same solicitation was made that the Baron de Ripperdá presents in his first proposition; and if the circumstances preceding them were not identical, they differ very little in essence. At that time the requested removal of the Presidio of San Sabas to the line of villages inhabited by the Indians of the North, could not be put into effect; but the new orders issued by His Excellency the Marques de Croix station the presidio in question on the bank of the Rio del Norte, and Lieutenant-Colonel Don Hugo Oconor is engaged in this removal.

The war against the Lipan Apaches, who are the troublers of Texas, His Excellency the Marques de Ruby considers indispensable; the governor of Coaguila has lately asked for it, and the said Oconor is waging it.

The furnishing of firearms, powder, and balls, with which the Indians of the North are provided to their satisfaction, is a noteworthy paradox. The Spanish blame the French, they the English, who have no need to protest innocence; but there are more than enough books of reports which involve the first nation in that business, and, extra-judicially, nobody is ignorant that many have increased their capital by its means.

While the colony of Luisiana belonged to the French, they could not be kept from intercourse with the Indians; and even today, according to [*a report of*] Demeciers, they continue the furnishing of guns, powder, and balls, in virtue of superior orders.

It is difficult to keep the English from this traffic, for, as the Misuris is navigable, they come without opposition into the lands of the Indians, as Don Hugo de Oconor affirms.

In regard to [the statement] that the French have induced the savages to attack our frontiers, I am inclined to the opinion (*dictamen*) of his Excellency the Marques [*de*] Ruby, who does not give credence to it, and [who thinks that] the only thing to believe is, that some deserters or irresponsible individuals of that nation, have given cause for the formation of this opinion.

The hold which Demeciers and San Denis have secured upon the Indians is not strange. Both were reared in the Presidio of Nachitoches; the father of the first was greatly beloved by all the na-



tions of the North; and [the father] of the second [was] the celebrated Don Luis de San Denis who brought the Spaniards into Texas. It cannot be denied that in Demeciers are combined aptness, training, and good education, as his writings show. But what room is there for doubt that the French are pleasing to the Indians? "While the soldiers," (this is the phraseology of the letter of a missionary priest written in the year 1718) "*mestizos*, half-breeds, mulattoes, and full-bloods, are engaged in vexing the Indians, and co-operating in their thieveries and evil deeds, your Frenchman will take off his shirt to give to them and to hold them to their allegiance." And I have read many reports of this same kind.

The concentration of forces in San Antonio de Bexar, the abandonment of the Adaes and Orcoquisac presidios, and all the measures which his Excellency the Marques de Ruby proposes, make for the benefit of the Province of Texas.

If the clamors, the importunities, the representations, and the appeals which have been made without ceasing by the governors of the Provincias Internas, the captains of presidios, the reverend missionary fathers, and the citizens, had been listened to, each province would have an army and each commandant a mine of gold.

The arguments of expediency with which they have always supported their individual plans, have taken the form of warnings of the impending desolation of these dominions if troops and missionaries are not increased in number, new presidios created, families and settlers sent out, war made on the heathen—and, finally, unless the whole treasury of the King is put at their disposal, although, burdened as it is with liabilities, its receipts do not in reality suffice for necessary expenditures.

The Presidio of San Sabas has suffered two removals, and if attention had been paid to the requests it would be necessary now to remove it from the San Marcos River to the [*Rio*] del Norte. That of San Agustin de Ahumada, up to the time when it disappeared in the ruins of its conflagration, a period of a little more than nine years, had not attained a fixed location.

I transcribe literally the very sagacious expressions which are contained in *dictamens* given by His Excellency the Marques de Altamira in regard to the request of the Padre Fray Mariano de

los Dolores that the Presidio of San Xavier be garrisoned with ninety troops:

"But now at the close of this document it is stated, that for the said protection eighty or ninety soldiers are needed, and, in another document, that eight or nine hundred are needed," (and he concludes) "there is probably not a Catholic who would not wish to see brought into the bosom of our Holy Faith the very bounteous harvest of the empires of the great Tibet, China, Japon, Tartaria, Mogol, Persia, Otomano, and Moscovita and restored from captivity among infidels every Christian whose faith is in peril; but it is needful to proportion one's desires to the resources, the capital, and other necessities which God gives and dispenses, whenever His inscrutable will so decrees."

When the Roman Empire was at its greatest extent in the three parts of the world, Europe, Africa, and Asia, it protected its frontiers with thirteen presidios; and today our Monarch has twenty-four in this Nueva España alone; and they would be a hundred, and would be transferred from one place to another every day, if one yielded easily to those who think only of their own interests, and who know nothing about the needs of other people. With this it seems to me that it is now time to conclude this paper.

[Mexico, November 10, 1772.]

\*NOTE OF THE FATHER COLLECTOR.

The preceding extract from the events in the history of Texas is one of the most valuable documents to be found in this collection.<sup>1</sup> The Reverend Padre Morfi, author of *Las Memorias para la Historia de Texas*, took pains to combat some points of this compendium; yet we must confess that his allegations were equally unjust and importunate.

It would have been very easy for the Señor Bonilla to dispel the unfounded objections of the author of *Las Memorias*; he could have replied satisfactorily by presenting to the view of his opponent the original documents from the office of the Secretaria de Camara and from the office of the Superior Government, from which he drew with exactness and fidelity the information contained in his

<sup>1</sup>The *Memorias de Nueva España*.

extract; his illustrious pen could have produced some papers that would have vindicated his veracity, by demonstrating the insubstantial character of those contradictions. But principles of moderation, religious considerations as to the sacred character of his opponent, and above all the feeling of delicacy respecting the friendship which had always united his heart to that of the Reverend Morfi impelled him to sacrifice to silence the victory which must have been assured him by the well-known advantages of his knowledge of facts and of his position.

Nevertheless, what the Señor Bonilla would not do, is done by the greater part of the documents comprehended in this and in the following volume;<sup>1</sup> many of its acts and instructions are documents which in clear and positive fashion manifest and sustain the value of the information in the compedium; they argue in favor of its author's veracity and prove that the doubts and contradictions resulting from the impulsive disposition of the Reverend Padre Morfi, must be of no consequence as against the author or his extract.

Finally, we must say in the interests of the truth, that we have seen in the office of the Secretaria de Camara the document from which was taken the notice about the little chest of *louis d'or*, of which the Señor Bonilla speaks in the third section of his extract;<sup>2</sup> and on which the author of *Las Memorias* opened such a fire.\*

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## APPENDIX.

### THE SANDOVAL CASE.<sup>3</sup>

After the resignation of [Bustillo y Cevallos] Captain Don Manuel de Sandoval, who had come to this kingdom as governor of Coahuila, and had just finished his term of office, entered upon the government of Texas. He had come to this kingdom in the year seventeen hundred and twenty-eight, after having served in the royal armies twenty years and seven months, as cadet, subaltern,

<sup>1</sup>I. e., *Memorias*, XXVII and XXVIII.

<sup>2</sup>See page 14.

<sup>3</sup>As presented in the *Testimonio de Un Parecer*.

and lieutenant acting as captain of grenadiers. He entered upon the government in the beginning of seventeen hundred and thirty-four, and resided most of the time in the Presidio of San Antonio de Vexar, according to the order of His Excellency the Viceroy, Marques de Cassafuertte, the better to resist the frequent hostilities of the intrepid barbarian Apaches.

As early as the year seventeen hundred and sixteen the French had placed their post of Nachittoos on this side the Colorado [Red] River on an island formed only when an arm of the river overflows. On this side the arm the French had also from the beginning some houses, ranches, orchards, and crops, and a corral for the drove of horses belonging to the commandant, Don Luis de Sandenis. Their possessions extended to the Arroyo Hondo and to the place called la Gran Montaña, which divides in half the seven leagues between the Presidios of Adays and Nachittoos. Because the island became marshy and subject to inundation, or because [they were actuated] by other purposes and motives, the French began, toward the close of seventeen hundred and thirty-five, to change their post to the site occupied before by a house belonging to one of the Frenchmen, a musket-shot from the island, according to the witnesses, or a third of a league, according to the same French commandant, [as he states] in his official replies which are extant in *autos*.

The French carried on the removal energetically, saying that it was by order of the court of Paris given to the governor of Louisiana, Don Juan Bauttista Biembille. Sandoval was at that time in the Presidio of San Antonio de Vejar, two hundred and forty leagues this side of the frontier of los Adays. He had there as his substitute in command (*theniente general*) the subaltern (*alferez*) Don Joseph Gonzales, who in a letter of November 12 of the year already mentioned [1735], advised him of all the occurrences narrated above. Sandoval answered that he must oppose the removal, making the demand three times of the French commandant, Sandenis, to whom he sent a letter [through Gonzales] in regard to the matter. The demands and the replies kept on till the last of August, seventeen hundred and thirty-six.

Sandoval had no documents bearing on these boundaries, and the preceding expeditions already mentioned, and so he argued, only upon the basis of verbal statements, that Alonzo de Leon, Don Domingo Theran, and Domingo Ramon had preceded the French in the occupation of that country; that since then and ever after the Colorado [Red] River had been held as the dividing line between the two crowns, that of Spain possessing all on this side, as had been verified in some express occurrences; that in case of any doubt account ought to be given to the sovereigns. Pending their



decision the French should suspend operations; if not, they would meet with armed resistance.

The French commandant, Don Luis de Sandenis, Cavalier of the order of San Luis, argued on the contrary, that the French were the first discoverers, in the year sixteen hundred and eighty-five; that the Marques de San Miguel de Aguayo had erected our Presidio of los Adays in the [year] seventeen hundred and twenty-one, while the French had their [post] much earlier on the island, and houses, corrals, and other possessions on this side; that the Marques had made no objection, nor [had] his successors; that in the year seventeen hundred and eighteen Ramon was in the Post of Nachitoos and got help from it; that to Sandenis himself the Spaniards owed their subsequent occupation of los Adays, and the foundation of their missions; that the French represented in that dominion the Nachittoos, who possessed lands not only on the other side of the Colorado River, but also on this side, without contradiction on the part of the Adays Indians, whose successors were the Spaniards; that the seven leagues between the two presidios had not been divided, nor was there any reason why the Spaniards should appropriate them all; that he was acting in virtue of orders from his superiors, and that he could not suspend [operations]; and that if he should be attacked with arms he would defend himself by force of arms, and the consequences would be at the offender's cost.

Sandoval was ordered by the Superior Government to watch the French closely, and to prevent them by all possible means from exceeding their limits, but not to break with them without first giving a report. He carried out [these orders], sending a copy of the replies of the French commandant Sandenis. By official order all communication with the French was forbidden at los Adays; not even the usual seed and provisions were to be bought from them. The French nevertheless continued the removal of their fort, which is built of stakes. They put up their church there, and about fourteen houses for their priest (*ministro ecclesiastico*), for some persons belonging to the presidio (*presidiales*), and for some citizens.

About this time Don Carlos de Franquis came from Spain with the title of colonel, and the promise of the government of Tlaxcala, which he found previously occupied. His Excellency the Archbishop Viceroy conferred upon him, *ad interim*, that of Texas. He began his term of office in September, seventeen hundred and thirty-six. His stormy, petulant, and precipitant temper manifested itself at once and brought about complaints of rash and scandalous insults offered by him to the missionary religious. He seized and opened letters and packets which they were sending out of this province. He had his predecessor, Sandoval, placed in the stocks

with two pair of fetters, in the capital of los Adaes, though he was not [Sandoval's] judge of *residencia*. He took Sandoval's papers away from him, and afterward instituted criminal process against him for his unwarranted requisition of some presidials, and for the removal of the French post. This [last offence] he exaggerated without limit. The governor of the New Kingdom of Leon went to Texas with a dispatch from this captain-generalship dated July ninth, seventeen hundred and thirty-seven, and gave Franquis an examination (*pesquiso*), first retiring him to the Presidio of San Juan Bautista del Rio Grande. He left this place and came to this capital. The governor [of Leon] remitted the report of the examination. As Franquis had not the means to pay the three thousand four hundred-odd *pesos* fees and costs, they were required of Sandoval before the decision was reached in the examination.

In the year seventeen hundred and thirty-eight Sandoval gave his *residencia* [rendered official account of his administration] in view of the charges brought against him by Franquis. Without making any decision, the judge sent it to this captain-generalship. After an expression of opinion by the fiscal, a decision as to the seven charges against him was given on the twenty-eighth of March, seventeen hundred and forty-one. He was acquitted of the third, fourth, fifth, and seventh; and was fined five hundred *pesos* on the first and second, [which alleged] that he had not resided in los Adays and had not recorded in the royal army register the muster-roll and the changes in the service there (*altas y bajas*), notwithstanding the fact that Sandoval asserted that he had resided in Bejar because of the frequent hostilities of the Apaches; that at that distance (*desde alli*) he could not record in the register at los Adays the muster-roll and the changes, which was two hundred and forty leagues away, but that he had kept a record in reports, which he showed, and according to which the royal treasury was his debtor to the amount of three hundred and forty-nine *pesos* which had not been paid him.

On the sixth charge, as to the removal of the French Post of Nachittoos, the decision ordered that investigations should be made in this capital and in los Adays as to whether or not the site to which the French had moved their post belonged to them, and that the decision in regard to the charge should be postponed till the result should be known. Sandoval paid into the royal treasury his fine of five hundred *pesos*. On the eighteenth day of July of the same year, seventeen hundred and forty, the order was dispatched that the governor of Texas should get the required information in los Adays.

No charge was brought against Sandoval that during his term of

office as governor His Majesty was paying for more missionary religious than were actually engaged in spiritual ministrations among the Indians. Franquis made libelous statements to this effect in his letters and papers, but without any formal statement as to [the number] of religious actually there (*que havia*) or as to [the number] there ought to be. His expressions, therefore, were disregarded as [being] prejudiced against the religious.

In virtue of the decision, six of those who had been in the expedition of the Marques de San Miguel de Aguayo or had been afterward at los Adays, were examined there as witnesses. The whole [investigation] proved that the place called la Gran Montaña (midway between the two presidios of Adays and Nachittooos) had always been regarded as the boundary between the two crowns, and not the said Colorado River, on whose hither bank the French had houses and other possessions extending to la Gran Montaña.<sup>1</sup>

Later, when his excellency the Duque de la Conquesta became viceroy—on the seventeenth of August, seventeen hundred and forty—Franquis presented a prolix document which served to revive the sixth charge, as to the removal of the presidio. Sandoval was arrested and his papers seized, on the seventeenth of September. He was kept in prison with a guard and a sentinel, who kept him constantly in sight, until the nineteenth of January, seventeen hundred and forty, when he was released under oath, or, rather, on bail, passed upon and granted on account of his being seriously ill. It does not appear that any judicial decision, official or otherwise, was made against him, during or after the time of this imprisonment.

At Sandoval's request, all the reports [in the case] were turned over to him. He then repeated his defence in a long document under date of the twenty-eighth of October, seventeen hundred and forty-one. When the matter was brought to the notice of the present fiscal, Don Pedro de Vedoya y Ossorio, he replied on the twenty-eighth of November of the same year, that Sandoval ought to be declared exempt and free from the deferred charge as to the removal of the French post, since the charge had come out sufficiently weakened by the testimony given by the different witnesses as to the eleventh query in the secret interrogatories in the *residencia*, and since it was now completely quashed by the information received in this court. He asked for a declaration that there should be no further procedure, that Sandoval should be fully acquitted and declared eligible to military and civil office.

As the testimony taken in los Adays, which the governor was known to have sent, was not at hand, a dispatch was sent asking

<sup>1</sup>The *Puntos del Parecer* ends here.



that a certified copy be sent [to Mexico]. It came on the twenty-ninth of May, seventeen hundred and forty-two. Therein it appears that the investigation was made, not in virtue of the dispatch ordered by the decision cited above, but in conformity with a letter, a private order of His Excellency the Viceroy, the Duque de la Conquestta, dated September second, seventeen hundred and forty, ordering the governor of Texas to ascertain by judicial investigation what was the distance between the Presidio of los Adays and the French who had lately moved in from the hither bank of the river, what fort or what buildings they had, when they made the move, who was governor of Texas [at that time], what means he had taken to prevent this encroachment, [or what] toleration [he had shown] in the matter of decreasing His Majesty's dominions, whether he had neglected anything he ought to have done, [if so,] what were his motives, whether since then there had been free communication between our people and the French, whether there had been any attempt at contraband trade. Finally, he should give all information that would serve to throw light upon the matter in hand, dispatching it by courier with the greatest possible speed.

The governor received the letter in los Adays, on the eighteenth of November, in the year seventeen hundred and forty. He immediately examined ex-Lieutenant<sup>1</sup> Don Juan Anttonio Amorin, Sergeant Manuel Anttonio de Losoya, ex-Alferez Don Phelipe Muños de Mora, Corporal of Squadron Matheo Anttonio de Ybarbu, private Phelipe de Sierra, and Alferez Don Joseph Gonzales, all veteran presidials of los Adays. They testified that the Post of Nachitoos had been removed to a point reputed to belong to the French, which was a musket-shot from where it had been before; that the French had had houses on the hither bank of the Colorado River from the very first; that the boundary between the two crowns was the place called la Gran Monttaña, or Arroyo Hondo, which was half-way between the Presidio of Adays and the Post of Nachittoos; that [Sandoval] had resisted the removal as has already been described; and that there had been no contraband trade.

While Sandoval was serving as captain of one of the companies in the plains<sup>2</sup> of Vera Cruz, where Franquis had also entered the service, there was a pause, for the time being, in the judgments in both cases. Franquis asked for a decision on some deferred points in his case. Your Excellency, by decree of the ninth of December, seventeen hundred and forty-three, in conformity with the *dictamen* of His Honor the Oydor, Don Domingo Trespalacios, dated the fifth of the same [month], acquitted him on the points in question.

<sup>1</sup>*Theninette reformado.*

<sup>2</sup>*Campañas.*



Sandoval, according to the above-cited reply of the fiscal, dated November twenty-eighth, eighteen hundred and forty-one, was also acquitted, of the deferred charge in regard to the removal of the French post. Franquis, none the less, resisted the acquittal of Sandoval, in a document dated the sixteenth of the same December, and Your Excellency, [acting on] a previous official opinion of Señor Trespalcacios, imposed perpetual silence upon Franquis. The latter petitioned on the eighth and the thirteenth of January of this year that a certified copy of the whole process should be given him, and it was ordered by decree of the twenty-ninth of the same [month] that it should be given him, after taking the copy that was to be sent to His Majesty. This [last] was to be made promptly, as had repeatedly been ordered. Not only the thirty volumes bearing on the matter have been used [in making this report], but also more than forty more on the previous happenings (*expediciones*) in Texas. All has now been completely examined and judged, so that the investigation of the present governor of Texas, Lieutenant-Colonel Don Justo Boneo,<sup>1</sup> appears uncalled for and unnecessary. If, therefore, it be Your Excellency's good will, you will command that information to this effect be communicated to him [Don Justo Boneo], along with a copy of this *dictamen* and of the last section of that of March sixth of this year, and that the duplicate of the royal *cédula* which he sent as giving testimony in this case, be returned to him in the original. On this, and on whatever else is incidentally set forth, Your Excellency will order whatever you deem best.

Mexico, June twentieth, seventeen hundred and forty-four.

Moreover, in consideration of the [fact that] the reports in regard to the matter are fairly intelligible, and will be more so in copy, Your Excellency, if it be your will, can order if one has not already been made to send to His Majesty according to orders, that a certified copy of this volume and of the auditor's *dictamen* dated the second of the past May, be sent to him in the meantime. With these one can reach a reasonable (*basttante*) understanding of the matter above described.

EL MARQUES DE ALTAMIRA.

<sup>1</sup>Bancroft (*North Mexican States and Texas*, I 621) states that Morales was sent out as governor in 1743, with orders to investigate the French boundary and Sandoval's acts; that after his death, Francisco Garcio Larios ruled *ad interim*, 1743-8. Cf. *Breve Compendio* (Sec. 18).

## THE WORK OF THE DAUGHTERS OF THE REPUBLIC OF TEXAS IN BEHALF OF THE ALAMO.

MRS. ADÈLE B. LOOSCAN, HISTORIAN, DAUGHTERS OF THE REPUBLIC OF TEXAS.

Perhaps never in the history of nations did the course of a revolution develop so rapidly from hopeless defeat to glorious victory as in the forty-six days from the fall of the Alamo, March 6, 1836, to the battle of San Jacinto, April 21, of the same year. So swiftly did important events crowd upon each other that in their contemplation one wonders that the victors, leaders as well as men, did not abandon themselves to the transports of delirious joy and revenge, instead of showing, as they did, unlooked for mercy toward their captive foe.

The Daughters of the Republic of Texas have labored continuously since their organization in 1892 to impress upon the people of the State the sacred duty of owning the ground whereon were enacted these scenes, which nearly seventy years ago thrilled the civilz'd world with admiration. After nine or ten years of patient effort in the face of obstacles great enough to have baffled and discouraged weak hearts, they succeeded in inducing the State of Texas to become the owner of the battle field of San Jacinto. During all this time the work of education has been going on, and now that they are undertaking to accomplish the same high purpose for the Alamo, they hope that there may not be the same difficulties to encounter.

Yet in spite of the fact that the school master has long been in the land, there is an unfortunate and inexcusable ignorance in regard to the scene of the struggle in the Alamo, and the chapel which was bought by the State in 1883 is accepted by many who ought to know better as the whole and only theatre of the siege, defence, and holocaust. Just because it makes the story of the assault more thrilling to point out the exact spot where this one fell, and that one made a stand, this grand old pile has been made the medium for the perpetration of false accounts, until people who do not read history

accept such teaching as true, and point to the tablets that have been hung in the old chapel, to contradict authentic historical statements recorded soon after the revolution. It is, however, gratifying to know that there is an enlightened public in Texas and beyond its borders, who sympathize with the objects of the Daughters of the Republic of Texas in the establishment of the truth of history, and are willing to aid them in acquiring that part of the old mission and square which by a rare good fortune has been placed within their reach.

In order to make plain the progressive steps which have been taken toward the accomplishment of this purpose, I quote from Mrs. C. B. Stone, Second Vice President of the Daughters of the Republic of Texas, and acting President, in her annual address at the meeting of the organization at the city of Fort Worth on April 20, 1904:

"The great work that has absorbed our time and effort during the year, has been the raising of funds for the purchase of the Alamo Mission and the available grounds of the Mission. It is gratifying to tell you that the Texas Federation of Women's Clubs has co-operated with us in this laudable undertaking, and a deep interest is being manifested in this work by the press and people of our State, and we feel that the Alamo will soon stand unfettered and unburdened by the surroundings that now shame and desecrate its glorious history. Through the patriotism, zeal and unselfish devotion of Miss Clara Driscoll, of San Antonio, nobly aided by the De Zavala Chapter, D. R. T., of that city, inspired by Miss Adina De Zavala, the grand-daughter of that patriot Lorenzo De Zavala, collections for this fund have been made, amounting to a little more than seven thousand dollars (\$7,000). To secure the purchase it was necessary to pay by February, 1904, the sum of twenty-five thousand dollars (\$25,000). Miss Driscoll, with a rare disregard of self-interest, advanced a little more than seventeen thousand dollars, to make this payment. The Daughters of the Republic of Texas, through their Executive Board, have recognized this as a debt of honor, and pledged themselves to work unceasingly for the repayment of this sum to Miss Driscoll, and to meet an annual payment of ten thousand [dollars] (\$10,000), for the term of five years, until the full sum of seventy-five thousand [dollars] (\$75,000) has been paid. With concerted action and energy this

can be done, and we feel that the people of Texas will not fail to respond to this call, and aid us to accomplish our purpose, in which the pride and glory of our State are so greatly involved."

During the past year appeals have been made to the citizens of Texas through the newspapers, by means of chain letters, by personal solicitation, and by other customary methods in order to accumulate a fund sufficient to refund to Miss Driscoll the amount expended by her. But in view of the fact that many of the people of Texas are of the opinion that the State should become the purchaser of this property, contributions have not been so liberal as was hoped and expected, and, therefore, about the first of April the Daughters of the Republic of Texas issued the following appeal:

*"To the Honorable the Chairman and Members of the Democratic Executive Committees of each County in the State of Texas:*

"GENTLEMEN: Your memorialists, The Daughters of the Republic of Texas, an association composed of the widows, wives, daughters and female descendants of the early pioneers of Texas, who made the matchless history of our State, and sacrificed life and property for the benefit of humanity and freedom, respectfully represent:

"*First.* That the basis of our association is a desire to create a popular interest in the history of Texas, to cultivate a genuine and devoted love of country, and to impress upon the youth of our land an adequate conception of the great debt they owe to the men who, by their self-sacrifice and heroism, laid firm and deep the foundation of this great commonwealth, and secured to them the infinite blessing of constitutional liberty.

"*Second.* That the acquisition, preservation and proper adornment of the historic spots inseparably associated and connected with those deeds of heroism constitute object lessons, impressive as nothing else can be, of the State's greatness in the past, and will inevitably inspire a noble endeavor to perpetuate that greatness, and implant in the minds and hearts of succeeding generations a desire to emulate the example and maintain the high principles of patriotic devotion bequeathed them by their ancestors.

"*Third.* That the old Alamo Mission with its buildings and grounds, the sacred spot made dear to the heart of every Texan by reason of its baptism in the blood of heroes, is now placed within the reach of our people only by the patriotic devotion of Miss Clara Driscoll, one of the Daughters of the Republic, who, by her generous act in advancing over seventeen thousand dollars from her own private funds, in order to preserve it from the relentless grasp



of commercial greed, has made it possible that the whole of the Alamo may yet become the property of the people of Texas, and be forever preserved as a shrine before which future generations should stand in reverent deference.

"In view of these premises, we, the Daughters of the Republic of Texas, respectfully appeal to you, the representatives of the democracy of Texas, and ask you, in the name of justice and right, and in behalf of the duty of our citizenship to the memory of departed heroes, to appeal to all of your respective conventions that they ask that the members of the next legislature—Senators and Representatives—be instructed to demand the passage of a sufficient appropriation to pay off the debts due on the Alamo Mission at San Antonio, and to favor such appropriate legislation as is suggested by Article XVI, Section 39, of the State Constitution, and as from time to time may be proper to secure the historical spots of Texas, and to insure the dedication and suitable care of them.

"We especially and earnestly request that all delegates to all conventions be instructed to vote for such measures as a platform pledge of the Democratic party—the dominant party—which controls the destiny of Texas, and to demand the same of the State Democratic Convention.

"Trusting that the righteousness of our cause may be evident to the manhood of Texas, and being conscious of the rectitude of our motives and intentions, we submit our appeal to the candid judgment of an honorable and patriotic people.

"MRS. ANSON JONES, *President*, Houston.

"MRS. REBECCA J. FISHER, *Second Vice President*, Austin.

"MRS. C. B. STONE, *Third Vice-President*, Galveston.

"MRS. KATE S. TERRELL, *Fourth Vice-President*, Dallas.

"MRS. WALTER GRESHAM, *Fifth Vice-President*, Galveston.

"MRS. ADELE B. LOOSCAN, *Historian*, Houston.

"MRS. CHARLES H. MILBY, *Secretary*, Harrisburg.

"MRS. ADELE B. LOOSCAN, *Assistant Secretary pro tem.*, Houston.

"MISS BELLE FENN, *Treasurer*, Houston."

Should there be favorable action by the representatives of the people in Texas in their State Conventions and in the next legislature, there will result a speedy and honorable consummation of a glorious purpose, which otherwise might be long delayed in its accomplishment. In the meantime Miss Clara Driscoll, of San Antonio, as chairman and treasurer of the Alamo Mission Fund, will continue to receive payments, recording the names of each contributor in durable volumes which will be carefully preserved and in time deposited in the Alamo—the Texas Hall of Fame.

## NOTES AND FRAGMENTS.

THE ALAMO MONUMENT.—Judge C. W. Raines has an article on this subject in *THE QUARTERLY*, Vol. VI, No. 4, in which the authorship of the expression “Thermopylae had her messenger of defeat; the Alamo had none,” is attributed to Gen. Thomas Jefferson Green. Nanna Smithwick Donaldson, in *THE QUARTERLY*, Vol. VII, No. 4, claims that distinction for General Edward Burleson. Both claims are based on assertions made by the friends and associates of these men, and not upon their own statements, nor are they substantiated by reference to any documents.

While I do not wish to put forth another candidate for this honor, I wish to mention the names of three men who within the very month of the fall of the Alamo, compared, in published documents, now in my possession, the fall of the Alamo and its heroic defenders, to Thermopylae and the Spartans who died there. While, as I said, I do not claim that the expression emanated from these men, yet, at least the sentiment and sense, if not the literal wording and phraseology are found in these utterances.

1. David G. Burnet, president of the Republic, in a proclamation issued from the press of Baker and Bordens, at San Felipe de Austin, March 18, 1836, announcing the removal of the government from Washington to Harrisburg, says: “The fall of the Alamo is the surest guarantee of our ultimate success. The Spartan band who so nobly perished there, have bequeathed to us an example, which ought and will be imitated; and have inflicted on the enemy a terror and a loss that are equivalent to a defeat.”<sup>1</sup>

2. An editorial in the *Telegraph and Register*, published at San Felipe de Austin (Vol. I, No. 24), Thursday, March 24, 1836,<sup>2</sup> gives the facts of the fall of the Alamo, and as complete a list as was known of its defenders. The description is quoted from Mrs. Dickinson, while the list is furnished by John W. Smith and Mr.

<sup>1</sup>Dienst Collection of Documents, Vol. II 28.

<sup>2</sup>Editors, Baker and Bordens. Original in Dienst Collection of Documents, Vol. X. This was the last number printed at San Felipe.

Navon. The editorial begins: "Respecting the fall of the Alamo: That event, so lamentable, and yet so glorious to Texas, is of such deep interest and excites so much our feelings that we shall never cease to celebrate it, and regret that we are not acquainted with the names of all those who fell in that fort, that we might publish them, and thus consecrate to future ages the memory of our heroes who perished at the Thermopylae of Texas. Such examples are bright ones, and should be held up as mirrors, that by reflection, we may catch the spirit and learn to fashion our own behaviors."

3. The General Council of Texas passed an ordinance and decree, approved by Gov. Smith Jan. 9, 1836, appointing and commissioning Thomas Jefferson Chambers to raise an army of Reserve.<sup>1</sup>

In carrying out this work Chambers published, just after the fall of the Alamo, a stirring appeal to the people in which he uses the following language: "Brave, chivalrous, heroic, patriotic band! ye sleep in death but 'still are free.' Your names shall be inscribed in the proudest and the brightest pages of history with those of Leonidas, Warren and others, who have offered themselves as sacrifices upon the altar of their country. . . . It is expected that the despot will attempt to advance immediately into the heart of the country to murder and butcher our families, and devastate our homes. Let him come! If he has made for our intrepid brethren and countrymen a Thermopylae at Bexar, he shall also find in the plains of Texas a Marathon and a Plataea. The bones of the barbarians shall bleach upon the fields they desolate."<sup>2</sup>

ALEX. DIENST,  
Temple, Texas.

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MR. WINDSOR'S REQUEST FOR FILES OF LOCAL NEWSPAPERS.—Mr. P. L. Windsor, Librarian of The University of Texas, has addressed to the press of the State a circular letter, asking for contributions to the library of files of local newspapers and other printed matter. Readers of *THE QUARTERLY* need not be informed of the importance to future historical research of the preservation

<sup>1</sup>Original proclamation in Dienst Collection of Documents, Vol. II 15.

<sup>2</sup>Original in Dienst Collection of Documents, Vol. II 59.

of all material furnishing original records of the daily transactions that together make up the history of our State. Of equal importance with the preservation of such material is the establishment of a central depository for them, where each partial collection will be supplemented by, and may be studied in the light of, other similar collections. The fitting place for gathering such a collection is at the State University, where it can be classified and kept by trained librarians, and where it will be most available for use by the students and scholars, certain to be a growing body, gathered for research at the Commonwealth's seat of learning.

Subscribers will do a service to the State by re-enforcing personally, each in his own community, Mr. Windsor's appeal to the press. It is the understanding of the editors of *THE QUARTERLY* that The University will pay the cost of transporting all papers contributed. Following is the letter:

*"To the Editor:*

"The Library of The University of Texas is now receiving gratuitously about seventy-five Texas newspapers and is preserving them for the use of future writers of our State and local histories. The Library does not subscribe for any; if it subscribed for only a few of our State newspapers it would hardly be fair to the many, and there is not sufficient money to subscribe for all. To the Editors of the State we wish to suggest the desirability of having their papers on file at this University and to ask them to consider putting the Library on their free list.

"The Library fully recognizes the educational value of the newspaper press and is spending the necessary time and some money in properly caring for the papers which come. The mere cost of binding a newspaper is usually greater than the subscription price, and the papers that we cannot bind at present because of lack of funds, are tied into bundles properly labeled, to await the time when sufficient money will be available.

"The experience of the older States is that not only in writing the more formal histories of State and county and city, but also in almost any serious study of the political, business, social and religious affairs of the State, files of the daily and weekly newspapers published in the various parts of the State are essential. For foreign news, files of one or two good newspapers are sufficient; for complete Texas news, files of many newspapers are necessary. The Library wishes files of our State papers, then, not so much for present use as for future use, and a file of your paper for last year or for any past years is as welcome as the current issues.



"To make these State newspapers most conveniently accessible to the largest number of our citizens, a file should be preserved not only in the county of publication, but also in the Capital; will you help by contributing your newspaper?"

"The Library will also gladly receive gifts of any reports or pamphlets issued by local societies, clubs or institutions of whatever sort, and maps and photographs of any part of Texas. What is of seeming unimportance to you may become of considerable interest and value when placed alongside similar gifts from the other parts of the State.

"Address newspapers and all communications to

"The Library of The University of Texas,  
"Austin, Texas."

## BOOK REVIEWS AND NOTICES.

In the January *Out West* (Vol. XX, No. 1) begins a series of "Early California Reminiscences" by Gen. John Bidwell. The editorial note tells us that for more than fifty years John Bidwell was one of the foremost citizens of California. He went there when Mexican rule was still in force, and after annexation took a prominent part in the development of the State. The series is concluded in the August number.

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*The Quarterly of the Oregon Historical Society*, Volume IV, Number 4, contains an article entitled, "The Origin and Authorship of the Bancroft Pacific States Publications: a History of a History—I," by William Alfred Morris, which is of wide interest in the Southwest. It sketches the lives of Hubert Howe Bancroft and his collaborators, tells something of their ideals and their methods, gives approximately the amount contributed by each to the published work, and estimates its value. The materials which Mr. Morris used in its preparation seems to have been chiefly Bancroft's *Literary Industries* (Volume XXXIX of Bancroft's Works), letters of Bancroft, and published and unpublished statements of his collaborators.

It has long been an open secret that Bancroft is not the sole author of the thirty-nine octavo volumes bearing his name on the title-page. The fact that he tactily claims sole credit would naturally lead to the inference that such collaborators as aided him must have been men of inferior ability, since otherwise they would have demanded recognition of their work. Mr. Morris brings out the fact, however, that they really were well-fitted for their work, and that one of them was already an author of established reputation when she joined the Bancroft library force. Need of one kind or another seems to have reduced them all to the necessity of submitting to the agreement that so long as they remained on Bancroft's library staff, they were to claim no public recognition.

Bancroft was a native of Ohio, who went to California in 1853, while still a young man. In the course of several years he built up a flourishing bookselling and publishing business. In the year 1859, the company happened to find itself engaged in the publication of a hand-book almanac. The small collection made for this purpose was the nucleus of the great library of books and manuscripts relating to the history of the Pacific coast, which Bancroft afterward collected in Europe and America.

Long before it was finished, the plan of a complete history of the western half of North America had taken shape in his mind. His first idea was to have his assistants classify and index the material, take notes, and "prepare manuscript in the rough." His part was to be to map out and direct the work, and re-write the manuscript. As time went on, however, and the scope of the work grew, he found it necessary to assign the "assistants," as he calls them, certain parts to work up in practically finished form for the printer. He was, in the main, therefore, simply a managing editor. He was the actual author, as appears from Mr. Morris's analysis, of only about four of the completed volumes. The *North Mexican States and Texas*, it may here be noted, was not Bancroft's work at all. The first volume of it was written entirely by Henry Lebbeus Oak. In the second, the Texas part is by J. J. Platfield; the rest of the volume is by a Finlander, who wrote under the name of William Nemos.

Mr. Bancroft's lack of frankness, his failure to apprehend the ethics of authorship, could not fail to bring discredit upon his work. His business instincts and training, too, while they made him in some respects an excellent director of a great undertaking, led him to hurry his collaborators, with a view to saving expense, and, what was worse, to distort the facts so as to make the work popular. Moreover, as is the case with any contemporary history, much of the work suffered from a lack of perspective.

It can not be denied, however, as Mr. Morris justly shows, that in collecting and in organizing this immense amount of material, much of which would have been lost with the passing of the Western pioneers, Bancroft has done thankworthy service to humankind. "He who shall come after me," he says in a letter quoted by Mr. Morris, "will scarcely be able to undermine my work by laying an-

other and deeper foundation. . . . He may add to or alter my work, for I shall not know or be able to tell everything, but he can never make a complete structure of his own." Nor is this an idle boast. Take, for instance, the Bancroft history of Texas. It is a minor part of the complete work; it is not hard to find in it serious errors; yet it is based upon an immense mass of material which no previous historian had touched; and it is the best detailed history of Texas extant. There is much Texas material, to be sure, that even Bancroft never knew of; and the historian of the future will have much to add, as well as much to work over; yet he will find it necessary to work upon the foundation Bancroft has laid.



## AFFAIRS OF THE ASSOCIATION.

THE ANNUAL BUSINESS MEETING.—At the annual business meeting of the Texas State Historical Association, held at the University April 29, Vice-President F. R. Lubbock presided.

The following officers were re-elected: President, Judge John H. Reagan; vice-presidents, Dr. D. F. Houston, ex-Governor F. R. Lubbock, Mrs. Julia Lee Sinks and Judge T. S. Miller; corresponding secretary, Eugene C. Barker; members of the executive council, Judge R. L. Batts, Professor W. J. Battle.

Two amendments to the constitution, which had been recommended at a meeting of the executive council on April 20, were acted on and adopted. The membership of the Association was increased by the election of about fifty new members.

A committee consisting of Dr. Geo. P. Garrison, Dr. Herbert E. Bolton and Mr. E. W. Winkler was appointed to prepare resolutions concerning the death of Mr. R. G. West, and it reported the following, which were adopted:

WHEREAS, Mr. R. G. West, for some time a life member of this Association, died recently at his home in this city; therefore, be it

*Resolved*, That in the death of Mr. West this community has lost one of its best citizens and the Association one of its most valuable members and generous benefactors.

*Resolved*, That the sympathies of the Association are hereby extended to his widow and family in their bereavement.

*Resolved*, That these resolutions be communicated to Mrs. West and that they be published in full in the proceedings of this meeting.

**ACCESSIONS TO THE LIBRARY FROM JUNE 15, 1903, TO JUNE 15, 1904.**

AUTHOR.	TITLE.	DONOR.
Walter F. McCaleb .....	Aaron Burr Conspiracy, The..... American Catholic Historical Researches, Vol. 20, No. 3. American Historical Review, Vol. 8, Nos. 2, 4; Vol. 9, Nos. 1, 2, 3. Anales del Museo Nacional de Mexico, Vol. 1, No. 4. Annual Catalogue of the Agricultural and Mechanical College of Texas, 1903-4. Annals of Iowa, Vol. 6, Nos. 2, 4, 6... Annual Publication of Historical Society of Southern California, Vol. 6. Annual Report of American Historical Association, 1902, Vols. 1 and 2. Annual Report of the Connecticut Historical Society, 1904. Annual Report of the Historical and Philosophical Society of Ohio, 1903.	The Publishers. The Publishers. The American Historical Association. Dr. Manuel Urbino. The College. The Publishers. The Society. The Association. The Society. The Society.
Smith, J. H. ....	Arnold's March from Cambridge to Quebec.	The Publishers.
Smith, Z. F. ....	Battle of New Orleans (The)..... Biennial Report of the State Historical Society of Missouri (First). Boletin del Museo Nacional de Mexico, Vol. 1, Nos. 4, 7, 8. Boletin de la Real Academia de Historia, Vol. 44, Nos. 3, 4, 5, 6. Chicago Historical Society Report, 1903. Collections of the State Historical Society of Wisconsin, Vol. 1. Collections of the Illinois State Historical Society, Vol. 1. Columbia University Quarterly, Vol. 6, No. 3. Council of Appointment, New York Military Records, Vols. 1, 2, 3, and Index. Critic (The), Vol. 44, No. 6..... Definitive, Authoritative and Exclusive Narrative History of North America (First).	The Publishers. The Society. Dr. Manuel Urbino. The Academy. The Society. The Society. The University. The State of New York. The Publishers. The Publishers.
Moses R. Armstrong .....	Early Empire Builders of the Great West (The).	The Publishers.
Jessica Blanche Peixotto ..	Essex Institute Historical Collections, Vol. 40, Nos. 1, 2. French Revolution and Modern French Socialism (The).	The Essex Institute. The Publishers.
Sues, O. L. ....	Girl's Industrial College, Bulletin No. 5. Grigsby's Cowboys .....	The College. Historical Society of South Dakota. The Publishers.
	Gulf States Historical Magazine, Vol. 2, No. 3. Iowa Journal of History and Politics (The), Vol. 2, Nos. 3 and 4; Vol. 1, Index. Johns Hopkins University Circular, No. 5. Johns Hopkins University Studies in Political and Social Science, Vol. 21, Nos. 6, 7, 11, 12; Vol. 22, Nos. 3, 4. Kansas University Science Bulletin, Vol. 4, Nos. 6, 8.	The Editor. The University. The University. The University.
Haynes, Harry .....	Life and Writings.....	The Publishers.

**ACCESSIONS TO THE LIBRARY—continued.**

AUTHOR.	TITLE.	DONOR.
	List of Books, Pamphlets and Maps Received at Library of Department of State.	The Department of State.
	Memoirs of the Peabody Museum, Vol. 3, No. 1.	The Museum.
Benjamin F. Shambaugh..	Messages and Proclamations of the Governors of Iowa, Vol. 3, Nos. 4, 5.	The Historical Society of Iowa.
James H. Trumbull.....	Natick Dictionary, Bureau of American Ethnology.	The Bureau.
	New England Historical and Genealogical Register, Vol. 58, Whole Nos. 230, 231, and Supplement to 230.	New England Historical and Genealogical Society.
	Ohio Archæological and Historical Quarterly, Vol. 12, No. 3; Vol. 13, Nos. 1, 2.	The Society.
	"Old Northwest" Genealogical Quarterly, Vol. 7, Nos. 1, 2, 3.	Old Northwest Genealogical Society.
	Ontario Historical Society, Vol. 5...	The Society
	Out West, Vol. 19, No. 1; Vol. 20, No. 1; Vol. 21, No. 1.	The Editor.
	Peabody Museum Papers, Vol. 3, Nos. 1, 2.	The Museum.
	Political Science Quarterly, Vol. 19, Nos. 1, 2, 4.	The Editors.
	Portland Benevolent Society Exercises.	The Society.
	Proceedings of the State Historical Society of Missouri, 1903.	The Society.
	Proceedings of the State Historical Society of Wisconsin, 1903.	The Society.
	Program and Selections for the Celebration of the Anniversary of Alabama's Admission to the Union.	The State of Alabama.
	Public Papers of George Clinton, First Governor of New York, Vol. 6.	The State of New York.
	Publications of the Bureau of Ethnology (Smithsonian Institution), Vols. 9, 12, 15.	Smithsonian Institution.
	Publications of the Mississippi Historical Society, Vol. 7.	The Society.
	Publications of the Southern Historical Association, Vol. 8, Nos. 1, 2, 3, 4.	The Association.
	Records of the American Catholic Historical Society, Vol. 13, No. 1; Vol. 14, Nos. 2 and 4.	The Publishers.
	Report of the President of Yale University.	The Publishers.
	Report and Resume of History of Houston Lyceum (First).	
	Review of Historical Publications Relating to Canada, Vol. 8.	
	Sewanee Review Quarterly, Vol. 11, No. 4; Vol. 12, Nos. 1, 2.	The Publishers.
Dubose.....	Sketches of Alabama History.....	The Author.
Kleberg, Rose.....	Some of My Early Experiences in Texas.	
	South Atlantic Quarterly (The), Vol. 3, Nos. 1, 2, 3.	The Editor.
	Southern Historical Society Papers, Vol. 31.	The Society.
W. Roy Smith.....	South Carolina as a Royal Province.	The Publishers.
	South Dakota Historical Collections, Vol. 1.	The Society.
	Texas Medical News, Vol. 13, No. 6.	The Editors.
	Texas School Journal, Vol. 21, Nos. 7, 8; Vol. 22, No. 2.	
	Transactions of the Illinois State Historical Society, Vol. 8.	The Society.

**ACCESSIONS TO THE LIBRARY—continued.**

AUTHOR.	TITLE.	DONOR.
Richardson, E. C., and Morse, A. E.	Trial Bibliography of American Trade Union Publications, Series 22, Nos. 1, 2.	The Publishers.
	University of California Publica- tions, Vol. 1, Nos. 1, 2; Vol. 2, Nos. 1, 2, 3.	
	University of Missouri Studies, Vol. 2, Nos. 4, 5.	The University.
	University of Nebraska Studies, Vol. 4, No. 2.	The University.
	University of North Carolina Record, No. 24.	The Historical Society of North Carolina.
	University of Tennessee Record, Vol. 7, No. 3.	The University.
	University of Toronto Studies, Vol. 2, No. 2.	The Publishers.
	University of Iowa Studies, Vol. 3, No. 3.	The Publishers.
	Virginia Magazine of History and Biography (The), Vol. 11, No. 4; Vol. 12, No. 4.	The Editors.
	William and Mary Quarterly, Vol. 12, No. 3.	The Publishers.
	Writings on American History, 1902.	

GEORGE P. GARRISON,  
Librarian.



## TREASURER'S REPORT FOR YEAR ENDING JULY 31, 1904.

## RECEIPTS.

Balance on deposit in City National Bank at last report, bearing 4 per cent interest.....		\$	500 00
Balance on hand in City National Bank at last report, sub- ject to check.....			196 16
I. From dues:			
3	Membership dues for year ending March, 1903.....	\$	6 00
16	" " " March, 1904.....		32 00
13	" " " March, 1905.....		26 00
1	" " " June, 1900.....		2 00
2	" " " June, 1901.....		4 00
7	" " " June, 1902.....		14 00
14	" " " June, 1903.....		28 00
85	" " " June, 1904.....		170 00
3	" " " June, 1905.....		6 00
1	" " " December, 1900.....		2 00
2	" " " December, 1901.....		4 00
10	" " " December, 1902.....		20 00
39	" " " December, 1903.....		78 00
27	" " " December, 1904.....		54 00
1	" " " December, 1905.....		2 00
1	Fellowship dues for year ending March, 1902.....		5 00
2	" " " March, 1904.....		10 00
2	" " " June, 1904.....		10 00
II. From membership dues collected by draft.....			473 00
III. From sale of QUARTERLY.....			331 45
IV. From advertising.....			19 70
V. From interest (\$500 at 4 per cent.).....			33 20
VI. From contribution (Mrs. Julia Lee Sinks).....			20 00
			5 00
Total.....		\$	1,578 51

## EXPENDITURES.

Vouchers.	
No. 54	Von Boeckmann-Jones Co., printing, etc.....
55	
57	
63	
71	Morgan-Prescott Printing Co., printing, etc.....
64	
52	
56	
59	U. S. Postoffice, stamps.....
65	
66	
51	Miss Helen Garrison, indexing QUARTERLY, Vol. VI.....
50	
58	Miss Ada H. Garrison, typewriting.....
67	
49	Miss Edith Weeden, clerical assistance; mailing bills, ad- dressing wrappers, indexing QUARTERLY, Vol. VII, solici- tling new members.
53	
68	
70	
60	Miss Nettle Barker, mailing bills, soliciting new members.
69	
61	Meyer & Keller, Ink.....
62	University of New York, express charges .....
	City National Bank, exchange .....
	Deposit in City National Bank, bearing 4 per ct. interest
	Balance on hand, subject to check, July 31, 1904.....
	Total.....

\$ 649 03
51 85
107 00
10 00
13 70
26 50
14 00
85
1 20
1 60 \$ 875 73
600 00
102 80
\$ 1,578 53

Total..... \$ 1,578 53

Respectfully submitted,

Approved:

EUGENE C. BARKER, Treasurer.

Z. T. FULMORE, }  
C. W. RAINES, } Auditing Committee.

# THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. VIII.

OCTOBER, 1904.

No. 2.

*The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.*

## DE WITT'S COLONY.<sup>1</sup>

ETHEL ZIVLEY RATHER.

### I. *Introduction.*

The Anglo-American colonization of Texas was one of the most important movements of American history. From it followed logically and inevitably a series of events of the greatest significance in our national life. Texas, peopled by Anglo-Americans, could not long remain content under Mexican rule, and as soon as the colonists were given a reasonable occasion for rebellion their independence was a foregone conclusion. Separation from Mexico was but a preliminary step toward resuming allegiance to the mother country—a consummation much desired by the majority of the Texans from the time when they declared the independence of the republic. Annexation speedily led to war with Mexico, and the struggle which ensued resulted not only in the retention of Texas by the United States, but also in the acquisition of the whole Southwest from the Rio Grande to the Pacific. Thus the coming of the Anglo-American had wrought for Texas, within some three decades, results of far greater importance than all the Spaniards had done for the province during the previous three centuries and more.

For nearly two hundred years after the discovery of America

<sup>1</sup> Besides the well-known secondary authorities that have been used in the preparation of this paper, the most important printed works are

Spain was the unchallenged claimant of the territory lying adjacent to the Gulf of Mexico west of the Mississippi. Because none disputed her claim, and because her energies were absorbed in European struggles, she saw no necessity for taking measures to secure it. Therefore, she made no effort to occupy and colonize Texas until the news came that in 1685 there had appeared on the scene a formidable rival, France, and that a French settlement, called Fort St. Louis, had been established on Matagorda Bay. Spain's jealousy was at once aroused. She began a series of efforts—weak and inadequate, it is true, but still not wholly fruitless—to fasten her hold on Texas through the establishment of *presidios* and missions, by means of which it was hoped to civilize and Christianize the Indians and to make of them loyal Spanish subjects. As this means alone seemed insufficient for the purpose, Spanish families were shortly afterward sent to form pueblos and to furnish to the natives examples of culture.<sup>1</sup> The labor and

Gammel, *Laws of Texas*; Sayles, *Early Laws of Texas*; *Recopilacion de Leyes de los Reynos de las Indias*; *Coleccion de los Decretos y Ordenes que han expedido las Cortes Generales y Extraordinarias desde 24 de Setiembre de 1811 hasta 24 de Mayo de 1812*; White, *Land Law in California, Oregon, Texas, &c.*; Almonte, *Noticia Estadística sobre Tejas*; Filisola, *Memorias para la Historia de la Guerra de Tejas*; Schoolcraft, *Indian Tribes of the United States*; the Reports of the Bureau of Ethnology, and *Annual Report of the Board of Regents of the Smithsonian Institution*, 1885. The greater part, however, of the material that has been used consists of manuscripts found in the following collections: The Bexar Archives and the Austin Papers (both collections in the possession of the University of Texas), the Texas Land Office records, the Nacogdoches Archives (in the Texas State Library), the Archives of Texas (in the office of the Secretary of State), and a few documents preserved in the office of Harwood and Walsh, attorneys at law, Gonzales, Texas. These materials are exceedingly fragmentary and disconnected, and it has required great labor to shape from them a consecutive account of the colony. It is hoped that further search in the archives of Texas and Mexico will bring to light records that will make it possible to clear up several points that I have not here been able fully to elucidate.

My acknowledgements are due to Messrs. Harwood and Walsh for placing at my disposal materials in their possession; to Mr. D. S. H. Darst of Gonzales for map 4 and for much information relative to early Gonzales; to Mr. W. N. Lawley of Gonzales and Mr. J. W. Pritchett of the Department of Engineering of the University of Texas for kindly assistance in copying the maps; and to Dr. George P. Garrison, Dr. Herbert E. Bolton, Mr. Eugene C. Barker, and Miss Lilia M. Casis, all of the University of Texas, for many valuable suggestions and corrections.  
—ETHEL ZIVLEY RATHER.

<sup>1</sup>Talamantes, *Historia del Descubrimiento y poblacion de la Provincia de Texas hasta el año de 1730* (MS.), ch. 3, par. 28.

expense involved in this effort are almost incredible compared with the results attained. The conduct of the Spanish soldiers toward the Indians that were brought to the missions by the exertions of the *padres* was, as a rule, so bad that the converts usually deserted at the first opportunity. The Indians, therefore, made little progress in civilization, and Spanish families never came in numbers large enough to colonize the country. Though France practically gave up its claim to Texas, Spain, left in almost undisturbed possession, toiled slowly on for more than a hundred years at the colonization of the province with little result. The population of Texas at the beginning of the nineteenth century probably did not exceed seven thousand, including Spaniards, French, Americans, and the few civilized Indians and half-breeds.<sup>1</sup>

Now was inaugurated a series of filibustering invasions from the United States, beginning in 1800 and lasting until 1821, which helped to destroy the little that already had been accomplished. The Spanish colonists in Texas, especially those at Nacogdoches, became involved with the filibusters and suffered fearful punishment for what they scarcely could have prevented. Nacogdoches itself was nearly destroyed in 1819, and Texas was almost stripped of the signs of civilization as far west as Béjar.

Shortly after the beginning of the filibustering expeditions, however, Spain's claim to Texas was again threatened in a way that, had not other circumstances forbade, might have brought about a new effort on her part to accomplish the colonization of the province. In 1803, by the Louisiana purchase the United States acquired the claim that France had made to Texas, and Spain found this new rival much more aggressive. For a little while in 1806 war between the two countries seemed imminent. But it was averted by the Neutral Ground Treaty of that year, and finally on purchasing Florida in 1819, the United States definitely surrendered to Spain all claims to Texas.

But Spain had been too busy elsewhere to provide against threatened encroachments upon Texas or to take advantage of the clear field after the United States had withdrawn. Until 1814 she had been overtaken by the Peninsular War. Moreover her American colonists had risen in a general insurrection which she was unable completely to suppress, and which culminated in their independence, that of Mexico being acknowledged in 1821. With her strength and energy thus absorbed, it is not hard to understand why Spain did no more to colonize the northern parts of Mexico.

<sup>1</sup> Bancroft, *North Mexican States and Texas*, II 2.



After the treaty of 1819, Texas, abandoned by the United States and neglected by Spain, was left for awhile almost entirely to itself.

It was just at this time that Moses Austin presented his petition to locate upon vacant lands in Texas three hundred families from the United States. In her attitude toward the entrance into Texas of foreigners, especially those from the United States, Spain had been consistently exclusive. Her experience with the filibusters had been so annoying that it was not unnatural that she should refuse peaceable admission to those who came so often as invaders. Therefore, when Austin, in 1820, made his petition for a grant of land in Texas, Governor Martinez, acting in accordance with instructions from the general commandant relative to persons coming from the United States, imperatively ordered him to leave Texas at once. And this attempt at Anglo-American colonization would have failed utterly but for the intervention of Baron de Bastrop—an influential German friend of Austin's, then in the service of the Spanish government—whom he chanced to meet just as he was on the point of leaving Béjar. By the help of Bastrop, Austin obtained the desired concession, although it was directly contrary to Spain's general policy.

After the Mexican Revolution it became necessary for Stephen F. Austin, who upon the death of his father had taken up the enterprise, to have the grant confirmed by the Mexican authorities. For this purpose the matter was referred to the *junta instituyente* organized by the emperor, Iturbide, in 1822.<sup>1</sup> Austin's plan involved special legislation, but the presence in Mexico of several other men who were seeking grants<sup>2</sup> made necessary a general colonization law, which was enacted January 4, 1823. A new revolution, however, overthrew Iturbide, and all acts of his government were consequently declared void, March 19, 1823. During the next month the concession that had been made to Austin was confirmed, but the other petitioners were still unprovided for. There was, therefore, the same need as before for general legislation, and on August 18, 1824, a new national colonization law was passed. This law made no detailed regulations, but left them to be established by the legislatures of the different states. On March 24, 1825, the congress of the state of Coahuila and Texas adopted the law by which, with the exception of Austin's colony, all Texas was colonized.

<sup>1</sup> Bancroft, *North Mexican States and Texas*, II 62.

<sup>2</sup> Among these are said to have been Hayden Edwards, General Wilkinson, Robert Leftwich and Green De Witt.

It is quite true that Mexico was naturally more inclined than Spain had been to look with favor upon the Anglo-American colonization scheme; and yet it is safe to say that the liberality of the system that was finally evolved was due far more to the wise and prudent conduct of Stephen F. Austin, than to any general policy on the part of the Mexican authorities.

Through the national and state colonization laws just mentioned, Mexico opened to foreigners as well as Mexicans all the vacant lands in Texas, except those within twenty leagues of the United States and those within ten leagues of the coast of the Gulf of Mexico. Barring the preference which was to be shown to the military and to native Mexicans, allowing them first choice, all were to be treated alike in the distribution of lands. Each immigrant was required to prove by certificates from the authorities of the locality from which he came, his Christianity and good character. He must then swear to uphold the federal and state constitutions and to observe the Roman Catholic religion. In return, the laws guaranteed the security of his person and property, and permitted him to engage in any honest pursuit. For the first ten years the new settlements were to be exempt from all taxes except such as might be levied to repel foreign invasion.<sup>1</sup>

There were three methods by which persons might secure lands in Texas—by purchase, by special grant, and through an *empresario* (contractor). Those who wished to receive land according to the first two methods had to appeal directly to the authorities at Saltillo, and then, provided the desired land fell within the grant of some *empresario*, to secure his permission. According to the third method the *empresario* received a large grant of land by application to the government, and upon this land he must undertake, by the colonization law of Coahuila and Texas, to settle at his own expense within six years a specified number of families, apportioning to each, under regulations provided by law, the amount of land to which he was entitled.<sup>2</sup> The *empresario* was to receive a pre-

<sup>1</sup> This was the provision of the law of Coahuila and Texas (Gammel, *Laws of Texas*, I 44, 45, 104). The imperial colonization law proclaimed by Iturbide, January 4, 1823, provided that the colonists should be free from all sorts of taxes, tithes, etc., for six years from the date of the concession, and that for the next six years they should pay half that was paid by other citizens of the empire (*ibid.*, 30). When Austin's grant was confirmed it was adjusted to this law (*ibid.*, 31-33). The national colonization law, August 18, 1824, provided that colonists should be exempted from all taxes, etc., for four years from the publication of the law (*ibid.*, 39, 97).

<sup>2</sup> The grant, of course, did not confer on the *empresario* any right of

mium of five *sitios*<sup>1</sup> of grazing land and five *labors*,<sup>2</sup> of which at least one-half must be non-irrigable, for every hundred families up to eight hundred so introduced. Should he fail to bring in at least one hundred families his contract was to be declared null.

So numerous were the applications for such grants and so lavish was the Mexican government in disposing of territory, that in a short while the whole of the country from the Sabine to the Nueces was completely covered by the claims of the various *empresarios*. Few of these grantees, however, fulfilled the conditions of their contracts. Of all the colonies founded upon these grants, Austin's was by far the most important. Next to it in point of success, influence, and historical interest must be ranked the one lying just west of it, founded by Green De Witt.

## II. *De Witt's Contract.*

De Witt<sup>3</sup> was probably in Mexico as early as 1822,<sup>4</sup> seeking to obtain an *empresario* contract similar to that which had been granted to Moses Austin. The general law of 1824 concluded his business with the central government. His next step was to apply to the state authorities at Saltillo. April 7, 1825, he petitioned to be allowed to settle four hundred families southwest of Austin's

ownership. It simply gave him the privilege of settling a certain number of immigrant families in a district with prescribed limits. In the case of Austin's first grant, the limits were not fixed.

<sup>1</sup>A *sitio*, or square league, is twenty-five million square *varas*, or 4428.4 acres.

<sup>2</sup>A *labor* is one twenty-fifth of a *sitio*.

<sup>3</sup>Almost nothing is known of De Witt's life before his coming to Texas. John Henry Brown gives the following information concerning him:

He was born in Kentucky in 1787. He married Sarah Sealy, a native of western Virginia, who was born also in 1787 and who died in Gonzales in 1854. From Kentucky he removed to Missouri, where he settled first in St. Louis County and then in Ralls County, of which he was at one time sheriff (Brown, *History of Texas*, I 341). Shortly after he had received his grant he was accused before the political chief at Béjar by Ellis Bean of having misappropriated public funds in "Islas Negras." But, as the result of an investigation made by Stephen F. Austin, who was appointed by the governor to look into the matter, he was exonerated, October 16, 1825 (correspondence between the political chief, Stephen F. Austin, and the governor, from June 26, 1825, to October 17, 1825. Bexar Archives. The "Islas Negras" referred to in this correspondence I have not been able to locate).

<sup>4</sup>See above, p. 98, note.

colony in the country bounded on the southeast by the ten coast border leagues, on the northeast by a line beginning on the right bank of the Lavaca where it is crossed by the line of the ten coast border leagues and running northwest to the Béjar-Nacogdoches road; on the northwest by this road, and on the southwest by a line two leagues southwest of, and running parallel with, the Guadalupe River. Some time before he made this petition De Witt had become acquainted, either in Missouri or in Mexico, with Stephen F. Austin. On January 8, 1825, Austin wrote a letter to Baron de Bastrop, at that time a member of the state congress of Coahuila and Texas, recommending De Witt very highly and asking that the baron use his influence in securing land for him. As a result De Witt's petition was granted,<sup>1</sup> April 15, 1825, upon the following terms:

1. Under penalty of losing all rights guaranteed him by the colonization law,<sup>2</sup> the *empresario* must agree to bring into this territory, within six years from the date of this grant, four hundred Catholic families whose moral character must be proved by certificates from the authorities of the localities from whence they came.

2. When one hundred of these families should have arrived, the *empresario* must notify the government, in order that a commissioner might be appointed to put the colonists in possession of their lands.

3. In the location of colonists, all possessions held under legal title by persons already in the country must be respected.

4. All official correspondence must be carried on in Spanish, and the *empresario* must establish schools giving instruction in that language.

5. The *empresario* must organize the national militia, of which he should be commanding officer until further notice.

6. The *empresario* must promote the building of churches in the new towns, supply ornaments and sacred vessels, and apply in due time for a priest.<sup>3</sup>

### III. *The Beginnings at Gonzales.*

Even before De Witt had presented his petition he felt so confident that it would be granted that he appointed James Kerr<sup>4</sup> as

<sup>1</sup> Baron de Bastrop to Austin, July 16, 1825, Austin Papers, class O, no. 126.

<sup>2</sup> See above, pp. 99-100.

<sup>3</sup> Empresario Contracts (MS.), 27-31. General Land Office, Austin, Texas. See Appendix III.

<sup>4</sup> Baker (*A Texas Scrap Book*, 290-292) gives the following data con-



his surveyor-general.<sup>1</sup> Kerr resigned his seat in the Missouri senate, of which he was then a member, and in February he arrived at Brazoria, where he remained until June. During this time he lost by death his wife and two little children. Entrusting to the care of friends in San Felipe his only remaining child, a little girl about three years old,<sup>2</sup> he and six other men<sup>3</sup> started out in search of a spot upon which to found the capital of the colony. From Brazoria they traveled west and arrived at the junction of the San Marcos and Guadalupe rivers, two of the prettiest streams in Texas. The beauty of the country, its rich lands and abundant water supply made the place a very suitable one for their purpose. On a little creek, called ever since Kerr's Creek, about two and a half miles east of the junction of the rivers, they erected cabins, August, 1825. A few weeks later the first family, that of Francis Berry, joined them.<sup>4</sup> Kerr then drew the plan of the town, which he called Gonzales in honor of Don Rafael Gonzales, the provisional governor of Coahuila and Texas.<sup>5</sup> These early settlers at Gonzales were the only Americans west of the Colorado. De León and

cerning Kerr's early life. He was born two miles from Danville, Kentucky, September 24, 1790. He was the son of James Kerr, a Baptist minister. With his father, brothers, and sisters he removed in 1808 to Missouri, and settled in St. Charles County. He took part in the war of 1812-1815, was lieutenant under Captain Nathan Boone, and was a great favorite of Daniel Boone, the father of Nathan. He studied law, but never practiced. For a long time he was sheriff of St. Charles County. In 1819 he married the only child of General James Caldwell, of St. Genevieve, speaker of the territorial house of representatives of Missouri. Kerr, then settled in St. Genevieve, was elected twice to the lower house of the legislature, and in 1824 to the State senate. In this body he established a reputation for wisdom, prudence, and honor.

<sup>1</sup> Brown, *History of Texas*, I 119. Brown is mistaken when he says Kerr received his commission from the government. When the governor heard of Kerr's appointment the next year, he expressly stated that it was not in the power of the *empresario* to appoint the surveyor, and ordered the commissioner, when he should be appointed, to put some one in Kerr's place. Titles, De Witt's Contract (MS.), 829-830. General Land Office. See below, page 115.

<sup>2</sup> She later became Mrs. J. C. Sheldon of Galveston (Baker, *A Texas Scrap Book*, 291).

<sup>3</sup> Erastus (Deaf) Smith, Basil Durbin, Geron Hinds, John Wightman, James Musick, and — Strickland (Brown, *History of Texas*, I 124).

<sup>4</sup> Brown, *History of Texas*, I 124-125.

<sup>5</sup> James Kerr to Saucedo, political chief, December 12, 1825. Bexar Archives.

his Mexican colonists, sixty miles to the southwest, were their nearest neighbors, and Béjar, the nearest settlement to the west, was seventy-eight miles distant.<sup>1</sup>

The little frontier settlement, thus isolated, was destined to be shortlived. Early in July, 1826, during the absence of several of the colonists, who had gone to a Fourth of July celebration on the Colorado, the place was attacked by a party of Indians.<sup>2</sup> One man was killed and scalped, and his home was plundered. The survivors fled panic-stricken to the Colorado. It was not until the latter portion of the year that any attempt was made again to occupy this section of the country. The following article concerning this disastrous event is the only detailed account of it I have found. It was published by the historian, Brown, in 1852, when some participants were still alive:

Major Kerr had gone on business to the Brazos; Deaf Smith and Geron Hinds were absent on a buffalo hunt; and it was agreed that Bazil Durbin, John and Betsey Oliver and a very sprightly negro boy (a servant of Major Kerr) named Jack, should go on horseback to the Colorado celebration.

They started on Sunday, July 2d, and encamped for the night on Thorn's Branch, fourteen miles east, having no apprehension of danger at that time. The little party, however, were doomed to disappointment, and about midnight, while sleeping soundly on their blankets, were suddenly aroused by the firing of guns and the yells of Indians.<sup>3</sup> Durbin was shot in the shoulder by a musket ball and badly wounded, but escaped with his companions into a thicket near by, the horses and other effects being left in the possession of the enemy. From loss of blood and intense pain, Durbin repeatedly swooned, but was restored by the efforts of his companions and enabled to walk by noon on the following day, back to Major Kerr's cabins, where the party was astounded to find John Wightman lying dead and scalped in the passageway between the rooms, and the house robbed of everything, including important papers and three compasses, and that an unsuccessful attempt had been made to burn it. They hurried down to Berry's cabin, and found it closed and on the door written with charcoal—"Gone to Burnham's, on the Colorado."

When Durbin and his companions left on the previous day, Strickland, Musick and Major Kerr's negroes (Shade, Anise and

<sup>1</sup> Brown, *History of Texas*, I 126.

<sup>2</sup> Kerr thought they were Wacos (Kerr to Austin, July 18, 1826. Austin Papers, class P, no. 1). Others supposed them to be Comanches (Kenney, *History of Indian Tribes of Texas*, in *A Comprehensive History of Texas*, I 763).

<sup>3</sup> These were probably the Tonkawas (Kerr to Austin, July 18, 1826. Austin Papers, class P, no. 1).

their four or five children), went to Berry's to spend the afternoon, leaving Wightman alone at the cabins. Returning late in the day, they found Wightman as described—yet warm in his blood. Hurrying back to Berry's with the tidings, the entire party started for the Colorado, where they safely arrived, and were joined a few days later by Deaf Smith and Hinds.

Durbin's wounds had already rendered him very weak, but his only alternative was to reach the same place on foot, or perish by the way. The weather was warm and there was imminent danger of gangrene making its appearance in his wound, to prevent which it was kept poulticed with mud and oak juice. Leaning on Betsey Oliver's arm he arrived at Burnham's on the afternoon of July 6th, three days and a half after starting for that place.<sup>1</sup>

#### IV. *The Settlement on the Lavaca River and Its Removal to Gonzales.*

Had Gonzales been the only center at which the colonists were gathering, its destruction would have been much more disastrous to the colony as a whole. But meanwhile another nucleus had been forming on the Lavaca River, and to it the attention of these fugitives and all newcomers was now directed.

Although De Witt in the beginning probably had no idea of locating permanently at the mouth of the Lavaca River, one of his first steps on his return from Saltillo after having obtained his grant had been the establishment near the river's mouth of a kind of port to receive immigrants. The colonists who had come by water landed at this place, and, on account of ignorance of the country, fear of the natives, and lack of a guide, many had located here temporarily. As a result, a little settlement, known familiarly for years afterward as the "Old Station," had sprung up here about six miles above the head of tidewater,<sup>2</sup> and it had grown faster than the settlement at Gonzales.

In July, 1826, the very month in which Gonzales had been broken up, De Witt returned from Missouri with three families.<sup>3</sup>

<sup>1</sup> Brown, *History of Texas*, I 126-127.

<sup>2</sup> De Witt to Austin, September 3, 1826. Austin Papers, class A, no. 22.

<sup>3</sup> Kerr to Austin, July 30, 1826 (Austin Papers, class P, no. 1); political chief to De León, September 5, 1826 (Bexar Archives). It was in 1826, probably at this time, that De Witt's own family arrived (see special grant, appendix V). John Henry Brown makes several mistakes as to where De Witt was during 1826 and 1827. De Witt left Refugio for Austin's colony on his way to the United States in May, 1825 (——— to Austin, May 12, 1825. Austin Papers, class D). In October he was at San Felipe (James B. Austin to Mrs. Perry. Austin Papers, class D, no. 85). On November 12 he was at Trinity, and he then expected to return to his colony the next April (De Witt to Kerr, in Brown, *History of*

Here he was soon joined by Kerr, who, now that the little settlement he had nurtured was no more, believed that the Lavaca was the most desirable place for the town. He felt that the colonists did not then have strength enough to rebuild Gonzales, and, moreover, he thought that even if they moved further into the interior they would soon be compelled, in order to secure sufficient territory, to extend their occupation to the Lavaca River.<sup>1</sup>

In August he went to Béjar to ask the political chief<sup>2</sup> to assign to De Witt the whole Lavaca valley and to allow the colonists to remain at the river's mouth.<sup>3</sup> On his way he made a thorough examination of the land, selected a town site near the head of tidewater, and wrote a detailed description of the country to Austin. In speaking of the spot he had selected he, in his own way, becomes eloquent. "No place on earth," he writes, "can exceed this for beauty. The Elisian fields of the Mehometan Paradise never was so delightful as these Prairies."<sup>4</sup> Kerr's mission to Béjar, however, accomplished little. While the political chief made no opposition to the existence of a station at the Lavaca to receive immigrants,<sup>5</sup> he would not authorize the permanent location of colonists there.<sup>6</sup>

*Texas*, I 125). To undertake his journey to northern Missouri he needed funds. In order to secure them he sold bills for different amounts, which he promised to receive again at their face value as payment for land in his colony. Brown had in his possession eight of these bills, whose face value varied from five to twenty dollars. He gives the following literal copy of one of them:

"No. 2.

"This bill will be received as a cash payment for ten dollars on account of fees for land in De Witt's Colony.

"River Guadalupe, district of Gonzales, 15th day of October, 1825.

"Green De Witt, *Empresario*."

<sup>1</sup> Kerr to Austin, July, 1826. Austin Papers, class D, no. 24.

<sup>2</sup> Unless otherwise stated "political chief" in this essay always means the political chief, or executive, of the district or department of Béjar.

<sup>3</sup> Kerr to Austin, August 8, 1826 (Austin Papers, class D, no. 30); Kerr to Austin, August 23, 1826 (Austin Papers, class D, no. 31). See below, p. 109.

<sup>4</sup> Kerr to Austin, August 18, 1826. Austin Papers, class D, no. 23.

<sup>5</sup> In May, 1827, full permission was given them to hold permanently a warehouse that they had erected at the mouth of the Lavaca (Saucedo to principal commandant, May 1, 1827. Bexar Archives).

<sup>6</sup> Kerr to Austin, August 23, 1826. Austin Papers, class D, no. 31.



It will be remembered that the colonization law had provided that only by special permission of the government might the ten leagues bordering on the coast be occupied by any colonist. But the coast was considered a valuable possession, since portions of it were better protected than the interior from Indians.<sup>1</sup> It was, moreover, a very convenient stopping place, for the favorite route into Texas was by water down the Mississippi River and across the Gulf of Mexico. The tendency among the colonists, therefore, was to claim that the ten littoral leagues should begin with the gulf itself, and thus, taking into consideration the islands, peninsulas, and bays, the ten leagues would be almost covered by the time the shore was reached. When Kerr asked to be allowed to occupy the Lavaca it never occurred to him that this section was not open to colonization, and the Mexican officials at Béjar seemed likewise to have overlooked this fact. The general understanding among all the De Witt colonists was that the government had given them permission to settle up to the shore of Matagorda Bay.<sup>2</sup>

Even though it was not originally their intention to locate here permanently, the colonists, so long as they were not disturbed in their occupation of the coast, gave little attention to their lands further inland. De Witt began to regard the station on the Lavaca as a place of "shelter and safety on landing in this vast wilderness."<sup>3</sup> He engaged the services of a schooner, *Dispatch*, for a term of four years to convey immigrants and their cargoes to the colony. A small warehouse<sup>4</sup> in which to store their goods was constructed at the mouth of the Lavaca.<sup>5</sup> By August, 1826, there were about forty men, women, and children collected here.<sup>6</sup> Lands were distributed, cabins erected, and James Norton was appointed *alcalde* for the remainder of the year.<sup>7</sup>

<sup>1</sup> Kerr to Austin, July, 1826 (Austin Papers, class D, No. 24); De Witt to Austin, September 3, 1826 (Austin Papers, class A, no. 22).

<sup>2</sup> De Witt to political chief, September 13, 1827. Appendix to *Empresario Contracts* (MS.), II 182. General Land Office. De Witt's colony was in this department till March 18, 1834, when it was made part of the newly created department of the Brazos.

<sup>3</sup> De Witt to Austin, September 3, 1826. Austin Papers, class A, no. 22.

<sup>4</sup> See above, p. 105, note 4.

<sup>5</sup> De Witt to Austin, September 3, 1826. Austin Papers, class A, no. 22.

<sup>6</sup> Kerr to Austin, August 8, 1826. Austin Papers, class D, no. 30.

<sup>7</sup> Political chief to De Witt, October 25, 1826. Bexar Archives.

The important part that Kerr had taken in these activities at the Lavaca station was shown by the position which he was given by De Witt on July 14, 1827. There seems to have been an understanding between the two from the first that Kerr was to act as De Witt's agent whenever it seemed advisable. But now De Witt officially appointed Kerr as his attorney for the colony.<sup>1</sup> By this act De Witt conferred upon Kerr authority

to do and perform all and singular the duties imposed upon me, the said De Witt, \* \* \*; and my name to use as his own, at his will and pleasure, touching these premises to carry into effect all legal proceedings by me made; to seal, execute and deliver such grants, deeds and conveyances and other instruments as might be fit and lawful for me to do under the colonization law, the instructions of the commissioner and political chief, and also of the state and general government; hereby ratifying and confirming and by these presents allowing whatsoever my said attorney shall in my name, lawfully do, or cause to be done in and about the premises.<sup>2</sup> \* \* \*

The reasons De Witt assigned for this step were that he himself intended either to go to war against the Indians, or to return to the United States to encourage immigration; that the business was too much for one man, and, therefore, an agent was needed; and that Kerr's competence and integrity made him specially fit for the place.<sup>3</sup> Kerr had proved himself so capable that the colonists, too, desired that he be given a large portion of the authority.<sup>4</sup>

It would seem that by this time the people had ceased to look upon the Lavaca settlement as a temporary location. They began their second year by planting another crop and making new improvements. But, if it was now their intention to make of this a permanent settlement, they were destined to be as unsuccessful here as they had been at Gonzales. The settlement at Gonzales had been destroyed by an Indian attack. This one was to be abandoned, partly as a result of a quarrel embittered by race feeling, which arose between these American colonists and their Mexi-

<sup>1</sup> De Witt to political chief, July 14, 1827. Appendix to *Empresario Contracts*, II 131.

<sup>2</sup> Brown, *History of Texas*, I 129.

<sup>3</sup> De Witt to political chief, July 14, 1827. Bexar Archives.

<sup>4</sup> Kerr to Austin, February 26, 1827. Austin Papers, class E, no. 149. "The people," he says, "are anxious that the Colonel [De Witt] should appoint some person to manage his affairs. Think over this and perhaps you had better write him."

can neighbors, but more because of the suspicion on the part of the authorities that this place was a seat of contraband trade.

The dispute with the Mexicans grew out of a conflict of land claims. Upon De Witt's return from Mexico in 1825, he had started up to Gonzales, where Kerr was at this time. On passing through the country he was much surprised to find that the center of his grant had been occupied by a Mexican *empresario*, Martin de León, who had already established a flourishing little town, which he called Guadalupe Victoria. Investigation of the affair revealed that, on April 13, 1824, De León had received permission to settle forty-one Mexican families on vacant lands in the state. No boundaries for his colony had been designated, but it was understood by his colonists that they were to occupy all the land between the Lavaca and Guadalupe rivers, from the La Bahía-Nacogdoches road to the ten coast border leagues, a territory which included a large portion of De Witt's grant. When De Witt arrived, twelve of the Mexican families, beside sixteen American families, had already settled upon a portion of this territory, and had opened their fields, planted their crops, and organized their town.<sup>1</sup> De Witt's arrival threw everything into a state of confusion. Legally the land was part of his grant, for it had been assigned to him by the state authorities, and he had government papers to prove his claims. And yet, the government had made an indefinite concession of land to De León a year before De Witt's petition was granted, and De León had been occupying this particular section more than six months when De Witt's boundaries were designated.

By his contract De Witt was required not to molest persons already legally in possession of land within his grant. He therefore wrote the governor<sup>2</sup> asking permission to give to De León all the land south of the lower Atascosito road on both banks of the Guadalupe, reserving for himself a strip two leagues in width west of the Lavaca, but at the same time compensating himself by extending his colony above on the San Marcos and Guadalupe rivers sufficiently to settle his four hundred families.<sup>3</sup> De León seeing the difficulty of the situation, concluded that the strength of his position lay in the fact that he was a native Mexican. Claiming the preference guaranteed to such by law<sup>4</sup> he presented a petition ask-

<sup>1</sup> Record of Translations of Empresario Contracts (MS.), 55-66. General Land Office.

<sup>2</sup> August 2, 1825 (Kerr to political chief, December 12, 1825. Appendix to Empresario Contracts, II 177-180).

<sup>3</sup> *Ibid.*

<sup>4</sup> See above, p. 99.

ing that his right to the land be recognized; that he be allowed to give to his colonists those lands in this section not yet occupied by De Witt; and that the boundaries of his town be designated. To this the governor replied, on October 6, 1825, that the commissioner should distribute the lands in question to De León's colonists and formally lay out the town of Guadalupe Victoria; and that De Witt should be informed of this decision in order that he might not interfere with the inhabitants of Victoria.<sup>1</sup> To De Witt's letter he replied on the same day, restating the provision of his contract commanding him to respect the claims of all persons on his lands holding legal titles. He admitted, however, that the land De León was occupying was included in the grant made to De Witt.<sup>2</sup>

A year later, as has already been shown,<sup>3</sup> Kerr made another attempt to secure the whole of the Lavaca River for De Witt. He repeated in substance the request that De Witt had made, that lands along the Guadalupe be given to De León in exchange for his interests on the Lavaca. But the political chief seemed to prefer to allow De Witt and De León to settle the matter for themselves.<sup>4</sup>

It is quite probable that these conflicting land interests had caused more or less ill feeling between De Witt's and De León's colonists. Indeed, without presupposing the existence of some irritation, we can not account for the bitterness exhibited in the petty trouble that now arose concerning contraband trade—an affair which, in its bearing upon the dissolution of the settlement, was of more importance than the land quarrel.

In October, 1826, the schooner *Escambia* landed at the mouth of the Lavaca River bringing on board a gentleman from Missouri, Thomas Powell by name. He had come with all his property to settle in this country, hoping to find here a climate more conducive to his health. Upon landing, Powell presented himself to De Witt, and received permission from him to select lands and settle in his colony.<sup>5</sup> The cargo, with the exception of one boatload that had been sunk,<sup>6</sup> was landed and carried up to the station

<sup>1</sup> Record of Translations of Empresario Contracts, 55-66.

<sup>2</sup> Kerr to political chief, December 12, 1825. Appendix to Empresario Contracts, II 178-180.

<sup>3</sup> See above, p. 105.

<sup>4</sup> Kerr to Austin, August 23, 1826. Austin Papers, class D, no. 31.

<sup>5</sup> Powell to Austin, October 24, 1827. Austin Papers, class D, no. 16.

<sup>6</sup> *Alcalde* of De Witt's colony to Saucedo, November 8, 1826. Bexar Archives.



to sell to the colonists.<sup>1</sup> There was also on board this ship an individual, a Doctor Oldivar,<sup>2</sup> who was of French origin, but who claimed to be at this time a Mexican officer.<sup>3</sup> He obtained Powell's confidence by offering to help him sell his goods, and found that in the cargo was a large quantity of tobacco, a contraband article, concerning the introduction of which Mexico was especially strict. He must have reported the affair to De León immediately, for in a short while, at De León instigation, the whole cargo was seized.<sup>4</sup> October 25, the political chief ordered all the goods except the tobacco released.<sup>5</sup> October 29, the political chief, as a result of some kind of a report made on the 18th by De Witt, commissioned De León to go with a force from La Bahía to the house of De Witt and to seize a second time all the goods brought by the *Escambia*, and also to try to learn where and by whom the tobacco had been hidden.<sup>6</sup> De León, therefore, accompanied by the military commandant at La Bahía, Don Rafael Manchola, started for the Lavaca.

Startling reports as to the object of their coming had preceded Manchola and his troops, and there was great confusion at the station. They were coming, it was said, "to cut off the white people as far as the Colorado and then kill them." The colonists were told that De León had threatened to carry back with him De Witt's head tied to his saddle.<sup>7</sup> The Americans armed themselves to receive the Mexicans.<sup>8</sup> Kerr, although evidently not altogether composed,<sup>9</sup> did what he could to relieve their fears and to induce them to lay their arms aside. But it was not until after the arrival of

<sup>1</sup> De Witt to Austin and Samuel M. Williams. Austin Papers, class E, no. 59.

<sup>2</sup> *Ibid.* The name was most probably Oliver, the Mexican pronunciation of which might easily become Oldivar.

<sup>3</sup> Kerr to Austin, November 12, 1826. Austin Papers class P, no. 1. Manchola, the military commandant at La Bahía, denied this claim.

<sup>4</sup> De Witt to Austin and Samuel M. Williams. Austin Papers, class E, no. 59.

<sup>5</sup> Political chief to De Witt, October 25, 1826. Bexar Archives.

<sup>6</sup> Political chief to De León. Bexar Archives.

<sup>7</sup> Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1.

<sup>8</sup> Political chief to vice-governor, December 1, 1826. Bexar Archives.

<sup>9</sup> "Altho I myself are not easily alarmed, yet I confess that I scarcely new what to be about." (Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1).

Manchola, when they were convinced that they were not to be immediately annihilated, that they could be persuaded to do so. After taking possession of the colonists' guns, which they promised soon to return,<sup>1</sup> and seizing all of Powell's property, the troops withdrew, taking with them to La Bahía several of the colonists, among whom was De Witt, his head still on his shoulders, be it noted.<sup>2</sup>

During all this disturbance Oldivar was at the station helping the Mexican officials in every way possible, and "exercising," as Kerr said, "great pomp and dictatorialship."<sup>3</sup> His next move was an attempt to secure De Witt's removal from the position of *empresario* and to bring him into disgrace. To accomplish this purpose he tried to make an agent of James Norton, the *alcalde*.

On November 7, the day before Manchola's troops left the Lavaca, Oldivar went to Norton, and promised that if, in his official communication to the governor, Norton would commend him for good conduct and reputable behavior, he in turn would attempt to secure for him De Witt's position as *empresario*. This he considered would be easy to accomplish, for he claimed that there were papers in the possession of the government which, if brought to light, would ruin De Witt. But Norton firmly refused to listen to such a proposal, claiming that De Witt's conduct had always been patriotic and loyal to the government.<sup>4</sup>

Kerr was by this time fully convinced that Oldivar was acting under a bribe from De León.<sup>5</sup> So great was the feeling of suspicion now existing between the two colonies that Kerr felt that if De Witt and the other prisoners were detained at La Bahía and the affair investigated there the worst consequences might be feared. Three men, therefore, were sent to Béjar to urge the political chief to have all parties appear before him. Kerr and De Witt

<sup>1</sup> Some of the guns were returned later, but in such a condition that they were worthless (Kerr to Austin, January 24, 1827. Austin Papers, class F, no. 1). This was a great hardship, as the colonists had daily use for their guns, either to provide themselves with game, or as a means of defense against attack (De Witt to Austin, April 3, 1827. Austin Papers, class P, no. 1).

<sup>2</sup> Kerr to Austin, November 11 and 12, 1826. Austin Papers, class P, no. 1. Kerr says De Witt did not know whether or not to consider himself a prisoner.

<sup>3</sup> Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1.

<sup>4</sup> Norton to Austin, December 13, 1826. Austin Papers, class E, no. 126.

<sup>5</sup> Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1.

both wrote to Austin insisting that he or Samuel M. Williams, the secretary of Austin's colony, be present in Béjar when the affair should come up.<sup>1</sup>

All at once the whole matter seems to have been satisfactorily adjusted; for it is no longer referred to in the correspondence between the principals, and De Witt, uninjured, again appeared at the Lavaca.<sup>2</sup> The settlement was probably effected through Austin's influence. He had been appealed to at every turn in the quarrel; and, in view of the Fredonian insurrection then taking place at Nacogdoches, he was especially desirous of maintaining mutual confidence between the colonists and the central government.<sup>3</sup> In this he was successful, for throughout the whole trouble between De Witt and De León there was never one complaint made by the parties to the quarrel against the authorities. The political chief was spoken of as "our good and honorable friend." Through Austin's influence, a delegation, of which Kerr was a member, was sent from the colony to remonstrate with the Fredonians of Edward's colony,<sup>4</sup> and when, early in 1827, the government called for help against these revolutionists Kerr, supported apparently by the sympathy of all the colonists, was one of the first to respond.<sup>5</sup>

<sup>1</sup> Kerr to Austin, November 11, 1826 (Austin Papers, class P, no. 1); De Witt to Austin and Williams (Austin Papers, class E, no. 59).

<sup>2</sup> Three permits granted to settlers by him at the station are dated December 13, 1826 (Brown, *History of Texas*, i 128).

<sup>3</sup> Kerr to Austin, November 12, 1826. Austin Papers, class P, no. 1.

<sup>4</sup> Brown, *History of Texas*, I 138.

<sup>5</sup> Kerr to Austin, January 24, 1827. Austin Papers, class F, no. 1. It was no doubt due to Austin's influence that soon after the adjustment of these difficulties the people of De Witt's colony met and drew up the following resolutions (*Ibid.*):

"At a meeting of the people of De Witt's Colony at the establishment on the La Vaca (notice having been given for that purpose) Mr. Byrd Lockhart was called to the chair, and James Norton Esq. was chosen Secretary, when the following resolutions were read and unanimously adopted.

"1st. Resolved.—that the people of this colony came to, and settled in the Mexican Nation, by the benign influence of her laws:—that as adopted children [they] have full confidence and faith in the equity, justice and liberality in the Federal and State Governments of their new parent.

"2d. Resolved, that their great object in leaving their parent country, and migrating hither, was not for the purpose of unsheathing the sword of *Insurrection*, war, bloodshed, and desolation, but as peaceable and industrious subjects, to cultivate and inhabit the bounteous domain so lib-

Nevertheless there were still chances for the recurrence of attempts at smuggling on the Lavaca. And out of this and the proximity of the unfriendly Mexicans and Americans to each other there was still a probability of the continuance of the quarrel.<sup>1</sup> These circumstances, therefore, induced the government to cut the Gordian knot by breaking up the Lavaca settlement.<sup>2</sup> Consequently the political chief ordered, August 29, 1827, that within one month all De Witt's colonists remove to Gonzales.<sup>3</sup>

This order came at an inopportune time. All their wagons had gone to Béjar, and, as the road for the greater part of the way had to be opened, they were not expected back for some time. More-  
erally extended and offered them by the Governors of the land of their choice.

"3rd. Resolved, that we hope the Mexican Nation will draw a just line of distinction between the honest, industrious and peaceable American emigrants, and those of bad character, whom we consider as refugees, and fugitives from justice, who have raised the flag of 'Independence' at Nacogdoches, but with them have spread confusion, robberies, oppression, and even bloodshed: that we look upon the ring-leaders of that party with contempt and disgust, and that they are unworthy the character of Americans.

"4th. Resolved, that we feel every sentiment of gratitude toward our fellow citizen and brother His Excellency the Political Chief and the officers and men with him for their indefatigable exertions by forced marches &c. to allay, suppress, and bring to condign punishment those persons who may be found guilty of treason against this Government; and to establish subordination, good order and tranquility.

"6th. Resolved, that the Chairman and Secretary sign the foregoing resolutions, and transmit the same to Col. Stephen F. Austin and that he be requested to translate them, and submit them to His Excellency the Political Chief.

"Done at the Labaca Station in Dewitt's Colony this 27th day of January 1827.

"BYRD LOCKHART,  
"Chairman

"JAMES NORTON, Secretary"

<sup>1</sup>Anastacio Bustamante, general commandant, to political chief, August 18, 1827. Bexar Archives. "The secret introduction of prohibited goods, which is being carried on at the Lavaca, and the disturbances of public tranquillity which are still liable to arise there \* \* \* make it necessary for you to order their [De Witt's colonists'] removal."

<sup>2</sup>Powell had returned to Texas (Powell to Austin, October 24, 1827. Austin Papers, class D, no. 16) bringing with him a second time contraband goods (Anastacio Bustamante to political chief, November 28, 1827. Bexar Archives).

<sup>3</sup>Political chief to De Witt, August 29, 1827. Bexar Archives.



over, the crops were all still in the field, and the year's produce alone stood between many of them and starvation. Kerr, therefore, September 13, carried to Béjar a petition, signed by fifteen of the colonists, setting forth the state of affairs and asking for more time.<sup>1</sup> Accordingly, on September 28, the time was extended to December 1.<sup>2</sup>

In spite of this concession, the colonists felt considerably irritated at being moved about so unceremoniously. Some of them threatened to go back to the "States" and others to Austin's colony.<sup>3</sup> Another petition from De Witt to Governor Viesca, extended the time for removal through the first six months of 1828.<sup>4</sup> But by December 17 the settlement on the Lavaca had been abandoned.<sup>5</sup>

Meanwhile Gonzales had begun to flourish again. By the early part of 1827 some of the people who had fled to the Colorado the year before had returned. Together with new colonists who had joined them they erected blockhouses,<sup>6</sup> and, profiting by their unfortunate experience of the year before, they constructed a small fort in which to take refuge in case of an Indian attack.<sup>7</sup> This little settlement on the Guadalupe was now augmented by the arrival of the families from the Lavaca.<sup>8</sup>

#### V. *The Organization of the Colony.*

From this time on the colony grew rapidly, and its organization affords an excellent example of the development of Mexican local institutions in an Anglo-American settlement.

During the next three years more than the required one hun-

<sup>1</sup> De Witt to political chief, September 13, 1827. Appendix to *Empresario Contracts*, II 182.

<sup>2</sup> Political chief to De Witt, September 28, 1827. Appendix to *Empresario Contracts*, II 183.

<sup>3</sup> Kerr to Saucedo, October 18, 1827. Bexar Archives.

<sup>4</sup> Viesca to political chief, November 17, 1827. Appendix to *Empresario Contracts*, II 192-193.

<sup>5</sup> Anastacio Bustamante to political chief, December 23, 1827. Bexar Archives.

<sup>6</sup> De Witt to Austin, April 3, 1827. Austin Papers, class P, no. 1.

<sup>7</sup> De Witt to political chief, undated. Bexar Archives.

<sup>8</sup> It was not long after the union of the two settlements that the census given as appendix VII was taken. This is the only census of the colony

dred families had arrived,<sup>1</sup> and in January, 1831, José Antonio Navarro was appointed commissioner of the colony by Governor Viesca.<sup>2</sup> In the colonization system, next to the *empresario* the commissioner was perhaps the most important personage. It was his duty to administer the oath of allegiance to the colonists, and to examine the certificates of good moral character and Christian belief which they were required to bring with them; to issue land titles on paper of the second seal to the new settlers in the name of the state, and to keep a record of such titles on paper of the third seal in a book which should be bound in calf and kept in the archives of the new colony;<sup>3</sup> to send to the government an abstract of these titles, giving the number and names of all the colonists, the quantity of land assigned to each, and designating those lands which were for cultivation, whether irrigable or non-irrigable, and those which were for grazing. He was also to appoint upon his own responsibility, a trained surveyor for the colony and to oversee his work. He was to select sites for the new towns of the colony; to plan them and send copies of the plans to the government; to supervise the laying out of these towns according to instructions; and to see to the distribution of town lots, of which a record was also to be kept. He was to see that a ferry was placed at each crossing of the rivers and to fix a moderate toll rate. Finally, he was to preside at popular elections for choosing the *ayuntamiento*.<sup>4</sup>

Navarro's first step after receiving a copy of the instructions to commissioners was to appoint Byrd Lockhart surveyor, April 14, 1831.<sup>5</sup> In 1825, De Witt upon his own authority had named Kerr surveyor general.<sup>6</sup> When the governor heard of the appointment the next year he declared it illegal, and ordered that the commissioner, when he should be named, put some one else in Kerr's place.<sup>7</sup> In spite of this fact Kerr had continued his work as surveyor at Gon-

that I have yet been able to find. The original is in the Nacogdoches Archives, no. 317, State Library, Austin, Texas.

<sup>1</sup> See above, p. 101.

<sup>2</sup> Viesca to Navarro, January 29, 1831. Titles, De Witt's Contract, 813-816.

<sup>3</sup> Paper of the first seal was worth six *pesos* per leaf; of the second seal, twelve *reales*; of the third seal, two *reales*; and of the fourth seal, one *cuartilla*. The books containing these titles were all collected after the Revolution, and are now to be found in the General Land Office.

<sup>4</sup> Instructions to Commissioners, September 4, 1827 (Sayles, *Early Laws of Texas*, I 73-76.)

<sup>5</sup> Titles, De Witt's Contract, 825.

<sup>6</sup> See above, p. 101.

<sup>7</sup> Titles, De Witt's Contract, 829-830.

zales and, after the destruction of that place, in the Lavaca district. When Gonzales began to build up again, Kerr, preferring to remain at the Lavaca, had commissioned Byrd Lockhart deputy-surveyor,<sup>1</sup> to continue surveying about Gonzales. And now, when Navarro, acting by the authority vested in him as commissioner, made Lockhart the legal surveyor, these early surveys of Kerr and Lockhart were approved.<sup>2</sup> But the majority of the surveys were made during the years 1831 and 1832. On November, 9, 1832, Navarro sent to the political chief and to the governor complete lists of the grants that had been made in DeWitt's colony.<sup>3</sup> These were approved by the government, May 23, 1833.<sup>4</sup>

The colonization law of March 24, 1825, allowed to each family brought in by an *empresario*, if its occupation was cattle raising, a *sitio* of land, and to each family whose occupation was farming, a *labor*. If a family was engaged in both stock raising and agriculture it received both a *sitio* and a *labor* of land. A single person was to receive only one-fourth as much, but, on marrying, the other three-fourths were to be added, and, in case he married a Mexican, an additional fourth was to be granted.

The expenses that each colonist incurred in acquiring this land were the surveyor's fees, the commissioner's fees, the price of the stamped paper upon which the original and the attested copies of his title were made, and a small sum of money that was to be paid to the state. The surveyor's fees were eight *pesos* for the survey of a *sitio*, three for the survey of a *labor*, and twelve *reales* for the survey of a lot.<sup>5</sup> The commissioner's fees were fifteen *pesos* for a *sitio* of grazing land, two *pesos* for a *labor* of *temporales*,<sup>6</sup> and twenty *reales* for a *labor* of irrigable land.<sup>7</sup>

<sup>1</sup> December 12, 1826 (Brown, *History of Texas*, I 129).

<sup>2</sup> Navarro to Ramón Musquiz (August 1, 1831. Appendix to *Empresario Contracts*, II 248-249. Byrd Lockhart was assisted in his surveying by Charles Lockhart.

<sup>3</sup> There were more inhabitants in the territory of De Witt's colony than these lists showed. This is evident from the fact that town lots in Gonzales were given to individuals who never received headrights as colonists.

<sup>4</sup> Appendix to *Empresario Contracts*, II 273-274.

<sup>5</sup> Sayles, *Early Laws of Texas*, I 78-80. The colonization law of March 24, 1825, section 39, had provided that the surveyor's fees should be fixed by the commissioners. But because of the abuse that was liable to grow out of such an arrangement the government in 1830 placed these fees at fixed amounts.

<sup>6</sup> Sandy stretches near a river. They are not irrigated, but depend upon rain and subirrigation from the river. In this way they are distinguished from irrigable and non-irrigable lands (*THE QUARTERLY*, III 63).

<sup>7</sup> Sayles, *Early Laws of Texas*, I 77.

The colonization law fixed the sum that was to be paid to the state as follows: For a *sitio* of grazing land, thirty *pesos*; for a *labor* of non-irrigable land, two *pesos* and a half; and for a *labor* of irrigable land, three *pesos* and a half. These payments might be made in three installments, at the end respectively of the fourth, fifth, and sixth years.<sup>1</sup>

To obtain a complete title to land in De Witt's colony under the *empresario* system six steps had to be taken.

1. The *empresario* must fill out a printed blank certificate giving the name of the the applicant, the date of his arrival, the size of his family, and a statement of the fact that the required oath of allegiance to the Mexican government had been taken before the *alcalde*.<sup>2</sup>

2. The applicant must then present his petition along with this certificate to the commissioner,<sup>3</sup> designating the land he desired.

3. The commissioner must hand to the *empresario*, for his identification and approval, the certificate and petition.

4. The *empresario* must return the certificate and petition with his approval to the commissioner.

5. The commissioner must order the title to be issued.<sup>4</sup>

6. The commissioner must issue the title, in which were included the surveyor's field notes.<sup>5</sup>

<sup>1</sup> Colonization Law of Coahuila and Texas, March 24, 1825, section 22.

<sup>2</sup> It was the duty of the commissioner to administer this oath (Instructions to Commissioners, September 4, 1827, section 3). But in the absence of a commissioner the *alcalde* was to perform this duty. The certificate blanks for De Witt's colony were printed before the commissioner for the colony was appointed; therefore they all state that the *alcalde* has administered the oath.

<sup>3</sup> With the exception of a title to a special grant made to James Kerr in 1830, no titles were issued in De Witt's colony until after the appointment of Navarro (see date of titles, appendix I). All the petitions for lands, therefore, were presented to him as commissioner.

<sup>4</sup> Note that the commissioner himself was to issue the title. This order, therefore, was a mere form.

<sup>5</sup> In the books that contain the original titles of De Witt's colonists, the papers relating to each deed were grouped together, with the certificate which was filled out by the *empresario* as the first step toward the issuance of a title last in order. For an illustration of a complete deed, see appendix IV.



The special grant was practically a gift from the state.<sup>1</sup> It was intended primarily as a means of rewarding individuals for either civil or military service. But in reality almost any applicant, regardless of merit, might secure in this way large tracts of choice lands. This is well illustrated by the few special grants that were made within the limits of De Witt's colony. The following are the reasons assigned by the persons to whom these grants were made for applying in this way for lands. In some cases these reasons were evidently good; in others they were hardly worth consideration.

Joseph de la Baume had lived in Béjar since 1806 and had been promised land.

Jesus Cantu was poor. He had been in the country twenty-two years, and had married a Mexican.

Marjila Chirino claimed that land had been given her husband, who had been a lieutenant and an *alcalde* of Béjar, and she now asked for it.

Joseph D. Clements gave no reason.

Benjamin and Graves Fulshear<sup>2</sup> had spent seven years in military service.

Eligio Gortari desired property.

James Kerr had served against Indians and laid out roads.

Byrd Lockhart in 1827 had opened a road from Béjar through Gonzales to San Felipe de Austin and another from Gonzales along the right bank of the Lavaca River to Matagorda Bay. The actual cost of these roads had been over four thousand *pesos*, and a moderate price for the labor expended was one thousand *pesos*. He therefore asked, by way of compensation, for four leagues of land.

Anastacio Mansola had been in the country forty-two years. He had served as presidial at Béjar, and for this he had been poorly paid.

Edward Pettus had been in the country since 1822. His father was very poor and had suffered many hardships.

William Pettus had fought the Indians and had helped to keep quiet in the country. He had also helped De Witt and had given to him and to poor people both money and property.

José Maria Salinas was one of the first settlers in the country and he desired lands.

<sup>1</sup>The fees appear to have been the same as when the title was secured through an *empresario*.

<sup>2</sup>This name was variously spelled by the men that bore it (see appendix I).

Sarah Seely (Mrs. Green De Witt) had suffered much hardship in this frontier colony. The business projects of her husband, Green De Witt, had not succeeded well, and the family was in straitened circumstances.<sup>1</sup>

José Antonio Valdez gave no reason.<sup>2</sup>

Mexicans who wished to acquire more land than could be obtained under the *empresario* system might purchase from the state an additional amount. But land could be sold in this way only to Mexicans. The price that was to be paid by such purchasers was fixed by the colonization law of March 24, 1825, at one hundred *pesos* a *sitio* for grazing land, one hundred and fifty *pesos* a *sitio* for non-irrigable agricultural land, and two hundred and fifty *pesos* for irrigable agricultural land. But neither by purchase nor by special grant, nor by the *empresario* system was it permissible for more than eleven leagues to fall into the hands of anyone except an *empresario*, who must promise to alienate the excess above that amount within twelve years. Six years were allowed to all classes of settlers in which to put the lands into cultivation. The penalty of failure was reversion to the government.

The colonization laws encouraged in every way the formation of new towns. Foreigners of any nation were allowed to found towns on any vacant lands, or even on lands previously appropriated by individuals, provided the advisability of such a step were generally recognized and the individuals properly indemnified. Four square leagues were set aside for each town.<sup>3</sup>

One important work of a commissioner was, as we have seen, to supervise the laying out of new towns. For his guidance in this work he was given explicit instructions. The town was to be laid out by lines running north and south, and east and west. A square measuring one hundred and twenty *varas* on each side, exclusive of streets, was to be marked off and called the principal or constitutional square. The block facing this square on the east was to be

<sup>1</sup> See appendix V.

<sup>2</sup> Titles to special Grants by Jose Anto. Navarro in De Witt's colony (MS). General Land Office, Austin, Texas.

<sup>3</sup> The similarity of this regulation to the old Spanish method of founding towns as set forth in the colonization laws enacted by Philip II. is noteworthy. According to these laws a grant of four square leagues was assigned either to an individual who should undertake to found upon it within a given time a *villa* composed of at least ten persons, each provided with a prescribed amount of property, or to ten or more married persons who, upon their own initiative, should agree to form a settlement (*Recopilacion de Leyes de los Reynos de las Indias, Libro IV, Titulo V, Leyes VI, VII, X*).

set aside for a church, curate's dwelling, and other ecclesiastical buildings; that on the west was to be reserved for municipal buildings. In some suitable place, which the commissioner might choose, a square was to be laid out for a market square. The commissioner was also to select a block for a jail and a house of correction, another for buildings designed for public instruction, and another, without the limits of the town, for a cemetery. Streets were to be twenty *varas* wide. Town lots were to be appraised and sold at public auction, and payments made in three installments at the end respectively of six, twelve, and eighteen months. The funds obtained from the sale of lots were to go toward the building of churches in the towns, and a tax of one *peso* was levied upon all owners of lots for the same purpose. Lots were to be given free of cost to *empresarios* and to all kinds of mechanics.<sup>1</sup>

When Kerr had been irregularly appointed surveyor by De Witt in 1825 he had drawn up a plan of the town of Gonzales.<sup>2</sup> This plan was sent, December 12, 1825, to the political chief, who in turn forwarded it to the governor, February 5, 1826.<sup>3</sup> On March 10, the governor returned to the political chief his approval.<sup>4</sup> But as Gonzales was broken up soon afterward it is probable that Kerr was never notified of this fact.

By 1831 the newly established Gonzales had grown to such an extent that it became necessary again to take steps toward laying out the town. Navarro was now informed that, although Kerr, in forming the plan of the town in 1825, had not followed exactly the prescribed rule as set forth in the instructions to commissioners, issued April 26, 1825,<sup>5</sup> the governor had approved the plan, coupling his approval with an order that the public squares should be designated.<sup>6</sup>

In 1832 under Navarro's supervision Byrd Lockhart surveyed the town tract containing the four square leagues of land to which each

<sup>1</sup> Instructions to Commissioners, September 4, 1827.

<sup>2</sup> See above, page 102.

<sup>3</sup> Political chief to Navarro, April 14, 1831 (Titles, De Witt's Contract, 829-830); James Kerr to political chief, December 12, 1825 (Bexar Archives).

<sup>4</sup> Political chief to Navarro, April 14, 1831. Titles, De Witt's Contract, 829-830.

<sup>5</sup> I have not been able to find a copy of these early instructions.

<sup>6</sup> Political chief to Navarro, April 14, 1831. Titles, De Witt's Contract, 829-830.

town was entitled.<sup>1</sup> In the southwestern portion of this tract was the inner town, which was laid out as follows:

It was divided into forty-nine blocks, one hundred and twenty *varas* square, each subdivided into six lots, forty by sixty *varas*. The streets were each twenty *varas* wide with the exception of those adjoining the principal square, which were twenty-five *varas* wide. The central block was set aside as the principal square, and six other blocks were reserved for public purposes.<sup>2</sup>

It is interesting to note that these seven blocks are still used for public purposes. Upon the old principal square stand the courthouse and jail. The block facing this on the east, which was to be set aside for ecclesiastical buildings, now contains the Methodist and Baptist churches and parsonages. The block immediately west of the principal square, which was to be set apart for municipal buildings, is now the city park. The block just north of the principal square was at an early date taken for the market square, and it has served that purpose ever since. The block south of the principal square now contains the Presbyterian church. The third block to the east of the principal square was formerly used as the cemetery, but on it now stand the Episcopal and Catholic churches. The third block west of the principal square was at one time the location of the jail. It now contains the Christian and German Methodist churches and the Alamo lumber yard.

The remaining portion of the four league tract was called the outer town. The lots in this section of the tract were designated according as they lay east or west of Water Street. This was a street fifty *varas* wide running from the southwestern corner of the inner town, N. 20° W. to the north line of the outer town. The portion of the tract lying west of Water Street was divided into blocks five hundred *varas* square, each subdivided into four lots two hundred and fifty *varas* square. The streets in this section

<sup>1</sup> May 26, 1832 (see map 2).

<sup>2</sup> See map 4. This map was drawn in 1903 by one of the old settlers, Mr. D. S. H. Darst, who has lived in and near Gonzales since 1831. It represents the town, as he remembers it, just before it was burned in 1836. Reference to this map will show either that Navarro did not follow exactly the instructions given him concerning the seven public squares, or that the purposes for which these squares were originally intended were, in some cases, subsequently changed. Mr. Darst remembers when Market Square became Jail Square and *vice versa*. He says that because no block had been set aside for schools the people agreed to reserve block 8 for that purpose, and that at the time when Gonzales was burned in 1836 they were constructing here a large log school house.



were twenty-five *varas* wide.<sup>1</sup> The portion lying east of Water street was divided into twelve-acre lots, each one hundred and fifty-six by four hundred *varas*. That part lying directly east of the inner town was divided into two "tiers," each containing thirty-five of these twelve-acre lots. These "tiers" were separated by East Avenue, one hundred and seventy *varas* wide, extending from the middle of the eastern line of the inner town to the eastern limit of the four league tract. The remaining portion of land east of Water Street was divided into fifteen ranges, each containing fifty-eight of the twelve-acre lots. Ranges one and two were separated by North Avenue, also one hundred and seventy *varas* wide and extending from the middle of the northern line of the inner town to the northern limit of the four league tract.<sup>2</sup>

Town lots were to be appraised and sold at public auction.<sup>3</sup> Purchasers were to pay in three installments at the end respectively of six, twelve, and eighteen months, a forfeiture accruing in case of failure to pay. For prompt payment, a discount of six per cent a year was allowed. A settler might hold by deed as many as four "out" lots and two "in" lots provided he improve them.<sup>4</sup> The price of a deed was three dollars,<sup>5</sup> besides the price of the stamped paper upon which the deed was made. Deeds to "in" lots and "out" lots had to be made out separately.<sup>6</sup> The surveyor's fee for an "in" lot was one dollar, for an "out" lot two.<sup>7</sup> Upon receiving his deeds each purchaser was also to pay an additional sum of one dollar for an "in" lot and two for an "out" lot, in order to help defray surveyors' fees and other expenses of the town.<sup>8</sup> A tax of one dollar a year was put upon "in" lots; no tax was levied

<sup>1</sup> Laws, Ordinances, and Municipal Regulations of the town of Gonzales (MS. in office of Harwood and Walsh). A strip fifteen *varas* wide along the left bank of the river was also set aside for public purposes. But this regulation was never observed, and today this land is covered by private claims.

<sup>2</sup> See map 3.

<sup>3</sup> Colonization Law of Coahuila and Texas, March 24, 1825, section 36.

<sup>4</sup> Minutes of the *Ayuntamiento* of Gonzales 1833, article 11 (MS. in office of Harwood and Walsh, Gonzales, Texas). See appendix VI.

<sup>5</sup> In the minutes of the *ayuntamiento* the terms "dollars" and "cents" are used, but it is not clear whether the American coins or the Mexican pesos and centavos are intended.

<sup>6</sup> *Ibid.*, article 20.

<sup>7</sup> *Ibid.*, article 12.

<sup>8</sup> *Ibid.*, article 28.

upon "out" lots.<sup>1</sup> All deeds to lots in the inner and outer town that were made before the Revolution were made during the years 1833, 1834, and 1835, by the *alcaldes* James B. Patrick, James C. Davis, and Andrew Ponton.<sup>2</sup>

By the second week in November, 1832, the colonists were all in possession of their lands, the town had been laid out, and Navarro had sent reports of his work to the government. As commissioner, there remained for him only one duty to perform—the establishment of the first constitutional *ayuntamiento*. The constitution of Coahuila and Texas provided that "in towns wherein ayuntamientos can not be established, and which are so distant from the other municipalities that the latter can not attend to the internal administration thereof, the electoral juntas of that to which they belong shall choose a commissary of police and a *sindico procurador* to discharge the duties assigned them in the regulations for the political administrations of the towns."<sup>3</sup>

In 1826, while the majority of De Witt's colonists were on the Lavaca, James Norton had been named *alcalde* of the colony by De Witt.<sup>4</sup> Of course, the place was too small for the appointment of an *alcalde* to have been constitutional. But inasmuch as the governor objected to it only upon the ground that the appointment should have been made by the people instead of De Witt, and, in spite of this fact, approved of the appointment of Norton as *alcalde* for the rest of the year, it may be inferred that the colony was at that time too far removed to be included in the jurisdiction of any organized *ayuntamiento*. At any rate, after their removal to Gonzales, and until 1828, the colonists were subject to the authorities of Béjar, and therefore had no local *alcalde*. But the distance from Béjar and the difficulty with which the people carried on correspondence in the Spanish language made such an arrangement undesirable. In October, 1828, therefore, on their petition, the colonists were made subject in civil and criminal matters to the jurisdiction of the authorities of San Felipe.<sup>5</sup>

<sup>1</sup> Minutes of the *Ayuntamiento* of Gonzales, 1834, article 11 (MS. in office of Harwood and Walsh, Gonzales, Texas). See appendix VI.

<sup>2</sup> For a complete schedule showing lots in the inner and outer town sold before the Revolution, their value, to whom sold, when and by whom deeded, see appendix II.

<sup>3</sup> Constitution of Coahuila and Texas, article 158 (Gammel, *Laws of Texas*, I 336).

<sup>4</sup> See above, page 106.

<sup>5</sup> Musquiz to *alcalde* of Béjar quoting the governor's letter of October

In accordance with the constitution the colony was governed at least as early as 1830 by commissaries and *síndicos procuradores*, chosen, it may be inferred, by the authorities of San Felipe. These seem to have been appointed each year until 1832, when the *ayuntamiento* was established.<sup>1</sup>

In the Spanish municipal government the *ayuntamiento* was composed of *alcaldes*, *regidores*, and *síndicos procuradores*, the number of each to be determined by the population of the towns.<sup>2</sup> These officers were to be named by electors, chosen by a majority of voters at popular conventions held in December of each year. The *ayuntamiento* was to enter upon its duties on January 1 of the following year. The *alcaldes*, half the *regidores*, and half the *síndicos procuradores*, provided there were more than one, were to be changed each year. No member of the *ayuntamiento* could be re-elected under two years. A member of the *ayuntamiento* must be a qualified citizen, twenty years of age, and must have resided at least five years in the pueblo. With the exception of persons serving in the national militia, no one holding a public office by

23, 1828. Bexar Archives. The first *alcalde* of San Felipe who had jurisdiction over De Witt's colony was Thomas M. Duke, elected December, 1827. Joseph White, Thomas Barnet, and Francis Johnson were the respective incumbents for the next three years. In 1831 Horatio Chriesman and John Austin were elected first and second *alcaldes*. But during the next year the *ayuntamiento* at Gonzales was established, and thereafter San Felipe had only one *alcalde*.

<sup>1</sup>Ramón Musquiz to governor, July 17, 1831. Bexar Archives. Fielding Porter was commissary in 1830, but was murdered in that year (affidavit made before J. B. Patrick, 1830. Bexar Archives). J. B. Patrick seems to have taken his place, and he continued in office through 1831 (passport given J. W. E. Wallace by J. B. Patrick, June 29, 1831. Bexar Archives). In 1832 Ezekiel Williams was serving as commissary (Ramón Musquiz to Green De Witt and Ezekiel Williams, May 27, 1832. Bexar Archives). In 1830 A. M. Clare was *síndico procurador* (Clare to political chief, July 28, 1830. Bexar Archives).

<sup>2</sup>According to the provisions of the decree of May 23, 1812, for the formation of the constitutional *ayuntamientos*, the town of not more than two hundred inhabitants was to have one *alcalde*, two *regidores*, and one *síndico procurador*; towns of more than two hundred but not more than five hundred, one *alcalde*, four *regidores*, and one *síndico procurador*; towns of more than five hundred but less than one thousand, one *alcalde*, six *regidores*, and one *síndico procurador*; towns of from one to four thousand, two *alcaldes*, eight *regidores*, and two *síndicos procuradores*. The number of *regidores* was to be augmented to twelve in towns of more than four thousand (White, *Land Law in California, Oregon, Texas &c.*, I 416-418).

the king's nomination might serve in the *ayuntamiento*. Each *ayuntamiento* must also have a secretary.

It was the duty of the *ayuntamiento* to care for the health, comfort, and safety of the inhabitants, and to protect their property; to preserve the public peace; to manage and invest the funds arising from city property and from municipal imposts and excise taxes, and, upon their own responsibility, to name a person to take charge of such sums; to assess and collect taxes, and to remit them to the treasury; to look after all public institutions of learning, hospitals, asylums, orphan homes, and other charitable institutions; to supervise the construction and repairing of highways, bridges, and prisons, and to look after the forests and nurseries belonging to the community and all public works necessary, useful, or ornamental; to formulate municipal ordinances and present them to the *cortes* for approbation; and to promote agriculture and industry.<sup>1</sup>

The *alcalde* was the most important officer of the *ayuntamiento*. In the exercise of his various functions he corresponded, as described by reference to modern municipal offices in the United States, partly to a member of a town council, partly to a police judge, partly to a policeman, and partly to the mayor of a city. With the co-operation of the two *regidores* he had control of the political and economic affairs of the town. The *síndico procurador* served as city attorney and sometimes acted as treasurer.<sup>2</sup>

After Mexico became free from Spain she retained the same general scheme of municipal government. The colonization law of Coahuila and Texas provided for the establishment of an *ayuntamiento* in every new town of two hundred inhabitants, unless there were another *ayuntamiento* within eight leagues, in a municipality to which it might be annexed.<sup>3</sup>

The regulations concerning the *ayuntamiento* provided for in the constitution of the state of Coahuila and Texas corresponded very closely to those regarding the Spanish *ayuntamiento*. The most marked differences were the following: Members of the *ayuntamiento* were required by the constitution of Coahuila and Texas to be twenty-five years of age, or twenty-one if married; to have resided three years, one year immediately preceding election,

<sup>1</sup> *Collecion de los Decretos y Órdenes que han expedido las Cortes Generales y Extraordinarias desde 24 de Setiembre de 1811 hasta 24 de Mayo de 1812*, II 146-148.

<sup>2</sup> Blackmar, *Spanish Institutions of the South-West*, 286-290.

<sup>3</sup> Colonization Law of Coahuila and Texas, March 24, 1825, section 41.



within the jurisdiction of the *ayuntamiento*; to have some means of subsistence; and to be able to read and write. Members of the *ayuntamiento* were to be chosen by municipal electoral meetings announced on the first Sunday in December of each year and held on the second Sunday and Monday in the same month.<sup>1</sup>

Navarro did not wait until the regular time for the appointment of the *ayuntamiento*. In November, 1832, as soon as his other work was completed he called the citizens to a meeting over which he presided. As a result of this meeting the following officers were elected: Ezekiel Williams, *alcalde*; Winslow Turner, first *regidor*; Silas Fuqua, second *regidor*; Stephen Smith, *síndico procurador*.<sup>2</sup> This *ayuntamiento* served only until the regular time provided in the constitution for the election.

In accordance with a notice published early in the month of December, a meeting was convened, and nominations for two tellers and a secretary followed. Lewis D. Sowell and Adam Zumwalt were elected tellers, and José Ramón Bedford, secretary. On December 16, the Sunday following this election, the members of the old *ayuntamiento*, the tellers, and the secretary met to register the votes for the new *ayuntamiento*. Upon counting the votes it was found that the election had resulted as follow: James B. Patrick for *alcalde*, with thirty-seven votes; Charles Lockhart for *regidor*, with sixty votes; and Almond Cottle for *síndico procurador*, with fifty votes. Charles Lockhart was to serve as second *regidor*, and Silas Fuqua, who had been second *regidor*, was to take the place of Winslow Turner as first *regidor*.<sup>3</sup>

The next *ayuntamiento* consisted of James C. Davis, *alcalde*; Charles Lockhart, first *regidor*; Eli Mitchell, second *regidor*; and Thomas R. Miller, *síndico procurador*.<sup>4</sup> The next year, 1835, Andrew Ponton was elected *alcalde*, Eli Mitchell took the place of the first *regidor*, Joseph D. Clements was elected second *regidor*, and M. Caldwell, *síndico procurador*.<sup>5</sup>

<sup>1</sup> Constitution of Coahuila and Texas (Gammel, *Laws of Texas*, 335-336).

<sup>2</sup> *Ayuntamiento* of Gonzales to political chief, November 13, 1832. Bexar Archives.

<sup>3</sup> Report of the *ayuntamiento* of Gonzales, June 22, 1833. Bexar Archives. Juan Francisco Buchetti at the time of this election was serving as secretary *ad interim*.

<sup>4</sup> Minutes of the *ayuntamiento* of Gonzales, 1834. See appendix VI.

<sup>5</sup> Official correspondence of the *ayuntamiento* of Gonzales with the governor, 1835. The first portion of this correspondence is preserved in the

There seems to have been no fixed time for sessions of the Gonzales *ayuntamiento*. In some cases the members agreed before adjourning as to the time of their next meeting. Extraordinary sessions were convened as occasion demanded.<sup>1</sup> During the year 1834 the house of Thomas R. Miller was rented as a place of meeting, the price being eighteen dollars.<sup>2</sup>

Among matters actually dealt with by the *ayuntamiento* of Gonzales, as shown by the minutes, a few of interest are the following: They appointed the surveyor<sup>3</sup> and appraisers of town lots, translator, secretary, treasurer, and teacher of Spanish schools for the colony; supervised the distribution of town lots and the management of roads and ferries, tolls, and road *corvées*; imposed fines for minor offenses, namely, use of firearms in the jurisdiction, selling of liquors to Indians, removing surveyors' stakes, running horses through streets, etc.; granted license for wholesale and retail merchandizing; fixed the rate of interest in the colony; and collected money due the government for lands granted to colonists.<sup>4</sup>

On March 4, 1834, the congress of Coahuila and Texas passed a law providing for the appointment of primary judges in towns whose population did not exceed five thousand, and yet was sufficient to entitle them to an *ayuntamiento*. The purpose for which these judges were created was to relieve the *alcaldes* in those duties pertaining to the administration of justice that had heretofore been entrusted to them. The method of the appointment of primary judges was rather unusual. On the second Sunday of October the *ayuntamiento* must form a list of four persons for each judge required for the town and send these lists to the political chief. The chief might change the order of the names on the lists before re-

office of Harwood and Walsh, Gonzales, Texas; the second portion, in a scrap-book in the possession of the University of Texas.

<sup>1</sup> Minutes of the *ayuntamiento* of Gonzales, 1833, 1834. See appendix VI.

<sup>2</sup> Minutes of the *ayuntamiento* of Gonzales, 1834, article 1. See appendix VI.

<sup>3</sup> It would seem that when a surveyor was appointed for a colony it might be understood that he was to survey also lots of all towns of that colony. But Byrd Lockhart, surveyor of De Witt's colony, was by act of the *ayuntamiento* appointed surveyor for the town lots of Gonzales (see appendix VI, article 12 of the minutes for 1833).

<sup>4</sup> Minutes of the *ayuntamiento* of Gonzales, 1833, 1834 (see appendix VI); correspondence of the *ayuntamiento* of Gonzales with the governor, 1835 (scrap book in possession of the University of Texas).

turning them to the *ayuntamiento*. Those persons whose names then headed the lists should consider themselves appointed as judges.<sup>1</sup>

Only one instance of such an appointment in Gonzales is on record. On April 18, 1834, having been asked by the political chief for nominations for a primary judge, the *ayuntamiento* of Gonzales sent to him these names in this order: "Botholomer" D. McClure, Ezekiel Williams, Andrew Ponton, Benjamin Fuqua. On the 21st of the same month the names were returned in the following order and shape: Ezekiel Williams, "Bartolomi D. M. Clure," Benjamin "Faqua," Andrew Ponton. Whereupon Ezekiel Williams assumed his duties as judge.

One of the most striking features in the colonization of Texas was the important part that was taken by the colonists from the beginning in managing their own affairs. The lack of supervision on the part of the central government as regards the municipality now under consideration very well illustrates this fact. During much of the time in the early period of the colony, there was no one in that section of the country who understood the Spanish language. Correspondence with the central authorities was usually carried on by way of San Felipe, and was therefore very unsatisfactory. Until the appointment of the *ayuntamiento* there is on record only one attempt on the part of the Spanish authorities to obtain direct information concerning the state of affairs in this colony. This was by means of a personal visit of the political chief, Ramón Musquiz. While on a tour of inspection through some of the municipalities of his department, he visited Gonzales and sent to the governor a detailed report of conditions there.<sup>2</sup> This seems to have been part of the political chief's official functions,<sup>3</sup> though no record of another such visit has been found.

As soon as the *ayuntamiento* was appointed, however, it became necessary for the political chief to attempt to carry on a regular correspondence with this municipality. The reason for this was that one of the duties of the political chief was to send to the capital detailed information concerning all the municipalities in the department over which he presided. As soon, therefore, as the *alcalde*, Ezekiel Williams, had begun his duties, he received instructions concerning the kind of reports that were to be made to

<sup>1</sup> Laws and Decrees of Coahuila and Texas, decree no. 262 (Sayles, *Early Laws of Texas*, 94-97).

<sup>2</sup> Ramón Musquiz to governor, July 17, 1831. Bexar Archives.

<sup>3</sup> Governor Letona to political chief, June 10, 1831. Bexar Archives.

the political chief. Four times a year a report must be made of the births, marriages, and deaths among the colonists of the municipality; of the births and deaths among the slaves in the community; and of the condition of the local national militia. Twice a year were to be sent in censuses, reports of the condition of the primary schools, and accounts of unclaimed property in the jurisdiction. At the end of the calendar year there must be sent certified accounts of the funds proceeding from city property; an estimate of the annual expenses together with a statement of the available proceeds of municipal duties if the funds should fail; an account of improvements made in building or repairing prisons, or any other such work that might be done; certified accounts of the funds of the civic militia and of the school funds; and a report of the election of the *ayuntamiento*. At the end of the fiscal year information must be given concerning all state funds that had been collected, and concerning all foreigners who had entered the jurisdiction.<sup>1</sup>

The *ayuntamientos*, however, seem to have been very lax in sending in these reports. In 1833 the inconvenience caused the government by delayed communications from the *ayuntamientos* of San Felipe de Austin, Liberty, and Gonzales was so great that the governor decreed that for the first failure to report in the prescribed method a fine of fifty *pesos* would be imposed on the municipality; for the second, one hundred *pesos*, and for the third two hundred.<sup>2</sup> This threat seems to have availed little. In December of the same year the secretary of the governor complained that on account of remissness on the part of the three *ayuntamientos* mentioned above, it had been impossible to make out the statistics for the department of Texas.<sup>3</sup>

In March, 1834, the political chief repeated the complaint that not a letter had been received from the towns of Austin, Liberty, and Gonzales.<sup>4</sup> In May, 1834, the political chief was able finally to forward to the governor reports that had been sent by the *ayuntamientos* of Gonzales and San Felipe de Austin.<sup>5</sup> No record is

<sup>1</sup> Instructions from Ramón Musquiz to *alcalde* of Gonzales, November 16, 1832. Bexar Archives.

<sup>2</sup> Secretary of the governor to political chief, August 5, 1833. Bexar Archives.

<sup>3</sup> Secretary of the governor, J. Miguel Falcón, to political chief, December 11, 1833. Bexar Archives.

<sup>4</sup> Political chief to secretary of the governor, March 10, 1834. Bexar Archives.

<sup>5</sup> Musquiz to secretary of the governor, May 19, 1834. Bexar Archives.



made of the payment of any fine by these *ayuntamientos* for their negligence. It is probable that there was no attempt to enforce the governor's decree.

## VI. *Indian Relations.*

A very common notion of pioneer life in Texas is that the colonists were in constant danger of being exterminated by hostile Indians. This is scarcely correct. It is true that the early settlers were much annoyed by the great propensity of the Indians to thievishness. These untutored children of the forest had little compunction of conscience in regard to appropriating to themselves the possessions of others; and the more value they placed upon an object, the greater zeal they were willing to bestow upon its acquisition. Perhaps the dearest ambition of an Indian's life was to be the master of a good horse, and the Americans often brought with them a grade of horses much superior to the Spanish stock. The Indians, therefore, so often yielded to temptation that the colonists were constantly reminded of their proximity, and this alone was sufficient to create a feeling of insecurity. But, as a matter of fact, they felt at first little personal animosity toward the colonists. It was not until the latter, becoming exasperated with their thieving, inflicted severe punishments upon them that they became hostile to any great extent. The most serious trouble experienced from Indian depredations came after the Texas Revolution.<sup>1</sup>

Another erroneous impression that one usually forms from Indian stories that are told of early days is that Texas was filled with these savages. But, in reality, the total number of Indians in Texas, even before the coming of the Anglo-American, was relatively small, and after that time they diminished rapidly. According to the estimate made by Morse, the United States Indian commissioner, there were in 1822 only a little more than forty-five thousand in the whole country between the Red River and the Rio Grande—about one Indian for every sixty-seven persons now inhabiting the same territory.<sup>2</sup> Of these, thirty thousand belonged

<sup>1</sup> Sowell, *Texas Rangers*, 5. Also note dates in Willbarger, *Indian Depredations in Texas*. An old resident of Gonzales, Mr. D. S. H. Darst, who has lived in the town since 1831, says he never saw a hostile Indian until after the Revolution.

<sup>2</sup> Donaldson, *The George Catlin Indian Gallery in the U. S. National Museum in Annual Report of the Board of Regents of the Smithsonian Institution*, 1885, Part II 892.

to the Comanche tribe, who roamed as far north as the sources of the Missouri, and of whom there must have been only a part in Texas at any one time.<sup>1</sup> The other so-called Texas tribes were comparatively small and weak even in 1822, and after that time, during the colonization period, many of them almost disappeared. For instance, the Cocos, whose number in 1819 is estimated at four hundred, were by 1834 reduced to about a dozen scattered families. The Karankawas, who were never numerous, consisted in 1834 of some ten or fifteen families.<sup>2</sup>

Only the Comanches, therefore, could have mustered a comparatively formidable body of warriors, and this they never did for two reasons. In the first place, they recognized no regular chief, but moved about the country in small bands under minor chieftains. Secondly, they depended upon the chase for subsistence, and large bodies would have found it difficult to maintain themselves.<sup>3</sup>

Because the Indians moved about in such small bands the colonists were usually ignorant as to the tribe to which they belonged. It is difficult, therefore, to generalize concerning the tribes with whom the colonists in different sections of the country had to deal. All of the natives were usually spoken of indiscriminately as "Indians." But, from some accounts in which tribal names are mentioned and from a knowledge of the location in general of the Texas Indians, it appears that, of the thirty-odd tribes that inhabited Texas at various times, the principal ones with whom De Witt's colonists came in contact were the Comanche, Karankawa, Tonkawa, Waco, Tawakana, and Kechi.

Juan Antonio Padilla, in his report on Texas Indians made in 1819, classifies them as peaceful and warlike. Of the six tribes mentioned above he includes in the first category the Kechi tribe; in the second the Comanche, Tawakana, and Tonkawa. The Karankawa and Waco tribes are not given in the enumeration.<sup>4</sup>

<sup>1</sup> *Ibid.*

<sup>2</sup> Compare the report made, December 27, 1819, by Padilla, *Memoria sobre los Indios infieles de la Provincia de Texas* (MS., Austin Papers), and the report made by Almon te in 1834, *Noticia Estad stica sobre Tejas*, in Filisola, *Memorias para la Historia de la Guerra de Tejas*, Appendix, II 547-548.

<sup>3</sup> Almon te, *Noticia Estad stica sobre Tejas* in Filisola, *Memorias*, etc., II 549-550; David G. Burnet's report in Schoolcraft, *Indian Tribes of the United States*, I 231.

<sup>4</sup> Padilla, *Memoria sobre los Indios infieles de la Provincia de Texas*.

The Comanches, one of the most powerful and hostile tribes in North America, wandered from the sources of the Brazos and Colorado to the sources of the Red, Arkansas, and Missouri rivers.<sup>1</sup> In Texas they usually ranged north and northwest of Béjar.<sup>2</sup> Although they were in general one of the most warlike tribes, it is said, upon credible local authority, that in Texas they were usually at peace with the Anglo-Americans, and spoke of the people of the United States as their friends.<sup>3</sup>

The Karankawas, one of the fiercest of the Texas tribe, inhabited the coast region.<sup>4</sup> There is convincing evidence that they were cannibals.<sup>5</sup>

The Tonkawas were said to have ranged along the Brazos westward to the sources of the Guadalupe.<sup>6</sup> They were one of the most friendly of the tribes.

The Kechi tribe lived along the banks of the Trinity River.<sup>7</sup> They had a village in what is now Leon County, about two and a half miles north of the present town of Centerville. They usually

<sup>1</sup> Donaldson, *The George Catlin Indian Gallery in the U. S. National Museum in Annual Report of the Board of Regents of the Smithsonian Institution*, 1885, Part II 892.

<sup>2</sup> Holley, *Texas* (1836), 152.

<sup>3</sup> A *Texas Emigrant*, 41-42. In 1829 they refused to join the Tawakanas and Wacos in plans for a general war with the Mexicans and Americans, saying that they were at peace with the people of the country. (Green De Witt to Ramón Musquiz, May 8, 1829. Bexar Archives).

<sup>4</sup> La Fora map (1766) in the possession of Dr. H. E. Bolton of the University of Texas; Kenney, *History of the Indian Tribes of Texas in A Comprehensive History of Texas*, I 725. Morse says the Karankawas were an erratic tribe on the San Jacinto River between the Trinity and the Brazos, and that the Tonkawas were on the Bay of San Bernardo (Donaldson, *The George Catlin Indian Gallery in the U. S. National Museum in Annual Report of the Board of Regents of the Smithsonian Institution*, 1885, Part II 892).

<sup>5</sup> THE QUARTERLY, IV 52; V 16; Kenney, *History of the Indian Tribes of Texas in A Comprehensive History of Texas*, I 725; letter of General James Long, August 1819, in *Niles' Register*, XVII 31. Kuykendall (*A Texas Scrap Book*, 145) says, however, that probably the only cannibalism to which they were addicted was that of eating pieces of an enemy's flesh at a war dance to inspire them with courage.

<sup>6</sup> Kenney, *History of the Indian Tribes of Texas in A Comprehensive History of Texas*, I 732; see also above, note 4.

<sup>7</sup> Donaldson, *The George Catlin Indian Gallery in the U. S. National Museum in Annual Report of the Board of Regents of the Smithsonian Institution*, 1885, Part II 892; THE QUARTERLY, IV 203-205.

professed great friendship for the white people, but they were a great nuisance on account of their constant thieving.<sup>1</sup>

The Wacos and Tawakanas inhabited the Brazos valley. They probably belonged to the same stock.<sup>2</sup> It is said that they were more civilized than any other tribe north of Mexico.<sup>3</sup>

In depredations within De Witt's colony, however, the Tawakanas seem to have been the chief offenders. Although by reason of its location on the frontier De Witt's colony was more exposed than any other American settlement in Texas, even it was comparatively free from Indian hostilities of a serious nature. With the exception of the destruction of Gonzales in 1826, which occurred when there were not a half dozen families in the whole neighborhood, there was never anything like a general attack on the colonists. It is true, however, that occasional alarms were given in the town when the women and children would take refuge over night in the fort that had been erected for their protection, and in 1830 the uneasiness that was felt was considerable. It is well illustrated by the following letter written by De Witt:<sup>4</sup>

"The condition of this Colony with respect to Indian depredations, is at this time Lamentable; the place has been since the departure of Col Austin almost surrounded by them; they have killed a number of cattle here, and have made every attempt, from appearance, to have made an attack upon the Town—they have also stolen a number of horses and killed Mr. George W. Singleton up at our Mill on the Guadalupe—and unless we can get the very great favor of your Excellency to lend a few troops to that place to guard the inhabitants for a few months, the settlement above must break up."

During the next year, as will appear later, fifteen Mexican soldiers were sent.

As a rule the colonists showed considerable wisdom in dealing with their Indian neighbors. Naturally, it often became necessary to resort to severe measures by sending expeditions against straggling offenders and punishing their leaders. But, when-

<sup>1</sup> *Ibid.*

<sup>2</sup> Donaldson, *The George Catlin Indian Gallery in the U. S. National Museum in Annual Report of the Board of Regents of the Smithsonian Institution*, 1885, Part II 892; *THE QUARTERLY*, VI, 249.

<sup>3</sup> *THE QUARTERLY*, I 27.

<sup>4</sup> December 28 (Archives of Texas, D, file 4, no. 352). Mr. D. S. H. Darst says that in 1834 a few scattered families on the frontier of the colony did move to Gonzales.



ever it was possible, peaceful methods were employed. On several occasions formal treaties were entered into. One of the most important treaties of peace that concerned De Witt's colonists was made in 1827, when they, together with De León's and Austin's colonists, effected a treaty with the Karankawas.

Of all the tribes the Karankawas, perhaps, had given most trouble to the first settlers of Austin's colony. Austin himself, during the early days, had tried to make peace with them. But the tribe was divided into two bands, the Cocos and those under the leadership of Antoñito, a mission-born Indian. It was Antoñito's people alone who at that time promised peace, and it was the Cocos who had committed the most serious depredations. Hostilities, therefore, had continued as before. On May 13, 1827, De Witt, James Kerr, De León, Jacob Betts—a representative from Austin's colony—and others met at Guadalupe Victoria and under the direction of the general commandant, Anastacio Bustamante, concluded with the Karankawas a treaty of peace upon the following terms:

1. The treaty of peace made September 22, 1824, was to remain in force.

2. The limit which, according to article 2 of the above mentioned treaty was placed at the Guadalupe river, was extended to the Lavaca.<sup>1</sup>

3. Antoñito, who was to remain chief of the Karankawas, promised to reduce to a state of peace those of his tribe who were at war with Austin's colonists, with the understanding that unless hostilities should cease the forces of Mexico and of the colonies should be employed against them.

4. Antoñito was to have a passport in order that he might not be molested by the American colonists when he went to speak with the Cocos concerning this treaty.

5. The women and children who were prisoners at San Felipe de Austin should remain there until Austin and the colonists were assured that the Indians were at peace.

6. The Karankawas promised to keep peace with the Americans as well as the Mexicans, with whom they had never been at war. Antoñito was, as far as possible, to hold himself responsible for this peace. All injuries done to Americans by Karankawas or to Karankawas by Americans were to be punished.

7. All American families who might arrive at any point on the

<sup>1</sup>It seems that according to the first treaty the Indians were to be allowed to come as far east as the Guadalupe. They were now forbidden to cross the Lavaca.

coast with a view to colonization were to be properly treated by the Karankawas, who, however, should report all such arrivals to the commandant at La Bahía.

8. Although it was thought safe to assume that Austin would approve of this treaty, it was to be sent him for ratification.<sup>1</sup>

The Karankawas seem to have kept this peace, at least so far as De Witt's colony was concerned. It is said that about 1836 the Mexicans began to kill the remnants of the tribe for robberies and murders, and that then, notwithstanding the treaty, they crossed the Lavaca and asked the colonists for protection. Thereupon they were distributed among white families as servants.<sup>2</sup>

Two years later, in 1829, at the suggestion of the political chief, De Witt attempted to deal in the same manner with the Tonkawa Indians. He went in search of them, and on April 17 fell in with three chiefs and a small part of the tribe. He told them the complaints that the people had to make against them for stealing, showed them the advisability of going to work, encouraged them to become a "great and good" people, and to that end offered them, in the name of the political chief, land whereon to settle. He promised that a subscription should be taken up among Americans in his own and Austin's colonies, with which to enable them to buy corn for this year, as it was then too late to plant. He told them that he thought the Mexicans would donate money enough to buy horses for them. The Indians seemed pleased, and promised to call a meeting of their people on the full moon of the next month to talk it over. Hereupon De Witt reported what had taken place to the political chief, suggesting that an industrious man be put among the Tonkawas to instruct them, and that they be assigned four leagues of land for a town, with the understanding that if they proved themselves worthy other lands should be given them.<sup>3</sup> There is no evidence that these suggestions were ever carried into effect, but there seem to have been no further hostilities in De Witt's colony on the part of the Tonkawas.

But it appears that the colonists were not always so kindly disposed toward the Indians. There are some fragments of evidence to show that occasionally they sought them out for other purposes than to smoke with them the feathered pipe of peace. In December, 1828, a number of the residents of Gonzales joined

<sup>1</sup> These terms are summarized from a copy of the treaty in the Bexar Archives.

<sup>2</sup> Holley, *Texas* (1836), 160.

<sup>3</sup> Green De Witt to Ramón Musquiz, April 25, 1829. Bexar Archives.

Captain Henry S. Brown, who was going upon an expedition into what is now Brown County to retake about five hundred horses that the Indians had captured from him on the road between Béjar and Gonzales.<sup>1</sup> In the next year another company of about thirty-nine men from Gonzales, under the same leader, joined Captain Abner Kuykendall in another expedition into the same territory.<sup>2</sup> In 1835 a company of volunteers from Gonzales went out under command of Dr. James H. C. Miller to chastise some Indians that had attacked a party of French and Mexican traders on Sandy Creek, about fifteen miles from Gonzales.<sup>3</sup>

But notwithstanding the insignificance of actual hostilities the colonists never felt secure while they depended upon their own strength alone. Before leaving the Lavaca they had been promised that as soon as the families moved up to Gonzales a garrison of Mexican troops should be stationed in the town.<sup>4</sup> Through 1827, 1828, and the early part of 1829, repeated appeals were made for the fulfillment of this promise. Finally, in 1829, De Witt wrote the political chief, Ramón Musquiz, that a considerable amount of contraband was passing through his territory, but that it would be impossible, without the aid of troops, either to prevent this, or to protect the town from the Indians.<sup>5</sup> Apparently, the cry of contraband was effective. Soon after this, José Guadalupe Ruiz was sent with a detachment of the ninth permanent regiment, but within a few days he was withdrawn and returned to Béjar by order of the general commandant.<sup>6</sup> On the day that Ruiz left the town De Witt sent to the political chief a petition asking for another detachment,<sup>7</sup> and again in Decem-

<sup>1</sup> Brown, *History of Texas*, I 154-6. According to this account, among those who took part in this expedition were Bazil Durbin, — Shelley, Andrew Scott, Jesse Robinson, Moses Morrison, Abram McClure [Abraham McClure], and William Bracken.

<sup>2</sup> *Ibid.*, 156-158.

<sup>3</sup> Among those who took part in this expedition were Matthew Caldwell, Daniel McCoy, Ezekiel Williams, William S. Fisher, Bartlett D. McClure, David Hanna, Landon Webster, and Jonathan Scott (Brown, *History of Texas*, I 283-285).

<sup>4</sup> Alexander Yhary to James Kerr, November 11, 1827; James Kerr to Ramón Musquiz, February 11, 1828. Bexar Archives.

<sup>5</sup> Green De Witt to Ramón Musquiz, May 8, 1829. Bexar Archives.

<sup>6</sup> The order was given May 17, 1829 (Ruiz to Antonio Elosua, May 22, 1829).

<sup>7</sup> De Witt to political chief, May 23, 1829. Bexar Archives.

ber, 1830,<sup>1</sup> and in January, 1831, he repeated the appeal. He claimed that the Tawakanas must pass by Gonzales on their way to attack Victoria and Goliad. He therefore asked that a detachment of soldiers be sent, and he promised that, if a cannon could be lent the people of the town, they would return it whenever the authorities at Béjar asked for it.<sup>2</sup>

In reply, Musquiz told De Witt that he might have an unmounted cannon that was at Béjar, and on March 4, 1831, a wagon was sent for it.<sup>3</sup> This six-pounder was destined to assume, later on, an importance greater than its calibre seemed to justify. Musquiz, at the same time, also urged the principal commandant to send to the colony a detachment of twenty-five or thirty men, in order, not only to prevent Indian hostilities, but also to facilitate traffic between Béjar and San Felipe and to prevent contraband trade.<sup>4</sup> After some correspondence between the principal commandant, the general commandant, and some of the local commandants, Balboa, an officer from the third company of Tamaulipas, was sent with fifteen men.<sup>5</sup> On August 18, the detachment, then under the command of Remigio Pisaña, was attacked by a wandering band of about nine Comanches. A corporal and a soldier were killed and thirteen horses were captured.<sup>6</sup> Shortly afterward the detachment was withdrawn.<sup>7</sup>

The difficulty the colonists had in obtaining help from the government was so great that they probably never asked for it again. It was well, perhaps, for the colonists that they were left to defend themselves alone, for the Mexicans were usually as unfortunate in dealing with the Indians as the colonists were success-

<sup>1</sup> See above, p. 133.

<sup>2</sup> January 7, 1831 (Bexar Archives).

<sup>3</sup> De Witt to Ramón Musquiz, March 4, 1831. Bexar Archives.

<sup>4</sup> Musquiz to Elosua, January 12, 1831; Elosua to Musquiz, March 19, 1831. Bexar Archives.

<sup>5</sup> June, 1831 (see above, p. 133. Principal commandant to political chief, March 19, 1831; principal commandant to José Manuel Barberena, commandant of Guadalupe, April 10, 1831, and May 31, 1831; Barberena to principal commandant, May 19, 1831; and J. M. Guerra to principal commandant, June 9, 1831. Bexar Archives.)

<sup>6</sup> Remigio Pisaña, commandant of the detachment at Gonzales, to Antonio Elosua, August 18, 1831; Barberena to Elosua, August 21, 1831; principal commandant to general commandant, August 26 and September 10, 1831. Bexar Archives.

<sup>7</sup> Barberena to Elosua, September 22, 1831. Bexar Archives.



ful. The Mexicans hated the Indians and were cruel in their treatment of them, and this hatred and cruelty were fully reciprocated. It has been said that when Americans and Mexicans traveling together were attacked by Indians, the former were usually kindly treated, while the latter were often killed.<sup>1</sup> While the colonists maintained a state of comparative peace with the Indians, the inhabitants of Béjar were subjected almost constantly to outrages and depredations. That the Mexicans attributed such a state of affairs to treachery on the part of the colonists, however unjust the suspicion may have been, was still not altogether unnatural.

#### VII. *Mexico's Efforts to Check Anglo-American Immigration.*

Although the United States in 1819 had nominally surrendered all claim to Texas, it apparently never quite gave up the idea of acquiring the province at some time for itself. At various periods it attempted negotiations with a view to purchasing the desired territory. Every movement of this kind Mexico regarded with the greatest suspicion. This feeling is clearly shown in the following extract from a letter of Ramón Musquiz to the vice-governor of Coahuila and Texas, which, though written March 11, 1833, expresses sentiments that had prevailed in Mexico for many years:

The desire of the United States of the north to extend its territory by the acquisition of Texas has displayed itself on several occasions; and the power of its policy and management to expand its borders by the purchase of Florida and Louisiana has become a matter of general history to the civilized world. It is also known that the southern States of our neighboring republic have a tendency to secede from their northern sisters and organize themselves into a separate nation; in which direction one effort has already been made this very year by South Carolina. To such new national organization the acquisition of Texas would be a boon of transcendent value, adding, as it would, so extensively to its territorial area and multiplying so largely its sources of wealth.

When Mr. Butler, chargé d'affaires from Washington City to our government, passed through this city in the year 1829, he avowed to some here, but confidentially, that the object of his mission to Mexico was the purchase of Texas. This same foreign minister, in June of last year, made a journey overland from the City of Mexico to this department and Austin's colony, ostensibly for the purpose of acquainting himself with the country. But immediately after that visit the revolutionary movements of the colonists began; and anterior to that event they had been unexceptionably orderly, having even solemnly pledged themselves to

<sup>1</sup> Holley, *Texas* (1836) 152.

take no part in the convulsion caused by the pronunciamento in favor of the plan of General Santa Anna.<sup>1</sup>

Naturally enough this feeling of suspicion transferred itself to the Anglo-American colonists. Throughout the early period of colonization it was held in check by the prudent conduct of Stephen F. Austin and others among the first settlers. But now that immigrants had come in large numbers it was not to be expected that all of them would exert themselves as Austin had done to preserve harmony with Mexico. The Fredonian rebellion served to remind the Mexicans of the long-standing jealousy of their race toward Anglo-Americans, of their grounds for fear of the United States, and of the possibilities that were developing with the growth of the colonies themselves. Therefore when they observed the discrimination that was made by the Indians between the Americans and the Mexicans they easily imagined that the colonists were responsible.<sup>2</sup>

The result was that Mexico now began a policy by means of which she hoped in an indirect and inconspicuous way to substitute in the future Mexican for Anglo-American occupation of Texas. In 1824 Mexico's generosity toward the colonists was unbounded save by one reservation. Article 7 of the federal colonization law declared that until after the year 1840 the general congress was not to prohibit the entrance of individuals of any nation unless imperious circumstances should require it. By and

<sup>1</sup> Brown, *History of Texas*, I 225-226.

<sup>2</sup> Garrison, *Texas*, 170-171.

The injustice of such a suspicion is no better illustrated than by the following words of Austin addressed to the Cherokees in Texas during the Fredonian rebellion: "My brothers, why is it that you wish to fight your old friends and brothers the Americans? God forbid that we should ever shed each other's blood. \* \* \* The Americans of this colony, the Guadalupe and Trinity, are all united to a man in favor of the Mexican government, and will fight to defend it. We will fight those foolish men who have raised the flag at Nacogdoches; we will fight any people on earth who are opposed to the Mexican government \* \* \*. The bad men, who have been trying to mislead you, have told you that we would all join you. This is not true \* \* \*. Those bad men have told you that Americans would come on from the United States and join them. This is not true \* \* \*. The American government will not permit such a thing, and, if this government asks it, will send troops to aid us.

"Why do you wish to fight the Mexicans? They have done you no wrong; you have lived in peace and quietness in their territory, and the government have never refused to comply with their promises, provided you do your duty as good men. What, then, is it you ask for, or what do you expect to gain by war?" (*A Comprehensive History of Texas*, I 531).

by Mexico reached the conclusion that "imperious circumstances" did require that some check be put upon the Anglo-American immigration from the United States, and to this end she decreed, April 6, 1830, that under no pretext whatever would entrance along the northern frontier be given to foreigners unless they were provided with a passport from Mexican agents; that citizens from adjacent foreign countries should be forbidden to settle as colonists in the Mexican frontier states and territories; and that those colonization contracts which were not yet fulfilled and which would conflict with the foregoing proviso should be suspended. In order to enforce these enactments, Don Manuel de Mier y Terán was sent to Texas with a body of troops. By the same law the settlement of Mexicans in Texas was in every way encouraged. But in regard to colonies already completed it was declared that no change would be made.<sup>1</sup> This the Anglo-Americans, contrary to Mexican intent, seized upon as a warrant for further immigration. Many of them interpreted it to mean that *empresarios* were authorized to continue colonizing until the number provided for by their contracts was brought in.

Within three months after the promulgation of this law, fifty-four families on their way to De Witt's colony landed at the Lavaca. Obedience to the law would have required the Mexican authorities to order these immigrants to leave the country. But the *alcalde* of Goliad, José Miguel Alorete, who reported their arrival to the political chief at Béjar, wisely suggested that it might be well to allow them to enter.<sup>2</sup> The political chief referred the matter to the governor, Viesca, calling attention to the wisdom of Alorete's suggestion, since the families had come under legal contract, though now annulled, and at great expense to themselves.<sup>3</sup> Whereupon the governor ordered that the newcomers be allowed to settle temporarily in the colony, there to await his ultimate decision after he had consulted with General Terán.<sup>4</sup> Probably as a result of this consultation, Terán wrote the vice-consul of Mexico at New Orleans, James W. Breedlove, that passports were to

<sup>1</sup> Decree of April 6, 1830. Dublan and Lozano, *Legislacion Mexicana*, II 238-240.

<sup>2</sup> Alorete to political chief, Ramón Musquiz, June 14, 1830. Appendix to *Empresario Contracts*, II 208.

<sup>3</sup> Political chief to *alcalde* of Goliad, June 23, 1830. Appendix to *Empresario Contracts*, II 209.

<sup>4</sup> Viesca to Ramón Musquiz. Appendix to *Empresario Contracts*, II 210.

be denied to all North Americans except those *en route* for Austin's and De Witt's colonies.<sup>1</sup>

Thus, in so far as actual admission into De Witt's colony was concerned, the law of April 6, 1830, seems not to have been very effective.<sup>2</sup> There is no record of any person's ever having been denied entrance into this section of the country through the operation of this law. But, by revealing the attitude that Mexico was now assuming toward Anglo-American colonization of Texas, it did serve even here to check immigration. In a report made to the government in the latter part of 1834 by the *ayuntamiento* of Gonzales for the purpose of obtaining a renewal of De Witt's contract, it was claimed that the law of April 6 virtually put a stop to all immigration to the colony, and that through its operation many of those who came thither and were given certificates never received titles to land.<sup>3</sup>

It was not long before the Mexican government saw a still better way to keep people from the United States out of Texas. According to the colonization law of Coahuila and Texas the *empresario* contracts were to be valid for only six years from the day on which they were issued. Some of these contracts were now expiring, and the greater part of the lands covered by them was still unoccupied. Mexico's opportunity had now come. The vacant lands was hers to dispose of, and without offense to the colonists already in Texas she could grant them out again to whomsoever she would. A new colonization law was therefore passed, April 28, 1832, offering especial protection and aid to Mexicans who should occupy vacant lands in Texas, and encouraging any *empresario* promising to colonize with Mexicans, or with foreigners whose entrance was not prohibited by the law of April 6, 1830.

De Witt's contract expired April 15, 1831. He at once petitioned for an extension of time, which was promptly refused. Moreover all the *alcaldes* of the department of Béjar and all the military commandants on the coast and the frontier were put on the watch to keep immigrants out of the colony.<sup>4</sup> This array of

<sup>1</sup> October 6, 1830 (Appendix to Empresario Contracts, I 10).

<sup>2</sup> A few persons on their way to Robertson's colony were stopped by Mexicans officials at Nacogdoches, and had to make their way in, secretly and illegally, by going round the place.

<sup>3</sup> Official correspondence of the *ayuntamiento* of Gonzales for 1835. Office of Harwood and Walsh, Gonzales, Texas.

<sup>4</sup> Ramón Musquiz to Principal Commandant Antonio Elosua, May 26, 1831; Elosua to commandants of Nacogdoches, Anahuac, Lavaca, Guadalupe, Goliad, and Tenoxtitlan, May 27, 1831. Bexar Archives.



sentinels seems faithfully to have performed its duty, for no land was secured from De Witt by colonists who entered Texas after that time.<sup>1</sup>

De Witt had introduced less than half the number of families for which he had contracted.<sup>2</sup> The greater portion of the lands included in his grant was still vacant and had therefore reverted to the government. This land was now at the disposal of any *empresario* to whom the government might choose to grant it.

Some years previous the *empresario* De León, through Manchola as agent, had asked that there be added to his grant a strip of land immediately northwest of the La Bahía-Nacogdoches road, one league wide and extending from the Lavaca River to Coleta Creek.<sup>3</sup> This had been conceded April 30, 1829.<sup>4</sup> It will be remembered that the whole of De León's first grant, which lay southeast of the La Bahía-Nacogdoches road, was included within the land that had been given to De Witt.<sup>5</sup> Manchola's contract covered a considerable portion of the remainder. But as De Witt's colonists were then few in number, and were clustered around the little settlement at Gonzales, no opposition had been offered until the next year, when De León attempted to remove twenty-five of De Witt's families who had settled on this additional grant.<sup>6</sup> Navarro protested, claiming the land for De Witt, and in reply the governor annulled Manchola's grant, May, 1831.<sup>7</sup> De Witt's contract, however, had expired, and the political chief in communicating the governor's decision to Navarro declared that the only limitation it really placed upon

<sup>1</sup> For date of arrival of De Witt's colonists, see appendix 1.

<sup>2</sup> One hundred and sixty-six titles had been issued. De Witt had received premium lands for only one hundred families. He was in Monclova seeking to secure a proportionate premium for the other sixty-six when he died, May 18, 1835 (Brown, *History of Texas*, I 341).

<sup>3</sup> April 13, 1829 (Record of Translations of Empresario Contracts, 69-70).

<sup>4</sup> De León to political chief, May 26, 1832. Bexar Archives. De León's first contract had called for forty-one Mexican families. He now contracted for one hundred and fifty additional families.

<sup>5</sup> See above, p. 108.

<sup>6</sup> Musquiz to Navarro, July 21, 1831 (Appendix to Empresario Contracts, II 243); De León to Musquiz, August 16, 1830 (*ibid.*, 12).

<sup>7</sup> Letter from Letona, May 2, 1831 (Record of Translations Empresario Contracts, 69-70) copied by Musquiz, June 7, 1831 (Appendix to Empresario Contracts, II 242); Ramón Musquiz to governor, June 2, 1831 (*ibid.*, IV 20).

De León was to prevent his disturbing the twenty-five families that were already located upon the section in question.<sup>1</sup> But De León seems not to have so understood it, and in September, 1831, he complained that on account of various adverse decisions<sup>2</sup> of the government his colonizing activities had been considerably paralyzed.<sup>3</sup> During the next year when the government gave Juan Vicente Campos, another Mexican *empresario*, permission to colonize some of the vacant lands in De Witt's grant, De León could no longer restrain his indignation at having his claims thus set aside. He at once petitioned the government again to make valid Manchola's contract.<sup>4</sup>

It will be remembered that on April 28, 1832, a law had been passed to encourage Mexican colonization. On May 1, almost immediately after the passage of this law, was made the concession to Campos already mentioned. He was allowed, as agent for a Mexican company, to settle four hundred and fifty colonists upon a tract of land which included the whole of Milam's grant and the northern portion of De Witt's.<sup>5</sup> Of course there was no intention on the part of the government to limit by this grant any of De León's rights in the south. The whole purpose of the new colonization law was, as has been indicated, to check Anglo-American immigration and to encourage that of Mexicans. Enterprises such as De León's were just what Mexico wished to foster. On August 4, 1832, therefore, Governor Letona, in answer to De León's peti-

<sup>1</sup>Appendix to *Empresario Contracts*, II 243.

<sup>2</sup>A conflict of claims had also arisen between De León and the *empresarios*, Power and Hewetson. The government decided against De León, August 13, 1831. But in March of the next year, through the influence of General Terán, De León was given the preference (*Record of Translations of Empresario Contracts*, 71-74, 149).

<sup>3</sup>De León to political chief, September 21, 1831. Bexar Archives.

<sup>4</sup>May 26, 1832 (Bexar Archives).

<sup>5</sup>This grant embraced the following limits: Beginning with the headwaters of the Lavaca, the boundary line was to run north-west along Austin and Williams's colony to the Béjar-Nacogdoches road; following this, it was to extend toward the northwest [northeast] to the Colorado River; from there it was to go up the right bank of the Colorado fifteen leagues; thence in a straight line parallel with the Béjar-Nacogdoches road to the Guadalupe River; thence down the left bank of this river five leagues beyond where it crosses the Béjar-Nacogdoches road; and from there east in a straight line to the point of beginning (*Empresario Contracts*, 381-384).

tion, told him that he had full permission to colonize the land that through Manchola had been granted him in 1829.<sup>1</sup>

Thus was the greater portion of the vacant lands in De Witt's colony disposed of to Mexican *empresarios*. But the Mexican government was careful to order that in the lands assigned to De León and Campos the rights of all previous settlers be respected. Mexico's desire to conciliate Anglo-Americans while she legislated against them often led to curious results, and perhaps explains the additional order that Letona issued when he again made valid De León's second contract. In the territory between the grants that had been given to the two Mexican *empresarios* there were still some unoccupied lands. The governor now ordered that into this territory there be collected for De Witt all the scattered families of the department which belonged to no other colony. Stephen F. Austin and José Antonio Navarro were even appointed to make an estimate of the number of such families and of the cost of transporting them to this section.<sup>2</sup> But, if there was ever an attempt to carry into effect such an impracticable scheme, no record of it has yet been found.

It had now become evident that Mexico, in dealing with the colonists, had adopted a policy of restriction and control utterly at variance to that under which the Anglo-Americans had been invited to enter Texas. Such measures as the law of April 6, 1830, that of April 28, 1832, the military occupation of Texas, the closing of certain Texas ports, and the attempt at the strict collection of duties amply illustrate this policy. The irritation roused by these measures among the colonists passed by easy stages into open rebellion.

#### VIII. *The Colony in the Revolution.*

The part that De Witt's colonists played during the period preceding the actual outbreak of hostilities can not be understood without bearing constantly in mind the location of the colony. It was the frontier Anglo-American settlement on the side toward Mexico, and its capital, Gonzales, lay about midway between Béjar on the west and San Felipe on the east. The inhabitants of this section of the country no doubt sympathized from the very first

<sup>1</sup> Letona to the political chief, August 4, 1832 (Appendix to *Empresario Contracts*, IV 42).

<sup>2</sup> Ramón Musquiz to the governor, August 14, 1831 (Appendix to *Empresario Contracts*, I 235-236); Letona to political chief, September 2, 1831 (*Ibid.*, 239); Campos to political chief, May 12, 1832 (*Ibid.*, II 256); Campos to political chief, August 4, 1832 (*Ibid.*, IV 42).

with their countrymen of Austin's colony, but they were too far removed from the storm center, the San Felipe district, to share the sentiments of the war party whose headquarters were there. Moreover they well realized that, in case of open hostilities with Mexico, Gonzales would probably be the first point of attack. Understanding little about the rupture that they in a vague way knew was taking place between the colonists and the Mexican government, and preferring for reasons of their own to remain uninvolved, they often found difficulty in determining the best course to pursue. With this situation in mind, most of their actions during this period, though some of them may still appear inconsistent or vacillating, become intelligible.

The presence of the military left by Terán irritated the Texan colonists, and in 1832 resulted in serious disturbances at Anahuac, Velasco, and Nacogdoches. But there was as yet no thought of a break with Mexico, and the *ayuntamientos* of Texas satisfactorily explained this friction on the ground of loyalty to Santa Anna, who for the sake of the Mexican constitution, as he then claimed, was attempting to overthrow Bustamante. In order still better to define their position the colonists called a convention at San Felipe, October 1, 1832. Although their object was to declare in most positive terms their allegiance to Mexico, they took advantage of the occasion to ask for a redress of certain existing grievances. Among other things they requested a repeal of that provision of the law of April 6, 1830, which prohibited further immigration from the United States, and drew up a memorial asking for a separation of Texas and Coahuila. But, on account of the opposition that this convention called forth from the Mexican authorities, this memorial was never presented.

In December Bustamante was overthrown and the colonists, believing that Santa Anna, now in power, would favor their desire for a separate state government, called another convention, April 1, 1833, and framed a state constitution, which was sent to Mexico for approval.

In Mexico, however, Santa Anna was busy with plans of his own for acquiring absolute power, and the separation of Coahuila and Texas did not accord with these plans. Before the end of 1835, he had triumphed in other parts of Mexico, and he then began to turn his attention more exclusively to Texas. Already, in January of this year, Captain Tenorio had been sent with a few troops to support the collector at Anahuac in enforcing the payment of duties. Many of the colonists believed this was only a part of Santa Anna's general scheme to centralize the govern-



ment, and the feeling that it aroused was so intense that it resulted in several acts of violence in different localities. Among these was the capture by a Texas boat of a Mexican schooner that had been sent to Anahuac to collect duties and had attacked a United States trading vessel.<sup>1</sup> Ugartechea, the commandant at Béjar, upon hearing this news, believed that there was danger of rebellion among the colonists. He had just learned of the fact that the cannon that had been lent to De Witt's colonists in 1831 as a protection against the Indians was in Gonzales.<sup>2</sup> Fearing lest it might now be turned by the colonists against the government, he dispatched a corporal, Casimiro de León, and five soldiers, with a letter from the political chief to Andrew Ponton, the *alcalde* of Gonzales, asking that the gun be surrendered to the corporal to be returned by him to Béjar upon the ox-cart which he had brought for the purpose.<sup>3</sup>

Until this time De Witt's colonists had been uncertain of their own position, as their attitude hitherto clearly indicates. After the first disturbances in 1832, the other *ayuntamientos* of Texas had joined in proclaiming loyalty to Santa Anna, but, when Political Chief Ramón Musquiz sought a similar expression from De Witt's colonists, they replied to him thus:

As we have never been officially informed, either by the present reigning Government, headed by the Vice President Bustamante, or by their opponents, headed by Gen. Santa Anna, of the nature of these differences which exist between them; and as Citizens of a polity amenable *only* to our Federal head, we are as yet perfectly satisfied with measures heretofore pursued by that head in relation to us; and, were it otherwise, we *feel* our insufficiency to step between them and their explanations of the Constitution and laws of *our* adopted country! Moreover, having *never* had laid before us in a tangible shape, the difficulties existing between the Colonists of Austin and the Commandants of the Forts Anahuac and Velasco: we are therefore, at this time, equally *unable* to decide as to the merits or demerits of either of the contending belligerents!

Therefore, to you, *Sir*, as our organ of Governmental correspondence, we would have it made *fully* known, and by them perfectly understood, that we, the colonists of Colonel Green De Witt,

<sup>1</sup> Stephen F. Austin was on this vessel, the *San Felipe*, returning from his two years' imprisonment in Mexico (*A Comprehensive History of Texas*, I 177).

<sup>2</sup> See above, p. 137.

<sup>3</sup> Political chief to *alcalde* of Gonzales, September 21, 1835; Castañeda to Ugartechea, September 29, 1835; letter dated September 30, 1835, apparently from Ugartechea to Cos. Bexar Archives.

are by our present unprotected situation, liable to be *cut off* by the savage foe! consequently, unable to render any physical assistance, if so required, to our brethren of Mexico, of Vera Cruz, or of Texas.

Humbly trusting, that our precarious condition will be a sufficient excuse for our neutrality—not only to you, Sir, who know our state experimentally, and who have more than *once* expressed a fatherly solicitude for our preservation—but to that Government you represent, on whose paternal care and munificent generosity we implicitly rely!<sup>1</sup>

But when, shortly afterward, delegates were called to the convention which assembled at San Felipe for the same purpose, Gonzales sent Henry S. Brown and Claiborne Stinnet as her representatives.<sup>2</sup>

As has been indicated, the government regarded this convention with extreme disfavor, which was expressed in letters to the *ayuntamientos* of Austin, Goliad, Liberty, Nacogdoches, and Gonzales.<sup>3</sup> In reply to the letter received at Gonzales, Ezekiel Williams, the *alcalde*, wrote:

We acknowledge the receipt of your Lordship's communication of the 22nd of November, 1832, in which you request this body to say how far they have taken part in the convention held in Austin's colony, for the purpose, it is said, of making representations to the government. They answer that in no manner have they been officially concerned in said convention, and that the colonists of this jurisdiction have taken officially no part in it. God and Liberty.

EZEKIEL WILLIAMS, *Alcalde*.<sup>4</sup>

In 1833 when the second convention was called to meet in San Felipe, the same delegates that had been sent from Gonzales in 1832 were returned. On April 27, 1833, James B. Patrick expressed to the political chief his attitude toward this convention in the following terms:

The Ayuntamiento of Gonzales heartily concurs in the action of the convention of April 1, at San Felipe on the subject of separate State organization for Texas, being of the opinion that the people of Texas are in the legally prescribed condition for such a step, and they approve of the appointment of Stephen F. Austin, James B. Miller and Erasmo Seguin, on the part of friends of that measure, to represent them at the capital.<sup>5</sup>

<sup>1</sup> Edward, *History of Texas*, 191-192.

<sup>2</sup> Brown, *History of Texas*, I 198. James Kerr went as delegate from the Lavaca district.

<sup>3</sup> Bexar Archives.

<sup>4</sup> Brown, *History of Texas*, I 216.

<sup>5</sup> Brown, *History of Texas*, I 232-233.

Unfortunately the political chief did not agree with Patrick. On May 15 he replied to his letter condemning in most positive terms the whole scheme of separation from Coahuila as emanating from an 'insignificant *junta* whose actions from the first had been annulled by the political chief and the supreme government of the state.' He warned the Gonzales *ayuntamiento* against participating thereafter in an affair of this or any other kind whatever unless so ordered by the political chief, and he suggested in closing that thenceforth they would better keep clear of all political affairs.<sup>1</sup>

Of course, since they still desired to yield obedience to the Mexican authorities, there was but one thing to do. As soon as this communication was received a meeting of the *ayuntamiento* was called, and letters of explanation and apology were drawn up to be sent to the political chief. The people declared that in adopting the action of the San Felipe convention there had been no intention whatever of disobeying the laws; that, in so far as their course was not approved by the Mexican officials, it should be considered revoked; and that in the future they would sanction and adopt only those measures that were considered legal by the supreme authorities.<sup>2</sup> Thus, while the mistrust and suspicion between the Americans and the Mexicans grew gradually in other quarters, the people in this section of the country managed to keep on fairly good terms with the government.

During 1834 and the early part of 1835 the Mexicans were busy with their own civil quarrels, and Texas, left to itself, was comparatively quiet. But after Santa Anna had crushed the resistance of Zacatecas in battle, and had dissolved the legislature of Coahuila and Texas, a feeling of renewed uneasiness among the colonists manifested itself in the appointment of committees of safety in various municipalities. On May 17, 1835, the people of Gonzales selected to serve on such a committee for their own district James B. Patrick, James Hodges, William W. Arrington, John Fisher, George W. Davis, Bartlett D. McClure, and Andrew Ponton.<sup>3</sup>

<sup>1</sup> Bexar Archives.

<sup>2</sup> Two letters from *ayuntamiento* of Gonzales to political chief, May 27, 1833; *ayuntamiento* of Gonzales to political chief, June 22, 1833; political chief to C. Francisco Madero, June 26, 1833; Madero to political chief, June 28, 1833; political chief to *alcalde* of Bexar, August 20, 1833. Bexar Archives.

<sup>3</sup> Brown, *History of Texas*, I 290.

Shortly after this precautionary step, Edward Gritten, reputed among the colonists to be a confidential friend of Santa Anna,<sup>1</sup> appeared in the town, having come direct from the City of Mexico. He found the people still desirous of maintaining peace with Mexico, yet equally determined to resist with energy the entrance of troops into the country. Gritten tried to persuade them that he knew from the authorities that such was not the intention of the government, and he at once wrote requesting Ugartechea to confirm him in this statement.<sup>2</sup> So convincing were the reports that he brought from the Mexican capital that on July 7, the *alcalde* of Gonzales called a meeting at which the inhabitants manifested their disapprobation of the proceedings at San Felipe and protested their allegiance to the government.<sup>3</sup> On the next day in reply to Gritten's request Ugartechea sent letters officially assuring the colonists that troops were not coming. By this most welcome news the people of Gonzales seemed quite reassured. In order to dispel the fears that had been aroused by the malcontents they, together with the municipality of Mina, caused copies of the communications from Ugartechea to be distributed about the country.<sup>4</sup> They were in the midst of this missionary work for the government when the corporal and his soldiers appeared at the river's bank requesting the cannon.

The colonists were now no longer in doubt as to Mexico's intentions; consequently, their own attitude was no longer ambiguous. They knew that there were at Béjar eighteen pieces of unmounted cannon besides those mounted, and that this one was not needed there as Ugartechea claimed. They well understood that the only object the Mexicans had in getting possession of it was to disarm such Anglo-Americans as might prove dangerous neighbors. And they quite as clearly foresaw that a refusal to give up the gun would bring the government troops upon them.<sup>5</sup> When they met

<sup>1</sup> Report of William J. Fisher, president of the committee of safety at Gonzales, July 4, 1835. Austin Papers, 29.

<sup>2</sup> Gritten to Ugartechea, July 5, 1835. Bexar Archives.

<sup>3</sup> Gritten to Ugartechea, July 6, 1835. Bexar Archives; *Mercurio del Puerto de Matamoras*, August 27, 1835. Austin Papers, class O.

<sup>4</sup> Gritten to Ugartechea, July 9, 1835. Bexar Archives.

<sup>5</sup> G. W. Davis, secretary of the committee of safety at Gonzales, to the committee of safety at Mina and to J. H. Moore, Colorado River. September 25, 1835, in *Telegraph and Texas Register*, March 28, 1837. Austin Papers, 30.



to consider the answer to make when these troops should come, only three of the citizens were in favor of granting Ugartechea's request.

The people therefore began to prepare for the trouble that they knew would ensue. Those who lived on the west bank of the Guadalupe began to move into Gonzales.<sup>1</sup> The townspeople began to get their wagons ready to move their families out—some east to the Colorado,<sup>2</sup> some only into the woods to hide.<sup>3</sup> Messengers were at once dispatched to various points in Texas for help.<sup>4</sup> The cannon was buried in George W. Davis's peach orchard,<sup>5</sup> and the ground was plowed and smoothed over it.<sup>6</sup>

Finally, on September 26, while the corporal was still waiting across the river, Andrew Ponton sent by another messenger the following reply to the political chief:

Gonzales Sept 26th 1835

Excellent Sir

I received an order purporting to have come from you for a certain piece of Ordnance which is in this place. It happened that I was absent and so was the remainder part of the Ayuntamiento when your dispatch arrived in consequence the men who bore sd dispatch were necessarily detained until to day for an answer. This is a matter of delicacy to me nor do I know without further

<sup>1</sup> Castañeda to Ugartechea, September 29, 1835. Bexar Archives.

<sup>2</sup> E. Bailey to ———, September 26, 1835. Archives of Texas, D file 22, no. 2133.

<sup>3</sup> Mr. Darst, who was a boy of about twelve years of age at the time, in telling of the experiences he then had, says that he and his mother and sister went up the river first to what was known as Tumlinson's Bend. They had not been there long when some of the Mexicans came so near that they could hear them talking. It seemed unsafe to remain there, so they went further up the river to Bolin's Bend, above the place where the San Marcos bridge now stands. Here with the families of George Davis and Green De Witt they remained about two days. Mr. Darst says that so many of the inhabitants were engaged in moving their families out of Gonzales that at one time there were only eleven men left in the town.

<sup>4</sup> Austin Papers, 30; report of Wm. Fisher to Austin, October 3, 1835 (Austin Papers, 50); THE QUARTERLY, II, 314.

<sup>5</sup> Mr. Darst points out the spot where the cannon was buried. It is on block 12 (see map 4). The Gonzales cotton gin and the Gardian livery stable stand today on either side of the place.

<sup>6</sup> THE QUARTERLY, II 315. *Alcalde* Ponton said that he had one thousand dollars (probably belonging to the *ayuntamiento*), and that he was afraid the Mexicans were going to take that, too (E. Bailey to ———, September 26, 1835. Archives of Texas, D file 22, no. 2133).

information how to act this cannon was as I have always been informed given in perpetuity to this Town for its defense against the Indians. The dangers which existed at the time we received this cannon still exist and for the same purposes it is still needed here—our common enemy is still to be dreaded or prepared against.

How or in what manner such arms are appropriated throughout the country I am as yet ignorant but am led to believe that dippositions of this nature should be permanent at least as long as the procuring cause exists. I must therefore I hope be excused from delivering up the sd cannon until I have obtained more information on the subject matter. At least until I have an opportunity of consulting the chief of this department<sup>1</sup> on the subject—as well to act without precipitation—as to perform strictly and clearly my duty, and I assure you, that if, after a mature deliberation on the subject, I find it to be my duty & in justice to your self—I obligate my self to comply with your demands—and will without delay send the cannon to you.

God & Liberty—

ANDREW PONTON, *Alcalde*.<sup>2</sup>

As soon as this reply was received, Ugartechea, on September 27, sent Lieutenant Castañeda to Gonzales at the head of one hundred dragoons and bearing letters from himself and the political chief. This time the cannon was demanded. Without awaiting the answer of their own political chief the people were to deliver it at once.<sup>3</sup> Otherwise, Castañeda was to bring the *alcalde* of Gonzales to Béjar as prisoner and to punish all who should offer resistance.<sup>4</sup>

Before Castañeda reached Gonzales, on the 29th, he sent forward two soldiers with these letters, but within three leagues of the place he met the messengers returning without having delivered the letters. They were accompanied by another soldier, Isabel de la Garsa, who had a somewhat disconcerting story to tell. On the day before, at four o'clock in the afternoon, ten or twelve Americans had crossed the river, disarmed Corporal De León and the soldiers, and taken them and the cart drivers into town as prisoners. He himself had escaped by hiding when sent by the Americans for the horses. Nevertheless, Castañeda continued his journey, and within one-eighth of a league from Gonzales he met

<sup>1</sup> That is, the department of the Brazos, created by decree of March 18, 1834.

<sup>2</sup> Bexar Archives.

<sup>3</sup> Angel Navarro to *alcalde* of Gonzales, September 27, 1835; Ugartechea to *alcalde* of Gonzales, September 27, 1835. Bexar Archives.

<sup>4</sup> Ugartechea to Castañeda, September 27, 1835. Bexar Archives.

one of the cart drivers, who had been set at liberty. This man confirmed Garsa's report, adding that for two days reinforcements had been coming into Gonzales; that their number was now about two hundred men, and that more were expected to arrive in the afternoon.

Shortly before hearing this last account, Castañeda had a second time sent forward the two letters together with one of his own, asking for an interview with the *alcalde*. The reply came back that the *alcalde* was absent, but that he was expected to return within three hours, when he would send an answer for himself. Castañeda could do nothing but await this answer, for he was prevented by the Americans from fording the river,<sup>1</sup> and the ferry-boat and canoes were on the other side under guard.<sup>2</sup> While he waited he wrote to Ugartechea a detailed report of all that had taken place.<sup>3</sup>

On the morning of the next day Castañeda went to the bank of the river to have his interview with the *alcalde*. There he was met by the *regidor* and told that the *alcalde* was still absent, but that he had been sent for, and would surely return soon. The *regidor* promised that at four o'clock in the afternoon Castañeda might speak with the *alcalde*, or, if the latter were still absent, with himself. At the appointed hour Castañeda returned to the bank of the river where he met the *regidor* and three other men. The *regidor* refused to cross over, as he had promised, but read to Castañeda from across the stream the following communication:

'In the absence of the *alcalde* it has fallen to my lot to reply to the communication sent to him asking a second time for the cannon.  
\* \* \* The right of consulting with our political chief seems to be denied us. Therefore my reply reduces itself to this: I can not nor do I desire to deliver up the cannon \* \* \*, and this is the sentiment of all the members of the *ayuntamiento* now present. The cannon is in the town, and only through force will we

<sup>1</sup>A *Comprehensive History of Texas*, I 180; account of the campaign of 1835 by William T. Austin, aid to General Stephen F. Austin and General Edward Burleson. A *Comprehensive History of Texas*, I 536.

<sup>2</sup>Bennet, in THE QUARTERLY, II 315, says Jessie [Jesse] McCoy, Joseph Kent, Graves Fulcheare, and W. W. Arrington kept watch at the river. Kent told Bennet afterward that he and Fulcheare, in their hiding places, could scarcely resist the temptation to shoot at the Mexicans as they came to the opposite bank to water their animals.

<sup>3</sup>It is upon this report, dated September 29, 1835 (Bexar Archives), that the above account is based.

yield. We are weak and few in number, nevertheless we are contending for what we believe to be just principles.'<sup>1</sup>

Castañeda replied that they had no right to retain the cannon which had been lent as a favor, and maintained that it was an outrage to keep as prisoners the corporal and soldiers who had come for it. But the *regidor* only repeated the substance of the letter above.

In the afternoon Castañeda learned through a Cosate [Coshatti?] Indian who had been in Gonzales that reinforcements were continuing to arrive.<sup>2</sup> It was necessary to do something at once. Hitherto he had been unable to cross the river at the town. He therefore decided that unless he received other orders from Ugartechea<sup>3</sup> he would try to effect a crossing further up the stream.<sup>4</sup> That night he spent in camp on the mound at the De Witt place, about three hundred yards from the river.<sup>5</sup> The next morning at twelve o'clock he moved up the stream some seven miles and encamped in a very strong position upon Ezekiel Williams's place.<sup>6</sup>

Castañeda had not been misinformed as to the arrival of volunteers in Gonzales. At first there were only eighteen men to defend the town.<sup>7</sup> By the 30th there were between one hundred

<sup>1</sup> Joseph D. Clements, *regidor*, to Castañeda, September 30, 1835. Bexar Archives.

<sup>2</sup> This account of the transactions of this day is based upon a report made late in the day by Castañeda to Ugartechea (Bexar Archives).

<sup>3</sup> In reply to Castañeda's letter of the 29th, Ugartechea had ordered him, if the interview with the *alcalde* had been unsuccessful, and if he were certain that the opposing forces were superior to his, to retire at once in order not to compromise the national honor. Upon receiving Castañeda's report made on the 30th, Ugartechea repeated this order (letters from Ugartechea to Castañeda, September 30 and October 1, 1835. Bexar Archives). Castañeda probably received the first of these communications before he withdrew from Gonzales.

<sup>4</sup> Castañeda to Ugartechea, September 30, 1835. Bexar Archives.

<sup>5</sup> Report of Wm. Fisher, October 3, 1835, in the *Telegraph and Texas Register*, April 4, 1837. Austin Papers, 50.

<sup>6</sup> *Ibid.* Miles S. Bennet, in THE QUARTERLY, II 315, says that while the Mexicans were encamped at Williams's place they supplied themselves with many sacks of watermelons.

<sup>7</sup> Wm. Fisher to Austin, October 3, 1835. Austin Papers, 50. A communication from Captains Albert Martin, R. M. Coleman, and J. H. Moore to the people of San Felipe and the Lavaca dated September 30, 1835 (Austin Papers, 30) says that until the 29th there were but eighteen



and fifty<sup>1</sup> and one hundred and sixty, and more were expected to arrive that day.<sup>2</sup> For the immediate emergency they organized with John H. Moore as colonel and J. W. E. Wallace as lieutenant colonel.<sup>3</sup> The cannon was unearthed and mounted upon a broad-tired ox-wagon by Mr. Darst, Mr. Sowell, Mr. Chisholm and others. Chisholm and Sowell, both of whom were blacksmiths, prepared shot for it by cutting up pieces of chains and forging iron balls out of such scraps as they could procure.<sup>4</sup>

When the Mexicans began to move up the river the Texans,<sup>5</sup> suspecting that their object was either to await reinforcements from Béjar or to ford the river at the crossing fifteen miles above, determined to attack them before either of these plans could materialize.<sup>6</sup> On Thursday night, October 1, at seven o'clock, the Texans, fifty of whom were mounted, crossed the river carrying with them the brass cannon.<sup>7</sup> On the other side of the river they held a council of war, and listened to a "patriotic address"

men in Gonzales, and that on the 30th there were about one hundred and fifty. The cart driver, who made his report to Castañeda on the 29th, said that about two hundred had already arrived at Gonzales. He undoubtedly overestimated the number, but evidently reinforcements had begun to come in before the 30th. The eighteen men who were in Gonzales from the first were known as the "Old Eighteen" defenders of Gonzales. Bennet gives their names as follows: Capt. Albert Martin, Jacob C. Darst, Winslow Turner, W. W. Arrington, Graves Fulchea, George W. Davis, John Sowell, James Hinds, Thomas Miller, Valentine Bennet, Ezekiel Williams, Simeon Bateman, J. D. Clements, Almerion [Almeron] Dickinson, Benjamin Fuqua, Thomas Jackson, Charles Mason, Almon[d] Cottle (THE QUARTERLY, II 314.)

<sup>1</sup> Captains Martin, Coleman, and Moore to the people of San Felipe and the Lavaca. Austin Papers, 30.

<sup>2</sup> Castañeda to Ugartechea, September 30, 1835 (Bexar Archives); William Fisher to Austin, October 3, 1835 (Austin Papers).

<sup>3</sup> Account of the campaign of 1835 by William T. Austin (*A Comprehensive History of Texas*, I 536.

<sup>4</sup> THE QUARTERLY, II 315. Mr. Darst says that Mr. Martin had two cotton wagons. The forewheels of one of these were used to mount the cannon. He also says Mr. Dickinson was put in charge of the cannon.

<sup>5</sup> For convenience, the word Texans is here applied to Anglo-Americans in Texas as opposed to Mexicans, although this distinction is not strictly proper until Texas became independent.

<sup>6</sup> Report of Wm. Fisher, October 3, 1835, in *Telegraph and Texas Register*, April 4, 1837. Austin Papers, 50.

<sup>7</sup> *A Comprehensive History of Texas*, I 180.

by Rev. W. P. Smith, a Methodist preacher from Ruttersville.<sup>1</sup> They then marched up the river, and at about four o'clock in the morning formed for action. The mounted men were placed in front of the cannon; on either side was a detachment of footmen accompanied by flankers on the right and left. A small guard brought up the rear. In this order they marched silently to the place they intended to occupy. Just as they reached it the Texan advance guard was fired upon by the Mexican pickets, and one man was slightly wounded. The Mexicans at once formed. The two columns of Texan footmen deployed into line with the horsemen on the extreme right and the cannon in the center. A dense fog made it difficult for either side to move with advantage, and the Texans therefore kept their places until daylight. The Mexicans occupied a commanding position on a slight eminence. As soon as it was light enough, the Texans advanced into the open prairie until within three hundred and fifty yards of the Mexicans, and opened fire. The Mexicans retreated, and then proposed a parley.

By this time the fog had lifted, and Colonel Moore and Lieutenant Castañeda advanced to meet each other in full view of the opposing forces. Castañeda asked why the Mexicans had been attacked. Colonel Moore replied that they had demanded a cannon that the colonists had been given for their own defense and that of the constitution, and had threatened to use force in case it was refused; that Castañeda was acting under orders from Santa Anna, an enemy of the constitution and laws of the country; and that the Texans were determined to fight for this constitution. Castañeda replied that he and two-thirds of the Mexicans were republicans, and that he was still an officer of the Federal government, which, however, had undergone considerable change; that, since the majority of the states had decided upon the change, Texas, too, must submit to it; that it was not his intention to fight the Anglo-Americans; that his instructions were simply to demand the cannon, and, if it were refused, to await further orders. Colonel Moore then asked that he either surrender with all his troops, or join the Texans—in which event he would be allowed to retain his rank, pay, and emoluments,—or fight immediately. Castañeda replied that he must obey orders. Thus the interview ended.

The Texans again opened fire, and the Mexicans almost immediately threw aside all unnecessary incumbrances, and turned and fled. The people who were anxiously awaiting in Gonzales the result of the skirmish told afterwards that in the early morning

<sup>1</sup> THE QUARTERLY, II 316.

the shriek of the cannon with its unusual charge could be heard reverberating along the valleys with remarkable distinctness.<sup>1</sup> The Mexicans lost one man—the total mortality of this memorable engagement.<sup>2</sup>

Reinforcements continued to arrive at Gonzales, and every one seemed anxious that Stephen F. Austin should come thither and direct future operations. On October 6 a dispatch was received from Béjar saying that Ugartechea was on the way to Gonzales with five hundred men. Since requests and demands sent by subordinates had failed to bring the cannon, the principal commandant was coming in person to “take” it.<sup>3</sup> This only increased the desire for Austin’s presence, and when on the same day there were received in Gonzales communications from Ugartechea addressed to Austin<sup>4</sup> they were forwarded, accompanied by the following letter:

GONZALES, October 6, 1835, twelve o’clock at night.

DEAR COLONEL,—You will receive important despatches by the bearer, that Colonel Ugartechea and probably General Cos are now on their march here with all their forces to take the gun if it is not delivered.

You will see by Ugartechea’s letter to you he proposes a sort of a compromise. That will give us an opportunity to entertain him a little while, upon the suggestion that you are sent for, while we get in more men. We who subscribe this request you earnestly to come on immediately, bringing all the aid you possibly can. We want powder and lead. Do all you can to send on instantly as much as possible.

P. W. GRAYSON.

PAT. C. JACK.

J. W. FANNIN, JR.

THOMAS P. GAGSLEY.

J. W. E. WALLACE.

JOHN J. LINN.

S. R. MILLER.

A. PALLARD [POLLARD.] <sup>5</sup>

<sup>1</sup> Bennet, in *THE QUARTERLY*, II 316.

<sup>2</sup>Account of the campaign of 1835 by William T. Austin (*A Comprehensive History of Texas*, I 537); Castañeda to Ugartechea, October 2, 1835 (Bexar Archives). Castañeda gave this brief report at one o’clock in the afternoon. He says the attack was made at five that morning.

<sup>3</sup>John H. Moore to San Felipe committee of safety. Archives of Texas, D file 13, no. 1248.

<sup>4</sup>Account of the campaign of 1835 by William T. Austin (*A Comprehensive History of Texas*, I 538); Gritten to *alcalde, ayuntamiento*, and people of Gonzales (Austin Papers, class K, no. 9).

<sup>5</sup>*A Comprehensive History of Texas*, I 538. This letter is not in the

The volunteers had by this time reached the number of three hundred.<sup>1</sup> Without waiting for Austin's answer, they held a council of war and temporarily organized the troops. Arrangements were made to secure as soon as possible supplies such as beeves, wagons, teams, spades, shovels, axes, and hoes. A large cornfield was secured from Eli Mitchell as a place of encampment. On the same evening, information having been received of the advance of the Mexicans upon Victoria, one hundred men were despatched thither to help defend that place.

It was generally agreed that the best plan would be to attack Béjar and thus to prevent the colony from becoming the battle ground. Preparatory to such a campaign, however, a new and permanent organization was necessary, and the first step was the election of a commander-in-chief. On the morning of October 11, the board of war met and resolved that at four o'clock in the afternoon the election should be held by companies. This announcement produced the greatest excitement in camp. The men were mostly strangers to each other, and those from each section had a candidate to suggest for the place. None of the factions seemed willing to submit to the choice of any other, and many of the volunteers threatened to return to their homes provided their favorites were not elected. Feeling ran so high that it seemed for a time that the troops might disband.

Just at this critical moment,<sup>2</sup> Stephen F. Austin arrived. The effect was remarkable. Factional wranglings at once ceased. All parties rallied around the general favorite, and he was unanimously chosen as commander-in-chief of the army of Texas. He saw that he alone could meet the exigency, and, although in feeble health, he immediately assumed command.<sup>3</sup> The same day he reorganized the forces. On the morning of the 12th the troops began

manuscript copy of W. T. Austin's account of the campaign of 1835, in the possession of the University of Texas.

<sup>1</sup> John H. Moore to San Felipe committee of safety, October 6, 1835. Archives of Texas, D file 13, no. 1248.

<sup>2</sup> October 8. He came at about one o'clock in the afternoon.

<sup>3</sup> All that is told above concerning the formation of the board of war and the organization of the forces is based upon the account of the campaign of 1835 by William T. Austin (*A Comprehensive History of Texas*, I, 538-540). The writer of this account was in Gonzales during this period. He was secretary of one of the meetings held by the board of war.



to cross the Guadalupe river, and on the 13th they took up their line of march for Béjar.<sup>1</sup>

The details of the campaign that followed need not be given here: It resulted in the expulsion of the Mexican troops from Texas in the fall of 1835. The organization of the provisional government, the quarrel between the governor and council, the unfortunate Matamoras expedition, and the declaration of independence, on March 2, 1836, must also be passed over with only this bare mention.

In February, 1836, the Mexicans again invaded Texas, and while the convention which had declared its independence was framing a constitution for the new republic Santa Anna was besieging the Alamo.<sup>2</sup> The first report of the investment of the Alamo reached Gonzales on the night of the 26th in the form of a letter from Colonel Travis, the commander of the Texan troops, which read as follows:

Commandancy of Bexar.

Feb. 23, 3 o'clock, p. m. 1836.

*To Andrew Ponton, Judge, and the Citizens of Gonzales:*

The enemy in large force is in sight. We want men and provisions. Send them to us. We have 150 men and are determined to defend the Alamo to the last. Give us assistance.

W. B. TRAVIS, *Lieut.-Col. Commanding.*

P. S. Send an express to San Felipe with the news night and day. TRAVIS.<sup>3</sup>

In response to this call a company of thirty-two men from Gonzales succeeded in breaking through Santa Anna's lines and on March 1 entered the Alamo.<sup>4</sup>

<sup>1</sup> Stephen F. Austin's Order book for the operations against Béjar. Austin Papers. Mr. Darst says that the cannon was taken to Béjar at this time, and that shortly after the capture of Béjar two four-pound copper cannon and one nine-pound iron cannon were sent to Gonzales by the Texan troops at Béjar.

<sup>2</sup> The Alamo was the name applied to the old mission of San Antonio de Valero. The chapel of this mission with its adjacent buildings constituted a strong fortification.

<sup>3</sup> Brown, *History of Texas*, I 550.

<sup>4</sup> Copy of a letter written by Col. Travis to a friend, dated from the Alamo, March 3, in *Telegraph and Texas Register*, March 24, 1836. Austin Papers, 19. Elsewhere in this same number of the *Telegraph* the following names of some of those who went from Gonzales are given: Capt. A. Dickinson, George C. Kimball, James George, Dolphin Floyd, Thomas Jackson, Jacob Durst [Darst], George W. Cottle, Andrew Kent, Thos. R. Miller, Isaac Baker, Wm. King, Jesse [Jesse] McCoy, Claiborn Wright, William Fishback, — Millsap, Galby Fuqua, John Davis, Albert Martin. Bennet, in *THE QUARTERLY*, II, 314, adds the following names to this list: William Dearduff, John E. Garvin, John E. Gaston, Robert

The news of the siege of the Alamo spread rapidly, and it was rumored that the Mexicans were again on the march to Gonzales. Once more the Texans hurried to this frontier settlement in order here to hold the enemy in check and to prevent his entrance into the colonies. On March 4, preparatory to the new campaign, Houston was made commander-in-chief of the army. On the 11th, at four o'clock in the afternoon he reached Gonzales to take command of the troops that were gathering there.<sup>1</sup>

Just at dusk on the day of Houston's arrival Anselmo Bogarra and another Mexican came bringing the news that the Alamo had fallen.<sup>2</sup> Astonishment, grief, and terror were the conflicting emotions produced by these sad tidings. The town became a scene of general confusion and panic. Only ten days before it had given thirty-two of its citizens to the defense of the Alamo. Now there was scarce a home in the town that had not been bereaved of a relative or friend.<sup>3</sup> To grief was added terror, for it was also rumored that an advance division of the army, two thousand strong, was on its way to Gonzales.

In order somewhat to calm the people Houston pretended not to believe the report, and accordingly he had the two Mexicans arrested as spies and placed under guard. But nevertheless, on the

White, Amos Pollard, John Cane, Charles Despalier, George Tumlinson, Johnnie Kellogg. Brown (*History of Texas*, I 565) says that Albert Martin commanded this company of men from Gonzales. Besides these thirty-two there were other persons from Gonzales in the Alamo, among whom were Lieutenant Almeron Dickinson, his wife, and infant daughter (*ibid.*, 566).

<sup>1</sup> J. H. Kuykendall, who was in Gonzales at this time, says that before the arrival of Houston Mosely Baker was chosen to take charge of the troops, and that while he was in command he noticed that across the river, opposite the Texan encampment, was a bluff, which might be occupied to advantage by the Mexicans. To defend the camp, in such an event, he constructed in front of it a circular breastwork of hewn trees. *THE QUARTERLY*, IV 293).

<sup>2</sup> Brown, *History of Texas*, I 587.

<sup>3</sup> *THE QUARTERLY*, IV 293. Captain Handy, who was an eye-witness to this scene, says: "For four and twenty hours after the news reached us not a sound was heard, save the wild shrieks of women and the heart rending screams of their fatherless children. Little groups of men might be seen in various corners of the town, brooding over the past and speculating on the future, but they scarce spoke above a whisper, for here the public and private grief was alike heavy; it sunk deep into the heart of the rudest soldier." (Captain Handy's report as dictated to J. J. R. Pease in 1836, printed in the *Abilene Reporter* and reprinted in the *Gonzales Inquirer* of October —, 1903.)

morning of the 13th, he sent out Deaf Smith, Henry Karnes, and R. E. Handy toward Béjar to learn the truth. About twenty miles from Gonzales they met Mrs. Dickinson with her infant daughter and two servants, one belonging to Travis and one to Almonte. Through her it was learned that the Alamo had indeed fallen, that all its defenders—among whom was her husband, Lieutenant Dickinson, a resident of Gonzales—were slain, and that a division of the army under General Siesma was even then on its way to Gonzales. Leaving his companions to accompany Mrs. Dickinson, Karnes hastened to Gonzales to confirm the worst fears of its stricken inhabitants.<sup>1</sup>

To Houston there seemed only one advisable course to pursue. He felt that his force was too weak to meet in the frontier town the Mexicans who were reported to be on the march thither in overwhelming numbers. He therefore gave the order to retreat. Three cannon that were in the town were thrown into the river.<sup>2</sup> Much of the baggage that belonged to the army was burned by the troops in their camp fires, because of the impossibility of carrying it away. The few army wagons Houston had were placed at the disposal of the people of the town, who, in the midst of the greatest confusion, were attempting to collect some of their effects. At eleven o'clock the army began its march,<sup>3</sup> and at intervals during the whole night it was passed and repassed by little groups of the fleeing inhabitants. Finally all had gone except those who were

<sup>1</sup> *Ibid.*

<sup>2</sup> See above, page 158, note 1. Mr. Darst relates the following details concerning these cannon: The iron nine-pounder was never mounted, but had rested on a truck wagon by Sowell's blacksmith shop. It was now thrown into the slough, just north of where the oil mill stands today. It has never been recovered. The two four-pound cannon were mounted in Gonzales and were taken to Houston's camp, which was located where the Sunset brickyard now is. At Houston's order they were thrown off the bluff at that place into the river. In the summer of 1848 one of these guns was recovered by Mr. Darst, C. C. De Witt, Wiley Collins, and others. It was brought to the town, and in succeeding years was fired off on all jubilee occasions. During the 50's it was taken by Jordan R. Bass to his ranch in Nueces County, near Corpus Christi. Early in 1904 Mr. Darst heard that during the Civil War it was mounted for the defense of that place.

On one occasion while the gun was in Gonzales, it was overcharged and a piece of the muzzle was blown off. Just recently it has been learned that this piece is probably in the possession of Mr. Lewis of Nueces County, the son of "Gun Smith" Lewis, who lived in Gonzales when the accident occurred.

<sup>3</sup> THE QUARTERLY, IV 243, 294.

left to set the town on fire.<sup>1</sup> Toward morning the fugitives, looking back, beheld a red glow along the western horizon.<sup>2</sup> By daylight there remained of the thirty houses or more that had made up the little town of Gonzales only two small huts.<sup>3</sup>

After the retreat, thus begun, had ended about six weeks later in the defeat of the Mexicans at San Jacinto, and the invaders had been driven out of Texas, the people of Gonzales returned to their desolated homes.<sup>4</sup> At this point, however, the life of the settlement began anew. The corporate existence of the De Witt colony was no longer recognized. The titles of the settlers were of course respected by the Texan government, and they remained in possession of the lands that had been allotted to them. But the remainder of the territory comprised within the limits of the grant became part of the public domain of independent Texas. Henceforth the Mexican was the foreigner, and the Anglo-American entered freely, welcomed by those of his own race who had now taken possession of the soil.

<sup>1</sup> Report of R. E. Handy cited above, page 159, note 3; report of Captain Sharp, in Foote, *Texas and the Texans*, II 268. Captain Sharp says: "We divided ourselves into two parties, one party to commence at one end of the town the other at the other end and meet. There were some four or five in each party, and we made rapid work of it. The houses were principally framed, covered with thin boards split from the oak, similar to barrel staves. In the course of a few minutes the flames began their work of destruction, and by dawn every house was burning or had crumbled to ashes."

<sup>2</sup> Soon after they discovered that the town was on fire they were alarmed by several loud reports in the same direction. Many at first believed that it was the Mexican artillery, but it proved to be only the explosion of some gunpowder in one of the burning stores (THE QUARTERLY, IV 295). Mr. Darst says that when the order to leave town was given his family thought the intention was only to hide in the woods again as they had done the previous September. They therefore had taken only their bedding and a few other necessary articles. After they were about two miles out of town, however, they understood that it was a general retreat. He then went back after one ox and three cows that they had left. While he was in the town at this time, standing on the place where the residence of Dr. Jones now is, he watched the explosion of the store that contained the gunpowder.

<sup>3</sup> See map 4.

<sup>4</sup> Mr. Darst says that when the people began to return they found many of the old land marks entirely obliterated. In consequence, some persons settled upon one of the public squares. The citizens naturally objected. Considerable unpleasantness followed, but finally the trespassers moved away. They then established themselves about thirty-five miles up the Guadalupe, and their settlement became the present town of Seguin.





## APPENDIX I.

*List of the Original Settlers in De Witt's Colony.\**1. *Those Who Obtained Grants through the Empresario.*

NAME	Married or Single	Date of Arrival	Size of Family	Size of Grant	Date of Title	Reference to "Titles, De Witt's Contract"
Alexander, Caleb P.....	M	Feb. 26, 1830	25 <sup>1</sup>	1 Sitio	May 5, 1831 <sup>2</sup>	147-150
1 Allen, George.....	M	Mar. 31, 1831	4	1 "	June 2, 1831	255-265
2 Arrington, Wm. W.....	S	Feb. 15, 1831	1	1/4 "	June 16, 1832	759-762
3 *Ashby, John M.....	M	Feb. 20, 1830	7	1 "	July 18, 1831	397-400
4 *Baker, Isaac.....	S	Aug. 13, 1830	1	1/4 "	June 14, 1832	721-724
5 Baker, Moses.....	M	Feb. 20, 1831	5	1 "	June 22, 1831	289-292
6 Barton, K. W.....	M	Mar. 15, 1829	3	1 "	July 11, 1831	431-434
7 Bateman, Si.....	M	Feb. 20, 1831	38	1 "	April 23, 1831	23-26
8 Bedford, José Ramon.....	S	Sept. 20, 1830	1	1/4 "	June 6, 1832	701-704
9 Bennet, Valentine.....	S	April 1, 1831	1	1/4 "	Nov. 8, 1831	601-604
10 *Berry, Esther.....	Widow	Nov. 6, 1830	4	2 1/2 "	July 20, 1831 <sup>3</sup>	115-120
11 " ".....					Sept. 20, 1831	121-125
12 Berry, Francis.....	M	May 12, 1825	6	1 1/2 "	May 15, 1831	105-110
13 " ".....					Aug. 24, 1831	111-114
14 Blair, George.....	M	Feb. 10, 1829	7	1 1/2 "	Dec. 1, 1831	555-558
15 " ".....					June 28, 1832	559-562
16 Branch, Umphries.....	M	May 29, 1830	4	1 1/2 "	Nov. 20, 1831	589-592
17 " ".....					Nov. 29, 1831	577-580
18 Brand, David W.....	S	April 20, 1830	1	1/4 "	Nov. 25, 1831	585-588
Brock, Caleb.....	M	Feb. 26, 1830	15	1 "	May 5, 1831 <sup>4</sup>	135-138
19 Burket, David.....	M	June 1, 1830	6	2 1/2 "	May 10, 1832	611-614
20 " ".....					Nov. 26, 1831	615-618
21 Burns, Arthur.....	M	Aug. 1, 1826	7	1 "	July 9, 1831	379-382
22 Burns, Squire.....	S	Aug. 15, 1826	1	1/4 "	July 10, 1831	359-362
23 Caldwell, Mathew.....	M	Feb. 20, 1831	5	1 "	June 22, 1831	315-318
24 Campbell, Joseph <sup>5</sup> .....	M	Mar. 22, 1827	7	1 "	Aug. 24, 1831	435-438
25 Chase, Wm.....	M	Aug. 30, 1826	3	1 "	Aug. 17, 1831	457-460
26 Chisholm, R. H.....	M	Jan. —, 1829	4	1 "	Sept. 7, 1831	493-496
27 Clements, Joseph D.....	M	Dec. 25, 1829	7	1 "	Nov. 6, 1831	541-544
28 *Cobbey, Wm.....	S	Aug. 22, 1830	1	1/4 "	May 5, 1831	171-174
29 Cottle, Almond.....	S	Certificate Missing	1	1/4 "	July 13, 1831	405-408
30 Cottle, G. W.....	M	July 6, 1829	2	1 "	Sept. 12, 1832	799-802
31 *Cottle, Harriet.....	Widow	Nov. 12, 1827	2	1 "	May 1, 1831 <sup>6</sup>	195-198
32 Cottle, Isaac <sup>7</sup> .....	M	Jan. 15, 1830	9	1 "	Sept. 16, 1832	785-790
33 Cottle, Jonathan.....	M	July 6, 1829	3	1 "	May 1, 1831	1-4
34 Darst, Jacob C.....	M	Jan. 10, 1831	4	2 1/2 "	April 24, 1831	39-42
35 " ".....					July 1, 1831	43-46
36 *Davis, Daniel.....	M	Feb. 20, 1831	3	1 "	May 1, 1831	251-254

1 This must have included slaves.

2 Set aside by decree of court, 1843.

3 The certificate was given to Isaac House; he died and his widow, Esther Berry, received the title.

4 Set aside by decree of court, 1843.—Gonzales 1-359.

5 Joseph Campbell received the certificate. He died and the land was given to the family in the name of Cyrus, one of the sons.

6 The certificate was given to Andrew Tumlinson; he died and his widow, Harriet Cottle, received the land.

7 The certificate was made to Isaac Cottle; at his request the title was given to Mary Ann Williams, his wife.

\*[This table is compiled from "Titles, De Witt's Contract," two volumes, and "Titles to Special Grants," one volume, all three (manuscript) in the General Land Office of the State of Texas. In making up the list of names I have followed as far as possible the spelling shown by the signatures of the colonists themselves. In the few cases in which the signatures are illegible, I have adopted the spelling given in the certificates. Names marked with a star are those of colonists who were unable to write, and for whom others had to sign. Grants to widows were made in their maiden names.]

## List of the Original Settlers in De Witt's Colony—Continued.

NAME		Married or Single	Date of Arrival	Size of Family	Size of Grant	Date of Title	Reference to "Titles, De Witt's Contract"
37	Davis, George W.	M	Mar. 20, 1831	6	1 Sitio	Sept. 6, 1831	511-514
38	Davis, James C.	S	Mar. 28, 1829	1	$\frac{1}{4}$ "	June 30, 1831	275-278
39	Davis, Jesse K.	S	Sept. 29, 1830	1	$\frac{1}{4}$ "	May 15, 1832	633-636
40	*Davis, John	S	Feb. 16, 1830	1	$\frac{1}{4}$ "	Oct. 28, 1831	527-530
41	Davis, Zachariah	M	Feb. 20, 1831	6	1 "	July 19, 1831	371-374
42	Derduff, William	S	Mar. 20, 1830	1	$\frac{1}{4}$ "	Nov. 5, 1831	537-540
43	Denton, Abraham	S	July 16, 1825	1	$\frac{1}{4}$ "	May 15, 1832	629-632
44	DeWitt, Eliza <sup>1</sup>	Widow	Jan. 19, 1830	1	1 "	April 13, 1831	75-80
45	DeWitt, Green <sup>2</sup>	M			880000 sq. varas	Aug. 9, 1831	473-476
46	" "				621250 sq. varas	Aug. 11, 1831	469-472
47	" "				1 Sitio	Aug. 13, 1831	477-480
48	" "				1 "	Nov. 18, 1831	545-549
49	" "				$\frac{2}{5}$ "	May 12, 1832	645-650
50	" "				1 "	Dec. 4, 1831	667-672
51	" "				1 "	Dec. 10, 1831	673-676
52	" "				1 "	Dec. 5, 1831	677-680
53	" "				$\frac{1}{5}$ "	Sept. 15, 1832	779-784
54	Dickinson, Almeron	M	Feb. 20, 1831	2	1 "	May 5, 1831	143-146
55	Dickinson, Edward	S	April 25, 1825	1	$\frac{1}{4}$ "	Nov. 26, 1831	593-596
56	Dikes, M. G.	S	Dec. 28, 1829	1	$\frac{1}{4}$ "	Aug. 23, 1831	439-442
57	*Dowlearn, Patrick	S <sup>3</sup>	June 24, 1827	1	$\frac{1}{4}$ "	July 25, 1831	417-420
58	*Duncan, Benjamin	S	Oct. 16, 1828	1	$\frac{1}{4}$ "	June 28, 1831	297-300
59	Fennel, John	S	June 5, 1830	1	$\frac{1}{4}$ "	Sept. 13, 1832	791-794
60	*Fenny, Ambrose	M	Mar. 20, 1830	4	1 "	June 22, 1832	713-716
61	Foley, George	Widower	Nov. 20, 1827	1	$\frac{1}{4}$ "	July 10, 1831	347-350
62	Fullshear, Benn.	S	Dec. 19, 1826	1	$\frac{1}{4}$ "	April 24, 1831	35-38
63	Fullshear, Churchill	M	Mar. 31, 1831	3	1 "	April 24, 1831	5-11
64	Fulshear, Graves	S	Jan. 20, 1829	1	$\frac{1}{4}$ "	April 24, 1831	31-34
65	Fuqua, Benjn.	S	Mar. 6, 1830	1	$\frac{1}{4}$ "	June 14, 1832	717-720
66	Fuqua, Silas	M	May 11, 1830	6	1 "	June 16, 1832	751-754
67	Garvin, John E.	S	Feb. 20, 1831	1	$\frac{1}{4}$ "	May 5, 1831	163-166
68	George, James	M	Feb. 20, 1830	5	1 "	June 28, 1831	301-304
69	Gibson, James	M	Aug. 1, 1830	2	$\frac{2}{5}$ "	June 12, 1832	725-730
70	" "				$\frac{1}{5}$ "	Aug. 11, 1831	731-734
71	Gillen, Michael	M	Feb. 20, 1831	5	1 "	June 22, 1831	319-322
72	Haven, Eben.	M	July 13, 1827	2	1 "	June 24, 1831	343-346
73	*Heath, Richard	S	Oct. 24, 1828	1	$\frac{1}{4}$ "	May 24, 1831	97-100
74	*Henry, John	M	Feb. 20, 1831	7	1 "	May 5, 1831	175-178
75	Highsmith, Samuel	M	Sept. 4, 1829	3	$\frac{2}{5}$ "	May 1, 1831	211-214
76	" "				$\frac{2}{5}$ "	Aug. 4, 1831	215-216
77	Hill, William	M	June 10, 1830	8	$\frac{1}{5}$ "	Aug. 11, 1831	451-456
78	Hinds, Gerren	M	April 13, 1825	2	1 "	May 10, 1831	127-130
79	Hinds, James	M	Feb. 24, 1830	5	1 "	May 25, 1831	81-84
80	House, William	S	Nov. 17, 1830	1	$\frac{1}{4}$ "	July 6, 1831	413-416
81	Hughart, Edward	S	June 20, 1830	1	$\frac{1}{4}$ "	June 21, 1832	689-692
82	Hughes, James	S	Feb. 15, 1831	9	$\frac{1}{4}$ "	June 6, 1832	697-700
83	Jackson, Thomas	M	July 6, 1829	4	$\frac{2}{5}$ "	May 1, 1831	223-228
84	" "				$\frac{2}{5}$ "	May 10, 1831	229-233

<sup>1</sup> Daughter of Green De Witt, and widow of Thomas Hamilton, who died after coming to the colony. The certificate was issued to her husband.

<sup>2</sup> These grants made to De Witt were his premium lands.

<sup>3</sup> Dowlearn was, as a matter of fact, married to the widow of Josiah Taylor, one of the colonists; but as she was applying for lands due her through her first husband, Dowlearn was entitled only to the share of a single man.

## List of the Original Settlers in De Witt's Colony.

N A M E	Married or Single	Date of Arrival	Size of Family	Size of Grant	Date of Title	Reference to "Titles, De Witt's Contract"
85 James, Phinehas.....	M	Jan. 7, 1831	2	1 "	May 1, 1831	207-210
86 *Jones, John.....	S	Sept. 14, 1825	1	1 1/4 "	July 10, 1831	351-354
87 Kent, Andrew.....	M	June 12, 1830	10	1 "	June 28, 1831	293-296
88 Kent, Joseph.....	S	July 20, 1827	1	1 1/4 "	June 10, 1832	693-696
89 Kimball, George C.....	S	Mar. 5, 1825	1	1 1/4 "	Nov. 28, 1831	581-584
90 *King, John G.....	M	May 15, 1830	9	1 "	April 24, 1831	27-30
91 *Kistler, Frederick.....	M	Mar. 20, 1830	7	1 "	July 11, 1832	771-774
92 Lawlor, Joseph P.....	S	Feb. 20, 1831	1	1 1/4 "	Sept. 13, 1832	795-798
93 Leech, William.....	S	July 19, 1830	1	1 1/4 "	June 12, 1832	739-742
94 Lockhart, Andrew.....	M	Mar. 25, 1829	9	1 "	Sept. 14, 1831	515-518
95 Lockhart, Byrd.....	Widow'r	Mar. 20, 1826	5	1 "	April 30, 1831	51-56
96 *Lockhart, Byrd B.....	S	Feb. 1829	1	1 1/4 "	May 25, 1831	85-88
97 Lockhart, Charles.....	M	Mar. 2, 1829	6	1 "	May 10, 1831	131-134
98 Lockhart, John B.....	S	Feb. 24, 1829	1	1 1/4 "	Dec. 2, 1831	531-535
99 Lockhart, Sam'l.....	M	July 29, 1830	3	1 "	July 9, 1831	383-386
100 Lockhart, George W.....	S	Mar. 25, 1829	1	1 1/4 "	Sept. 10, 1831	481-484
101 Lockhart, Wm. B.....	S	Mar. 15, 1829	1	1 1/4 "	Sept. 17, 1832	803-806
102 Managhan, George F.....	S	Mar. 25, 1830	1	1 1/4 "	May 1, 1831	199-202
103 Matthews, Wm. A.....	S	Feb. 19, 1830 (?)	1	1 1/4 "	May 5, 1831	151-154
104 Middleton, Samuel P.....	S	Dec. 30, 1829	1	1 1/4 "	Sept. 12, 1831	485-488
105 Miller, Thomas R.....	S	June 16, 1830	1	1 1/4 "	Sept. 20, 1831	519-522
106 Mills, David G.....	S	Feb. 20, 1830	1	1 1/4 "	June 15, 1832	755-758
107 Mills, Robert.....	S	April 23, 1830	1	1 1/4 "	Sept. 13, 1831	489-492
108 *Morris, Bethel.....	S	Feb. 20, 1831	1	1 1/4 "	July 1, 1832	705-708
109 *Morris, John.....	S	Feb. 20, 1831	1	1 1/4 "	Sept. 16, 1832	807-810
110 Morris, Silas M.....	M	Feb. 20, 1831	8	1 "	June 22, 1831	323-326
111 *Morris, Spencer.....	M	Feb. 20, 1831	5	1 "	June 22, 1831	93-96
112 Morrison, Stephen B.....	M	Feb. 20, 1831	8	1 "	June 22, 1831	309-313
113 Moss, Elihu.....	M	Jan. 1831	5	1 "	Nov. 25, 1831	597-600
McClure, Abraham O.....	S	May 10, 1830	1	1 1/4 "	July 6, 1831	375-378
114 McClure, B. D.....	M	May 10, 1830	2	2 1/4 "	Sept. 6, 1831	501-505
115 " " ".....			1 1/2	1 1/4 "	Sept. 12, 1831	507-510
116 *McCoy, Daniel.....	M	Mar. 20, 1830	2	1 "	June 18, 1832	747-750
117 *McCoy, Jesse.....	S	Mar. 9, 1827	1	1 1/4 "	April 24, 1831	47-50
118 *McCoy, John, Sr.....	M	Mar. 9, 1827	4	1 "	April 24, 1831	15-18
119 *McCoy, John.....	M	Mar. 9, 1827	4	1 "	May 5, 1831	159-162
120 McCoy, Joseph.....	M	Jan. 29, 1829	7	1 "	May 1, 1831	203-206
121 McCoy, Joseph, Jr.....	S	Mar. 20, 1830	1	1 1/4 "	July 11, 1832	767-770
122 McCoy, Samuel.....	S	Jan. 4, 1829	1	1 1/4 "	July 9, 1831	387-395
123 McCrabb, John.....	S	Mar. 20, 1830	1	1 1/4 "	July 13, 1831	427-430
124 *Nash, Ira.....	M	May 29, 1829	6	1 "	May 1, 1831	235-238
125 Neill, Jno. A.....	M	Feb. 20, 1831	3	1 "	June 20, 1831	101-104
126 Olivar, John.....	M	May 20, 1825	2	2 1/4 "	May 1, 1831	183-187
127 " " ".....			2 1/2	1 1/4 "	July 27, 1831	189-193
128 Page William.....	S	June 15, 1830	1	1 1/4 "	Aug. 24, 1831	443-446
129 Patrick, James B.....	M	Mar. 27, 1829	2	1 "	Sept. 3, 1831	497-500
130 Ponton, Andrew.....	S	Dec. 17, 1829	1	1 1/4 "	June 18, 1832	735-738
131 *Porter, Alexander.....	M	Feb. 20, 1831	2	1 "	June 22, 1831	335-338
132 Priestly, P.....	S	May 24, 1830	1	1 1/4 "	Dec. 10, 1831	651-654
133 Richeson, Edwin.....	M	April 15, 1830	3	1 "	Sept. 15, 1831	523-526
134 Robinson, Jesse.....	S	Sept. 10, 1827	1	1 1/4 "	May 5, 1831	167-170

1 Set aside by decree of court, 1853. — Gonzales 1-340.



*List of the Original Settlers in De Witt's Colony—Continued.*

NAME	Married or Single	Date of Arrival	Size of Family	Size of Grant	Date of Title	Reference to Titles, De Witt's Contract <sup>1</sup>
135 Roe, John	S	April 25, 1827	1	$\frac{1}{4}$ "	July 10, 1832	775-778
136 *Roney, James	S	Jan. 1829	1	$\frac{1}{4}$ "	June 11, 1832	709-712
137 *Sanders, Stephen F.	S	Mar. 26, 1830	1	$\frac{1}{4}$ "	Nov. 22, 1831	551-554
138 Scott, Jonathan	S	Aug. 20, 1830	1	$\frac{1}{4}$ "	July 9, 1831	355-358
139 Seal, Solomon	M	Feb. 20, 1831	2	1 "	July 1, 1831	266-270
140 Shaw, James	S	Feb. 20, 1831	1	$\frac{1}{4}$ "	June 16, 1832	743-746
141 Shupe, Samuel	S	Mar. 27, 1827	1	$\frac{1}{4}$ "	May 5, 1831	155-158
142 *Smith, Robert	M	Feb. 20, 1831	5	1 "	May 5, 1831	139-142
143 Smith, Stephen	M	May 25, 1830	4	1 "	April 15, 1831	57-62
144 *Smothers, John	Widow <sup>r</sup>	Sept. , 1828	4	1 "	May 8, 1832	619-623
145 Sowell, Lewis D.	S	May 3,	1	$\frac{1}{4}$ "	June 25, 1831	339-342
146 Sowell, John	M	May 3, 1830	6	$\frac{3}{4}$ "	May 5, 1831	331-334
147 " "				$\frac{1}{5}$ "	July 1, 1831	327-330
148 Sowell, William A.	S	May 31, 1830	1	$\frac{1}{4}$ "	June 22, 1831	305-308
149 Stapp, Darwin M.	S	June 4, 1828	1	$\frac{1}{4}$ "	July 19, 1831	367-370
150 Stapp, Elijah	M	Mar. 20, 1830	8	1 "	July 16, 1831	409-412
151 Stapp, Wm. P.	S	Feb. 20, 1830	1	$\frac{1}{4}$ "	July 9, 1831	363-366
152 Stinnett, C.	S	May 20, 1830	1	$\frac{1}{4}$ "	April 15, 1831	63-68
153 St. John, William <sup>1</sup>	S	Certificate Missing	1	$\frac{1}{4}$ "	June 12, 1832	681-684
154 Strode, William	M	Certificate Missing	2(2)	1 "	June 15, 1832	763-766
155 *Tate, Elijah	S	Feb. 1829	1	$\frac{1}{4}$ "	May 5, 1831	179-182
156 *Taylor, Feliz	M	Certificate Missing	5	1 "	May 1, 1831	243-246
157 Taylor, Hephzibeth.	Widow	Jan. 16, 1829	11	1 "	July 26, 1831	421-426
158 Taylor, William	M	June 28, 1828	3	1 "	Aug. 8, 1831	447-450
159 *Teal, Peter	S	April 24, 1829	1	$\frac{1}{4}$ "	May 29, 1831	89-92
160 Thompson, James	M	Dec. 1, 1830	9	1 "	April 24, 1831	19-22
161 Tumlinson, David C.	S	Dec. 15, 1831 <sup>2</sup>	1	$\frac{1}{4}$ "	Dec. 15, 1831	633-666
162 *Tumlinson, James	S	Dec. , 1828	1	$\frac{1}{4}$ "	Dec. 8, 1831	655-658
163 Tumlinson, J. J.	M	, 1829	2	1 "	June 15, 1831	285-288
164 *Tumlinson, Joseph	S	Feb. , 1829	1	$\frac{1}{4}$ "	Aug. 8, 1831	465-468
165 Tumlinson, L. F.	S	Nov. , 1828	1	$\frac{1}{4}$ "	Dec. 7, 1831	659-662
166 Turner, Winslow	M	Dec. 4, 1829	8	1 "	April 15, 1831	69-74
167 Turner, Winslow, Junr.	S	Nov. 18, 1829	1	$\frac{1}{4}$ "	May 1, 1831	239-242
168 Ward, Russel	S	Mar. 5, 1830	1	$\frac{1}{4}$ "	July 20, 1831	401-404
169 Weldon, Isaac	S	July 25, 1828	1	$\frac{1}{4}$ "	June 30, 1831	271-274
170 Wentworth, Tobias	S	June 24, 1828	1	$\frac{1}{4}$ "	May 18, 1832	625-628
171 Wickson, Byrum	S	Mar. 13, 1829	1	$\frac{1}{4}$ "	May 1, 1831	217-222
172 Williams, Allan B.	M	May 16, 1830	10	1 "	May 10, 1832	605-609
173 *Williams, Christopher	S	Feb. 20, 1831	1	$\frac{1}{4}$ "	May 12, 1832	637-640
174 Williams, Ezekiel	S	Jan. , 1829	1	$\frac{1}{4}$ "	May 1, 1831	247-250
175 Williams, Malkijah	S	Aug. 1, 1830	1	$\frac{1}{4}$ "	Nov. 20, 1831	563-566
176 Williams, Samuel	S	Nov. 9, 1830	1	$\frac{1}{4}$ "	June 15, 1832	685-688
177 Wood, James T.	M	Feb. 20, 1831	8	1 "	June 23, 1831	279-283
178 *Zumwalt, Abraham	M	June , 1830	3	1 "	Aug. 12, 1831	461-464
179 Zumwalt, Adam Jr.	M	May 22, 1830	9	1 "	May 8, 1832	641-644
180 Zumwalt, Adam	M	May 20, 1829	9	$\frac{3}{4}$ "	Nov. 23, 1831	567-572
181 " "				$\frac{1}{5}$ "	Aug. 11, 1831	573-576

1. Unsigned.

2. Evidently a mistake. The certificate is dated March 17, 1831.

*Those Who Obtained Land Directly From the Government.*

NAME	Date of Concession	Size of Grant	Date of Title	Reference to Titles to Special Grants.
182 Baume, Joseph De la.....	Nov. 4, 1828	6 "	July 1, 1832	133-142
183 Cantu, Jesus.....	Mar. 8, 1830	2 "	Nov. 5, 1831	9-17
184 Chirino, Marjila.....	May 30, 1828	2 "	July 1, 1832	84-95
185 Clements, Joseph D.....	Feb. 9, 1831	3 "	July 10, 1835	155-168
186 Esnaurizar, Antonio M <sup>1</sup> .....	July 23, 1830	11 "	Nov. 10, 1831	49-70
787 Fullshear, Benn. } Fulshear, Graves }.....	Feb. 11, 1831	1 "	June 3, 1831	71-76
188 Gortari, Eligio.....	May 27, 1828	1 "	Aug. 30, 1831	18-29
139 Kerr, Santiago.....	Feb. 15, 1831	1 "	July 8, 1831	77-83
190 Lockhart, Byrd <sup>2</sup> .....	Feb. 9, 1831	1 "	April 5, 1835	116-127
191 " ".....		1 "	June 27, 1833	105-115
192 " ".....		1 "	Nov. 25, 1831	128-132
193 " ".....		1 "	July 8, 1831	42-48
194 Mansolo, Anastacio.....	April 12, 1831	1" & 11"	Aug. 30, 1831	96-104
195 Pettus, Edward.....	Feb. 15, 1831	1 sitio	May 15, 1831	1-8
196 Pettus, Wm.....	Feb. 9, 1831	2 "	May 15, 1831	36-41
197 Salinas, José Maria.....	July 4, 1827	4 "	Aug. 31, 1831	143-154
198 Seely, Sarah.....	Feb. 15, 1831	1 "	April 15, 1831	30-35
199 Valdez, José Antonio.....		1 "	Oct. 25, 1833	3

1. This land was bought.
2. A four-league grant was conceded to him, February 9, 1831.
3. See Record Special Titles, I. 505-511.

## APPENDIX II.

*List of the Lots in the Inner and Outer Town of Gonzales, Deeded by Alcaldes.<sup>1</sup>**Lots in the Inner Town.*

Block.	Lot.	Appraisement. <sup>2</sup>	Date of Deed.	By Whom Deeded.	To Whom Deeded.
2	1,6	13.00	Dec. 28, 1833	J. B. Patrick	Joseph F. Lawler
	2,5	10.00	Dec. 28, 1833	" "	Robert Mills
	3,4	11.00	Dec. 28, 1833	" "	David G. Mills
3	1,2	Premium lots to empresario	Dec. 20, 1833	" "	Green DeWitt
27	3 }	11.00	Dec. 29, 1833	" "	Thos. R. Miller
3	4	7.50	Dec. 23, 1833	" "	W. W. Arrington
	5,6	12.00	Dec. 13, 1833	" "	Stephen Smith
4		Market Square			
5	1,2	9.00	Dec. 28, 1833	J. B. Patrick	James Tumlinson
	3,4	16.00	Dec. 28, 1833	" "	L. F. Tumlinson
	5,6	8.00	Oct. 15, 1834	J. C. Davis	Mary Ann Cottle
6	1,6	10.00	Dec. 30, 1833	J. B. Patrick	Andrew Sowell
	2,5	Premium lots to mechanic	Oct. 15, 1834	J. C. Davis	J. B. Patrick
	3,4	9.50	Dec. 23, 1833	J. B. Patrick	John Sowell
7	4,5	6.00	Dec. 28, 1833	" "	Samuel McCoy
	2,3	Premium lots	Oct. 4, 1834	J. C. Davis	Garrett Low
8	2,3	7.00	Dec. 12, 1833	J. B. Patrick	George W. Davis
	4,5	6.50	Aug. 12, 1835	Andrew Ponton	Joseph Thompson
	1,6	8.00	Aug. 12, 1835	" "	W. W. Thompson
9	1,2	7.50	Dec. 13, 1833	J. B. Patrick	Bernard Brown
	3,4	Premium lots	Sept. 26, 1834	J. C. Davis	Umphries Branch
	5,6	"	Oct. 4, 1834	" "	John Sowell
10	1,6	6.50	Sept. 26, 1834	" "	Umphries Branch
	2,3	14.00	Oct. 3, 1834	" "	Jacob C. Darst
	4,5	Premium lots	Sept. 25, 1834	" "	Benjamin Kellogg
11	1,2	17.00	Dec. 16, 1833	J. B. Patrick	Silas Fuqua
	3,4	17.00	Dec. 28, 1833	" "	Winslow Turner, Sr.
	5,6	15.00	Oct. 3, 1834	J. C. Davis	Adam Zumwalt
12	1,6	Premium lots	Dec. 24, 1833	J. B. Patrick	G. W. Davis
	2,5	10.00	Sept. 9, 1834	J. C. Davis	Elizabeth Mitchell
	3,4	12.00	Sept. 9, 1834	" "	Eli Mitchell
13	1,6	12.00	Sept. 9, 1834	" "	Andrew Ponton
	2,3	11.00	Aug. 4, 1835	Andrew Ponton	Nancy Brown
	4,5	9.00	Aug. 5, 1835	" "	L. Webster
14	1,6	5.00	Dec. 30, 1833	J. B. Patrick	Almond Cottle
15	1,6	Premium lots	Dec. 20, 1833	" "	W. W. Arrington
	2,5	4.00	Oct. 8, 1834	J. C. Davis	Garret Low
16	1,2	8.00	Sept. 27, 1834	" "	Almeron Dickman
	3,4	8.50	Dec. 23, 1833	J. B. Patrick	Dolphin Floyd

1. This list is compiled from tables contained in a manuscript volume in the office of Harwood and Walsh, Gonzales, entitled "Records of the Corporation of the Town of Gonzales." The list shows only the grants made by *alcaldes*, and therefore during the existence of the colony as such. Subsequent grants, which were made by the mayors of Gonzales and therefore after the disappearance of the colonial organization, are not included.

2. In *pesos* and *centavos*.

*Lots in the Inner Town—Continued.*

Block	Lot	Appraisalment <sup>9</sup>	Date of Deed	By Whom Deeded	To Whom Deeded
16	5, 6	Premium lots		J. C. Davis	David Guthries
17	1, 6	12.00	Dec. 30, 1833	J. B. Patrick	Lewis D. Sowell
"	3, 4	9.00	Sept. 9, 1834	J. C. Davis	John Cain
"	2, 5	Premium lots	Sept. 26, 1834	" "	Lewis D. Sowell
18		Square			
19	3, 4	11.00	Dec. 7, 1833	J. B. Patrick	Jesse K. Davis
24		Square			
25		Square			
26		Square			
27	3	[See block 3 above]		J. B. Patrick	John Cain
28	1, 2	Premium lots	Dec. 30, 1833	" "	Almerson Dickinson
		to mechanic			
"	3, 4	5.50	Dec. 30, 1833	" "	Joseph Martin
"	5, 6	5.25	Dec. 30, 1833	" "	Horace Eggleston
24		Square			

*Lots in the Outer Town West of Water Street.*

Range	Block	Lot	Appraisalment	Date of Deed	By Whom Deeded	To Whom Deeded
1	3	1	3.00	Dec. 30, 1834	J. C. Davis	Jacob C. Darst
"	"	2	"	Dec. 30, 1834	" "	" "
"	"	3	"	Dec. 30, 1834	" "	" "
"	"	4	"	Dec. 30, 1834	" "	" "
"	4	1 <sup>1</sup>	12.00			
2	5	1	2.50	Dec. 30, 1834	J. C. Davis	Valentine Bennett
"	"	2	"	Dec. 30, 1834	" "	" "
"	"	3	"	Dec. 30, 1834	" "	" "
"	"	4	"	Dec. 30, 1834	" "	" "
"	"	1	3.00	Dec. 29, 1834	" "	Nancy Maiden
"	"	2	"	Dec. 29, 1834	" "	" "
"	"	3	"	Dec. 29, 1834	" "	" "
"	"	4	"	Dec. 29, 1834	" "	" "
3	3	1	1.34 $\frac{1}{2}$	Oct. 15, 1834	" "	Moses Baker
"	"	2	"	Oct. 15, 1834	" "	" "
"	"	3	"	Oct. 15, 1834	" "	" "
"	"	4	"	Oct. 15, 1834	" "	" "
"	4	1	3.75	Oct. 18, 1834	" "	Isaac Baker
"	"	2	"	Oct. 18, 1834	" "	" "
"	"	3	"	Oct. 18, 1834	" "	" "
"	"	4	"	Oct. 18, 1834	" "	" "
"	5	1	"	Oct. 18, 1834	" "	Valentine Bennett
"	"	2	"	Oct. 18, 1834	" "	" "
"	"	3	"	Oct. 18, 1834	" "	" "
"	"	4	"	Oct. 18, 1834	" "	" "
"	6	1	"	Dec. 12, 1834	" "	G. W. Davis
"	"	2	"	Dec. 12, 1834	" "	" "
"	"	3	"	Dec. 12, 1834	" "	" "
"	"	4	"	Dec. 12, 1834	" "	" "
"	7	1	3.50	Oct. 15, 1834	" "	Jonathan Scott

1. Reserved for school purposes.



## Lots in the Outer Town West of Water Street.

Range	Block	Lot	Appraisalment	Date of Deed	By Whom Deeded	To Whom Deeded
3	7	2	2.00	Dec. 29, 1834	J. C. Davis	Almeron Dickinson
"	"	3	"	Dec. 29, 1834	" "	" "
"	"	4	3.50	Oct. 15, 1834	" "	Jonathan Scott
"	8	1	"	Oct. 5, 1834	" "	" "
"	"	2	"	Oct. 5, 1834	" "	" "
"	"	3	"	Oct. 5, 1834	" "	" "
"	"	4	"	Oct. 5, 1834	" "	" "
"	9	1	4.00	Sept. 29, 1835	Andrew Ponton	Ewin W. Turner
4	2	1	1.66	Dec. 6, 1834	J. C. Davis	G. W. Davis
"	"	2	"	Dec. 6, 1834	" "	" "
"	"	4	"	Dec. 6, 1834	" "	" "
"	3	1	2.83	Dec. 4, 1834	" "	James Hinds
"	"	2	"	Dec. 4, 1834	" "	" "
"	"	3	"	Dec. 4, 1834	" "	" "
"	"	4	"	Dec. 4, 1834	" "	" "
"	4	1	1.87	Nov. 19, 1834	" "	John Baker
"	"	2	.75	Dec. 4, 1834	" "	James Hinds
"	"	3	1.87	Nov. 19, 1834	" "	John Baker
"	"	4	"	Nov. 19, 1834	" "	" "
"	5	1	3.75	Dec. 6, 1834	" "	G. W. Davis
"	"	2	"	Dec. 6, 1834	" "	" "
"	"	3	"	Dec. 6, 1834	" "	" "
"	"	4	"	Dec. 6, 1834	" "	" "
"	7	1	"	Dec. 30, 1834	" "	Almeron Dickinson
"	"	2	"	Dec. 30, 1834	" "	" "
"	"	3	"	Dec. 30, 1834	" "	" "
"	"	4	"	Dec. 30, 1834	" "	" "
"	9	4	.31	Sept. 10, 1835	Andrew Ponton	Winslow Turner
"	12	1	1.00	Sept. 12, 1835	" "	Nicholas Peck
"	"	2	"	Sept. 12, 1835	" "	" "
"	"	3	"	Sept. 12, 1835	" "	" "
"	"	4	"	Sept. 12, 1835	" "	" "
5	5	3	2.75	Nov. 20, 1834	J. C. Davis	Rebecca Warfield
"	"	4	"	Nov. 20, 1834	" "	" "
"	7	1	"	Dec. 6, 1834	" "	G. W. Davis
"	"	2	"	Dec. 6, 1834	" "	" "
"	"	3	"	Dec. 6, 1834	" "	" "
"	"	4	"	Dec. 6, 1834	" "	" "
"	8	1	4.50	Dec. 4, 1834	" "	Thomas R. Miller
"	"	2	"	Dec. 4, 1834	" "	" "
"	"	3	2.58	Nov. 22, 1834	" "	Winslow Turner, Sr.
"	"	4	"	Nov. 22, 1834	" "	" "
"	9	1	4.25	Dec. 4, 1834	" "	Thomas R. Miller
"	"	2	"	Dec. 4, 1834	" "	" "
"	"	3	2.00	Dec. 26, 1834	" "	Winslow Turner, Sr.
6	7	1	2.93	Oct. 15, 1834	" "	G. W. Davis
"	"	2	"	Oct. 15, 1834	" "	" "
"	"	3	"	Oct. 15, 1834	" "	" "
"	"	4	"	Oct. 15, 1834	" "	" "
"	8	1	3.75	Dec. 30, 1834	" "	Thomas R. Miller
"	"	2	"	Dec. 30, 1834	" "	" "
"	"	3	"	Dec. 30, 1834	" "	" "
"	"	4	"	Dec. 30, 1834	" "	" "
"	9	2	2.62	Dec. 9, 1834	" "	" "

*Lots in the Outer Town West of Water Street.*

Range	Block	Lot	Appraisement	Date of Deed	By Whom Deeded	To Whom Deeded
6	9	3	2.63	Dec. 9, 1834	J. C. Davis	Thomas R. Miller
"	"	4	"	Dec. 9, 1834	" "	" "
"	11	1	2.50	Sept. 11, 1835	Andrew Ponton	James George
"	"	2	"	Sept. 11, 1835	" "	" "
"	12	1	1.75	Sept. 14, 1835	" "	William Dearduff
"	"	2	"	Sept. 14, 1835	" "	" "
"	"	3	"	Sept. 14, 1835	" "	" "
"	"	4	"	Sept. 14, 1835	" "	" "
"	18	1	2.00	Sept. 25, 1835	" "	John Henry
"	"	2	"	Sept. 25, 1835	" "	" "
"	19	1	1.50	Sept. 26, 1835	" "	" "
"	"	2	"	Sept. 26, 1835	" "	" "
7	11	1	2.66	Sept. 12, 1835	" "	James George
"	"	2	"	Sept. 12, 1835	" "	W. H. Kelly
"	"	3	"	Sept. 12, 1835	" "	James George
"	"	4	"	Sept. 12, 1835	" "	" "
"	12	1	1.56	Sept. 15, 1835	" "	Horace Eggleston
"	"	2	"	Sept. 15, 1835	" "	" "
"	"	3	"	Sept. 15, 1835	" "	" "
"	"	4	"	Sept. 15, 1835	" "	" "
"	13	1	2.37	Sept. 12, 1835	" "	William Hill
"	"	2	"	Sept. 12, 1835	" "	" "
"	"	3	"	Sept. 12, 1835	" "	" "
"	"	4	"	Sept. 12, 1835	" "	" "
"	15	1	4.25	Sept. 10, 1835	" "	Frederick Rowe
"	"	2	"	Sept. 10, 1835	" "	" "
"	"	3	"	Sept. 10, 1835	" "	" "
"	"	4	"	Sept. 10, 1835	" "	" "
"	17	3	7.00	Sept. 22, 1835	" "	John A. Neill
"	"	4	"	Sept. 22, 1835	" "	" "
8	14	3	2.50	Sept. 17, 1835	" "	Sam'l P. Middleton
"	"	4	"	Sept. 17, 1835	" "	" "
"	15	2	3.16	Sept. 17, 1835	" "	" "
"	"	3	"	Sept. 17, 1835	" "	" "
"	"	4	"	Sept. 17, 1835	" "	" "
9	19	1	5.00	Sept. 12, 1835	" "	Joel Ponton
"	"	2	"	Sept. 12, 1835	" "	" "
"	"	3	"	Sept. 12, 1835	" "	" "
"	"	4	"	Sept. 12, 1835	" "	" "

*Lots in the Outer Town East of Water Street.*

Tier	Lot	Appraisement.	Date of Deed	By Whom Deeded	To Whom Deeded
1	1	8.25	Sept. 21, 1835	Andrew Ponton	William Bell
"	2	"	Sept. 21, 1835	" "	" "
"	3	"	Sept. 21, 1835	" "	" "
"	4	"	Sept. 21, 1835	" "	" "
"	6	3.33	Sept. 10, 1835	" "	William Cobbey
"	7	"	Sept. 10, 1835	" "	" "
"	8	"	Sept. 10, 1835	" "	" "
"	9	"	Sept. 10, 1835	" "	" "
"	11	4.00	Sept. 9, 1835	" "	Dolphin Floyd

*Lots in the Outer Town East of Water Street.*

Tier	Lot	Appraisement	Date of Deed	By Whom Deeded	To Whom Deeded
1	12	4.00	Sept. 9, 1835	Andrew Ponton	Dolphin Floyd
"	13	"	Sept. 9, 1835	" "	" "
"	14	"	Sept. 9, 1835	" "	" "
"	15	2.12	Sept. 28, 1835	" "	Samuel McCoy
"	16	"	Sept. 28, 1835	" "	" "
2	4	2.75	Sept. 19, 1835	" "	John T. Tinsley
"	5	"	Sept. 19, 1835	" "	" "
"	6	"	Sept. 19, 1835	" "	" "
"	7	"	Sept. 19, 1835	" "	" "

*Lots in the Outer Town East of Water Street.*

Range	Lot	Appraisement	Date of Deed	By Whom Deeded	To Whom Deeded
1	1	3.37	Sept. 16, 1835	Andrew Ponton	Stephen Smith
"	2	"	Sept. 16, 1835	" "	" "
"	3	"	Sept. 16, 1835	" "	" "
"	4	"	Sept. 16, 1835	" "	" "

## APPENDIX III.

DE WITT'S PETITION.<sup>1</sup>  
(TRANSLATION.)

Most Excellent Sir: I, Green De Witt, a citizen of the United States of North America, appear before your excellency to make known to you that I have come to this country seeking to obtain permission to colonize with four hundred industrious Catholic families those lands of the ancient province of Texas (now an integral portion of this State) which are included within limits that I shall herein designate. These immigrants shall be required to subject themselves to the religious, civil, and political laws of the country which henceforth they adopt as their own, and in establishing themselves therein, they shall respect the rights of all previous settlers, as provided by the colonization law which the honorable congress of this state has just passed. Moreover, there shall be brought into this colony only such families as are known to be respectable and industrious. I therefore beg you to grant to me, your petitioner, those lands that are included within the following limits, in order that I may settle upon them the four hundred families above mentioned: Beginning on the right bank of Arroyo de la Vaca at a distance of the reserved ten leagues from the coast, adjoining the colony of Stephen Austin on the east, the line shall go up the river to the Béjar-Nacogdoches road; it shall follow this road until it reaches a point two leagues to the west of Guadalupe River; thence it shall run parallel with the river down to the Paraje de los Mosquitos; and following the inner edge of the ten-league coast reservation, it shall close the boundaries of the grant at the point of beginning.

We are also desirous that respectable families of this country [Mexico] shall come to settle with us, not only in order to contract enduring friendship with them, but also in order to acquire the use of the language of the nation that we now adopt as our own and the ability to give perfect instruction therein to our children. Therefore I humbly beg you to grant my petition.

GREEN DE WITT.

Saltillo, April 7, 1825.

Conditions upon which is allowed the projected introduction by Green De Witt, a citizen of the United States of North America, of four hundred families as colonists into the department of Texas.

1st. Inasmuch as the plan presented in the preceding memorial by the person concerned conforms to the colonization law of the honorable congress of the state, adopted March 24, the government consents to it, and, therefore, in fulfillment of article 8

<sup>1</sup> *Empresario Contracts*, 27-31.



[of this colonization law], and in consideration of his petition, it assigns to him the land for which he asks, contained within these limits: Beginning on the right bank of the Arroyo de la Vaca, at a distance of the reserved ten leagues from the coast, adjoining the colony of Stephen Austin, the line shall go up this *arroyo* as far as the Béjar-Nacogdoches road; it shall follow this road toward the west until it reaches a point two leagues west of the Guadalupe River; from there it shall run parallel with the river south toward the coast until it reaches the ten-league coast reservation; thence it shall run along the inner edge of this reservation toward the east to the place of beginning.<sup>1</sup>

2nd. The *empresario* shall respect the rights of individuals legally possessed of lands within this district.

3rd. In accordance with the above-mentioned colonization law of March 24, the *empresario*, Green De Witt, shall be obliged, under penalty of losing the rights and privileges guaranteed by article 8 of this law, to introduce the four hundred families within the term of six years beginning from to-day.

4th. The families that shall compose this colony, besides being Catholic, as the *empresario* promises in his petition, must also be able to prove, by certificates from the authorities of the localities from which they come, their good moral character.

5th. The *empresario* shall not introduce into his colony criminals, vagrants, or persons of bad morals, and if such be found there he shall cause them to leave the republic, by force of arms if necessary.

6th. To this end he shall organize, in accordance with law, the national militia, and he shall be commanding officer of it until other arrangements shall be made.

7th. When he shall have introduced at least one hundred families he must advise the government, in order that a commissioner may be sent to put the colonists in possession of their lands according to law, and to establish towns, for which he shall carry competent instructions.

8th. Official correspondence with the government or with the state authorities, legal instruments, and other public documents must be written in Spanish, and when towns shall have been formed, it shall be the duty of the *empresario* to establish schools in that language.

9th. It shall also be his duty to erect churches in the new towns; to provide them with ornaments, sacred vessels, and other adornments dedicated to divine worship; and to apply in due time for the priests needed for the administration of spiritual instruction.

10th. In all matters not here referred to he shall be governed by the constitution, the general laws of the nation, and the special laws of the state which he adopts as his own.

These articles having been agreed upon by his excellency, the

<sup>1</sup> In translating the description of this line, literalness has to a considerable extent been sacrificed to clearness.

governor, and the *empresario* were signed by both, in the presence of the secretary of the government. The original was placed on file in the archives, and it was ordered that a certified copy of both the contract and the petition be given to the *empresario* for his security.

RAFAEL GONZALES.

GREEN DE WITT.

JUAN ANTO. PADILLA, Secretary interim.

Saltillo, April 15, 1825.

It is a copy.

SANTIAGO DEL VALLE,  
Secretary.

## APPENDIX IV

A TITLE TO LAND SECURED UNDER THE EMPRESARIO SYSTEM.<sup>1</sup>  
(TRANSLATION.)

I, the citizen GREEN DE WITT, *empresario* for the introduction of immigrant foreigners into the colony which the supreme government of the state of Coahuila and Texas has assigned to me by the contract entered into between the said government and the said De Witt, certify:

That Squire Burns is one of the colonists whom I have introduced in virtue of my contract above mentioned; that he arrived in this colony on the 15 day of the month of August of the year 1826; that he is single and his family consists of one persons, according to the signed statement that he has presented to me; and that he says he has taken before *alcalde*<sup>2</sup> the oath provided for by article three of the state colonization law.<sup>3</sup>

I give this certificate to the above-mentioned Squire Burns to present to the commissioner, named by the government to distribute lands and issue titles, as a testimony that he comes under my said contract.

This document shall be null if it appears that the statement made by the person concerned is false in any particular, or if before receiving his title of possession he leaves the colony to settle in some other locality.

GREEN DE WITT.

Town of Gonzales, 4 of May 1830.

Mr. Commissioner:

I, Squire Burns, a native of the United States of the North, appear before you observing the formalities of the law, saying: that I am one of the individuals admitted by the *empresario*, Green De Witt, to settle, in accordance with the state colonization law, upon lands in his colony, as will be shown by the certificate which I enclose; that I am single; and that I have not yet received the title to the land which belongs to me as a colonist. I therefore beg you that in the exercise of your functions you put me in possession of a quarter of a *sitio* of land, which is entirely vacant and is located on the north-east bank of the Guadalupe River, about a mile below the Anastasio crossing, by which justice will be done me.

SQUIRE BURNS.

Gonzales, July 9, 1831.

<sup>1</sup> Titles, De Witt's Contract, 359-362. In this first document the portions underlined are those inserted into the printed form.

<sup>2</sup> See page 99.

<sup>3</sup> Evidently this reference is to article 3 of the instructions to commissioners issued September 4, 1827.

Town of Gonzales, July 9, 1831.

To the *empresario* Green De Witt in order that he may inform me by writing if the petitioner is the true owner of the certificate which he presents, if this certificate is legitimate, if what he says in his petition is true, and especially if the land he desires is entirely vacant and included within the limits of his colony, adding anything else that it may seem well to mention.

NAVARRO.

Gonzales, July 9, 1831.

Mr. Commissioner:

In view of your above request I reply that the petitioner is the true owner of the certificate that he encloses in his petition as colonist introduced in virtue of my contract and in accordance with the law. Therefore, I consider him worthy of the favor that he begs, the land he desires being vacant and included within the limits of my colony.

GREEN DE WITT.

Let the title of ownership be extended to him in order that by means of it he may possess and enjoy the land according to law. And I hereby so provide, command, and approve by my signature.

JOSÉ ANTONIO NAVARRO.

In the above-mentioned town of Gonzales on the tenth day of the month of July, one thousand eight hundred and thirty-one, I, José Antonio Navarro, special commissioner of the supreme government of the state of Coahuila and Texas to distribute and give possession of vacant lands in the colony contracted for by the *empresario*, Green De Witt, with the said supreme government, in accordance with the document which precedes and in view of the fact that Squire Burns has been received as a colonist under the colonization contract mentioned above, as is attested by the preceding report of the *empresario*, and because the said Squire Burns has shown that he is single and because he himself fulfills the requirements which the state colonization law of March 24, 1825, provides; in conformity with the aforesaid law, the contract, the instructions dated September 4, 1827, by which I am governed, and the commission conferred upon me by the most excellent governor of the state in his order of January 20 of the current year of 1831, in the name of the same state concede, grant, and give real, actual, corporal, and virtual possession of one-fourth of a *sitio* of land to the said Squire Burns, which land, having been measured by the expert surveyor, Byrd Lockhart, previously appointed in legal form, is situated and bounded as follows: [Here are given the field notes.]

The above-mentioned land which by the said field notes appears to to the surveyor to be pasture lands, with three *labors* of *temporales*, I, the aforesaid commissioner, in the exercise of the power which the law gives me and in faithful accordance with my knowledge and understanding, characterize and classify in conformity with [the opinion of] said surveyor.



This serves to fix the price that he is to pay the state for it, which is eleven *pesos* and forty *centavos*, payable in the way prescribed by the twenty-second article of the said law, under the penalties therein provided, of which he is well informed, as well as of the fact that within the term of one year he must construct permanent land-marks on each corner of the land, and that he must settle and cultivate it in conformity with what the aforesaid law prescribes.

Therefore exercising the powers which are conceded me by the same law and by the instructions issued in accordance with it, I issue the present instrument, and command that a legal copy of it be taken and be delivered to the interested party in order that he may possess and enjoy the said land, he, his children, heirs, and successors, or whoever from him or from them may have cause of action or claim, which I this day sign together with two witnesses present with me, in conformity with the law.

JOSÉ ANTONIO NAVARRO.

Witness,  
José Ramon Bedford.

Witness,  
Thomas R. Miller.

## APPENDIX V.

A TITLE TO LAND SECURED DIRECTLY FROM THE GOVERNMENT.<sup>1</sup>  
(TRANSLATION.)

Most excellent Sir:

I, Sarah Seely, wife of Green De Witt, with a family of six children, with all due respect and in the best form of law, present the following statement: in the year 1826 I arrived in this country with my above mentioned family from the state of Missouri, one of the United States of the North. Since the said year, 1826, until now I have dwelt on a *sitio* of land, chosen by my husband, on the right bank of the Guadalupe River, opposite the town of Gonzales. My husband, before mentioned, has made improvements such as houses and out buildings for the family and has opened a rather large farm. The family has suffered much in consequence of being in an unpopulated country on the frontier, through exposure to the incursions of the savage Indians, and for want of supplies. For these reasons and also because my husband, the said Green De Witt, finds himself much embarrassed in his affairs on account of the enterprise that he has undertaken, and because of other circumstances which have placed the family in an unfortunate situation, I, the petitioner, with a view to acquiring and preserving a secure estate for the maintenance of myself and children, humbly beg your excellency to have the kindness to concede to me and my children in fee simple for myself and my heirs the *sitio* of land above mentioned on which I now live, with the understanding that all the requirements of the law in the matter will be fulfilled. Therefore I ask and beg that you be so kind as to favor me by doing as above stated.

SARAH SEELY.

Gonzales, September 11, 1830.

[Then follow endorsements of the petition by Stephen F. Austin and Samuel M. Williams. De Witt then adds that this has been done with his knowledge and consent, that at the time of their marriage his wife had possessed considerable property which he had since spent, and that, as he had no other means of recompense, he had given her all the improvements on the land, and he now hoped that the government would concede her the land.]

Leona Vicario, February 15, 1831.

In accordance with the provisions of the State colonization law of March 24, 1825, and in virtue of the foregoing report, I grant the petitioner the *sitio* of land for which she asks, either in the place which she indicates or in any other that may be more desirable, provided that it be entirely vacant and that no corporation or person holds any title to it. The commissioner for the distribution of lands of the grant in which is located that asked for by

<sup>1</sup> Titles to Special Grants, 30-35.

the petitioner, and in his absence the first or the only *alcalde* of the municipality concerned will put her in possession of the said *sitio* and extend to her the proper title, previously designating the quality of the land in order to determine what ought to be paid to the state, to satisfy which I allow the time prescribed by article 22 of the said law. Let there be given by the secretary's office to the interested party a copy of her petition and of this concession, in order that, when she presents the copy to the commissioner, he may act accordingly.

VIESCA.

SANTIAGO DEL VALLE, Secretary.

[Then follow the petition to the commissioner, the order for the title, and the issuance of the title including the field notes.]

## APPENDIX VI.

MINUTES OF THE AYUNTAMIENTO OF GONZALES.<sup>1</sup>

Art, 10th      Jurisdiction of Gonzales. Jan'y, the 25th 1833—  
The Aynto. met in ordinary Session all the mem-  
bers present  
Resolved that from & after the 1st day of May next  
any hogs runing at larg in this jurisdiction over  
one year old unmarcet it shall be lawful for any  
person to kill the same & take them as his own; this  
act is not to be constrewd so as to include tamed  
hogs—

J. B. PATRICK President.

ALMOND COTTLE Sindico.

Art.<sup>e</sup> 11th      Resolved that each setlar may hold by deed as many  
as four outlots at their valuation, if he has them  
or any part of them Improved and purchasors may  
buy the same number if they take them in the same  
Block—and all persons may have two in lots &  
four out lots deeded to them & no more; The  
purchase money to be paid in three equal enstawl-  
ments, the first in six months the second in twelve  
& the third in eighteen months, a forfeiture ac-  
curing in case of failing to make any of the pay-  
ments, for promt payment six persent per annum  
allowed.

J. B. PATRICK President.

ALMOND COTTLE, Sindico.

Art.<sup>e</sup> 12th.      Jurisdiction of Gonzales, Feby 15th 1833  
The Ayunto. met in ordinary session, present the  
Alcalde 2<sup>nd</sup> Regedor & Sindico.  
Resolved that Byrd Lockart the surveyor of the  
Jurisdiction is the same for the town, for survey-  
ing in lots one Dollar two for out lots; the cornors  
of the in lots to be establish'd with a stake of good  
lasting wood, the out lots with stakes and baring  
trees or a stake and mound thrown up, so as to  
perpetiate the cornors.—

J. B. PATRICK President

ALMOND COTTLE Sindico

Arte, 13th      Resolved that the ferry over the Guadalope River  
at this town shall be at the mouth of the Stew

<sup>1</sup>A literal copy of an incomplete record preserved in the office of Har-  
wood and Walsh, Gonzales, Texas. This title is supplied.



branch a lital south west of Market square—and the session adjourned.

J. B. PATRICK President.

ALMOND COTTLE Sindico

Arte. 14th The Ayunt<sup>o</sup>. met in ordinary session present the Alcalde 1st Regdr & Sindico,  
Resolved that we this day make out an official communication to the Chif of Depatment Assigning the reasons &c — which is pointed out in sd. note a copy to be fild in the office.

J. B. PATRICK President

ALMOND COTTLE Sindico

Arte. 15th Jurisdiction of Gonzales May 28th 1833  
The Ayunt<sup>o</sup>. met in ordinary session present the Alcalde 1st Regd—& Sindico.  
Resolved that John Francis Buetti be employed by the Ayunt<sup>o</sup>. insted of Joseph R. Bedford, Decd., as translator & Secatary and to teach a Spanish School for the term of six months commencing the 1st of June present and be under the controle & protection of the Ayunt<sup>o</sup>. for which survices we are to pay him two hundred & twenty two Dollars out of the municipal funs—

J. B. PATRICK, Pres.

ALMOND COTTLE Sindico

Arte. 16th Resolved that any person or persons seling, giving or bartering sperritous liquors to Indians in any portion or quantity subjects them selves to a fine of any amout under one hundred Dollars for every offence that they may be found guilty of before the proper authority one third to the informants for the better surpresing the evil—and the session adjourn—

J. B. PATRICK Pres.

ALMOND COTTLE Sindico.

17th. Jurisdiction of Gonzales June 22nd—1833.  
The Ayunt<sup>o</sup>. Met in Extradinary Session presen the Alcalde 1st Rigador & Sindico—  
Resolved that we appoint two deputies to wait on the Commissioners appointed by the state to negociate on maters and things chrged in an official communications recd. this day by express and that we inform them of the Recept and our intentions by the re-

turn of said Express—and a Coppy be fild in the office.

J. B. PATRICK Pret

ALMOND COTTLE Sindico

Jurisdiction of Gonzales, July 10th 1833.

Arte. 18th

The Ayunt<sup>o</sup>. Met in ordinary session present 1st. Regador 2<sup>d</sup> Do. & Sindico—

Resolved that the rate of Ferrage across the Guadalupe; is for a loaded waggon & team \$1.50 cts emty \$1-00- loaded Carts and team \$1-25 Cts emty 75 Cts Ditto one yoaik of cattle loaded 75 Cts emty 50 Cts Man & horse 12½ Cts all loos horses Cattel &c, 6¼ Cts per head; to Cross in the night or high water Doubal price or the feryman may make his own Contract, any member of Ayunt<sup>o</sup>. of Gonzales, or expreses from or to Sd Ayunt<sup>o</sup>. may pass free of farage if on business of sd. jurisdiction.

J. B. PATRICK President

ALMOND COTTLE Sindico.

Arte. 19th

Resolved that John Francis Buchetti in respect of his petion are hereby discharged from his employment as Translator, Secatary and School-teacher—which petion be fild in the office.

J. B. PATRICK President

ALMOND COTTLE Sindico.

Arte. 20th

Resolved that the price of deeds be three Dollars and the person wanten a deed pay for the stamp paper & the deeds may include two in lots and a seperate deed for out lots which may be for four—and the same must be recorded before taken them out of the office.

Arte 21st.

Resolved that all persons able to labour in the jurisdiction on roads and highways are hereby bound to do so when ordered; in their different presincts; or subject them selves to pay a fine of one Dollar per day for each day they may fail to do so, with cost if they apply to the civil authority for address—which fine shall be applied to the use of opening and keeping said high-ways in order, provided that no more than six dollars be collected as fines from any one individual in one year, and that no one individual shall be compeld to worck more than six days on his own account in one year.

J. B. PATRICK President.

ALMOND COTTLE Sindico.

- Art 22sd Resolved that having faild to send on dupeties to meet the Commissioners appointed by the government agreeabal to our promise of the 22sd of last month, that we now make out an official note to the same—and a Ccopy to be fild in the office—

J. B. PATRICK President

ALMOND COTTLE Sindico.

- Art. 23rd. Jurisdiction of Gonzales August 5th, 1833.  
The Ayuntam<sup>to</sup>. in orderly session. Present the Alcalde. 1st Regdr. and Sindico.  
Resolved. That John H. Buckette be and is employed for the time being as a translator, for which he is to receive 12½ cents for reading each paper if it is not to be translated, and 12½ cents for each hundred words which he translates.

J. B. PATRICK President.

ALMOND COTTLE Sindico.

- Article 24th Resolved that Stephen Smith and John McCoy P. have the price of the Boat they built for the Jurisdiction, agreeable to the contract which was ninety five Dollars and seventy five cents. As the same has been received.

J. B. PATRICK President.

ALMOND COTTLE Sindico.

- Art. 25th. Jurisdiction of Gonzales August 12th, 1833.  
The Ayuntam<sup>to</sup>. met in session. Present Alcalde & 1st & 2nd Regadors.  
Resolved. That Ezekiel Williams & B. D. M Clure be and the same are hereby appointed to view and appraise the in Lots and the out Lots of the Town Gonzales.

J. B. PATRICK President

ALMOND COTTLE Sindico.

- Article 26th. Resolved that all the property of William M. Brown; together with all other effects appertaining to the said William M. Brown, be advertised and sold to the highest bidder, and that the proceeds thereof be delt with according to law.

J. B. PATRICK President

ALMOND COTTLE Sindico.

Jurisdiction of Gonzales December 21st 1833.  
The Ayuntam<sup>to</sup>. met in Extraordinary session. Present James B. Patrick Alcalde & Almond Cottle Sindico.

Article 27th. Resolved, that in consequence of the non attendance of the persons last heretofore appointed by the Ayuntamiento to view value and appraise the in Lots and out Lots of the Town of Gonzales. That Almerion Dickenson and Green De Witt are hereby appointed to view value and appraise the same, and to make due return of the same to this on the succeeding Ayuntamiento.

J. B. PATRICK President  
ALMOND COTTLE Sindico.

Article 28th. Resolved. That each purchaser on taking out his deeds, shall pay into the office of this Jurisdiction; the sum of one Dollar, for each In Lot, and two Dollars for each Out Lot, towards defraying the Expences and Surveying fees of said Town.

J. B. PATRICK President  
ALMOND COTTLE Sindico.

Article 29th Resolved. That any person, or persons, who shall be found guilty of removing any stake defacing or cutting of any Corner tree or bearing tree or altering or changing land marks established by the municipal surveyor of this municipality; of any in Lot or out Lot or Lots of the Town of Gonzales shall forfeit and pay to this municipality for every such offence a sum not less than one Dollar, nor more than fifty Dollars at at the descresion of the Court before whom the same shall be tried.

J. B. PATRICK President  
ALMOND COTTLE Sindico.

Jurisdiction of Gonzales. Department of Brazos, The Ayuntamiento of the same was qualified and took there seats. They [are] composed of the following members Viz—James C. Davis Alcalde Charles Lockhart first Rigidore Eli Mitchell Sec-hend Rigidore Thomas R. Miller Sindico and recd. the papers and Dockuments belonging to the Office on the first of January 1834.

ELI MITCHELL 2 Rig.

Article 1st. The Ayuntamiento met in ordinary session James C. Davis Eli Mitchell and Thomas R. Miller, Resolved. That the House of T. R. Miller of the town of Gonzales be rented as an office for the Municipality during the tearm of one year for which he is to [be] paid eighteen Dollars.

JAMES C. DAVIS pres.  
ELI MITCHELL 2 Rig.  
THOMAS R. MILLER Sind.



- Article 2nd. Resolved That James C. Davis President be appointed Treasurer of the municipality and is hereby made so for the present year and is authorized to collect all public funds in the Jurisdiction and pay accountments against the same—

ELI MITCHELL 2 Rig

THOMAS R. MILLER Sind

- Article 3rd Resolved that Green De Witt and Almeron Dickinson be appointed commissioners to review and mark out the road from De Witts to intersect the old road at some Suotable point crossing the river oposit of the street runing by the House of Thomas R. Miller and on oute to the above named point and reporte the same to this Ayuntamiento at the next meeting.

JAMES C. DAVIS pres.

THOMAS R. MILLER Sind.

ELI MITCHELL 2 Rig.

- Article 4th. Resolved that James B. Patrick or his Securities shall return the fery boat in good order by the first monday in February next and if not Delivered by that time him or his securities will be bound to pay for the same by the 1st day of march next.

JAMES C. DAVIS presid

THOMAS R. MILLER Sind.

ELI MITCHELL 2 Reg.

- Article 5th Resolved that Joseph S. Martin Shall be permiteed to get sutch timber off the town tract as he may think proper for erecting a cotton gin also rail Timber for his farm and the sainm privelege to be granted to Thomas R. Miller and Eli Mitchell for the present year.

JAMES C. DAVIS presid

THOMAS R. MILLER sind

ELI MITCHELL 2 Rig

- Article 6th. Resolved That all those that are interested in the town tract of Gonzales or the adjoining Labor, shall when called on be compeled to worke on the Streets and roads through the same, and any person or persons faling to attend after beinge warn in shall be fined one Dollar per day the fine to be collected by a civil process and appropriated to the benefit of streets and roads:

JAMES C. DAVIS pres.

THOMAS R. MILLER Sind

ELI MITCHELL 2 Rig

The session adjourned untill the next meeting when ordinary Session will commence on the first monday in february next. The following members met James C. Davis Eli Mitchell and Thomas R. Miller know business done at this meeting and adjourned untill the first monday in May next.

JAMES C. DAVIS pres.

THOMAS R. MILLER Sind

ELI MITCHELL 2 Rig

- Article 7th. The Ayuntamiento met in ordinary session and the following members present J. C. Davis Eli Mitchell and T. R. Miller Resolved that any person or persons in the town of Gonzales or That may come Shall apply to the Alcalde for licence for Hole-saleing or retailing Dry goods or groceries the licence for Said Merchandise Shall be as follows for Hole Saling of dry goods and groceries will be 2 per cent, for retailing of the same Shall be ten Dollars Anuely and for retailing Dry goods alone will be five Dollars anuely, Those that doe not apply for licences by the 15th inst Shall pay Twenty Dollars to be collected by civil process and applied to the use of the municipality.

JAMES C. DAVIS president

THOMAS R. MILLER Sind

ELI MITCHELL 2 Rig

- Article 8th Resolved that the Interest of this Colony shall be ten per cent.

JAMES C. DAVIS pres.

THOMAS R. MILLER Sind

ELI MITCHELL 2 Rig

- Article 9th. Resolved that any persons Shooting guns or Pistols in the bounds of the in Lots of Gonzales shall be fined twenty five Dollars and also the same fine will be Laid on those who may be found running Horses through the Streets.

JAMES C. DAVIS pres.

THOMAS R. MILLER Sind

ELI MITCHELL 2 Rig

- Article 10th Resolved that Article 11 be repealed in part.

JAMES C. DAVIS pres.

THOMAS R. MILLER Sind

ELI MITCHELL 2 Rig.

- Article 11th. Resolved that the in lots of Gonzales be one Dollar per year Anuely no tax on out lots any person wishing to take out lots will be intituled to as

many as he will improve and pay for at the valueation by keeping Streets open when required Not putting more than one Block in a Deed.

JAMES C. DAVIS pres.

THOMAS R. MILLER Sind

ELI MITCHELL 2 Rig

Article 12th. Resolved that James Kerr be appointed Surveyor of the road that the commissioners Matthew Caldwell Daniel McCoy & Isaac Weldon may view and mark out from the town of Gonzales to the town of Mina and make Due return of the same.

JAMES C. DAVIS pres.

ELI MITCHELL 2 Rig

THOMAS R. MILLER Sind

Article 13th. Resolved that the in and out lots of Gonzales be curtailed one half from the original price for Surveying.

JAMES C. DAVIS pres.

ELI MITCHELL 2 Rig

THOMAS R. MILLER Sind

APPENDIX VII.  
*Lista de los habitantes de la colonia de Dewitt en el Departamento de Texas.<sup>1</sup>*

Nombres	Casado <sup>s</sup>	Soltero <sup>s</sup>	Estado	Edad de Varones	Edad de hembras	Eclavos	Edad de esclavos	Caballos	Ganado	Yumentos	Marranos	Labradores	Ganado de toda clase	Notas
Joseph McCoy.....	1		Misuri	37	32			2	20	1	7	1	1	
Catharine McCoy.....				11										
Prospect McCoy.....				9										
Green McCoy.....				5	7									
Elizabeth McCoy.....				4										
Christopher McCoy.....				52										
One Infant.....	1		Misuri	14	47			3	13	1	2	1	1	
John McCoy.....			Misuri	22				2						
Martha McCoy.....		Soltero	Misuri	14										
Jesse McCoy.....				25	12				14			1	1	
Daniel McCoy.....				35								1	1	
Louiza McCoy.....			Pensilvania	23						10	10	1	1	
Samuel Shup.....		Soltero	Lusiana	45				2	4			1	1	
John W. Henry.....		Soltero	Allinois	34				12	39	75		1	1	
Benjamin Fulcher.....		Soltero	Alabama	21								1	1	
Josiah Taylor.....	Casado		Alabama	11	13									Su muger esta en Trinidada (?)
Hepnebeth Taylor.....		Soltero		9										
William Taylor.....				6										
Joannah Taylor.....				5										
Crud Taylor.....				3										
Josiah Taylor.....				25	25			3	03		41	1	1	
Pitean Taylor.....			Lusiana	5										
Rufus Taylor.....														
James Taylor.....														
William Nash.....	Casado													
Polly Nash.....														
Thomas Nash.....														

1. From the Nacogdoches Archives. The document is dated on the back 1828.



## APPENDIX VII.

*Lista de los habitantes de la colonia de Devitt en el Departamento de Texas.*

Nombres	Casado <sup>s</sup>	Soltero <sup>s</sup>	Estado	Edad de Varones	Edad de hembras	Eclavos	Edad de Esclavos	Caballos	Ganado	Junco [n]	Marranos	Labradores	Ganado de toda clase	Notas
Betsey Nash					3									
Infant														
John Williams	Casado		Pensilvania	32	45			1	75		8	1	1	Su muger en la otra colonia
Margarett Williams														
Fielding Porter														
Elizabeth Berrey		Soltero	Alabama	38	43			1	16		23	1	1	Viuda
Nancy Berrey			Misuri		14			1						
James Berrey				11										
Rhenev Berrey					8									
Tillman Berrey				6										
Felix Taylor			Tenesi	35	18			1			16	1	1	
Elizabeth Taylor	Casado													
John Taylor														
John Oliver			Misuri	8				1					1	
Samuel Clark		Soltero	Quintoke	22				1					1	
Alexander Phillips		Soltero	Misuri	26				1					1	
Edward Perrey		Soltero	Masatusetis	50				1	4				1	
Joseph K. Looney		Soltero	Quintoke	30				1					1	
Youngs Coleman		Soltero	Tenesi	28				1	2				1	
Daring Gregg		Soltero	Quintoke	23				1	2				1	
Robert Harvey		Soltero	Misisipi	21				1					1	
Arthur Burns	Casado		Misuri	45	35			3	7		12	1	1	
Salley Burns														
Squire Burns				18										
Synthia Burns				14										
Lillah Burns				12										
James Dewitt	Casado		Misuri	45				1	4			1	1	Su mugr. muerta
John McCoy		Soltero	Pensilvania	33					4			1	1	Su muger en estados
John Lawrence	Casado		Quintoke	47				1	6			1	1	unidos

Lista de los habitantes de la colonia de Dewitt en el Departamento de Texas.

Nombres	Casado	Soltero	Estado	Edad de Varones	Edad de hembras	Eclavos	Edad de esclavos	Caballos	Canado	Suma [n]	Marranos	Labradores	Canado d toda clase	Notas
Joseph Kent		Soltero	De Inglaterra	25								1	1	
Bird Lockhart	Casado		Misuri	46				1			20	1	1	
Josef Ma Briuno		Soltero	Colombia											
Wiley B. White		Soltero	Misuri	25				4	8			1	1	
John Hibbens		Soltero	Nueva-Yorke	37				2	100			1	1	
Green Dewitt		Soltero	Misuri	40				3	2		12	1	1	
Salley Dewitt	Casado				38									
Eliza De Witt					17									
Naomi De Witt					13									
Ebalina Dewitt					11									
Christopher C. Dewitt				8										
Clinton DeWitt				5										
Joseph Callahan		Soltero	Tenesi	30										
James Kerr	Casado		Misuri	37		7		4	8		30	1	1	Su muger muerta
Mary M. Kerr					5									
John Jones			Quintoke	50				1				1	1	Su muger en estados unidos
Bazel Durbin	Casado	Soltero	Misuri	37				1	1			1	1	Su muger muerta
William Smeathers	Casado		Indiana	55				1	18		20	1	1	
Elias R. Wightman		Soltero	Nueva Yorke	30				1	20			1	1	

NOTE.

The last sentence of note 2 on page 106 belongs to and should complete note 2 on page 105.







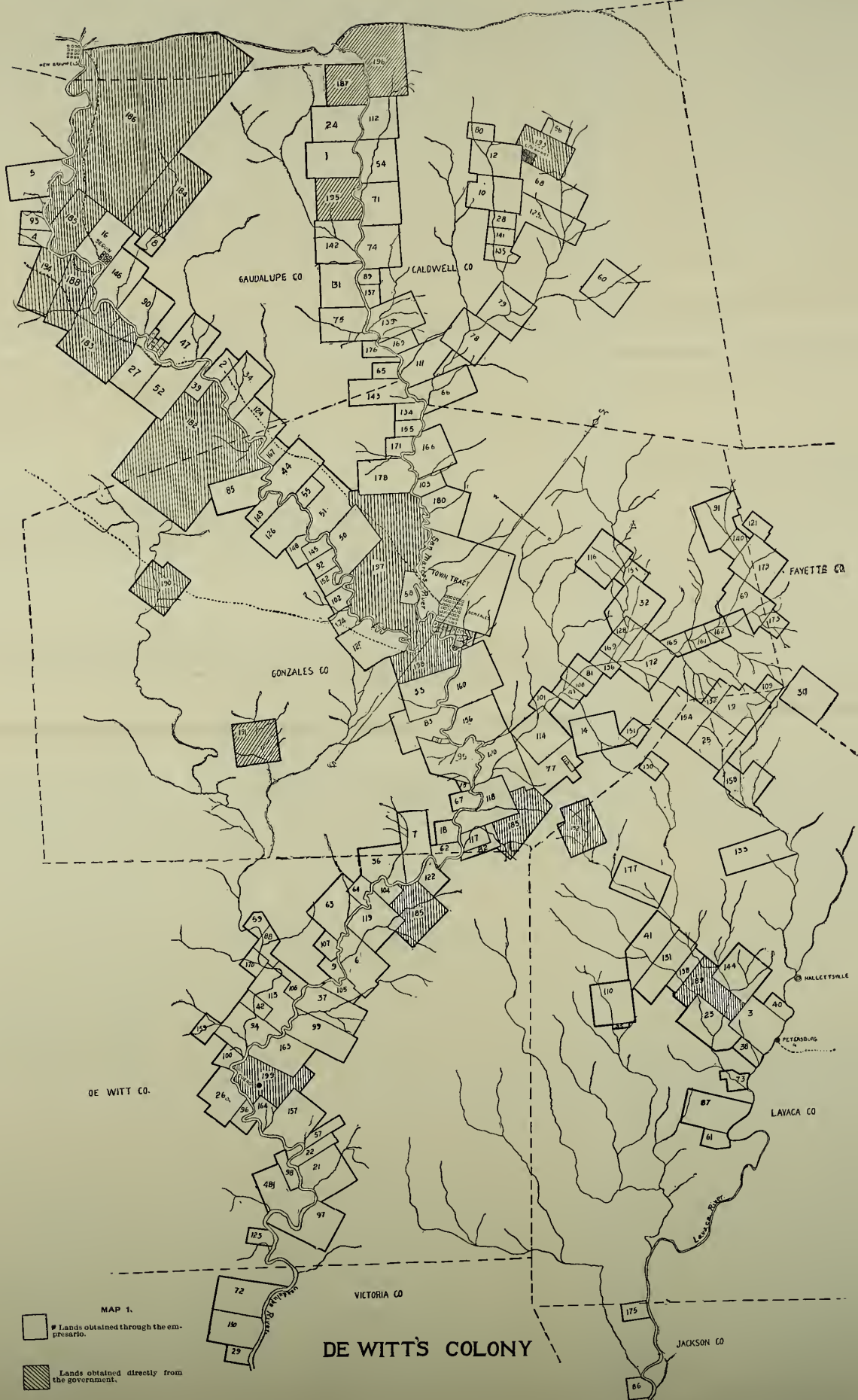
## MAPS.

Map 1 of the following series shows the location, with reference to the present counties and towns, of the lands occupied by settlers in De Witt's colony, distinguishing between lands obtained through De Witt as *empresario* and those obtained directly from the government. The grants shown on this map are numbered to correspond with the names of the respective grantees given in appendix I. The map was compiled from the original titles and from county maps in the General Land Office of the state of Texas.

Map 2 is the plot of the four leagues composing the town tract of Gonzales. It was traced from the original which is found in Titles, De Witt's Contract, 847, General Land Office.

Map 3 shows the subdivisions of the inner and outer town, which composed the four league town tract. It is a copy of a map in the office of Harwood and Walsh that was compiled by L. Chenault and L. H. Hopkins some ten or twelve years ago, partly from field notes that are still in existence and partly from an older map showing a portion of the town tract. This older map is also preserved in the office of Harwood and Walsh.

Map 4 shows the plan of the inner town. It was made by Mr. Darst. See above, page 121, note 2.



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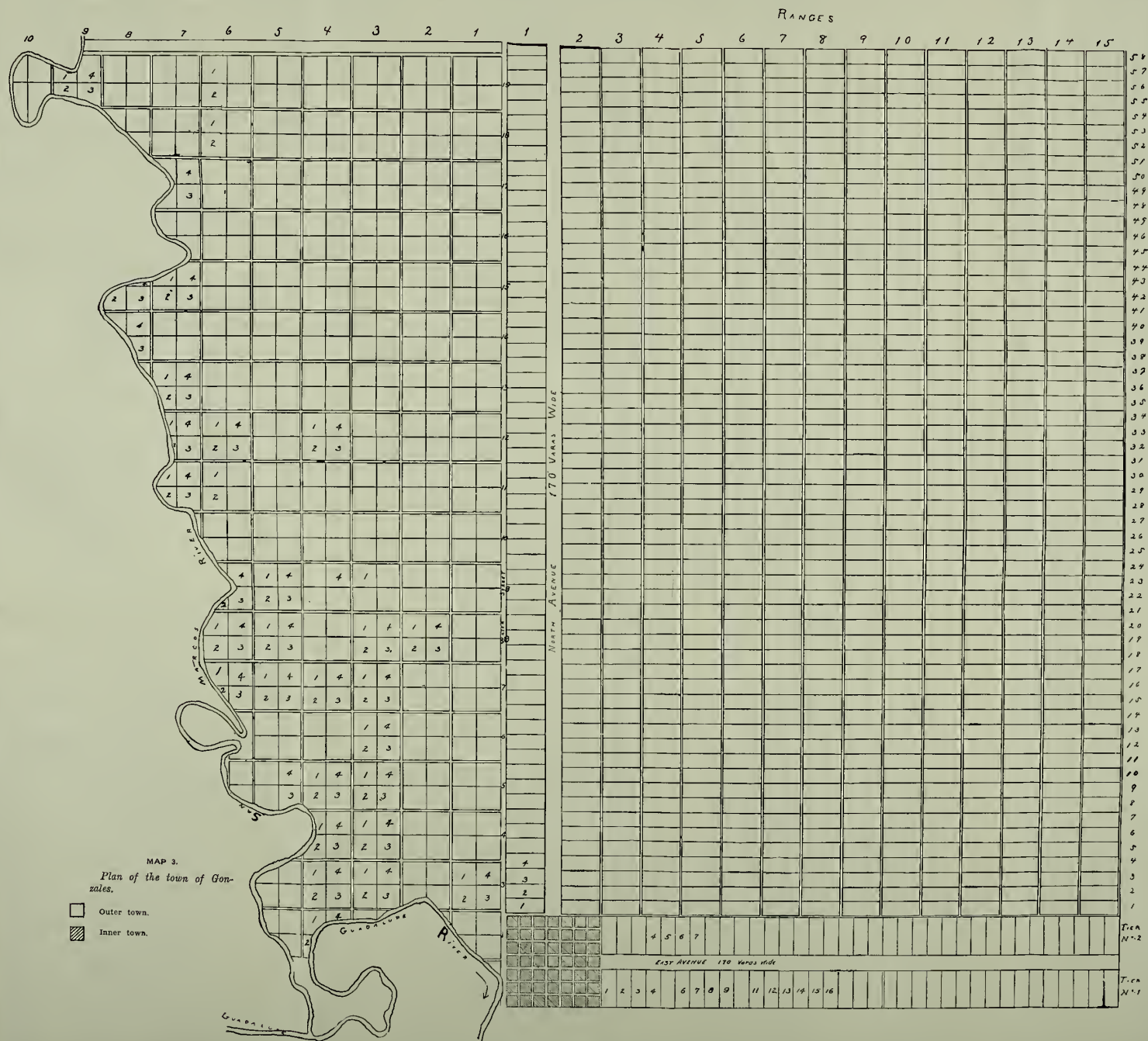
Map 4 shows the plan of the inner town. It was made by Mr. Darst. See above, page 121, note 2.



















# MAP 4.

## Plan of the inner town of Gonzales.

□ Houses erected before 1831.

■ Houses erected subsequently.

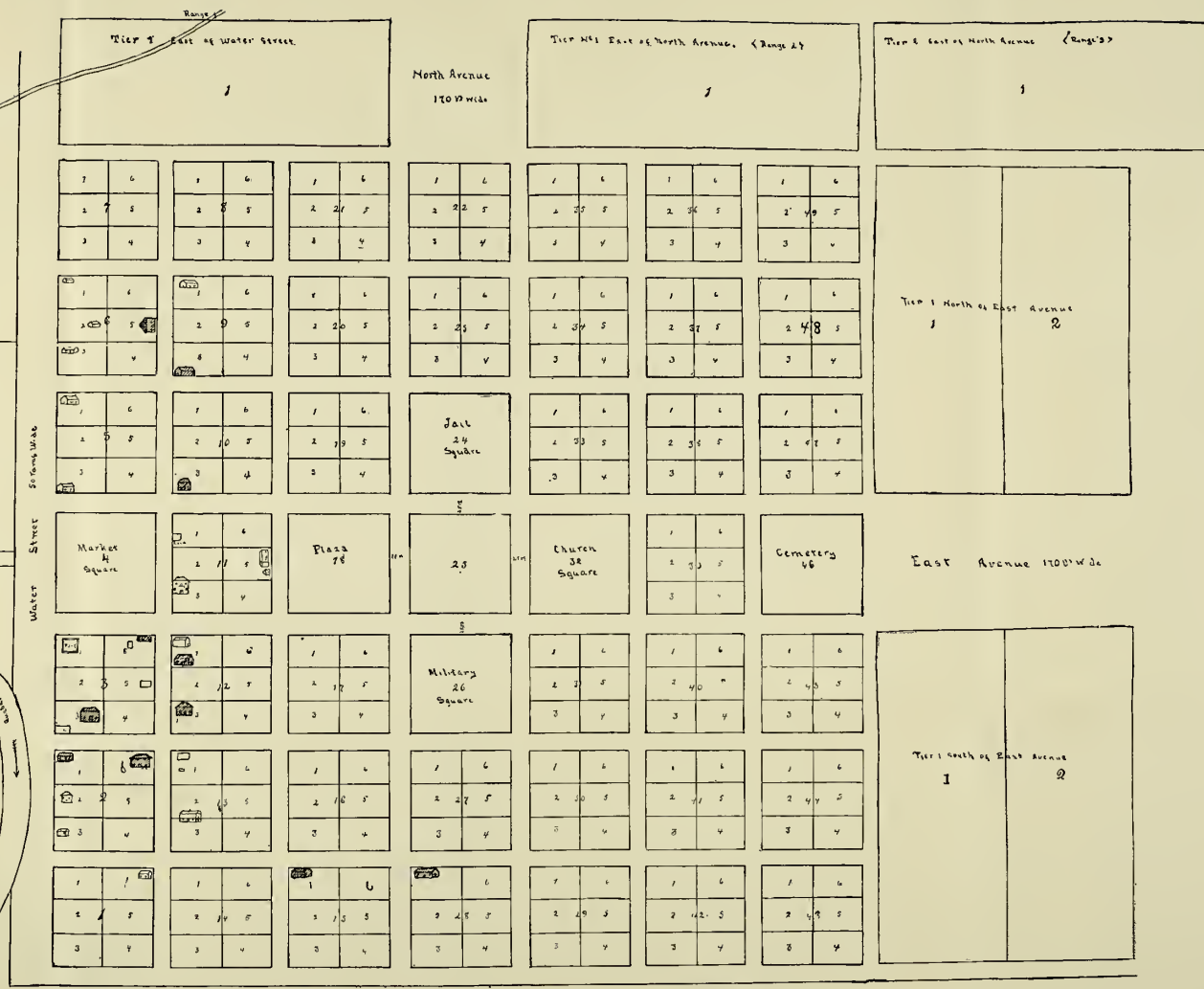
March 14, 1836, Adam Zumwalt's kitchen on block 11, lot 5, and Andrew Ponton's smokehouse on block 13, lot 1, alone remained standing.

### Block Lot.

- 1 G. Hind's residence.
- 2 John Castleman's residence.
- 3 Dickinson and Kimble's hat factory.
- 4 James Hind's residence (subsequently Matthew Caldwell's).
- 5 Fort.
- 6 T. B. Miller's residence (hatched).
- 7 T. L. Miller's store (blank).

- 5 House-owner unknown.
- 6 Stephen Smith's residence (blank).
- 7 Stephen Smith's store (hatched).
- 8 J. D. Sowell's residence.
- 9 James Tomlinson's residence.
- 10 Saddler's shop.
- 11 J. B. Patrick's residence.
- 12 John Sowell's residence.
- 13 J. B. Patrick's residence.
- 14 Humphries Branch's residence (subsequently Sam Lockhart's).
- 15 Dr. J. H. C. Miller's residence.
- 16 J. C. Darst's residence.
- 17 Leona.
- 18 Turner's hotel.
- 19 Adam Zumwalt's residence and kitchen.
- 20 G. W. Davis's residence (blank).
- 21 Eggleston's store (hatched).
- 22 Eli Mitchell's residence.
- 23 Best's residence and smoke house (subsequently Andrew Ponton's).
- 24 Mrs. John Brown's residence.
- 25 W. Arrington's residence.
- 26 Jo Martin's residence.

Outside limits. Jo Martin's gin and mill.







## BOOK REVIEWS AND NOTICES.

The *American Historical Review* for July (vol. IX, no. 4) contains these contributed articles: "The Rehabilitation of Theramenes," by Bernadotte Perrin; "Cornage and Drainage," by Gailard T. Lapsley; "Reginald Pole and Thomas Cromwell: an Examination of the Apologia ad Carolum Quintum," by Paul Van Dyke; and "The Navigation Acts as Applied to European Trade," by Dudley Odell McGuvney. The documents printed are: "Sketch of Pinckney's Plan for a Constitution, 1787"; "Papers Bearing on James Wilkinson's Relations with Spain, 1788-1789"; and "Two Letters from George Farragut to Andrew Jackson, 1815-1816."

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The *Handbook of Texas Libraries* (Austin, 1904) recently issued by the Texas State Library Association, and edited by the secretary, Mr. P. L. Windsor, is a neat pamphlet of eighty-six pages, besides seventeen full-page plates. It contains information concerning the association, historical sketches of some Texas libraries, pictures and plans of numerous library buildings within the state, and, finally, miscellaneous information, of value to library organizers, relative to library legislation, library commissions, the American Library Association, and Carnegie gifts.

The pamphlet is an evidence of the wisdom of having formed a state library association, for it contains information of practical value not to be found elsewhere, and, besides, it will do much to arouse an interest in libraries. The facts presented show that Texas has recently experienced a very rapid library development, particularly in the erection of good buildings. On the Carnegie foundation alone seventeen handsome libraries have been or are being constructed.

The historical sketches are given separately in alphabetical order according to the names of the towns where the libraries are located. No general view of the library growth and conditions in the state is presented. Such a summary would be a welcome addition.

This pamphlet may be had by sending five cents postage to Mr. P. L. Windsor, Austin, Texas.

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*With the Makers of Texas: A Source Reader in Texas History.* By Herbert Eugene Bolton, Ph. D., and Eugene C. Barker, M. A., Instructors in History in The University of Texas. With an Introduction by George P. Garrison, Ph. D., Professor of History in

The University of Texas. Illustrated. (Gammel-Statesman Publishing Co., Austin, Texas. 1904. 12mo., cloth. p. XVI+316. Price 60 cents.)

It is impossible to point out the numerous excellences of this book. It exhibits the result of years of painstaking labor and careful discrimination of judgment in the selection of materials. Over seventy writers are permitted to tell of their experiences in Texas. This fact in itself will be a revelation to those who have been accustomed to think that all the history of Texas was contained in So-and-So's book. The extensiveness and variety of our history is further emphasized by the fact that the selections are made from Spanish, French, German, and English writings. There are between sixty and seventy illustrations, including a facsimile of Travis's heroic letter, written from the Alamo, Feb. 24, 1836, and a colored plate of the Texas flag.

The book is very readable. The illustrations are well executed. It is a book on Texas by Texas teachers for Texas teachers printed by a Texas house, and with abundant intrinsic worth to merit a very generous patronage.

After this very brief preface on the excellences of the book, it may not be amiss to point out more at length some minor defects. The book the compilers state "may serve either as a reader or to supplement the history text." In this review it will be examined with reference to the latter use exclusively; the writer believes that its real mission lies in this direction. The value of the criticisms, if they possess any, is predicated on this view. (1) The indicated pronunciation of Spanish proper names is not complete enough to make the dictionary superfluous: (See Cabeza de Vaca, p. 1, Alvarado, p. 14, Coahuila, p. 35, and Maria, p. 53.) (2) The book contains no list of its illustrations. The sources from which the illustrations are taken are not indicated, which gives rise to confusion; for instance, is the pueblo shown on p. 14 a picture of Cicuye? and is the illustration, entitled the "Death of La Salle," p. 32, taken from Joutel? The portraits, with one exception, p. 234, are not dated. It would be helpful, too, if the illustrations of buildings, ruins, statues, and monuments showed both date and place. (3) In Nos. 16 and 17 Bean's name is incorrectly written as is shown by the following extract from a letter written July 27, 1856, by I. T. Bean to Henderson Yoakum: "I see you have gotten my Father's name wrong[.] You have it Ellis P. Bean when it should have bin P. E. Bean[.] I think that should be Rectified." (4) The most serious error is the placing of the dates, that should follow the titles of the selections, after the

names of the writers. For instance, selection No. 16 would better have been entitled "Hunting Wild Horses in Texas (1801) ;" if any date is placed after the name of the writer, in this instance it should be 1816, when, according to the introductory note, Bean wrote the selection.

The following extract apparently supplies the name of the writer of selection No. 30, p. 112: "It was during this year [1829] that the Baptists had the honor of establishing the first Sunday-school in Texas. It was organized at San Felipe, under the guidance of T. J. Pilgrim." (Yoakum, II 221.)

In selection No. 46, the writer would prefer to see the term "general council" used in place of "permanent council;" it is in keeping with the usage of the council itself after its first few sessions, and is more descriptive of the character of that body.

E. W. WINKLER.



## AFFAIRS OF THE ASSOCIATION.

The Executive Council has decided that the regular annual meeting of the Association shall be held hereafter on Independence Day at the University of Texas. Since the exercises on the part of the University that have become customary for that day always include addresses befitting the occasion, there will be no address on the program of the Association, which will provide only for one or two historical papers in addition to the regular meeting for business.

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Mrs. Nanna Smithwick Donaldson, of Florence, Texas, sends the *Proceedings of the Texas Veteran Association* for the years 1892, 1893, 1894, 1895, and 1901. This is a rare and valuable series, and other numbers would be gratefully received. Numbers 1 to 6 inclusive, number 9, and number 12 of the reports of annual meetings of the Daughters of the Republic would also be most welcome.

---

Mrs. E. W. Parker, of Washington, D. C., has presented to the Association one of the stone steps—the last remaining, in July, 1904—that led up to the veranda of Durham Hall, the home of Moses Austin at Mine-a-Burton in what is now Missouri. Another stone sent with it, which was taken from the foundation of the same building, has been presented to the University of Texas.

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In the printing of this number of THE QUARTERLY an unusual number of annoying delays have been experienced. It is hoped that ere long the successive numbers can be issued at least within the month in which they are due. That this has not been so during the past year can hardly be considered the fault of either editors or printers.

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Mr. C. M. Callaway, of Austin, has given the Association a copy of the pamphlet entitled *Defense of Gen. Sidney Sherman, Against the Charges Made by Gen. Sam Houston*. This copy is one of the reprints dated Houston, 1885. The original was printed in Galveston in 1859.

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## NOTICE.

Persons having copies of any numbers of volumes I or II of THE QUARTERLY which they are willing to sell will confer a favor by notifying me of the fact.

HERBERT E. BOLTON,  
Austin, Texas.

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**Mrs. Julia Lee Sinks.**

Member Daughters of the Republic of Texas.

Member Texas Veterans' Association.

Honorary Life Member

Texas State Historical Association, 1897-1904.

Born, January 17, 1817.

Died, October 24, 1904.

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(See pag 201.)



# THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. VIII.

JANUARY, 1905.

No. 3.

*The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.*

## DE LEÓN'S EXPEDITION OF 1689.

An annotated translation.

ELIZABETH HOWARD WEST.

Before the late years of the seventeenth century, what we now know as Texas was still unoccupied by Europeans, and, in fact, had not even a name of its own on the map. Its coast had been explored, notably by Pineda in his voyage of 1519; its interior had been traversed by Cabeza de Vaca in his famous wanderings of 1528-1536; it had been entered, perhaps, by the survivors of De Soto's expedition and by Coronado; it had been included in Garay's short-lived province of Amichel;<sup>1</sup> and it had been sometimes considered a part of Florida.<sup>2</sup> All that had been achieved, however, was a strengthening of Spain's claim to this part of the Gulf coast.

The story of the French encroachment which aroused Spain to the need of occupying these long neglected regions is too well known to require more than a passing mention. After gaining

<sup>1</sup>See Shea, *Ancient Florida*, in Winsor, *A Narrative and Critical History of America*, II chap. IV; also HARRISSE, *The Discovery of America*, 163-173.

<sup>2</sup>See note 3, page 219.



control of the St. Lawrence and the Lake region, the French had pushed into the Mississippi valley. In 1685, La Salle led a colony which was to be planted at the mouth of the river, and thus to begin the occupation of the newly-claimed Louisiana. He missed his destination, and landed on what is now Matagorda bay, on the Texas coast. The settlement was a failure, and nearly all who were connected with it lost their lives by disease or by violence.

When the news of this attempt to settle on Spanish territory reached Mexico, the viceroy promptly reported to the government at Madrid, and made several efforts to find the French settlement.<sup>1</sup> As all these early attempts failed to bring any information regarding the reported encroachment, the matter was dropped until 1689, when the finding of an old Frenchman, a member of La Salle's party, among the Indians near Coahuila,<sup>2</sup> led to an expedition under Alonso de León; this expedition actually found the remains of the French fort. The result was the first occupation of Texas by the Spaniards in 1690<sup>3</sup> through another expedition, also under the command of De León.

The *itinerary* of De León given below is a translation of the second document in the *Memorias de Nueva España*. It is the diary of the expedition of 1689, written by some one who took part in it, probably by De León himself.<sup>4</sup> This is the only con-

<sup>1</sup>See THE QUARTERLY, II 281-282, V 176-177, and VIII 13, for accounts of the early expeditions sent out for this purpose. There are two small maps of a part of Espíritu Santo Bay, as the Spanish called the bay where La Salle settled, listed as Nos. 79 and 80 in Lanzas, *Relación Descriptiva de los Mapas, Planos, & de México y Floridas Existentes en El Archivo General de Indias*, which, no doubt, relate in some way to the expedition of La Salle. Both were sent by Pedro Ronquillo, then Spanish ambassador to England, from London to Madrid in January, 1687. Their exact meaning and value, however, can of course not be determined until the documents accompanying them have been exploited. Tracings of these maps were made several years ago for Mr. Peter J. Hamilton, of Mobile, who called my attention to them and placed them in my hands. The accompanying documents, however, have, so far as I know, never been copied.

<sup>2</sup>See THE QUARTERLY, II 25.

<sup>3</sup>Ysleta dates further back, but, as is pointed out in Garrison's *Texas*, 19, 67, it was not properly a Spanish settlement.

<sup>4</sup>See page 203 for the full title in Spanish. The writer was in De León's

temporary account I have had access to, except the Letter of Manzanet.<sup>1</sup> There is, however, a letter, which Bancroft ascribes to León, cited by Bancroft and by Parkman;<sup>2</sup> and there are still other documents in the Archivo General de Indias. So far as I know, no copies of the latter have yet been made for American libraries. The map<sup>3</sup> of which a facsimile is here given, showing the route taken by the Spaniards in the expedition, is found in connection with some of these Sevilla manuscripts. It is presumably the work of Don Carlos de Sigüenza y Góngora,<sup>4</sup> as it bears

company throughout, and the document was signed by De León; the writer never uses the first person, however, except in the plural, but refers to De León in the third person, usually as *el Gobernador*; and there is no distinct statement that he is the author; the evidence in favor of his authorship, therefore, is not conclusive.

<sup>1</sup>*Carta de Don Damian Manzanet á Don Carlos de Sigüenza y Góngora sobre el descubrimiento de la Bahía del Espíritu Santo.* See THE QUARTERLY, II 253-312, for fac-simile and translation. My references to the Letter are to this translation, by Professor Lilia M. Casfs, of the University of Texas.

<sup>2</sup>See Bancroft, *North American States and Texas*, I 400, 401; Parkman, *La Salle and the Discovery of the Great West*, 373, 444. The title of the document is: *Carta en que se da noticia de un Viaje hecho a la Bahía de Espíritu Santo.* Parkman says that it was written by some one in the party, but evidently by another hand than De León's; and that it follows closely the account given in the *Itinerary*. Parkman and Bancroft both had access to it in *Florida, Col. Doc.*, 25.

<sup>3</sup>Listed as No. 86 in Lanzas under the title, *Mapa del camino que el año de 1689 hizo el Gobernador Alonzo de Leon desde Cuahuila (Nueva España hasta hallar cerca del lago de San Bernado el lugar donde havian poblado franceses.* It is referred to in the notes as the *Map*. Parkman, *La Salle and the Discovery of the Great West*, 442, note 2, cites a French map with the title *Route que firent les Espagnols pour venir enlever les Français restez à la Baye St. Bernard ou St. Louis, après la perte du vaisseau de Mr. de la Salle, en 1689*, which he says is a part of Margry's manuscript collection; it is not included in the *Découvertes et établissements des Français dans les Pays d'Outre-Mer*. It is possible that this is a copy the one from the Sevilla archives (No. 86), though nothing positive on this point can now be asserted. A tracing of the *Map*, made under the direction of the *jefe del archivo*, Señor Lanzas, in 1903, is now in the library of the University of Texas.

<sup>4</sup>Don Carlos de Sigüenza y Góngora was born of Spanish parents in Mexico, in 1645, and died in 1700. Educated as an ecclesiastic, he was a poet, a scientist, a historian, and a public official. He was honored by the Span-

his signature. It is quite inaccurate in its representation of the rivers and of the coast, as is to be expected in a sketch-map of this sort and of this period, yet it is of considerable value for the light which it throws upon the narrative in the *Itinerary*. The lower courses of the rivers, in particular, are mostly pure guesswork; the coast may have been modeled on earlier maps. The route, which is marked on the tracing in red ink, is for the most part in agreement with that described in the *Itinerary*, yet it presents enough discrepancies to suggest other sources of information. It is hard to tell whence the additional information could have come,—certainly not from the *Letter*,<sup>1</sup> because this does not go sufficiently into detail. The names as given on the *Map*, however, agree substantially with those given by the *Itinerary*.

The aim in translation has been to give the exact meaning of the Spanish in clear, readable English, without regard to literalness of rendition. With this end in view, changes have been made in the word and sentence order, whenever it seemed necessary; no liberties, however, have been taken with the paragraphing. When the translation seems doubtful or unusual, the Spanish is printed in italics within parentheses; the translator's additions and ex-

ish king Carlos II with sundry public appointments; and by Louis XIV with the offer of a place at the French court, which he refused. In 1693, he was placed by Viceroy Galve on a scientific commission, which, under the direction of Andrés de Pés, admiral of the Windward Fleet (*Armada de Barlovento*), governor of the Royal Council of the Indies (*Real Consejo de las Indias*), and secretary of the General Marine Department (*Despacho Universal de la Marina*), was to make a reconnoissance of the Gulf of Mexico. Judge Coopwood, in a note on Sigüenza (*THE QUARTERLY*, III 66, 67), states that this expedition was to settle and garrison Pensacola. At any rate, after carrying out this mission, Sigüenza published in Mexico a folio with the title, *Descripción de la bahía de Santa María de Galve, de la Movila y río de la Palizado ó Mississippí, en la costa septentrional del seno mejicano*. Another work of his of interest to students of Southwestern history is a manuscript entitled *Historia de la provincia de Tejas*. See the *Diccionario Enciclopédico Hispano-Americano de Literatura, Ciencias y Artes*, for a fuller biography.

<sup>1</sup>The *Letter* was addressed to Sigüenza in response to a request of his. No doubt he was collecting material for his *Historia de Tejas*, to which reference has already been made. The letter cited by Bancroft and by Parkman may be the other source of information.

planations inserted in the body of the translation are bracketed. The punctuation and capitalization of the text have not been strictly followed; proper names, however, are retained as in the Spanish.

ITINERARY OF THE EXPEDITION MADE BY GENERAL ALONZO DE LEON  
FOR THE DISCOVERY OF THE BAHIA DEL ESPIRITU SANTO<sup>1</sup>  
AND THE FRENCH SETTLEMENT. 1689.<sup>2</sup>

March.

Date.

Leg.<sup>3</sup>

Wednesday, March 23,<sup>4</sup> it was arranged that the detachment of soldiers and camp-followers (*el Rl. de la Gente y Soldados*<sup>5</sup>) who were in Coahuila<sup>6</sup> should set out. Accordingly, they marched one league down the river.<sup>7</sup> 1.

24. Thursday, the 24th, the whole body (*el general*) set out. The detachment, being ordered to go down the river, [crossed over and]<sup>8</sup> travelled down the other bank to its junction with the Nadadores. They travelled that day seven leagues toward the north.<sup>9</sup> All this country is uninhabitable. 7.

25. Friday, the 25th, we travelled down the Rio de Nadadores, along the south bank, between two ridges which they call Baluartes. On the bank of the river we passed a cottonwood tree, the only one within a great distance. We travelled that day seven

<sup>1</sup>Matagorda Bay.

<sup>2</sup>*Derrotero dela Jornada que hizo el General Alonzo de Leon para el descubrimiento de la Bahia del Espiritu Santo, y poblacion de Franceses: Año de 1689.*

<sup>3</sup>In the Spanish text, the measures of distance traveled each day are usually placed in the right-hand margin. For the sake of convenience, however, they are printed in the translation flush with the text.

<sup>4</sup>The *Map* begins with the 24th. The *Letter* states that the start was made on the 25th.

<sup>5</sup>See the description of the review held on the 27th.

<sup>6</sup>The Presidio of Coahuila, now Monclova.

<sup>7</sup>The River of Coahuila (Cuahuila on the Map), one of the headwaters of the Sabinas, a tributary of the Salado.

<sup>8</sup>See the *Map*.

<sup>9</sup>Eight leagues toward the northeast (*Map*).



leagues, keeping the same northeast course.<sup>1</sup> All the country is level and affords good pasturage. 7.

26. Saturday, the 26th, we travelled down the river<sup>2</sup> as on the day before, to its junction with the Sabinas. We travelled east, halting a league from the junction. The country is level and affords good pasturage.

27th. Sunday, the 27th, we went down the river Sabinas and crossed it toward the north.<sup>3</sup> Passing along the bank we sighted the soldiers who were coming from the Nuevo Reyno de Leon to join us here according to agreement.<sup>4</sup> As we came together a salute was fired on each side. After we had travelled three leagues to the east, a general review and individual count was made of all the soldiers, drivers, and other servants, and of the baggage as well. 3.

28. Monday, the 28th, we travelled to the northeast, a distance of six leagues. After crossing some unwatered plains, we halted at a pool of rain-water. 6.

29. Tuesday, the 29th, we set out toward the northeast.<sup>5</sup> Before daybreak the French prisoner<sup>6</sup> sent out one of the Indians whom we were bringing because of their loyalty, to tell the Indians, his acquaintances, that we were going through their village. As a result, more than seventy Indians, some armed, others unarmed, came out to meet us a league before we arrived at the village, and accompanied us thither. They had a hut ready, covered with buffalo hides; there they put the Frenchman, toward whom

<sup>1</sup>See above (24). The *Map* gives northeast as the direction of the march on the 24th and the 25th. The *norte* of the 24th in the *Itinerary* is probably a copyist's error for *nordeste*.

<sup>2</sup>The Nadadores.

<sup>3</sup>That is, to the left bank. The direction was really east.

<sup>4</sup>The *Letter* states that the entire force consisted of forty men from the presidios of Viscaya, and forty from the New Kingdom of León. These troops were grouped into three companies, with Alonso de León as commander-in-chief and Nicolás de Medina as sergeant-major; with Lorenzo de la Garza, Tomás de la Garza, and Francisco de Martínez, as leaders of the companies.

<sup>5</sup>Northeast by north (*Map*). The *Map* also gives five leagues as the distance traversed on this date.

<sup>6</sup>See page 200, note 2.

they made many demonstrations of affection. In front of the hut was driven a stake, four *varas* high, on which were fastened sixteen heads of Indians, their enemies, whom they had killed. They were five nations joined together, (according to the account the Frenchman gave), entitled Hapes, Jumenes, Xiabu,, Mescale, and another.<sup>1</sup> We counted eighty five huts. We distributed among them some cotton garments, blankets, beads, rosaries, knives, and arms, with which they were very much pleased. Five cattle were killed for them, too, so that all persons of all ages might eat. There were four hundred and ninety of them. We crossed a creek about the time of evening prayer.<sup>2</sup> 4.

31. Thursday, the 31st, it was necessary to halt at this point, because of the suffering of the horses occasioned by lack of water.

April.

1. Friday, April 1st, we travelled down the river<sup>3</sup> five leagues, traversing some low hills. There was no lack of water-holes along the way (*en este distancia*). The route during the most of these five leagues was toward the north. We halted on this south bank in front of the ford. The river<sup>4</sup> was forded, and found easy to cross the next day. Now we had with us a faithful Indian guide,<sup>5</sup> who assured us that he knew the country, and that he would bring

<sup>1</sup>Some of the same tribal names, apparently, in somewhat different form, occur in the *Letter*, in connection with the Indian Juan's search for the Frenchman "Juan Francisco." Here Mescale appears as Mescate; Hapes as Apis; Jumenes as Chomenes.

<sup>2</sup>Five (*Map*). The *Map* describes the line of march for the thirtieth as being toward the north, and as extending through four leagues; the *Itinerary* omits the thirtieth, and apparently confuses the occurrences of two distinct days in giving the account of what happened on the twenty-ninth. There is possibly a copyist's omission, the restoration of which might clear up some ambiguity in the following paragraph.

<sup>3</sup>The *Map*, like the *Itinerary*, fails to indicate what river. It shows a northward line of march for the 1st, crossing an unnamed branch, or possibly the main stream, of the Salado, and ending on the south bank of the Rio Bravo.

<sup>4</sup>See note 3.

<sup>5</sup>The *Letter* states that the Pacpul Indian chief Juan, or Juanillo served as guide to the party throughout the whole course; and that a Quems Indian was secured as a second guide, after they reached the Rio Grande.

us where there were some men like ourselves, in a settlement of six or seven houses; that they had wives and children, and that they were about six days' journey distant from the said<sup>1</sup> Rio Bravo. This Indian can not speak Castilian, (*es bosal*) but we got some light on what he was saying through another Indian who acted as interpreter, albeit a poor one. 5.

2. Saturday, the 2nd, we crossed the river<sup>2</sup> and went about one league north, to avoid some ravines and low hills. Afterward we went mostly northeast, until we reached some pools, five leagues away. We named these *El paraje de los Cuervos*, because more than three thousand crows appeared at nightfall. The way was level and untimbered. 5.

3. Palm Sunday, the 3rd, we marched northeast three leagues through level country, and afterward two more through several thickets of mesquite (*despues hubo otras dos de algunos Montecillos de mesquites*). We crossed some little dry creeks; and then we came upon one that had water in it, on the bank of which we halted. Altogether we travelled that day five long leagues.<sup>3</sup> We named this creek the Arroyo de Ramos,<sup>4</sup> because we found it on Palm Sunday. There we observed the altitude of the sun with an astrolabe, though a defective one, and found our latitude to be 26° 31'.<sup>5</sup> I must call attention to the fact that the tables on which this observation was based were made before the so-called Gregorian correction. This correction was made in the year 1582, in which the equinox was on the tenth of March. Following the *Ephe-*

<sup>1</sup>The Rio Bravo has not been mentioned before. The use of the word *dicho*, therefore, would seem to be a further indication of a copyist's omission. See p. 205, note 3.

<sup>2</sup>The Rio Bravo (*Map*). The *Letter* states that this river is variously known as Rio Bravo, Rio Grande, Rio Turbio; that all that could be learned about its source was that it came from the Gran Quivira.

<sup>3</sup>The meaning here is "at least five leagues, and possibly more."

<sup>4</sup>Rio de Ramos (*Map*). Both this river and the Nueces are there represented as flowing into the Rio Grande. Apparently the Ramos is in reality a western affluent of the Nueces.

<sup>5</sup>There is a mistake in the reckoning of at least one degree, possibly two. The Rio Grande crossing was made above the junction of the Salado, which is not far from 27°; the Nueces crossing, about eight leagues northeast from the place of observation. (*Map*.)

*merides* of the Roman Andrea Argoli, which places the equinox this year [1582] on the 20th of March, we found by these tables that today, April 3, corresponds to the 24th of March of this year [1689], which is the first since the bissextile. These tables, the author says, he took from the *Arte de Navegar*, by the Maestro Medina. It has been necessary to state these facts in explanation, in case it should appear that a mistake has been made because of our lack of modern tables. 5.

4. Holy Monday, the 4th, we marched northeast the most of the day, east-by-north<sup>1</sup> occasionally (*algunos ratos*), a distance of 8 leagues. At first the land was level, then there was a little mesquite thicket; and after that we got into a larger one, three leagues long. We came upon a river, which, as we could see, even though it contained little water at the time, overflows its banks in time of rain more than half a league from the main channel. We called it the Rio de las Nueces,<sup>2</sup> because there were many pecan trees (*nogales*)<sup>3</sup> [on its banks]. It is somewhat rocky, and all its rocks are flint (*de fuego*) and very fine. 8.

5. Holy Tuesday, the 5th, we crossed the river. We had to go half a league down its bank, and then we went through a glade. Then came (*se ofrecio*) a very dense thicket. We had to cut a passage into it for almost a league with our cutlasses and axes, because of the numerous prickly pears and mesquite which blocked up the way. Afterward we got into a mesquite thicket in which at intervals we had to make a clearing. We travelled about seven leagues. We came upon a river to which we gave the name Rio Sarco,<sup>4</sup> because its water was blue. We went, I repeat, (*como digo*), seven leagues, with many turns.<sup>5</sup> 7.

<sup>1</sup>*Cuarta al Nordeste*. Supplying *norte* before *cuarta* to fill out the ellipsis, makes it mean north by east. The *Map* has simply *nordeste*.

<sup>2</sup>As has already been noted, the *Map* makes this river flow into the Rio Bravo—a good illustration of its wild guesswork. Bancroft, *North Mexican States and Texas*, I 400, note 1, remarks that the Nueces was not the stream vaguely known by that name before.

<sup>3</sup>*Nogal* is a general name applied to several kinds of nut-trees, according to the local usage. Here the meaning seems to be pecan.

<sup>4</sup>Identified by Mr. Clark (*THE QUARTERLY*, V 179) with the Frio.

<sup>5</sup>"Five leagues, but seven counting the turns." (*Map.*)



6. Holy Wednesday, the 6th, we travelled about three leagues to the northeast, and two to the east. The country we passed through was level, with fine pasturage, with very pleasant glades, and, occasionally, little motts of oak. We came to a river, which we named Rio Hondo. *Apropos* of this river, its descent on each side is about forty feet;<sup>1</sup> near it, on both banks, are some insignificant hills, some of them timbered. The water was plentiful, so that the horses were easily supplied (*con facilidad bebio*). As we went down toward the river we found some large white rocks, on some of which we saw some crosses cut, and other figures artificially made with great skill, apparently a long time before. 5.

7. Holy Thursday, the 7th, we went more than four leagues down the river without crossing it, sometimes east, sometimes southeast;<sup>2</sup> we halted on the hither bank. The country is of the same sort here as at the last stopping-place; level, for the most part, though there is a little mesquite timber. Ever since the thirtieth of last month, when we passed the village of the Five Nations;<sup>3</sup> we have found along the line of march traces of Indians, made some time ago; but not a single Indian has appeared.

8. Holy Friday, the 8th, we crossed from the other bank of the Rio Hondo,<sup>4</sup> and travelled east-northeast, the most of the day near the river. We came upon two ravines (*cañadas*) near together. Here, it appears, the river rises in time of flood as much as six feet. After the ravines comes a little creek in a thicket. Here it was necessary to change our course for a while, to let the loaded mules cross, which they did with difficulty, some bogging up. After crossing this creek, we came to some very level land, and then to a large mesquite thicket. In the midst of the thicket were some pools of water, where we halted. We travelled

"*Tiene por cada lado la bajada mas de siete estados.*" The *estado* is about the average man's stature.

<sup>2</sup>"Four leagues to the east-southeast" (*Map*).

<sup>3</sup>The account of the visit to the Indian village is given above under date of the twenty-ninth of March.

<sup>4</sup>That is, from the west bank. The expression is a little peculiar, but the writer is speaking from the point of view of the 8th. This stream may have been San Miguel Creek. Parkman (*La Salle and the Discovery of the Great West*, 442, note 2) identifies it with the Frio.

that day eight long leagues, to the east, as has already been said. 8.

9. Holy Saturday, the 9th, we set out to the north, but on account of some thickets that were in the way, it was necessary to make some turns, sometimes north-by-east, sometimes north-north-east (*4ta al Leste*.)<sup>1</sup> We traveled that day five leagues. The land was very good. We crossed a dry creek that day, but a league farther on we found one with good water, with abundant pasturage and many oak-trees near by. We named this creek Arroyo del Vino,<sup>2</sup> because we opened a cask that day and divided its contents among the men. Under the trees we found well-grown nuts, as large as those of Spain, but very hard to open. We saw many wild grape-vines, whose fruit, as we were told by the Indians we had brought with us, is in its season very pleasantly flavored. Our horses stampeded at this camp about nine o'clock at night, and they could not be stopped, though fifteen soldiers were on guard. According to the count made the following day, one hundred and two got away. 5.

10. Easter Sunday, the 10th, soldiers set out in different directions to look for the horses, which they found at various points. This search detained them till evening prayer, therefore the camp was not moved that day. We made a reckoning of our latitude, which we found to be  $27^{\circ} 55'.$ <sup>3</sup>

11. Monday after Easter, the 11th, we set out to the east. We crossed two creeks of good water, and immediately after came to a great wood of pecan and oak-trees, more than five leagues in extent, all fertile and pleasant land. After having to travel twelve leagues to get water, we came that day upon a river, which was very large, though it had not much water [at the time], and which had a good ford. We named it the Rio de Medina. The descent to it is about fifty or sixty feet (*Tiene la bajada de nueve á diez estados*). All the rest of the way there were oaks and pecans. The course that day was east half the way, and northeast half the way. 12.

<sup>1</sup>The usual expression would be *nordnordeste*; here, however, the explorer seems to be reckoning from the north toward the east, and a quarter to the east, therefore, would mean north-northeast.

<sup>2</sup>Possibly this was Atascosa Creek.

<sup>3</sup>Here, too, there seems to be a mistake of one or two degrees.

12. Tuesday after Easter, the 12th, we crossed the river, and found the ford very easy (*acomodado*). We travelled five leagues to the east, over some low hills, without any timber; we crossed some ravines of red and yellow earth; we entered a mesquite thicket, and found water in a creek. The creek was dry where we first struck it (*en los principios*), and we were somewhat discomfited because we thought our guide had mistaken the direction; about a league farther, however, there was a very good stream. We named this creek the Arroyo del Leon,<sup>1</sup> because we found a dead lion near by, very much mutilated (*disforme*). The country was level, and furnished good pasturage. 5.

13. Wednesday, the 13th, we advanced to the east, sometimes east-northeast<sup>2</sup> six leagues. About half a league from the camp we passed by the point of a little hill on which ends a clump of oaks, and which we left on the right hand. Among them were small piles of stones placed by hand (*pedras puestas á manos*).<sup>3</sup> We followed some low hills; there were about two leagues of oak timber which had to be partly cleared away; but after this all the county was level till we reached a little creek. 6.

14. Thursday, the 14th, we moved forward, east-northeast, in search of a great river which the guide told us we should find and which we reached at two in the afternoon. We travelled six leagues, the first three over some hills, and the rest of the way (*despues*) over some hills that were timbered, and marked with

<sup>1</sup>The San Antonio. Mr. Clark (THE QUARTERLY, V 179) suggests that the name *arroyo* indicates that it was crossed rather high up. It is drawn far out of the true position of the San Antonio, being almost far enough west to represent the Nueces.

<sup>2</sup>The Map gives the direction as "east, veering to the northeast."

<sup>3</sup>Mr. Eugene Giraud, of Austin, informs me that in Western Texas one often finds near a water supply a heap of small regularly shaped stones, and, usually, a larger flat stone near by, with a hole scooped out of the middle of the top. The theory generally accepted in explanation is, that the Indians piled up the stones and used them in cooking the stem of *lechuguilla*, a species of the maguey (*agave Americana*; American aloe, century plant), afterward pressing the juice out of the stem to make an intoxicating drink; and that they used the flat rock as a receptacle for the juice. The heaps of stones mentioned in the text are doubtless of this character.

ravines. It was necessary in some places to clear away the timber so as to pass through. The country was the most pleasant that we had traversed; the river is not very full (*caudoloso*) and has a good ford; its banks are covered with timber. Six buffaloes—the first we had seen for a hundred leagues—were killed along the way. We gave this river the name of Our Lady of Guadalupe,<sup>1</sup> whom we had brought from Coahuila as our as our protectress, and whom we had painted on our royal standard.<sup>2</sup> 6.

15. Friday, the 15th, the day dawned very rainy. None the less, however, our whole party set out (*salimos con el real*) toward the ford of the river, which was about a league away. We crossed the river, but as the water prevented our forward movement, we halted on a little creek. We travelled that day not more than two leagues.<sup>3</sup> As the guide said that we were near the settlement, a council of war was held, at which it was decided that the next day a reconnaissance should be made with sixty soldiers, while the camp should stay in another place at some distance away, with a sufficient guard.<sup>4</sup> 2.

16. Saturday, the 16th, after a mass to our lady of Guadalupe

<sup>1</sup>The Guadalupe is not so incorrectly drawn on the *Map* as the San Antonio, especially in relation to the French settlement.

<sup>2</sup>The *Letter* sums up the account of the journey from the Rio Grande to the Guadalupe in a single sentence: "We travelled on towards the north-east and at times east-northeast, till we reached the river of Our Lady of Guadalupe."

<sup>3</sup>The *Map* adds that the line of march ran eastward.

<sup>4</sup>Father Manzanet says that the Indian guide said the settlement was fifteen leagues from the river. As to the council of war, he says that De León asked his advice about what should be done to ascertain the number of Frenchmen in the village and the condition of things there; that his advice was that a mass should be sung where they were to the Blessed Virgin of Guadalupe, and that after they reached the settlement another should be sung to St. Anthony of Padua. All readily agreed. After the mass to the Virgin had been chanted, about nine o'clock that morning, the council continued reaching the agreement that the Indians should be retained as guides, and that "twenty-five men should travel on with us until we should come upon the French village in the early morning, while the remaining soldiers with the beasts of burden should come behind us and camp when they reached a suitable spot." They were not to move from their camping place without De León's express order; if they saw any Indians, they should seize them and notify De León of the capture.



had been chanted with all solemnity, the governor, in accordance with the decision of the day before, set out with the sixty soldiers, well equipped. The whole force (*el real*) set out at the same time. After travelling about three leagues<sup>1</sup> with the sixty men, the rear guard caught sight of an Indian in the timber. When he was taken to the governor and examined—through a poor interpreter—he declared that his *ranchería* was near by, and that four Frenchmen were there.<sup>2</sup> We quickened our pace, under the guidance of our Indian; after we had sent word to the main body to stay in the place whence they had sent the Indian. Before we came to the *ranchería* all the people left. We sighted them, however, as they were entering some motts; and after them came eight or ten dogs loaded with buffalo hides. We sent the same Indian who had guided us to call them; with the result that the most of them came. It was ascertained that the four Frenchmen were not there, but that they had gone on to the Tejas four days before. In this *ranchería* we found two Indians who told us that we should find them in a *ranchería* two days' journey further.<sup>3</sup> We gave (*hicimos*

<sup>1</sup>"Some four leagues." (*Letter.*)

<sup>2</sup>"The rear-guard saw an Indian come out of a dense wood, and called to him, whereupon he went toward them without any show of resistance. They sent us word of the occurrence, and we halted. On the arrival of the Indian the two we had along asked him whether there were, thereabouts, any of the white people who dwelt further on. He said that, as to those living further on, they used to inhabit houses, which now no longer existed, for two moons previous, the Indians of the coast had killed all but a few boys whom they had carried off; that he himself lived in the 'ranchería' of the Emet and Lavas Indians, which was about three leagues out of the route which we were following towards the bay of Espiritu Santo." (*Letter.*)

<sup>3</sup>"We went with this Indian to the 'ranchería' of which he spoke, and reached it at about three in the afternoon. As soon as the Indians became aware of our presence, they made for the wood, leaving to us the 'ranchería' and the laden dogs, which they had not been able to drive fast enough when they fled. The Indian who served as our guide himself entered the wood, and called to the others, declaring that we were friends, and that they should have no fear. Some of them—and among them was their captain—came out and embraced us, saying, 'thechas! techas!' which means 'friends! friends!' One of them who came out first was a big young fellow about twenty years old, who wore a monk's cloak, and when we saw that it was the habit of a friar, we gave him a blanket and I took the robe from him." (*Letter.*)

*agasajo*<sup>1</sup>) these Indians some tobacco, knives, and other things, to get them to guide us, which they did. We turned and moved northward till sunset. Then we found in a thicket a village of more than two hundred and fifty persons, where we tried to find the Frenchmen, our French guide always serving as interpreter. They replied that the Frenchmen had gone to the Texas Indians four days before, and that the rest who had settled on the little sea (which is the bay), had all died at the hands of the coast Indians; that the Frenchmen had six houses; and that the event had occurred three moons<sup>2</sup> that is, three months, before; that previous to this there had been an epidemic of small-pox, of which the most had died.<sup>3</sup> The main body (*el real*) travelled east that day, and halted at the place appointed by the governor, who went eight leagues northward with the sixty men. 8.

17. Sunday, the 17th, after sleeping close by the Indian village, we again set out to the north. After travelling five leagues, we found some *ranchos* of Indians known to our French prisoner. We found out from them by minute inquiry the route of the four Frenchmen who were going to the Texas; we found out, moreover, that they had passed on horseback four days before. Here a consultation was held as to what decision should be reached, with the result that it was determined, as the main force was far away and the country unknown, to write a letter to the Frenchmen and send it to them by an Indian. Accordingly, the letter was written in

<sup>1</sup>The noun *agasajo* and the corresponding verb *agasajar* are used frequently in the documents bearing on the Spaniards' relations with the Indians, in reference to gifts bestowed with a view to winning the favor of the Indians.

<sup>2</sup>The text has here *sumas*, no doubt a copyist's error for *lunas*. The *Letter* has *dos lunas*, two moons.

<sup>3</sup>"These Indians [the Indians of the 'techas' incident] told how two days previous the Frenchmen had passed by with the Tejas Indians. That very afternoon we started in pursuit of those Frenchmen, and at sunset, we reached the 'rancheria' of the Toxo and Toao Indians, who told us that the Frenchmen had passed by with the Tejas, and had been unwilling to remain there with them. That night we slept in the neighborhood of the 'rancheria,' and at eight in the evening some Indians came to the place where we were, one of them dressed after the fashion of the French. And they brought some French books, and a Holy Bible." (*Letter*.)

French by the royal *alférez*<sup>1</sup> Francisco Martinez. Its contents, in substance, were as follows: that we had been informed of their escape when some Christians on the coast had been killed by the Indians of that vicinity; that they might come with us; that we would wait for them three or four days in the houses of the village from which they had set out. This letter was sealed by the governor and by our chaplain, Padre Fray Damian Manzanet, religious of our patron San Francisco. The letter added as a postscript some lines of Latin, in case any one of the four should be a religious, exhorting them to come. Putting in paper for a reply, we dispatched this letter by an Indian carrier who assured us that he would overtake them. About evening prayer an Indian came from the North to see the Frenchmen, of whom he must have had news. When we asked him through the Frenchman whether it was far from here to the Texas, he replied that it was not many days' journey and said that it had been three days since the four Frenchmen had gone on from his *ranchería*.<sup>2</sup>

18. Monday, the 18th,<sup>3</sup> in view of the harm the camp might have suffered, even though we had left it well guarded, we set out in search of it. On the way thither the governor received a letter stating that the drove of horses had stampeded the night before, and that a hundred-odd had been lost; that some had been

<sup>1</sup>For the meaning of this term see THE QUARTERLY, VIII 10. The *Letter* calls Martínez captain.

<sup>2</sup>"The next morning [after the night near the Toxo and Toao *ranchería*] we set out in quest of the said Frenchmen, passing through some very dense woods; and at about two o'clock in the afternoon we came upon some 'ranchitos' of Emet Indians. On our inquiring concerning the Frenchmen these Indians pointed out to us an Indian who had just arrived and who had conducted them (the Frenchmen) as far as the San Marcos river, and seeing us pass they told us that we should not be able to cross the said river. We told the Indian that if he would take them a paper and bring an answer we would give him a horse, and that he should take the answer to the houses where the Frenchmen had lived. Capt. Francisco Martinez wrote the letter in the French language because he was master of it." (*Letter*.)

<sup>3</sup>Here, as is the case throughout, the *Letter* makes no definite statement as to the time. The paragraph following the account of Martínez's letter to the Frenchmen begins: "Then we returned where the camp was, five leagues beyond the Guadalupe river."

found, but thirty-six were still missing.<sup>1</sup> At this we quickened our pace to the camp. There we heard also that a soldier had been lost in the search for the horses. At this news sundry squadrons of soldiers were sent out in search of him, but he did not appear that day.

19. Thursday, the 19th, since neither the soldier nor the horses had appeared, two squadrons of soldiers set out in different directions to look for them; the governor went in person; but despite their diligent efforts the lost were not found. [The search-party], therefore, slept (*se quedaron a dormir*) in the open [that night], to continue the search. Indians from different *rancherías* came to the camp that day; we gave (*agasajamos*) them tobacco and other things, and charged them to scour the country in search of the soldier and the horses that were missing, promising them due return for the service.

20. Wednesday, the 20th, the party did not set out, because neither soldier nor horses had appeared. The efforts of the day before were repeated with new squadrons of soldiers. Just after they had left, the lost man came, guided by several Indians. He said that that night [after he had been lost] he had come to an Indian *ranchería* where he spent the night; that he had been undecided whether to stay there, because of his suspicion that they were going to kill him, but that he had been treated with great kindness. It was no little good fortune that he escaped from danger at the hands of so barbarous a race.<sup>2</sup> Though the astrolabe was broken, we righted it that day as best we could and made an observation of the sun, and found ourselves in latitude 28° 41' north.<sup>3</sup>

21. Thursday, the 21st, our party advanced (*salimos con el real*), sometimes east, sometimes east-by-north,<sup>4</sup> sometimes north-

<sup>1</sup>[On the return to camp] "we learned that three days previous the horses had stampeded, and a number having been recovered, fifty were still missing." (*Letter.*)

<sup>2</sup>The *Letter* does not go into detail in regard to the search for the soldier, but narrates fully what happened to him during his four days' absence.

<sup>3</sup>The reckoning here seems to be about right.

<sup>4</sup>The text has merely "*4ta al Nordeste*" at this point. *Leste*, however, is naturally supplied before *4ta*, from what precedes.



east-by-north. Our line of march lay through some wide plains which for long stretches were treeless. At the end of eight leagues we came to a creek of good water. Here the Indian guide told us that the settlement was on the bank of this creek and in its vicinity.<sup>1</sup> The land was all very pleasing; and we came across many buffalo.

22. Friday, the 22nd, as we were near the settlement, our party set out (*salimos con el real*), though the day dawned rainy. Three leagues down the creek we found it. Having halted with the forces (*con el real*) about an arquebus-shot away, we went to see it, and found all the houses sacked, all the chests, bottle-cases (*frasqueras*), and all the rest of the settler's furniture broken; apparently more than two hundred books, torn apart, and with the rotten leaves scattered through the *patios*—all in French. We noted that the perpetrators (*agresores*) of this massacre had pulled everything [the colonists] had out of their chests, and divided the booty among themselves; and that what they had not cared for they had torn to pieces, making a frightful sack of all the French possessed (*todo cuanto [los Franceses] tenían*); for besides the evidence involved in our finding everything in this condition, further proof was found in the fact that in the *rancherías* through which we had passed before our arrival at the settlement, we had found in the possession of the Indians some French books in very good condition, with other articles of very little value. These

"On the following day [after the soldier's return] we left for the French settlement, and when we were about three leagues from it there came out some twenty-five Indians. Now the old Frenchman who accompanied us took occasion to say that the French settlement was not in the place to which the Indian guides were taking us. On the way this Frenchman tried several times, by means of an Indian of the Cavas nation whom he had with him, to make our two Indians desert us, or say that it was very far, and that we should not be able to cross the rivers which were on the way. I was so sorry that the Frenchman should be given occasion to speak that I grew annoyed, and Capt. Alonso de Leon said to me 'Father, we are going where I wish to go.' We continued following the two guides quite three leagues; we arrived at a stream of very good drinking-water, and the two Indians said to me: 'Lower down on the bank of this stream are the houses of the French, which must be about three leagues off.' Then the old Frenchman saw that there was no help, and that we were certain to come upon the village. He then said: 'Sir, now I knew very well, yea, very well, that the houses are on this little river.'" (*Letter.*)

books were recovered and their titles committed to memory. The Indians had done this damage not only to the furnishings, but also to the arms; for we found more than a hundred stocks (*cavezas*) of flintlock arquebuses, without locks or barrels. They must have carried these off, as was proved by an [arquebus] barrel found at some distance from the houses. We found three dead bodies scattered over the plain. One of these, from the dress that still clung to the bones, appeared to be that of a woman. We took the bodies up, chanted mass with the bodies present (*con misa cantada de cuerpo presente*), and buried them. We looked for the other dead bodies, but could not find them; whence we supposed that they had been thrown into the creek and had been eaten by alligators, of which there are many.<sup>1</sup> The principal house of this settlement is in the form of a fort, made of ship's timber, with a second story, also made of ship's timber, and with a slope to turn off water. Next to it, without any partition, is another apartment, not so strong, which must have served as a chapel where mass was said. The other five houses are of stakes, covered with mud inside and out;<sup>2</sup> their roofs are covered with buffalo-hides. All are quite useless for any defence.<sup>3</sup> In and about the fort and the houses (*junto al fuerte y casas*) were eight pieces of artillery, iron, of medium bore, —four or five-pounders,—and three very old swivels (*pedreros*) whose chambers were lacking. Some iron bars<sup>4</sup> were also found,

<sup>1</sup>This sentence is transferred from its place in the text, because this is its logical place. (See p. 218, note 2.) The *Letter* says: "We found two hundred unburied bodies, which I interred, setting up a cross over the grave."

<sup>2</sup>"*Por dentro y fuerza.*" *Fuerza* is no doubt a copyist's error for *fuera*.

<sup>3</sup>"We . . . found six houses, not very large, built with poles plastered with mud, and roofed over with buffalo hides, another large house where pigs were kept, and a wooden fort made from the hulk of a wrecked vessel. The fort had one lower room which was used as a chapel for saying mass, and three other rooms below; above the three rooms was an upper story serving for a store-house." (*Letter*.)

<sup>4</sup>*Bergajones*. The *Diccionario Extractado del Diccionario Enciclopédico* defines *vergajon* as "an iron bar two inches thick and four or five *varas* long, with an eye in each end, through which pass the cables by which, under certain circumstances, sunken ships are drawn up from the bottom." The *Letter* mentions the finding of some large iron bars, which it calls *barejones*.

and some ship's nails, estimated as altogether about five hundred-weight.<sup>1</sup> Some of the guns were scattered over the ground and some were on their broken carriages. There were some casks with their heads knocked in and their contents spilled out so that nothing was worth anything. Around the building was also some tackle, much the worse for wear.<sup>2</sup> The settlement was on a beautiful, level site, so as to be capable of defence in any event. On the frame of the principal door of the fort was inscribed the date of the settlement, which was 1684.<sup>3</sup> There are other details which are noted in the separate description of the post. The party travelled that day three leagues to the east. It appears, therefore, that the total distance from the Presidio of Coahuila to this settlement is one hundred and thirty-six leagues.<sup>4</sup>

*Discovery of Espíritu Santo Bay and its Harbor.*

23. Saturday, the 23rd, we set out with thirty men to reconnoitre the bay to the south, trying to follow the creek below the settlement. We took the French prisoner for a guide, because he had told us he knew<sup>5</sup> the bay and had been all over it in a bark; in view of this assurance we let him guide us. He did not guide us (*no lo hizo*) down the creek, because he said it had no crossing. We went [instead] five leagues to the southwest; then, after going around the head waters of two creeks, we went three leagues farther, to the east, when we came upon (*hasta dar con*) the shore of the bay. Here we slept, as we arrived at twilight.

24. Sunday, very early in the morning, we set out along the shore of the bay, which at that season was at low water. There

<sup>1</sup>Twenty *arrobas*. The *arroba* is a measure of weight which is equivalent to twenty-five pounds.

<sup>2</sup>The sentence in regard to the search for the other dead bodies was transferred from here. See above, p. 217.

<sup>3</sup>The true date was 1685.

<sup>4</sup>This total does not quite tally with the total obtained by adding the *Map's* statements as to each day's distance, which comes to 139 leagues. The *Itinerary* does not always state how far the party travelled on each day, and therefore it furnishes no satisfactory basis for a comparison of totals. The sum of what distances it does give is 119 leagues.

<sup>5</sup>*Havia* in the text is probably a copyist's error for *savia*.

are many lagoons of salt water around it, whose marshes prevented us at some places from crossing on horseback. For long stretches, therefore, we went on foot, leading the horses. The arm of the sea which appeared to us the longest runs in toward the north, another smaller one to the south, and the other, the smallest, toward the settlement mentioned in this diary.

We went eight long leagues<sup>1</sup> along the shore, till it pleased God that we should discover the mouth, through which one enters the bay. This was probably about two leagues from the place we could reach on horseback. We were greatly rejoiced at this discovery; in token of which we fired a salute with our arquebuses. The Frenchman affirmed that this was the mouth and harbor, through which he had entered when he came into these parts with Monsieur Felipe So-and-So. The mouth of the harbor, so far as we could judge, is about two short leagues<sup>2</sup> across. There is a bar of low land across it which is closer to the mainland (*mas arri-mado a la costa*) on the side toward Vera Cruz than toward Florida.<sup>3</sup> The Frenchman says that ships enter through the nar-

<sup>1</sup>See p. 206, note 3.

<sup>2</sup>That is, barely two leagues.

<sup>3</sup>The *Map* contains no mention of Florida. The *Planta de la costa de Florida la mas occidental desde 27 grad. de latitud norte hasta 29 grad.* (Lanzas, no. 80), is apparently intended to represent Espiritu Santo Bay, since it contains the legend, "*Enderecho donde hallamos el S.de la Salle con dos navios*". The map accompanying the documents in regard to the León expedition of 1690, the *Viage que el año de 1690 hizo el Governador Alonso de Leon desde Coahuila hasta la Carolina Provincia habitada de Texas y otras naciones al Nordeste de la Nueva España* has the name "Costa de la Florida" applied to what is apparently Matagorda Peninsula; while the name "Costa de na. España" applies to what should be Matagorda Island, but is joined to the mainland, west of the entrance to Matagorda Bay. The *Planta cosmographica del lago desan Bernardo conlos senos y Rios qae à èl se comunican, descubierto por el orden del exmo. Sr. Conde de Galve V. Gor. y Cpn Gl. desta Na española obserbada y delin-eada por Dn Manl Joseph Aficado Alas Matas An de 1691* (Lanzas, no. 61), has the legend "Costa que mira A La Florida," on what is apparently Matagorda Peninsula, between about 28° 40' and 29°; *Costa que ba para Vera Cruz*, applied to a stretch of coast west of the Lago de San Bernardo (Espiritu Santo Bay).

The term Florida is exceedingly indefinite in its early use. Ponce de León died in the belief that the land he had discovered was an island; ac-



rowest passage. On the south the river which we named Nuestra Señora de Guadalupe falls into the bay. We did not actually see its mouth, because it was impossible to reach that point; but we came to that conclusion because when we crossed it<sup>1</sup> we saw that it was near the bay, and also because the Frenchman made a statement to that effect. The arm of the sea which extends inland on the north of the bay is so wide that we could not see land on the other shore. On the shore of the bay, which we ran for about eight leagues, we saw a topmast (*mastelero*) of a large ship, another,—a small top-gallant mast,—a capstan, some barrel-staves, and other timbers, which must have belonged to some ship that was lost in the bay or along the coast whose harbor we had sighted. After seeing and exploring the mouth of the bay, we went back the same way we had come, and we camped for the night on the bank of a creek near a little mott. Here had been an Indian village, but it had been abandoned for some time. We found in the village book in the French language, a broken bottle-case, and other things, which gave us indications that the Indians of this village had taken part in the massacre of the French. In this creek, whose water was somewhat brackish, we found two canoes.<sup>2</sup>

cordingly, one finds the name *Isla de la Florida* on the early sixteenth century maps embodying the results of his discovery. As a result of Pineda's voyage of 1519, its true peninsular nature was discovered; accordingly, the *Traza de las costas de tierra firme* (1519 or 1521) contains the legend *Florida que decian Beimini, que descubrió Juan Ponce* on the peninsula of Florida. Later, the name is applied sometimes to the peninsula, sometimes to a wider extent of country. (See Garcilasso de la Vega, *Historia de la Florida*, Coxe, *Carolana* in French, *Historical Collections of Louisiana*, Part II; Shea, *Ancient Florida*, in Winsor, *A Narrative and Critical History of America*, IV chapter IV; and Harris, *The Discovery of America*, 142-173).

<sup>1</sup>The *Map* does not show any crossing. The route there represented strikes what appears to be a distributary of the Guadalupe about a league from the bay, and follows its banks to the bay shore.

<sup>2</sup>"The next day [after reaching Ft. St. Louis] we went down to explore the bay of Espíritu Santo, and coasted it until we succeeded in finding the mouth; in the middle of this there is a flat rock, and all along the shore of the bay there are many lagoons which it is very difficult to cross. Blackberries are abundant, large, and fine, and there are a number of stocks which seem to be those of vines, but no trees, and no fresh water. The Indians dig wells for drinking water." (*Letter*.)

25. On the twenty-fifth of April we set out from there and went to the camp. There we found an answer to the letter that had been written to the Frenchmen who had gone to the Texas. The letter, read by the *alférez*, contained in substance that within two days they would come to where we were, for by this time they were tired of being among barbarians. There was only one signature—that of Juan Larchieverque of Bayonne.<sup>1</sup> It was written with red ochre. The distance traversed, in going to reconnoitre the bay and in returning, was fifty-two leagues. On that day, Monday, the 25th, the main camp remained stationary.<sup>2</sup>

*Discovery of the San Marcos River.<sup>3</sup>*

26. Tuesday, the 26th, it was decided that the main body should set out by the same route we had traversed, because the water of the creek is brackish, as has been stated, and the horses that drank it got sick. Accordingly, we moved three leagues up the creek, and halted in the same place where we had stopped in our advance; and then we went on with twenty men.

There was a very large river which the French prisoner said was toward the north and flowed into the bay. We found it at a distance of about three leagues, and followed its bank to where some lagoons form an impediment. It is a very large river; larger, it seemed to us, than the Rio Bravo; so large that a small vessel

<sup>1</sup>Jean L'Archevêque. The *Letter* gives his name as "Juan Archebepe." See THE QUARTERLY, II 291, note 9.

<sup>2</sup>"After exploring the bay we returned to the main body of our party, whom we had left in the village; we arrived there at noon, and remained there that afternoon, and the next day they bent the large iron bars, making them up into bundles, in order to carry them with ease. We found the Indians with the reply to the letter which we had written to the Frenchmen; they said that they would soon come, that another Frenchman was further on, and that they were waiting for him in order that they might all come together. . . . The Indian received the horse, as we had ordered. As to the fort, Capt. Alonso de Leon would not have it burned down, and it remained as it was." (*Letter*.)

<sup>3</sup>Identified by Bancroft, *North Mexican States and Texas*, I 400, with the Colorado. As is the case with other parts of Texas, as represented on the *Map*, there is so much confusion in the drawing that it is hard to determine with absolute certainty just what is meant by the streams represented as flowing into the bay.

can navigate it. We determined to see its discharge into the bay, even though it should be a matter of difficulty. Finally we accomplished our purpose, looking from a little hill, which is about three quarters of a league distant from the mouth of the river. It appeared to us that it was about a league and a half (*otro tanto*) from the mouth of the San Marcos to the mouth of the creek on which the Frenchmen had lived, and the same distance from the mouth of the creek to the settlement. We travelled that day fifteen leagues. We took an observation on the shore of the creek, and found ourselves, allowing for mistakes on account of the defect in the astrolabe, in latitude  $26^{\circ} 3'$  more or less. We named this river San Marcos, because we discovered it the day after that saint's feast day.

*The Diary of the Return, continued, with the New Entrada made toward the North in search of the French.*

27. Wednesday, the 27th, our party moved forward and halted on some pools,<sup>1</sup> near a little mott which borders on the trail.

28. Thursday, the 28th, we set out on our way, and the governor set out the same time with thirty companions toward the north bank, to look for the Frenchmen who had written. The main body (*el real*) halted on the River Nuestra Señora de Guadalupe, on the other bank.

29. Friday, the 29th, the main body (*el real*) halted.

30. Saturday, the 30th, the main body (*el real*) again halted.

#### May.

1. Sunday, May 1st, about evening prayer, the governor arrived with his companions, bringing two Frenchmen streaked with paint after the Indian fashion. He had found them twenty-five leagues and more from where we had set out with the main body (*el real*). One of them, the one who had written the letter, was named Juan; the other, a native of Rochelle, was named Jacome.<sup>2</sup>

<sup>1</sup>The *Letter* states that the camp was pitched on the site of the French settlement for five days.

<sup>2</sup>"Santiago Grolette" (*Letter*). See note in Clark, *The Beginnings of Texas*, THE QUARTERLY, V 181.

They gave an account of the death of their people, the first saying that an epidemic (*achaque*) of small-pox had killed more than a hundred persons; that the rest had been on friendly terms with the Indians of all that region, and had no suspicion of them; that a little more than a month before five Indians had come to their settlement under pretext of telling them something and had stopped at the most remote house in the settlement; that the Frenchmen, having no suspicions, all went to the house unarmed to see them; that after they were inside other Indians kept coming and embracing them; that another party of Indians came in from the creek at the same time, and killed them all, including two religious and a priest, with daggers and sticks, and sacked all the houses; that they were not there at the time, having gone to the Texas; but that when they heard the news of this occurrence, [the] four of them came, and, finding their companions dead, they buried the fourteen they found; that they exploded (*quemaron*) nearly a hundred barrels of powder, so that the Indians could not carry it off; and that the settlement had been well provided with all sorts of firearms, swords, broadswords (*alfanges*), three chalices, and a large collection of books, with very rare bindings (*encuadernadura muy curiosa*). The two Frenchmen were streaked<sup>1</sup> with paint after the fashion of the Indians, and covered with antelope and buffalo hides. We found them in a *ranchería* of the chief of the Texas, who were giving them sustenance and keeping them with great care. We took him [the chief] to the camp and treated him with great kindness. Although unable to speak Castilian (*vozal*), he was an Indian in whom was recognized capacity. He had a shrine with several images. The governor gave him and the other Indians who had come with him generously (*bastantemente*) of what was left of the cotton garments (*huepiles*), knives, blankets, beads, and other goods. He was very much pleased and promised to come with some Indians of his nation to the Province of Cohaguila.<sup>2</sup> The governor made a separate

<sup>1</sup>The text has the present tense.

<sup>2</sup>"The next day [after the return to Ft. St. Louis] we set out on our return trip to the Guadalupe River, and when we got halfway, since we saw that the Frenchmen did not come, Capt. Alonso de Leon, with twenty-five men, went to the 'rancheria' where they were, and the main party went



report of all that was expedient or important in the declarations of the two Frenchmen, to send it to His Excellency. We continued our march to the Nueces River. On Tuesday, May 10, the governor halted with some companions to send a dispatch to His Excellency, giving an account of this discovery. We arrived at the Presidio of Cohaguila today, May 13th, at nightfall.<sup>1</sup> Here ends the diary. To insure its authenticity, it is signed by the governor,

Alonso de Leon.

on as far as the Guadalupe River where it remained waiting three days. The Frenchmen were in the 'rancheria' of the Toao Indians, with the Tejas; they came to the Guadalupe with Capt. Alonso de Leon, and arrived there on the 2nd of May, '89. Two Frenchmen came, naked except for an antelope's skin, and with their faces, breasts, and arms painted like the Indians, and with them came the governor of the Tejas and eight of his Indians. Through that day and night I tried my utmost to show all possible consideration to the governor, giving him two horses, and the blanket in which I slept, for I had nothing else which I could give him. Speaking Spanish, and using as an interpreter one of the Frenchmen whom we had with us, I exhorted the governor that his people should become Christians, and bring into their lands priests who should baptize them, since otherwise they could not save their souls, adding that, if he wished, I would go to his lands. Soon the aforementioned governor said he would very willingly take me there, and I promised him to go, and to take with me other priests like myself, repeating to him that I would be there in the following year, at the time of sowing corn. The governor seemed well pleased, and I was still more so, seeing the harvest to be reaped among the many souls in those lands who know not God." (*Letter.*) It will be noted that the *Itinerary* gives May 1st, the *Letter* May 2d, as the date when the Frenchmen came to the Spanish camp.

"The next day [after the Frenchmen came] was the day of the Holy Cross—the 3rd of May; after mass the governor of the Tejas left for his home and we for this place. We arrived at Coahuila, and Capt. Alonso de Leon sent the two Frenchmen—the one named Juan Archebepe, of Bayonne, the other Santiago Grollette—from Coahuila to Mexico, with Capt. Francisco Martinez, and his Excellency the Conde de Galbe had the Frenchmen provided with suitable clothes and dispatched to Spain on shipboard in the same year, '89." (*Letter.*)

RICHARD MONTGOMERY SWEARINGEN.<sup>1</sup>

GEORGE P. GARRISON.

Dr. R. M. Swearingen was a descendant of Garret van Sweringen, a native of Holland, who in his early youth entered the service of the Dutch West India Company, and whose duties as an employee of the company brought him in 1657, when he was only twenty years of age, to New Amsterdam. After van Sweringen's arrival, he gave up his place with the company, and a little later he settled at New Amstel (New Castle.) After the English conquest of the Dutch settlements in that quarter, he moved to Maryland.<sup>2</sup> Samuel Swearingen, grandson of Gerret v. Sweringen, migrated from Maryland to North Carolina. Samuel's son Frederick moved from North Carolina to Alabama, and Frederick's son, Richard J., moved thence first to Mississippi, and then to Texas. Richard J.'s son, Richard M., is the subject of this paper.

Richard Montgomery Swearingen was born in Noxubee County, Mississippi, September 26, 1838. In 1848 his father moved, as already noted, to Texas and settled in Washington County. Such general literary and scientific training as Richard had from schools was obtained at Chappell Hill College, Chappell Hill, Texas, and from Centenary College, Jackson, Louisiana. He attended Centenary College during the year 1857-1858, and up till December, 1858, when he was called home by the serious illness of his mother. On account of her death in January, 1859, he remained at home

<sup>1</sup>The materials from which this sketch has been compiled consist of a collection of newspapers and private letters belonging to Mrs. R. M. Swearingen, a register of the Swearingen family, an incomplete account of the experiences of Dr. Swearingen in the Confederate service till the end of the year 1862 written by himself, and some notes furnished by his sister, Mrs. H. M. Kirby.

<sup>2</sup>In John Bennet's *Barnaby Lee*, which first appeared as a serial in *St. Nicholas* and was afterwards issued in book form by the Century Company, Gerret van Sweringen is one of the most important characters. How faithful the portrait of him there may be, it would be difficult to judge; but it is in some respects at least well drawn.

the rest of the year. The next fall he went to the New Orleans Medical College, where he attended lectures during the session 1859-1860. His return to the same institution for another year's work was prevented by the excitement then prevailing throughout the South over the prospect of secession. This movement he opposed as effectively as he could; but when the ordinance was adopted by the people of Texas he felt it his duty to go with his state.

Young Swearingen volunteered in response to the first call for Texas troops. February 28, 1861, he joined Captain Ed. Waller's company at Galveston and was sent to Brownsville. After remaining there six months, during two of which he lay ill with a fever, he was discharged and returned to Chappell Hill. He had been back only a short time, when he received a commission to raise a company; but while he was engaged in the effort he learned that his younger brother, who was with the Confederate troops at Cumberland Gap, was sick and needing attention. On hearing the news, he went thither at once, enlisted as a substitute for his brother, and sent him home.

The day after his arrival in camp, his company was sent on a scouting expedition into the edge of Tennessee; and, though he was at the time quite ill with pneumonia, he went along. At evening the second day, the company reached Sneedville, Tennessee, and the surgeon ordered Swearingen to seek shelter for himself. He went to the hotel, but found its accommodations already exhausted. He then went out into the village to look for quarters at a private residence. Attracted by the sound of a piano, he entered the house whence it came, and was heartily welcomed and given the attention he was needing. The home into which the young soldier had wandered was that of Mr. Lea Jessee. He remained there a month, during which time he was nursed back to health and strength by Miss Jennie Jessee, the daughter of his host; and the romance culminated in their marriage in the fall of 1864.

Shortly after Swearingen had relieved his brother, the Tennessee company which he had joined was reorganized, and he was elected first lieutenant. His fitness for promotion was soon tested. In the summer of 1862 his battalion was sent on a scouting expedition in the neighborhood of Cumberland Gap, and he

was put in command of the advanced guard, a detachment only six in number. On June 12, as he was riding along with his little party, he found the way blocked by a handful of Federals. He opened fire on them, but immediately he observed a large body of troops hurrying to cut him off from his battalion, then some distance further back on the road he had come. He gave the order to retreat, and he and his men dashed off at full gallop. As they passed they received the fire of a whole regiment which had halted in line parallel to the road and within twenty paces, and they had to ride six hundred yards before they reached shelter. Lieutenant Swearingen's horse was shot and brought to his knees, but regained his feet and carried his rider out of danger. In spite of the concentrated fire, only one man of the party was struck, and he was not killed.

During the fall of 1862, when the Confederate forces under General Bragg advanced into Kentucky, Lieutenant Swearingen's brigade participated in the movement, and he had his full share of marching and fighting. A brief and general account of his experiences during that campaign written by himself many years afterward, but with such characteristic modesty as evidently to conceal much that one would like to know, gives, when read between the lines, a vivid impression of what peril and suffering he must have had to undergo. He did not, however, participate in the battle of Perryville, for the reason that his brigade was engaged at the time with a division on the left of Buell's main army, and some ten or fifteen miles away.

On December 15, 1862, Lieutenant Swearingen was promoted to the captaincy of his company. Soon afterwards he took part in the battle of Murfreesboro. The night before the battle he was very ill—so ill, indeed, that the officers of his company concealed from him orders that had been received to march during the night, and the whole body stole away in the early morning without notifying him. When the fighting began, however, he made his way first to a hospital where the wounded were receiving attention and where he gave such help as he could, and then to the field. On the second day of the battle he succeeded in finding his company once more. That day, in obedience to orders from General Hardee, he led a detail of thirty men in a perilous charge to ascertain the exact loca-



tion and strength of a body of Federal troops stationed in a clump of trees a half mile in front of the Confederate left wing, which he accomplished to Hardee's entire satisfaction.

Captain Swearingen's narrative covers only a few days subsequent to the battle of Murfreesboro, and for a detailed account of the rest of his war experiences I have no materials available. Suffice it to say that he was with Joseph E. Johnston in the retreat through Georgia, and later in North Carolina, and that he remained in service till the war was over.

On one occasion during the course of the operations in which Captain Swearingen's company was engaged in East Tennessee, as it approached Hume's Ferry on the Tennessee River above the town of Loudon, information was received to the effect that a band of bushwhackers was in waiting to contest the passage. The company had to cross by a ford which was about one hundred and fifty yards wide, where the current was swift, and the extreme depth of the water was from four to five feet. The bushwhackers were known to be good shots, and the bank towards which the crossing must be made, and where they were supposed to be concealed, was steep and heavily timbered and an excellent place for a force to lie in ambuscade. The danger of the crossing was evident; and, when the company reached the ford, Captain Swearingen called for volunteers to lead the way and draw the fire of the enemy, but none responded. Thereupon he gave some directions to his first lieutenant,<sup>1</sup> bade his men goodbye, turned his horse, and rode into the stream alone. In a moment or two, hearing a great noise behind him, he looked back and found the whole company was following. It proved that the alarm was false, and that there was no enemy in wait; but this happy issue of the affair had been foreseen neither by Captain Swearingen nor by his men, and it was none the less a supreme test of his soldierly manhood, as well as of their own.

September 12, 1864, Captain Swearingen was married to Miss Jessee. Ten days later he was captured at the home of her father in Sneedville by a party of bushwhackers. He was kept a prisoner

<sup>1</sup>This was S. M. Inman, afterwards a member of the well-known firm of S. M. Inman & Co., of Atlanta, Georgia. Mr. Inman is yet living, and this account is based mainly on letters written by himself.

in their camp for weeks, with the prospect of death before him unless he could procure a money ransom. His wife meanwhile sought to effect his release by exchanging for him some of the bushwhackers who had been captured by the Confederate troops. Accompanied only by her little brother, she undertook toilsome and perilous journeys on foot to the Confederate camp in order to get assistance from the officers in accomplishing her object. Twice she reached the spot where the camp had been located, only to learn that it was moved. Finally she went to her husband himself, but after a short interview she was forced to leave him in the hands of his captors.<sup>1</sup> Every means of saving his life had now apparently been exhausted, and the day for his execution was appointed; but it may have been that this was intended only as the final test of the resources of his friends. At any rate, the captain of the gang, who was under strong personal obligations to Mr. Jessee, instead of carrying out the sentence, himself escorted Captain Swearingen safely to the home of his wife.

When the war was over, after a little exciting experience as a schoolteacher in West Virginia, Captain Swearingen returned to his old home at Chappell Hill, Texas. Taking up again the thread of his normal life where it had been broken off in 1860, he resumed his work at the New Orleans Medical College and finished his course there in 1867.

The professional knowledge and skill of the young physician were immediately put to the test by one of those calls which he was always quick to heed for their employment in the service of humanity. The occasion referred to was the spread of yellow fever through southeast Texas in the summer of 1867. On the outbreak of the disease in Chappell Hill, Dr. Swearingen at once threw himself into the struggle against it with exhaustless courage and energy. He and his wife and their baby daughter were all stricken with the fever, and the little one died, but the father and mother recovered.

Eleven years later Dr. Swearingen answered an appeal for like humanitarian service in another state. Meanwhile—in 1875—he

<sup>1</sup>Whether anything was done to raise the money needed for a ransom the available accounts do not show. Under the circumstances, that was doubtless impossible.

had moved to Austin. In the fall of 1878, when the yellow fever was raging in Memphis and in Holly Springs, Mississippi, and there was a call for medical assistance, he immediately volunteered, and with him went another physician from Austin, Dr. T. D. Manning. Because the necessity of Holly Springs seemed greatest, they went there. In seventeen days from the time they left home, Dr. Manning died of the fever, but Dr. Swearingen continued at his post until the plague was over. What feelings towards him this inspired among the people of Holly Springs may be inferred from the expression of the local paper of the town, which said that, while not intending to single out as pre-eminent for service and self-sacrifice any one among those who had come to the help of the town, "a common sense of justice impels us to give to the world the name of Dr. R. M. Swearingen, who for measureless energy and conspicuous devotion to his sick is *facile princeps*."

One result of the epidemic of 1878 was the appointment by President Hayes, in pursuance of action taken by Congress, of a commission of nine experts to investigate and report on the subject of epidemics. Dr. Swearingen was a member of this commission. The outcome of its report was the creation of the National Board of Health, which was later merged in the Marine Hospital Bureau.

In 1881 Dr. Swearingen was appointed state health officer of Texas, and with the exception of the four years 1887-1891 he held the position till his death. In the discharge of his official duties, his courage, tact, and patience were often severely tested, but he was always equal to the emergency. In spite of the fact that he frequently had to resist the popular impulse, he attracted and held popular commendation with rare success.

Not the least of Dr. Swearingen's public services was his activity in organizing the public schools of the city of Austin. He was for many years an active and efficient member of the board of public school trustees, being for most of the time its president.

Dr. Swearingen died of Bright's disease, August 9, 1898. He had been for years a sufferer from this malady; but, knowing its nature as he did, he had been able to keep it in check. In his anxiety, however, to guard the interests of the state during the

epidemic of yellow fever in 1897, he neglected his own health and thus shortened his life.

Though the subject lends itself to such treatment, this is no eulogy. It is intended rather as a plain, uncolored account of a life which the writer believes to be a genuine historical influence. Because he so believes, he has undertaken to prepare this brief sketch, doing it in the hope that it may assist some reader the better to understand the generation which was at once the mold, and also bears the permanent impress of that life.



EXPLANATION TO THE PUBLIC CONCERNING THE AFFAIRS OF TEXAS, BY CITIZEN STEPHEN F. AUSTIN.

Translation.

ETHEL ZIVLEY RATHER.

Political disturbances always offer pretexts for absurd and false rumors. Thus, during the past year the newspapers have given us the most alarming impressions, founded only upon hearsay or upon the false or imperfect understanding of facts in whose interpretation *appearances* only have been considered, without a previous examination of their true character and significance.

Such are the rumors spread abroad during the course of two years to the effect that the people of Texas have attempted and desire separation from the Mexican republic, that they have disobeyed the government, that they do not wish to be law-abiding, and other imputations with whose falsity the supreme government of the na-

<sup>1</sup>This article is a translation of a pamphlet issued from the press of Cornelio C. Sebring in Mexico in 1835. It was dated by Austin, January 18, 1835, and consists of thirty-two octavo pages. It is chiefly valuable for the light that it throws upon the attitude of Texas toward the Mexican republic, on the one hand, and, on the other, toward the question of separation from Coahuila; for we may assume that Austin understood the prevailing sentiment in Texas and represented it honestly.

In translating the document the aim has been to render it into as good English as possible without departing too far from the literal expression of the original. This expression, however, is elliptical and involved, and hence many difficulties have arisen in the translation. In cases of doubt effort has been made to preserve the thought rather than the form. The punctuation and capitalization of the document have in some instances been departed from, in order to comply with modern English standards. The paragraphing, except in the concluding parts of the letters given as appendices, and the italicising of English words, however, are the same as in the original.

Acknowledgments are due to Miss Lilia M. Casts, Dr. George P. Garrison, and Dr. Herbert E. Bolton for various helpful suggestions and corrections.—ETHEL ZIVLEY RATHER.

tion and that of the state of Coahuila and Texas are well acquainted. But the public, which has not had the requisite information, can not understand the origin of these calumnies or the appearances from which they have emanated; consequently, it is an act of justice, demanded by the circumstances, that it should be explained to the people, as well for their own satisfaction—since the Mexican populace has the right to be correctly informed concerning everything that bears relation to the common interest—as for the vindication of the worthy people of Texas, who, perhaps, on account of such rumors, have suffered unjustly in the good opinion of their fellow-citizens, which they deserve and ought to enjoy, as Mexicans who have never deviated in the slightest from their obligations.

For the proper understanding of the affairs of Texas a glance is necessary at the geographical and political situation of the country, at the character and occupations of its inhabitants, and at its productions, in order, in view of these premises, to answer the fundamental question, *What are the true interests of Texas?*

That district was a distinct and separate province under the Spanish government, and, as such, it was a participant in the war for independence, was represented in the constituent congress, and was provisionally united to Coahuila by the law of May 7, 1824, to form the state of Coahuila and Texas. It is exclusively agricultural, its inhabitants are tillers of the soil, and possess the virtues of industry, strength of character, regular habits, and ardent love of liberty and of prompt and wholesome administration of justice, which usually animate this important class in all enlightened countries. With their arms they have conquered those lands, warring incessantly against the savage Indians; with their plows they have made the desert disappear; and they are habitually enterprising.

The chief products of Texas are cotton, corn, beans, indigo, tobacco, garden vegetables, lard, cheese, butter, and all kinds of stock known in the republic. Its rivers and creeks afford abundant facilities for the establishment of mills and factories. The climate is hot in summer and cold in winter; it is unhealthful on the rivers and along the coast of the Gulf of Mexico, which borders Texas from the Sabine river to the Nueces. There are ports adequate to accommodate, and abundant timber for the construction of, medium sized vessels.

Every one who has any knowledge in regard to the commerce of Texas must know that the Mexican markets are the best in the world for the products of Texas. Ginned cotton is worth seven or eight *pesos*<sup>1</sup> an *arroba*<sup>2</sup> in Mexico, Puebla, San Luis, etc., while in the United States of America and in Europe it is worth from two to four *pesos*. Corn in the ports of Matamoros, Tampico, Vera Cruz, and Campeche is worth from four to six *pesos a fanego*,<sup>3</sup> and in Texas it is worth from six *reales*<sup>4</sup> to one *peso*, and almost the same in New Orleans; in the Mexican ports lard is worth from one to two *reales* a pound, while in New Orleans and other parts of the North [North America] it is worth a half *real* at best, and the same proportion holds true with reference to all the products of Texas.

In regard to exportation to foreign countries, it is very evident that it can be carried on under the Mexican flag as easily as under that of any other nation whatever. The Texans would receive from foreigners merchandize in exchange for their products, while from their Mexican fellow-citizens they receive gold and silver.

The farmers of Texas believe that in agricultural products they can compete with the landowners and agriculturists of the southern part of the republic on the coast of the Gulf of Mexico, because the habits of the Texans and their practical experience in the different branches of agriculture ought, for many years at least, to offset the advantage that the others have in the natural fertility of lands, the mildness of climate, and the nearness to market. Consequently they think that they can, in general, sell their products in the ports of the Gulf at a lower price than those of the same grade from the *haciendas*<sup>5</sup> of other districts are sold.

From this competition will always result a national benefit, since it will greatly hasten the advancement and the true aggrandizement

<sup>1</sup>That is, Mexican dollars. By an act of Congress, approved June 25, 1834, the Mexican dollar was made legal tender at its face value in the United States (Dunbar, *Laws of the United States Relating to Currency, Finance, and Banking from 1789 to 1896*).

<sup>2</sup>The *arroba* is a measure of weight equivalent to twenty-five pounds.

<sup>3</sup>The *fanego* is a measure of capacity equivalent to about fifty-five liters.

<sup>4</sup>The *real* is one-eighth of a *peso*.

<sup>5</sup>This might be freely translated, *country estates*.

and independence of the republic, for it will increase industry and agriculture in all sections, particularly as to those products adapted for export.

At the present time the exports of the republic are reduced to little more than gold and silver, whence it follows that the Mexicans are the miners for other nations. Let such a state of affairs change; let the imports be paid for with agricultural products such as sugar, cotton, indigo, cocoa, etc.; let mining unite with flourishing agriculture, and in a few years Mexico will present an interesting picture of wealth and prosperity hitherto unknown to the world.

Commerce by land from the ports of Texas to the interior of the republic presents advantages almost equal to the coast trade, since that country is level and very well adapted for highways to Monclova and the other towns of Coahuila, to El Paso del Norte in the state of Chihuahua, and to New Mexico. It is worthy of note that every year about two million *pesos*' worth of merchandise enters New Mexico and Chihuahua from Missouri across more than four hundred leagues of desert. This commerce from Missouri is entirely outside the course which the geographical situation of the country and nature itself has marked out; the ports of Texas were evidently designed for it. There is no difficulty in opening highways from Texas to the state of Chihuahua and to New Mexico, whose length would not be half the actual distance over which merchandize from Missouri is now transported, and they would pass throughout their whole extent within Mexican territory by the way of the interior of Texas, which can be settled and would afford abundant means for facilitating the transportation. The work of opening these roads is certainly of the greatest importance, since it would change the course of the commerce that now comes from Missouri from that foreign country to the Mexican ports of Texas, and consequently all the advantages from the payments for freight and transportation would pass from the freighters of Missouri to Mexican citizens; it would increase the income of the maritime custom-houses; it would distribute merchandize to the inhabitants of the interior at less cost than [if brought by the other route] from Missouri, on account of the reduction of the distance and of the expenses of transportation; it would attract settlers to the vast uninhabited districts of the interior, because of the advantage of establishing



themselves along the road or near it, and thus without cost to the government would subdue the savage Indians who now are desolating the frontiers of Chihuahua; it would form a new and very strong chain to draw closer the union of Texas with the interior states of the republic, identifying their interests by means of a commercial intercourse, intimate, direct, and of mutual advantage; finally it would change the isolated and solitary position that Texas now occupies, bringing it into contact, through facility of transportation, with the most remote states of the interior. To establish these roads has been one of the favorite projects of the citizen Austin, who has labored with enthusiasm for the advancement of this, his adopted country; but it is a great enterprise and beyond the common routine of slow progress, and consequently it needs the support of the general and state governments, and their favor in the concession of certain privileges and special advantages.

The federal system has as its foundation the general and individual happiness; and the distinct parts of a society thus constituted are cemented, to form the national unity, by private interest and advantage working in harmony with the common welfare. Applying these principles to Texas, it is evident that instead of there being any antagonism between its own welfare as a state of the Mexican federation, and the common interests of the national unity, the pecuniary as well as all other interests of Texas bind more closely its union to the Mexican republic and must be better promoted with Texas as a part of Mexico than as a part of any other nation whatever.

Without further extending this general view, and in order not to weary the reader, these premises are sufficient in reason and sound politics to answer the important question, *What are the interests of Texas?*

The Texans are persuaded that these interests demand for them a local government as a state of the Mexican federation, and that, as such, the very nature of things will strengthen more and more the union of the state with the republic. It would not be strange if the landowners<sup>1</sup> should desire the separation of Texas from Mexico to prevent competition in agricultural articles; but it would be so if

<sup>1</sup>That is, the landowners of southern Mexico.

the Texans should seek it only to lose the best market for their products.

But it will be asked, Whence have arisen so many rumors concerning the separation of Texas from the Mexican republic? How is it that the public has been deceived by such erroneous and false impressions concerning this point? Why was the citizen Stephen Austin, agent and commissioner of the people of Texas to the supreme government of the *fédération*, imprisoned and kept almost a year in the dungeons of Mexico?

A satisfactory reply to these questions will be found in a brief review of the political occurrences in that country in recent years. From an examination of these events the impartial man can not fail to be convinced that all the equivocations and false rumors that have appeared in the newspapers have arisen solely from having inferred positive facts and definite results from superficial *appearances* of things, without the thorough knowledge of them, obtained by previous analysis, so necessary to clarify the truth and to secure the practical and genuine demonstration which justice, patriotism, national honor, and the true interests of the country demand. Finally, by sounding the intentions of the inhabitants of Texas, bearing in mind the circumstances, an impartial and just judgment concerning the matter will be formed.

In the year 1821 Texas was scantily populated by civilized people, but was full of savage and roving Indians; since of the first there were only the old villas of Béjar and Bahía del Espíritu Santo, whose united population at the time did not exceed three thousand five hundred inhabitants.

In this year was begun the settlement of those deserts by means of foreign colonists whom the *empresario* Stephen Austin brought to the country under the authority which, previous to the change of government, had been conceded to his father. Protected by the liberal system which was the outgrowth of independence, Texas continued its progress until in 1830 the growth of population and the consequent social needs began to involve grave inconvenience on account of the bad organization of the local government.

The system established for the local administration of Texas by the government of Coahuila and Texas, although perhaps the best that the circumstances permitted in 1825, when it was organized,

was never adequate, and, as the country became settled, grew to be unbearable. In all Texas there was not one justice of the peace, and the *alcaldes*, in all important civil and criminal affairs, had to consult with the assessor of the capital of the state, two hundred and fifty or three hundred leagues distant.

In the year 1832 the evils which grew out of this situation became so extreme that the *ayuntamientos* earnestly petitioned the legislature of the state, begging for adequate reforms in all branches of public administration. The *ayuntamiento* of Béjar, on the 19th of December, 1832, gave a long enumeration of these evils. It should be observed that this town is the old capital of Texas, that its population is composed entirely of native Mexicans, and that its memorial was adopted by the people in mass meeting. Speaking of the administration of justice, this memorial says: "In the judicial department there has never been the proper organization, and it may be said with well founded reason that in this branch there is not, nor has there been, any government in Texas."

The same memorial, referring to the anti-constitutional and inadequate laws that were passed by the state legislature when the capital was in Saltillo, says: "The people of Texas could have declared themselves in a state of nature and proceeded at once to the organization of a government of their own adequate to their needs and local conditions, and their not having done so, though possessing the right, is and ought to be a satisfactory and conclusive reply to the accusations and calumnies with which certain enemies of Texas have attempted to deceive the Mexican people, scattering vague and false rumors against the colonists and other inhabitants of this country."

This memorial concludes its argumentative part in these terms: "The grievous situation of this valuable portion of the republic, and the only hopes of remedy that remain are finally demonstrated. Your Honor, persuaded of the importance of this petition and of the necessity for it, will surely appreciate the sincere and frank language with which this body has explained itself in the name of the sentiments that animate this vicinity, which, openly and without thinking even remotely that under any aspect there is a question of disavowing the dear and priceless name of Mexican which it possesses, begs your Honor will do it the justice

of believing that the motive of this memorial, besides its evident right, is to avoid the most extremely irreparable consequences, which, perhaps, are already showing themselves and will be very difficult to remedy in the deplorable event of not heeding its demands. Heaven endow your Honor with foresight and due justice to examine impartially this interesting subject!"

The memorial of the villa of Bahía del Espíritu Santo (now called Goliad), also an old Mexican settlement, is even more energetic than that of Béjar. All the *ayuntamientos* of Texas drew up similar memorials.

What has been set forth on this point is sufficient to show to the public that the evils from which Texas was suffering at that time were of the greatest gravity, and that all the discontent there resulted from the absolute lack of adequate local government and *from no other cause*.

In the summer of the year of 1832 the principles of the plan of Vera Cruz obtained a foothold in Texas. In June a portion of the people pronounced in its favor, and in July and August all Texas. The military detachments also adhered to the aforesaid plan, and set out by sea and land to join the liberal forces at that time. During these events there were some collisions between the military and the inhabitants, as was the case in all part of the republic and as very naturally would happen in time of a national revolution. Persons who either did not understand these events or desired to misinterpret them limited themselves solely to *appearances* and to the material fact of the collisions, without analyzing the causes or the principles that influenced the inhabitants who were calumniously charged, because of false impressions, with the design of separating themselves from the Mexican republic.

The memorials to the state legislature in December did not have the desired results. Things were going from bad to worse. Savage Indians were menacing the whole frontier. A general conflagration was compassing the entire republic, and the Texans could see nothing except a direful future. If those people under circumstances so critical and alarming had *in fact* declared their separation from Coahuila seeking relief and order in their own resources, taking the place wished for in the Mexican federation, it is probable at least that impartial men would have given their approbation on principles of necessity and self-preservation. They



did not do it, nor did they attempt it. What they did was to come together peaceably in conventions, by means of delegates chosen by popular vote, in order to present their needs to the general Mexican government and to seek timely remedies.

Through the newspapers this step of calling the convention has been attacked. In "*La Razon y la Ley*," published in Saltillo, it was denominated as anticonstitutional, unknown to the laws, and revolutionary. If it would not seem burlesque irony it might be asked of the editors of this periodical whether the *pronunciamientos*, including that of Saltillo itself of the past year, are not revolutionary, and whether they are constitutional, and known to the laws. The object that the *pronunciamientos* have had has been to change the government with arms in hand, to establish some law or authority, or to seek reforms by force. Would to heaven all *pronunciamientos* that have been and shall be were exactly like that of the Texas convention! No force was employed. Popular elections were held to name agents and commissioners. And for what purpose? In order respectfully and in a fitting and peaceable manner to *present* to the general government the needs of the people.

This is indeed a right of petition which belongs to every free people and is an essential part of the republican system, because it is born of the fundamental principle *that the will of the people forms the safest standard to guide the deliberations of public agents, and that this will ought to be expressed in the simplest and most direct manner, not by means of insurrections, clash of arms, threats, nor with lack of respect.*

The convention was held in the town of Austin, a central point, on April 1, 1833. The people of Texas were there represented by fifty commissioners or delegates. Memorials directed to the general government were drawn up, among them one soliciting the erection of Texas into a state of the Mexican federation separate from Coahuila; and citizen Stephen Austin was chosen as commissioner or agent of Texas to carry them up to the supreme government and to urge action concerning them in the capital of the republic. These specific and sole purposes of the convention accomplished, it was dissolved and its members withdrew to their homes.

It is important to bear in mind the basis upon which Texas

founded its claim to become a state. It has already been seen that it is to the interests of Texas to bind closer its union to Mexico, and that the only cause of the discontent, as well as of the desire of its inhabitants to make of their country a state of this republic, separate from Coahuila, is the lack of local government and the consequent danger of internal anarchy and of war with savage Indians. The means adopted was that of assembling a convention to present memorials, because this was most in harmony with republican institutions and was the best that the circumstances permitted.

Concerning the necessity of making Texas a state and the important advantages that would result to the republic in general and to Coahuila and the neighboring states in particular, there was no difference of opinion among the people; because they understood that country, as a part of Coahuila, to be rather an appendix to the Mexican republic than anything else, but as a state of the federation it would form an essential and integral portion of the body social of the nation, and consequently its union would be as much more binding and intimate as in the whole of a thing that of the parts that constitute it in a material sense is [closer than the union of an appendix to the whole]. The Texans, therefore, desiring and striving for their separation from Coahuila and the erection of Texas into a separate state, believed that they were acting as faithful Mexican citizens who understood their duties and aspired to fulfill them, and as honorable men who were seeking their individual welfare and happiness.

The memorial of the convention is extensive. It contains a minute exposition of the deplorable situation of that country as regards its internal affairs; of the evils which it was suffering, and of those that were threatening it; of the general and particular advantages that would result from the formation of a state; and it considers the question from the standpoint of policy. It makes no charges or accusations against Coahuila for failures in its intentions, or for bad faith in regard to Texas; on the contrary, it attributes to it the merit of having desired to serve the interests of Texas in general. But it shows that this is impossible through the very nature of things, the difference in situation, climate, products, occupations, character of inhabitants, the distance which separates one people from the other, and the consequent difficulty

about the needs of Texas being understood by the legislatures and governments of the state with that definiteness so indispensable for proper and adequate legislation, and especially by a legislative body three-fourths of whose members are from Coahuila.

This has not been a matter of private quarrels and hatred between Texas and Coahuila—nothing of the kind; it is a question of sound policy, of reason, of impartial justice, and of public and private convenience. The following recapitulation presents in summary the principal basis upon which the convention rested its memorial.<sup>1</sup>

1st. The *provisional* union of Texas and Coahuila and the right that was guaranteed to the first by the law of May 7, 1824, to dissolve this *provisional* union when it should have the requisite elements to figure as a state by itself.

2nd. Texas possesses elements sufficient for this, its inhabitants desire it, and its situation, isolated and removed from the inhabited portion of Coahuila, requires it; because it is separated by an unpopulated district of one hundred leagues, to cross which is always dangerous, on account of savage Indians, and at times impossible because of swollen rivers and creeks.

3rd. Texas has a natural right to organize itself as a state and to take this rank at the side of the other states, because it was at the time of independence a distinct province which effectively contributed with its blood and its resources to the common cause of the country; and because it has at all times upheld the national rights in that remote portion of the Mexican territory which it has conquered from savage Indians, causing by its own efforts the unpopulated wastes to disappear, and which it has defended against all kinds of enemies. This natural right was recognized, and it was in no manner abrogated or weakened by the union of Texas and Coahuila; for the aforesaid law of May 7, 1824, gives to this union a *provisional* character, leaving to the Texans the decision as to when it should cease. These are the terms of the law: "Coahuila and Texas shall form a state, but as soon as the latter shall be in a position to figure as a state by

<sup>1</sup>In the translation of this summary it has been thought best to preserve the form of the original, which for some of its heads has complete propositions and for others abbreviated expressions or phrases.

itself it shall notify the general congress for its decision in the matter."

4th. Texas has the right, as its interest requires, to cement and secure its permanent union with the Mexican federation, which it can accomplish only as an integral part of the body social, and not as a mere appendix.

5th. Likewise the common right that is guaranteed it in the system adopted by the Mexican republic of promoting its welfare and internal tranquility by an adequate organization of a local government.

6th. Also the right and the natural duty that belongs to every people of saving itself from anarchy and ruin on the principle of self-preservation.

This extract is sufficient to show the principles upon which the convention rested in asking the general congress to admit Texas as a state into the Mexican federation.

Since the chief object of this explanation is to throw light upon the conduct of the inhabitants of Texas by a frank and brief statement of the purposes that guided them and the motives that influenced them, it is necessary to examine here the views published by some relative to the interpretation that the Texas convention gave to the above-mentioned law of May 7, 1824, which interpretation they characterized as revolutionary. Observe that it is not intended to reply to any periodical in particular, but to all in general.

The constituent act, decreed on January 31, 1824, established the state of the East, composed of the provinces of Coahuila, Nuevo Leon, and Texas; that of the North, composed of Chihuahua, Durango, and New Mexico; and that of the West, of Sonora and Sinaloa. This organization was afterward changed by decrees of the constituent congress; that of the 7th of May, 1824 established the states of Nuevo Leon and Coahuila and Texas; and by other decrees the state of the North was divided, leaving united only Sonora with Sinaloa and Coahuila with Texas.

It must be borne in mind that when the state of Sonora and Sinaloa was established there was expressed in the decree no condition or proviso that would give to that union a temporary or *provisional* character; while in the one relating to Coahuila and Texas there were such conditions, as has been shown by giving the



terms of the decree. It must also be remembered that the delegate from Texas to the constituent congress was opposed to the union with Coahuila, as he informed his constituents, and consented only in consideration of that proviso or reservation to Texas of its rights.

The interpretation, so condemned by some, which the convention gave to this decree of May 7, is very natural. According to this interpretation the decree gave Texas the right to organize as a state by act of the general congress *without having to obtain the approbation of three-fourth of the other states*; otherwise it would have been no more than a ridiculous concession, granting only the privilege of *petitioning* the general congress without previous permission of that number of states; they, as the people of any part whatever of the republic, would have had that privilege, or it may be that right, without the necessity of a special decree.

But it is objected that, by the constitution sanctioned October 4, 1824, subsequent to the decree of May 7, this decree was nullified, and that, in order to be admitted as a state, Texas was subjected to the conditions and formalities of paragraph 7, article 50 of the constitution. The convention thought that the constitution sanctioned the establishment of the state of Coahuila and Texas, *leaving in force* all the particular guarantees conceded by previous special laws; since it can not be supposed that when the constitution was sanctioned, as a solemn guarantee of acquired rights, it would at once operate to destroy that right which Texas had obtained through a law drawn up by the same constituent legislators. The constitution did not change the *provisional* character that the law of May 7 gave to the union of Coahuila and Texas, especially since Texas consented to the union in confidence that the law asserted its temporary character.

The convention likewise thought that paragraph 7 of article 50 applied to the states whose territory had not previously been divided, such as Mexico, for example, or to those that were composed of two or more ancient provinces whose union was not merely provisional, such as Sonora and Sinaloa, to divide which the aforesaid paragraph 7 must be observed. But, in order to separate Texas from Coahuila, this is not necessary; since evidently it was the intention of the constituent congress that by *right* each should preserve its separate unity, their names being

joined and their governments being united provisionally for convenience until Texas should have the elements for a government by itself.

It seemed to the convention that the object of paragraph 7, referred to above, was to prevent congress itself from surprising the nation with any change in the number or territorial organization of the states, which is avoided in demanding by fundamental law the knowledge and approbation of three-fourths of them. The convention believed that this principle was not applicable to Texas, because the states themselves, through their representatives in the constituent congress, gave a *provisional* character to the union of Texas to Coahuila, with the object, then declared and sanctioned, of admitting it as a state whenever it should have the elements to figure as such. Consequently the other states should not be surprised if Texas constitutes itself a state with only the approbation of the general congress, because this sovereign resolution would be no more than the carrying out and fulfillment of another already sanctioned about eleven years ago, and the perfection of an edifice whose foundations were laid by the Mexican nation represented in the constituent congress.

To claim that the special condition or circumstance of the law of May 7 should have been expressed in the constitution, in order to be considered valid after the sanction of the fundamental law, is to claim that the same provision should be decreed twice. It was necessary that the constitution should include at the time of its publication the number of states that existed on October 4, 1824, because otherwise it would have presented an imperfection.

The argument that the Texans have made relative to this point is founded exactly upon the elementary principles of legislation. Since there was not in the constitution a clause definitely repealing the special law of May 7, it could not be the intention of the framers of the constitution to repeal it; since this must necessarily have been done in express terms. This is the more evident from the objection that the special law is supposed to be annulled because the general law does not contain explicitly the same provision.

But for the principal purpose of this explanation, the vindication of the conduct of the inhabitants of Texas, the matter of chief import here is a question of the construction or interpreta-

tion of a law important to Texans, because they believed that the national as well as their individual interests required that their district be made into a state with the least possible delay. The convention has expressed its opinion on this subject; each citizen has the right to do the same, without, on that account, having imputed to him base intentions of violating the constitution or insulting the government, with the like of which Texas has been slandered upon this point. According to the constitution the only authority competent to pass judgment upon the meaning of the constitution itself or of the special laws is the general congress. To this authority the Texans submitted the question by sending up their memorial; to slander them for only having thought in such a manner concerning a point, which at best is of a nature to admit of controversy, certainly shows a lack of justice and candor of which no impartial Mexican can approve.

Let us now direct attention to subsequent events. For this it is necessary to keep well in mind that at the time of the convention and for many months afterward the situation of Texas, on account of the lack of local government, danger from Indians, and other causes explained above, was so critical that public opinion among the majority showed itself very decidedly in favor of a local organization *in fact*, in case remedies were not provided by the government before the end of 1833.

The commissioner Austin set out from Texas toward the end of April of that year. He went by Matamoros and reported the purposes of his mission and the state of affairs in Texas to the general commandant of the eastern states, Don Vincente Filisola, who was in that place. He then embarked at the Brazo de Santiago for Veracruz and arrived in Mexico, July 18, after having been delayed by a long voyage and by various accidents.

He was very well received by the vice-president and ministers then in power. Without delay he presented the memorials of the convention and set forth the chief purposes of his mission, as well as others, such as the establishment of a weekly mail between Monclova and Nacogdoches (it had previously been every fifteen days), the extension of it to the dividing line of the United States of America at the Sabine River, and the establishment of another route between Matamoros and Goliad; certain reforms in the Texan custom-houses, the payment of presidial companies, and the

circulation of the official newspaper, *The Telegraph*, to the *ayuntamientos* of Texas—all very necessary measures for binding closer the connection of those distant countries with the rest of the republic.

The citizen Austin, although of a disposition naturally conservative, has had the misfortune of becoming involved in the political affairs of these times of social fluctuations. He has endured almost a year of incarceration in the ex-prisons of the inquisition and others in Mexico, and his name, much to his regret, has figured in the newspapers in connection with the most false and unjust representations. In order to form an impartial judgment in regard to his conduct and intentions, it is necessary to bear in mind what has been said concerning the political status of Texas, and to take into consideration the fact that Austin's attitude was much affected by his position as agent and commissioner for Texas and as a faithful citizen desirous of fulfilling his duties under the peculiar and trying circumstances in which he found himself.

The months of July, August, and September passed without the accomplishment of anything in regard to the affairs of Texas. The civil war toward the close of September and the beginning of October assumed a dubious aspect, and opinion varied concerning the stability of things. The end of the year was approaching, which was the limit of time that public opinion in Texas believed it possible to wait for improvements in the situation before proceeding to a local organization by popular action.

This disagreeable and dangerous outlook could not but arouse in Austin much alarm and make upon him a deep impression. Republican by education, frank to an extreme, with exaggerated ideas, perhaps, in regard to the sacred obligations of a public agent to his constituents; bound to Texas by all local relations resulting from fourteen years of labor as principal in the most important colonization contracts to people it, and to its inhabitants by sufferings, common interests, and mutual friendships; little accustomed to the equivocal manner and language of courts, and anxious to fulfill his obligations as commissioner and citizen; and expecting to see an immediate overthrow of order in Texas, he orally made a very energetic statement of his opinions to the



most excellent vice-president and others concerning the delay in attending to the petitions of Texas.

Unfortunately his arguments were understood in an entirely different sense from that in which he naturally would have spoken and intended and desired to speak; and he was accused of having expressed himself with threats. There have been very false reports in the public papers in regard to this point, charging Austin with having insulted the government. Such charges are the result of having misinterpreted *appearances*; for it seems that this happens by some fatal chance in everything relative to Texas. An explanation of this matter certainly is due to the public and to the commissioner of Texas, in order to enable impartial men, in the light of the circumstances, to form a correct judgment.

Austin said to the government in substance, but, according to his judgment, respectfully, that in his opinion there would be an overthrow of order in Texas at the end of the year if at least some remedies were not applied for the troubles there, because the inhabitants, in their urgent, keen, and extreme distress, had taken the position that, if the government would or could not attend to their needs, they would act for themselves.

Now suppose the fact to have been as Austin represented and believed it to be. As a Mexican citizen and as a commissioner of Texas appointed to represent the truth, was it his duty to state it frankly and openly, or not? Would he have complied with this duty by concealing the dangers with courtly words and deceiving the government with a sense of security in regard to the tranquility of Texas?

The earnest desire and the great concern that Austin felt at that time for the early consummation of these affairs may perhaps have made him overstep, in his manner of expressing himself, the rigid formalities of policy and etiquette, and in spite of the fact that his recollections in the matter absolve him from this fault, which truly is very foreign to his character, it must be assumed that it was so, because, though what he said gave rise to offense and irritation at the time, afterwards when all was calm it produced a different effect through an explanation of his intentions and true object. Impartial men, and even those who made the charges, will form their own opinion; before Austin left Mexico

the most excellent vice-president (as Austin understood) was completely satisfied.

At this time Austin believed that the evils were increasing, and, despairing then of being able to secure the remedies that the people of Texas expected, fearing a popular uprising there, and believing that, in the event that it should really and actually take place, the public interest would be served by having it directed by the civil authorities, he wrote a letter, dated October 2, to the *ayuntamiento* of Béjar, the capital of Texas, whose inhabitants are all Mexicans by birth, recommending, in substance, that it consult with the other *ayuntamientos*, in order that they might place themselves at the head of the popular movement, providing, by way of precaution, a local government under the law of May 7, 1824, *in the event* that the anarchic tendencies came to a head through desperation. Austin wished by these purely preventive means to avoid the fatal and lamentable consequences that would result from a popular outburst.

The letter was discovered. This occurrence has been the only motive for Austin's arrest, extended imprisonment, the judicial proceedings against him, and the unjust charges of some journalists who allowed themselves to be carried away by *appearances* not considered, still less analyzed, and not in the least understood.

Suppose the danger of these popular uprisings in Texas imminent, would it not have been better for the general welfare and for the particular interest of that country that the ancient capital, Béjar, should have taken the wise precaution to forestall the outbreak of public disorder? Undoubtedly it would. And Austin in this conviction recommended it, unconstrained by the consequences to his own person, because to have hesitated would have made him unworthy of the trust that had been conferred upon him.

A short time after having written the letter referred to, everything changed favorably. Perhaps Austin may be blamed for rashness and for having allowed himself to be deceived by *appearances* that incited him to write the letter. This charge, however, can be made only by one who is not thoroughly informed concerning the affairs of Texas at that time, and by one who adjusts his prudent foresight of an event in accordance with its results, paying no heed to its origin or to the unforeseen turns that may

occur. But be that accusation what it may, it will at most amount to an error, and certainly it was one of judgment and nothing more. Austin at least has the consolation of having been himself the victim, and the only victim, of its consequences.

The civil war ended in Guanajuato on October 7, 1833. The houses devoted themselves with energy to the despatch of business, and in that month issued a decree of the greatest importance to Texas and very satisfactory to its inhabitants. Austin did not lose a moment in announcing this happy turn of affairs to the *ayuntamientos* and people of Texas, uttering a grand eulogy upon the attitude of congress, recommending the greatest tranquility and calmness, and himself remaining in Mexico to push on the business of his mission that still remained pending.

On November 5 of the same year the most excellent president general, Don Antonio Lopez de Santa-Anna, convoked a special assembly of ministers, at which Austin was present, to discuss the petition of Texas to be admitted into the federation as a state. After a frank discussion, in which Austin supported the claims of his constituents wherever possible and firmly objected to the idea dropped during the discussion of making Texas a territory, because such were the special and positive instructions of his constituents (see No. I),<sup>1</sup> the government decided that, while not ready to discuss that question with a view to acting then, it was disposed to favor, at the opportune time, the claims of Texas to become a state; that the local administration of Texas should be improved so far as it would depend upon the general government to do it, by assisting the presidial companies, establishing mails etc., and urging the government of the state of Coahuila and Texas to provide for reforms suitable for Texas, particularly the establishment of justices of the peace, trial by jury, and other similar things.

Austin, satisfied with the very friendly disposition of the supreme general government shown in favor of Texas, and content with the remedies he had secured and the recommendations to the government of the state of Coahuila and Texas, suspended for the time his efforts in regard to the demand for the erection of the latter into a state; and, on December 10, he set out with a pass-

<sup>1</sup>Page 255.

port from Mexico to Monclova, the capital of his state, in order to urge before the legislature, which would open its sessions in January, the much desired reforms in the administration of justice, and other measures of local interest to Texas. Before leaving Mexico Austin received from the Minister of Relations, for the satisfaction of his constituents, the letter copied as No. II<sup>1</sup> and placed at the end of this explanation.

Austin arrived at Saltillo, January 3, 1834, and was presented to the general commandant who showed him an order from the most excellent vice-president for his arrest and conveyance to Mexico as a prisoner to answer charges that the government had to make against him, without saying what they were. This order grew out of the discovery of his letter of October 2, which came to the knowledge of the government after his departure from this capital. Upon arriving as a prisoner in Mexico he was placed in the ex-prison of the inquisition, *incomunicado*. An indictment was based upon this letter which has led to so many recriminations that to hear them burst forth, although only through ignorance or bad faith, one would believe that it was the terrible box of Pandora. But the impartial man will judge this letter in view of what has been said concerning it in this explanation, and, for this purpose, an exact copy of it is appended as No. III.<sup>2</sup> The criminal case against Austin has continued almost a year, only a little less than the time his imprisonment lasted; for he obtained his liberty on the 25th of last month. His excellency, the president general, concerned for his<sup>3</sup> vindication, has continually used his high and honorable influence to cut short that useless trial, in so far as the independence of the judiciary has permitted it, after having had the goodness, as soon as he assumed the supreme government, to relieve Austin from his status as *incomunicado* and to ameliorate his confinement. The consideration of his excellency for Austin honors the latter more than any accusations or calumnies whatever that may appear can injure him.

This sketch of the chief facts relative to Texas and of the principles that have been at work in these events is sufficient for the

<sup>1</sup>Pages 255-256.

<sup>2</sup>Pages 256-257.

<sup>3</sup>That is, Austin's.



public to pass judgment upon them. It is evident that the inhabitants of Texas have not deviated in the slightest from their duties as Mexican citizens. On the contrary, though desiring the reforms necessary for their individual welfare and happiness, they have not lost sight of the general prosperity and well-being of the nation to which they belong.

In regard to Austin, public opinion will pass judgment upon his conduct, in so far as it may be conceded that a tribunal, as inexorable as it is honorable, should occupy itself with an individual. Brought to Texas by an enterprising spirit, Austin left his native country, the United States of America, where he was and is yet respected. He became naturalized here. He has labored, to the best of his ability, to plant new colonies and to serve humanity<sup>1</sup> and his adopted country. He has offered services that have deserved the thanks of the general government and of the state of Coahuila and Texas, especially at the time of the administration of the worthy general, Victoria. The agent of an honorable people, determined, and of a character resolute in upholding their rights, or what they believe to be such, he had to work constantly and courageously, as the commissioner of such constituents, at the affairs that were entrusted to him in accordance with his instructions. He did so, and if in this he committed an imprudence, he believes that it is much less serious than to have erred in the direction of weakness and negligence.

The principles of local reforms that have animated the Texans were and are certainly sound; nevertheless, the excitement among them, on account of the imprisonment of their commissioner, might have produced mischievous results. He attempting to prevent this as opportunely as possible and before being confined *incomunicado* in his dungeon—shame to the republic—wrote to his constituents charging them, and begging his personal friends, to act with moderation, and censuring in very strong terms any sort of excitement, giving them to understand also that his return to Mexico was necessary in order to vindicate his honor and good name, and that they should have no fear of the result. And what is more, in his letters he even exonerated the government from blame

<sup>1</sup>Literally, to serve philanthropy, *servir á la filantropía*.

in regard to the sentence for his imprisonment. Such was his determination to avoid any disagreeable consequence that might occur; and in truth the communications of Austin had the desired effect, for his constituents yielded to his counsels and suggestions. Let this conduct attest his good faith.

Perhaps it will be asked, Why did Austin not inform the general government of his letter of October 2 at the time when he wrote it or before leaving Mexico in the month of December, if his intentions were so good? Austin might have done so certainly; but his doing otherwise does not belie his good faith; rather the sincerity itself with which the letter was written clears him of the charge. And this sincerity and his good intentions are corroborated by the fact that the author of the letter remained in Mexico two months after writing it, urging reforms, and that he returned to Texas by the principal road to Monclova, the capital of the state and the residence of the authorities of Coahuila and Texas.

But would it have been prudent that Austin should make another representation to Señor Farías concerning the deplorable consequences that were impending on account of the evils that Texas suffered, when his excellency had been so disturbed upon another occasion, through having interpreted Austin's frankness in a sense contrary to that in which he wished to express himself? The measure that he proposed in his letter was *directed* toward escaping *from anarchy and total ruin*; the object being, of course, since *it was difficult to form any idea of the result of the civil war*, that Texas should not become involved in it. If, then, the letter referred to a case which, although it was very probable from the political situation and by the coincidence of certain circumstances that it would happen, yet might not take place—as indeed it did not through the providence of heaven—it was undoubtedly useless to trouble his excellency, already well on his guard, about a future contingency.

Austin was so far from believing that he had committed any fault that, as has been shown, he remained in Mexico two months, after having written the letter of October 2, furthering the interests of Texas in whatever manner it was possible. And when, thanks to his efforts, he obtained the repeal of article 11 of the law of April 6, 1830, he, by his communication during the same month of October in which he figured so conspicuously, and before

this happy outcome had been published, contradicted and took back all the ideas expressed in the first letter, as the reading of that communication, a copy of which is given here as No. IV<sup>1</sup>, will show.

If Austin had not been thoroughly possessed with enthusiasm for the prosperity of this country of his, instead of having undertaken the toilsome and costly journey from Texas to Mexico, all at his own expense, instead of laboring with ceaseless zeal and earnestness for the happiness of Texas, separated from his family and suffering the inconveniences and annoyances that these efforts involved, especially those at the court, he would have remained at home, letting things go from bad to worse, as they would have done in the natural course of events, without running the risk of becoming involved in the political labyrinth.

The man of honor who works with a clear conscience convinced of the uprightness of his intentions rests in his good faith and scorns the interpretations of malice or suspicion. For he will always find a guarantee in the laws or in the opinion of men of impartial judgment who examine things to the bottom, and not superficially or according to their *appearances*. Such is the guarantee in which the slandered people of Texas and their commissioner trust for a just judgment that shall decide whether either the one or the other has merited the accusations and calumnies with which they have been reproached.

For greater clearness in these matters—this has been the cause of some diffuseness in this explanation, which the reader will please pardon—it is necessary to observe that, in the end, public order in Texas was not and is not being upset; that the legislature of Coahuila and Texas of 1834, adopting the suggestions of the supreme general government of 1833 made at Austin's instigation, and heeding the just claims of the Texans, has improved the laws and the local administration of that country. With these reforms even the efforts toward separation from Coahuila have entirely ceased, and the inhabitants of Texas are quiet, devoting themselves to the cultivation of their lands, to the development of their country and their individual progress, through the exportation of

<sup>1</sup>Page 257.

agricultural products, and to the pleasures of domestic life, unmindful of insurrections, political upheavals, or revolutions.

Mexico, January 18, 1835.

No. I.

*Extract from the instructions of the convention of Texas to the commissioner Austin.*

"It may perhaps happen that the general congress would prefer a territorial government, believing it to be more adaptable to the circumstances of Texas. Upon this point the convention desires that you understand explicitly that a territorial government is not the object of our petition, that the country will not be satisfied with it, and in the change to it no more will be accomplished than passing from one evil to another, leaving future experience and future sufferings on the part of Texas to prove which of the two evils is the more fatal to its prosperity. You ought, therefore, to resist, respectfully but firmly, anything that tends to impose upon us a form of territorial government."

Taken from the original. Mexico, January 18, 1835.

Austin.

No. II.

Chief office of the Secretary of State,

Department of the Interior.

The petition that the colonists of Texas addressed to the general congress for the formation of that portion of the Mexican territory into a state absolutely independent of that of Coahuila was referred to the Chamber of Deputies on August 21, last, attention being called to the importance of the matter and the desirability of prompt consideration thereof. Thus you have been informed in this office, and you have been advised of the measures that the government has taken in regard to that colony. One, among others, has been to urge the government of the state to secure for the colonists all the privileges of which they are worthy as Mexican citizens, in civil as well as in criminal affairs. To this end were indicated the measures that ought to be put into execution for the most undeviating and suitable administration of justice in each branch. One method was the establishment of juries, wholly in conformity with the petition of the colonists themselves, without the government's being able to do anything



else, because that was not within the scope of its authority. In regard to congress, you are already informed of the law that it has seen fit to pass, repealing the 11th article of the law of April 6, 1830, and providing that this repeal shall not take effect until six months after its publication.

His excellency, the president, orders me to make this communication to you, in order that you, who have been entrusted with securing a favorable outcome for the petitions of the colonists, may inform them of the result that has now been attained, in the conviction that, since the supreme government is disposed to favor their claims in all that relates to the development of that colony and to facilitate the administration of justice, you may assure them that it<sup>1</sup> will help toward and use all its influence to secure this important object, and therefore that all improvements and reforms conducive thereto will continue, both for the purpose of enabling Texas to become a state or territory of the federation, and to secure meanwhile good order in its internal administration.

In regard to the other petitions that you have urged concerning the establishment of mails and the reduction or removal of duties upon certain articles, they have been referred to the Treasury Office, and through it you should be informed of the decision of the supreme government, if, as this minister believes, it has been notified through that channel of the status of this affair.

God and Liberty. Mexico, December 7, 1833.

Garcia.

To Colonel Stephen F. Austin.

A faithful copy taken from the original that is in my possession. Mexico, January 18, 1835.

Austin.

### No. III.

In the letter that I addressed you on the 14th of August, last, I expressed the opinion that the affairs of Texas would turn out favorably. Since then there have been very few sessions of congress on account of cholera. The events of the civil war also have delayed all public affairs in such a way that nothing has been accomplished, and I am sorry to say that in my opinion nothing will be done, and that it is difficult to form an idea of the result of the civil war.

<sup>1</sup>That is, the government.

In this state of affairs I recommended that all the *ayuntamientos* of Texas put themselves into communication with each other without delay for the purpose of organizing a local government for Texas, in the form of a state of the Mexican federation founded upon the law of May 7, 1824, and have everything ready to accomplish this in union and harmony as soon as it is known that the general congress has refused its approbation.

This step is absolutely necessary as a preparatory measure, because there is now no doubt that the fate of Texas depends upon itself and not upon this government; nor is there any doubt that, unless the inhabitants of Texas take all its affairs into their own hands, that country is lost.

I am firmly persuaded that the measure that I recommend is the only one that can be adopted to save us from anarchy and total ruin. This being my conviction, I hope that you will not lose a single moment in addressing a communication to all the *ayuntamientos* of Texas, urging them to co-operate in the plan of organizing a local government independent of Coahuila, even though the general government should deny its consent.

God and Texas. Mexico, October 2, 1833.

Stephen F. Austin.

To the Illustrious *Ayuntamiento* of Béjar.

#### No. IV.

Copy of a letter addressed by citizen Stephen Austin to all the *ayuntamientos* of Texas.

Article 11 of the law of April 6, 1830, has been repealed, and the affairs of Texas and of the whole republic have taken on the most favorable and flattering aspect.

God and Liberty. Mexico, October 30, 1833.

Stephen F. Austin.

To the Illustrious *Ayuntamiento* of Béjar.

#### NOTE.

The great importance of opening roads direct from Texas to Chihuahua and New Mexico, to which reference has been made on page 6,<sup>1</sup> of this pamphlet, and the importance that those countries

<sup>1</sup>See pages 235-236.

would acquire through becoming peopled by means of colonies thus established in the interior of Texas—for instance, upon the head waters of the Rio Puerco and the banks of the Rio Bravo in the neighborhood of El Paso del Norte—require that a little more attention be given to this matter.

The most of the barbarous tribes that menace the frontiers of those states, traversing the immense deserts east of the Rio Bravo, are but wanderers and enemies of civilized settlements. If any of them have been subdued, this result has been possible only through force and under the shadow of these settlements, consequently the most certain and effective method for protecting the frontiers from the incursions to which they are exposed is to people the country. But, today, two serious difficulties are encountered in carrying settlers to those vast deserts—one, the lack of security, and the other, the absence of open roads to accomplish the necessary transportation. But these difficulties can be overcome by continuing the establishment of colonial settlements from those that already exist in Texas (which will serve as the bases and starting points from which this chain should begin) in the direction indicated above until those near El Paso del Norte are reached. These settlements will be able to sustain each other, like a line of fortifications, without burdening the government. In this manner Texas has been peopled, beginning near the coast and penetrating the interior by degrees.

The privileges, of which mention has also been made, that are needed for these enterprises, are these: exemption for a short time from duties on merchandize carried over these roads, and a concession of lands to *empresarios*, to colonists, and to settlers who open the roads or come to reside near them.

With these means of communication in operation, and supposing at the same time that the one from Missouri through New Mexico is open, the most extensive immigration and concourse of settlers would follow; since those who could not come by one way might come by the other; and the inhabitants of the northern and western interior states would obtain the great advantages that competition—which must naturally be aroused between the merchants of the Texas ports and the importers by the Missouri route—always brings, for it is a general rule that such competition produces low prices of goods and better service to the consumers.

## JOHN R. FENN.

ADÈLE B. LOOSCAN.

In a history of Fort Bend County recently published by J. A. Sowell are recorded many interesting incidents in the life of John R. Fenn, one of the old settlers of that county, and a grandson of one of the oldest settlers in the State of Texas.

The Fenn family on both sides were from Savannah, Georgia, but John R. Fenn was born in Lawrence County, Mississippi, on October 11, 1824. David Fitzgerald, his maternal grandfather, came to Texas in 1822, when the country was an unbroken wilderness, and the place settled by him and his son, John Fitzgerald, three miles below the present town of Richmond, on the Brazos River, was one of the first to be opened in Austin's Colony. In 1832 Eli Fenn, who had married Sarah, the daughter of David Fitzgerald, visited Texas, and being well pleased with the country, returned the next year, bringing with him his family, whom he had left in Madison County, Mississippi. They first settled on the Fitzgerald place, where crops were raised in 1834 and 1835. The one planted in 1836 was lost on account of the Mexican invasion.

At the time of this event, John R. Fenn, the son of Eli Fenn, was between eleven and twelve years old, and the account of his capture by the invading Mexican army is most interesting.

His recollection of the stirring events of his boyhood, in many of which he participated, and of the adventures of older members of his family with the Karankawa and Bedi<sup>1</sup> Indians, reveal striking pictures of frontier life in Texas.

His father, Eli Fenn, served in the army of the Texas revolution in Captain Wiley Martin's company, and when, in 1842, a force was organized under Gen. Alexander Somerville for the invasion of Mexico, John R. Fenn, although not yet of age, joined the company

<sup>1</sup>In Spanish manuscripts probably the most usual spelling of this name is Vidais, though it is spelled in various other ways, as Beedi, Bedais, Vedais, etc.



of Captain William Ryan, of Fort Bend County. Later this expedition went to pieces on the Rio Grande, a part returning to Texas with Somerville, and the others crossing over into Mexico. John Fenn, through the influence of Robert Herndon, joined with the former band, and thus escaped the horrors of the captivity and decimation, which have made the term "Mier prisoners" suggestive of all the suffering that humanity is capable of enduring.

In 1852 John R. Fenn married Miss Rebecca M. Williams. She was born in Wilkinson County, Mississippi, and came to Texas with her parents in 1845, settling on Oyster Creek, one and a half miles from Clear Lake, in Brazoria County. Mrs. Fenn's ancestors were distinguished in the war of the American Revolution. One great-grandfather, General Nathaniel Randolph, served on the staff of General Lafayette, and Ezekiel Ayers, another great-grandfather, served with equal honor in another branch of the colonial army. The grandfather, Isaac Williams, was for some time colonial governor of the province of Mississippi.

After their marriage, Mr. and Mrs. Fenn also settled on Oyster Creek, on the Thomas Barnett League. For many years past Houston has been regarded as their place of residence, but there was also a home maintained on the old plantation, where they entered upon life together, where he always retained supervision over his plantation affairs, and where, at his request, he was laid away when his period of life ended.

Mr. and Mrs. Fenn early became members of the Texas Veterans' Association, attending nearly every meeting. He became first vice-president, and was always an active, useful member. Upon the organization of the Daughters of the Republic of Texas his wife was made president of 'San Jacinto Chapter, and, as an earnest worker for the preservation of the historic associations of the old Republic of Texas, was ably aided by his counsel. They were truly united in patriotic fervor, as in all the objects of life. In 1902 they celebrated their golden wedding at their home in Houston, and on that happy occasion there were gathered around them their two sons, Francis Marion Otis Fenn, and Joseph Johnson Fenn, with their wives and children; their daughters, Mary—with her husband James J. McKeever, Jr.—and Miss Belle Fenn; and numbers of loving friends.

On November 23, 1904, the family circle was broken, John R. Fenn then being called by the All Wise Father to leave the scenes of his eighty years of service on earth.

The last sad scenes are described by the *Houston Post* of November 25th, as follows:

As announced, the funeral services of Captain John R. Fenn were held at the family residence, 1117 Bell avenue, with Rev. William Hayne Leavell of the First Presbyterian church as officiating minister, at 9 o'clock a. m. yesterday. The floral tributes were many and beautiful.

A fragrant, snowy star, from the San Jacinto chapter, Daughters of the Republic of Texas, reposed upon the casket of the old Texas hero.

At the conclusion of the services at the home the family and friends drove to the depot, where at 10 o'clock, through the kindness of Mr. T. W. House, a special train was secured from Mr. Leroy Trice of the International and Great Northern railway to convey the funeral party to and from Duke, the railroad station of his ranch and plantation. Permission was kindly granted by the Sugarland Railway company to run this train over their track from Arcola Junction to Duke.

When the train arrived at Duke it was met by Mr. Fenn's friends and neighbors, who had gathered to pay the last honors to one they had known and esteemed so long. These friends had brought enough vehicles to accommodate the funeral party; the family carriage and driver having been sent overland from Houston for the widow to occupy in this last sad journey.

#### AFFECTING SCENE.

Before starting to the old family burying ground, where the mother of the deceased was buried years ago, a short halt was made and the casket carried into Mr. Fenn's house at Duke to permit the family servants and the plantation hands, some of whom have been in the family five generations, to gaze once more at the placid countenance of their sleeping master. It was an affecting sight to see these old darkies file by the casket in respectful silence, but with tears streaming down their faces as they passed out from the dearly loved presence of "old marse." There was also in this occasion the widow's brother, Mr. Edwin J. Williams, and Judge W. P. Hamblen, who were present at the marriage of Mr. and Mrs. Fenn in 1852, and also attended their golden wedding celebration in 1902.

Arriving at the appointed spot, a short service of reading and prayer was conducted by Dr. Leavell, after which loving hands cov-

ered the earth with flowers, and left the mortal remains of John R. Fenn laid to rest beneath the tall live oak trees, with their waving streamers of gray moss, and amidst the scenes he loved so dearly in life, and where so many busy years had passed. After the last sad rites were concluded the family and friends returned to the city on the special train, arriving at about 3:45 p. m.

It can be truthfully said that he sleeps beneath a canopy of flowers upon a tract of land granted to his forefather, David Fitzgerald, by the Spanish government in 1822. David Fitzgerald was one of Stephen F. Austin's colony of the Old Three Hundred.

Captain Fenn's father, Eli Fenn, was also one of the Old Three Hundred, and his son, constituting the families represented, was the last survivor of this old, historic settlement.

#### THE PALLBEARERS.

The following gentlemen acted as pallbearers: Honorary, T. W. House, Captain William Christian, Judge W. P. Hamblen, Captain J. C. Hutcheson, Dr. Max Urwitz, A. C. Herndon, Captain R. G. Ashe, Captain S. Taliaferro, John W. Bell, Captain J. S. Rice, James Bute, Captain D. D. Peden; active, W. B. King, Alex Bergamini, Pierce Geiselman, Dr. E. J. Hamilton, Jo F. Meyer, Nat Ewing.

SAMUEL PRICE CARSON.<sup>1</sup>

Z. T. FULMORE.

Samuel Price Carson, first Secretary of State in the cabinet of David G. Burnet, Provisional President of the Republic of Texas from March to October, 1836, was born January 22, 1798, at Pleasant Gardens, Burke County, North Carolina.

His official connection with the Republic of Texas, though short, justifies a sketch of his life in *THE QUARTERLY*.

Before coming to Texas he had been a prominent figure in the political history of North Carolina. He represented his district in the State Senate for two consecutive terms and then became a candidate for the United States Congress. His district embraced all of the extreme western or mountainous portion of North Carolina, and since 1817 had been continuously represented in the lower house of Congress by Felix Walker, the originator of the expression "talking for buncombe." Walker was an old soldier of the Revolutionary War, and, on account of his patriotism, generosity, and hospitality, rather than for his talents, had been elected three successive terms. In the canvass of 1824, he was opposed by Dr. R. B. Vance and James Graham, and, while the canvass was going on, Carson, then only twenty-five years old, entered the field. His youth and his boyish appearance only excited the contempt of his three opponents. Vance and Graham scarcely noticed him, while Walker referred to him as "the boy from Burke who wanted to be a candidate."

Owing to the advanced age and high standing of Walker, Carson treated him with profound respect on all occasions, referring to him as a patriot who had rendered his country good service and who was entitled to the gratitude of his countrymen. Walker was so won by his magnanimity and charmed by his eloquence, that before the canvass was over he withdrew in Carson's favor. The result was the election of Vance.

<sup>1</sup>For the main facts of this sketch I am indebted to Hon. S. A. Ashe, of Raleigh, North Carolina, and to Wheeler's history of that State.



During the canvass both Vance and Graham ridiculed Walker and ignored Carson, until after Walker's withdrawal, when Vance turned his batteries upon Carson. Among other things he charged Col. John Carson, the father of his opponent, with having been untrue to the cause of the colonies in the Revolutionary War. The old man was present and angrily denounced the charge as false, and would have attacked Vance then and there but for the interference of bystanders. Vance said to him "You are too old, but you have a boy who can fight for your reputation."

Vance was afterwards called upon to retract and apologize. He refused to do so, repeating the charge in the most taunting manner. The result was a challenge to fight a duel. When the time, place, and terms had been agreed upon, Carson went over into Tennessee and engaged the services of Davy Crockett to drill him in pistol practice, and to pass upon the quality of his weapons. Crockett was present at the duel. It took place just across the State line, at Saluda Gap, South Carolina, in 1827. Vance fell mortally wounded at the first shot, and died at midnight. His last words were "out, brief candle!" He was the father of Zebulon B. Vance, the famous war Governor of North Carolina, and, later, United States Senator from that State.

While public opinion sustained Carson, he ever afterwards profoundly regretted the affair. As an evidence of the esteem in which he was held, he was elected to Congress from that district in 1827, again in 1829, and again in 1831. He was regarded as the best impromptu speaker in Congress, and, by his constituents, as the most eloquent speaker that had ever been heard in the mountains.

Up to his last term in Congress he was a trusted friend of Andrew Jackson, and was often his chosen leader in the House when his administration was attacked. He was an ardent advocate of a tariff for revenue only, a strict disciple of Mr. Calhoun, even endorsing and supporting his nullification policy. This, of course, estranged President Jackson, and in the campaign of 1833, he was defeated by his old opponent, James Graham. His health had become seriously impaired and he was unable to canvass his district, where public opinion was overwhelmingly in favor of Jackson.

An illustration of his power as a public speaker, even in his enfeebled state of health, is found in the old story of how he captured

a crowd at Morganton, called together in 1833 to censure him for his course in adhering to Calhoun and opposing Jackson. A two days' meeting was announced to be held at the Presbyterian church, and on the first day Col. B. S. Gaither, then quite a young man, delivered a well considered speech that was very creditable to the man and the occasion. The program for the next day was a speech by Colonel W., the most eminent lawyer of that day and place, and then the adoption of the resolutions of censure. Colonel W. was not without a weakness known to Carson, as the sequel shows. To the surprise of all, as the bell was ringing the next morning to summon the indignant clans to the meeting, Carson's carriage drove up. He alighted, and, entering the church, walked down the aisle to the pulpit and took his stand immediately in front of the audience. When the crowd had gathered, he arose and appealed in a most beseeching tone to all present to say whether it was fair to convict him of misrepresenting his constituents without giving him a hearing. The crowd then voted in favor of hearing him to speak first, and for Col. W. to reply. While he delivered a most eloquent speech that charmed his audience generally, he had before him a pitcher of brandy toddy. He made a clear presentation of the principle of a tariff for revenue only, showed how a protective tariff violated the letter and spirit of the Constitution, and boldly and logically showed that a State had the right to nullify unconstitutional legislation. Before opening his argument he poured out a glass of toddy and gave it to Colonel W., with the compliments of the occasion, then drank one himself, and frequently repeated this performance throughout a speech that lasted over two hours. When the time came to reply, Colonel W. was unable to rise from his seat; there was no one else in the audience to take his place, and the meeting broke up without further proceedings.

Carson's health had now become very precarious. After a rest of nearly a year at his country home, finding that his health did not improve, he concluded that a milder climate might restore him. In 1834 he came to Texas, and after some months selected a location on Red River. While he was absent in Texas, his constituents elected him a member of the famous constitutional convention of North Carolina, held in 1835. His service in that body was his last public appearance in his native State.

As Texas was well on the way in her revolution against Mexico, he returned to Texas in 1835, and in March, 1836, was appointed by President Burnet as Secretary of State. He did not serve in this position more than sixty days. During that period the fate of the Republic was hanging in the balance. The Alamo had been taken and its garrison all killed. Fannin and his command surrendered and were put to death, and the entire population of the Republic not under arms was panic-stricken and fleeing to the Sabine. The cabinet left old Washington, the Capitol, and there were ample grounds for believing that the Indians in East Texas, incited by the Mexicans, would rise and massacre the white population left in and near Nacogdoches.

In this emergency President Burnet dispatched Carson to Louisiana to see General Gaines at Fort Jessup, with a view to having the United States move troops to the Sabine to compel the Indians to respect a treaty that had been made, and thus to protect the settlers in that neighborhood. Carson arrived at Natchitoches one week before the battle of San Jacinto, saw General Gaines and succeeded in his mission, and on the 14th of April so notified President Burnet.

His health continued to fail, and as soon as he heard the news of the battle of San Jacinto he resigned his position as Secretary of State, and spent the summer in Tennessee and North Carolina in quest of health. While in these two States he lost no opportunity to urge the annexation of Texas to the United States, and it was through his efforts that the first public meeting held in the United States to advocate annexation was assembled in Burke County, North Carolina, at his old home.

He returned to Texas late in 1836, and continued to travel in search of health. He died at Little Rock, Arkansas, in 1840, at the age of forty-two.

REMINISCENCES OF THE SCHNIVELY EXPEDITION  
OF 1867.

A. WHITEHURST.

In the latter part of December, 1866, Colonel Dalrymple,<sup>1</sup> of Georgetown, and Jacob Schnively, a noted prospector, created an excitement over a supposed gold mine in the Sierra Nevada mountains on the Rio Grande River. Colonel Schnively claimed to have been there and he had in his possession several rich specimens of galena quartz. He said that the mineral was to be found in inexhaustible quantities.

In order to get men to accompany him as a guard, he promised to give each man an equal share in the enterprise, and, if gold should be found, to help to locate the land by certificate. Colonel Dalrymple, who was a noted Indian fighter, was instrumental in organizing the party. The writer, having made the trip through the country near the place where the gold mine was supposed to be, was selected for a guide. Colonel Dalrymple thought that ten men would be all that were necessary for the occasion. The names of those who were selected are as follows: Abe Hunter, Malcolm Hunter, Warren Hunter, Tom Holly, John Coen, Tom Jones, Temp. Robinson, Bud Robinson, George Carson,<sup>2</sup> brother of the famous Kit Carson, and A. Whitehurst.

We organized at Camp Colorado<sup>3</sup> about the end of December, 1866, or in January, 1867. The exact date I have forgotten. We started well armed and equipped with six months' supplies. Everything was carried on pack mules. After traveling three or four days we concluded to camp on the Concho river and to kill buffalo and cure as much buffalo meat as we could carry with us. While in camp at the mouth of Kiowa Creek, near the head of the main

<sup>1</sup>William Cornelius Dalrymple.—H. E. B.

<sup>2</sup>George Carson was a member of the Mier Expedition. He escaped death at Salado by drawing a white bean. After the first defeat of the Schnively Expedition at the Concho River, mentioned further on, he returned to Georgetown, where he died shortly afterward.

<sup>3</sup>In Coleman County.



Concho, we met five men from San Saba, John Murray, Dr. McBunnells, and three others whose names I have forgotten. They had heard of our expedition, and had come there to meet us. We had some parleying and discussion before we would agree to let them join us, but, as they were good men and had come so far for that purpose, we consented to take them with us. Besides they had more buffalo meat already cured than we could very well carry. We remained in camp on the Concho two days. We packed our mules with nice, well-cured buffalo meat, and one morning as the sun arose we set out for the head of the Concho only ten miles beyond.

After leaving the camp about a mile, we discovered a party of Indians behind us chasing Tom Holly, one of our men, who had left his gun at camp. He was a quarter of a mile behind when he discovered a couple of the red devils trying to cut him off from us. The alarm was given, and our party now saw that a fight was inevitable. Colonel Dalrymple cried out: "Boys, now we have got to hold our packs and fight—fight for our lives, for just look, they are coming from every direction!" On our right there was a band that appeared to number as many as a hundred, and before us there were equally as many. They had planned the attack, no doubt, while we were in camp at the mouth of Kiowa creek. They would have been successful in their plan if Tom Holly had not made the trip back to the camp, for had we proceeded a mile further we would have been at least two miles out on a level, open flat, where there were no natural fortifications whatever. As it was, we had to retreat only about half a mile to the banks of the main Concho, where we found a small ravine which we barricaded, and there we stopped with our little band. When we were first attacked Colonel Dalrymple ordered ten of the men to hold the pack animals, and five others to charge through the Indians who were between us and the Concho. He himself lead the charge with Bud Robinson, Tom Jones, and myself. We made the opening for the packs, but Colonel Dalrymple was wounded through the arm, carrying a lance away with him. His family still hold it as a relic of the event. My horse was killed in the charge. He was shot through with an arrow, but held out until we reached a little ravine on the bank of the Concho. Our pack mules were all killed while on the retreat,

and the packs, which contained the bulk of our ammunition and all of our food, were captured.

Old George Carson was eighty or ninety years of age and bald-headed, and the Indians apparently respected his age and his baldness; otherwise they would have killed him, as he was the last to reach the place of refuge. In the charge he dismounted and came leading his horse as though nothing unusual was happening. Colonel Dalrymple also led his horse in. Warren Hunter and his brother Malcolm, Colonel Schnively, Tom Jones, Bud Robinson, and several others held to their horses. After the Indians got our position and brought their forces up, completely surrounding us (it was then about ten o'clock), they made charges first on one side, then on the other, but every time we succeeded in repelling them, leaving several of them dead on the field. Colonel Dalrymple, because of his wound, could not use his right arm, so he gave me his rifle because I had lost my carbine when my horse fell. My only means of defense had been a Colt revolver, and I had emptied all six rounds into the Indians.

After we had taken our stand in the ravine the Indians, failing to rout us, commenced killing our horses, piling them around us on every side, and at the same time making for us very good breast-works. We kept them at bay by firing at every Indian that showed himself. Late in the afternoon we began to get very thirsty and hungry, but we had no water and not a morsel of food. Malcolm Hunter was wounded, having several of his ribs broken by an Indian who knocked him off his horse with the butt of a rifle. Dalrymple was lanced through the forearm, Abe Hunter shot in the hip, and the old man shot in the heel with a spent ball. Some of the others were slightly wounded.

We remained in our position until about twelve o'clock at night, when a northwest wind came up, raising a dust, and we thought it a favorable opportunity to make our retreat for home. We silently stole away, passing through the Indian lines unmolested. We traveled on foot down the Concho until daylight, when we halted, killed a buffalo, made a fire, and broiled meat for our breakfast. We still had one wounded horse, which belonged to Warren Hunter, and, though wounded, it was able to carry Malcolm Hunter

and Dalrymple. It was then proposed that three of us should hurry on foot to the nearest ranch, where Frank Tankersley was living on the South Concho, about seventy-five miles distant.

Tom Jones, Abe Hunter, and I volunteered to go. We left our comrades and struck out, taking tied to our belts some buffalo meat, of which we would eat a morsel occasionally. We traveled all that day and until four o'clock the next morning, when we met old Rich. Coffey on his way to the Pecos for salt. We heard the sound of his ox-bells about day-light, and found him camped on Spring Creek. His intention had been to overtake us on the Concho at our buffalo camp. We were delighted when we heard the sound of the ox-bells, as we knew that Uncle Rich. would be supplied with bread and coffee, of which we had not had a taste for two days and a half.

We related our defeat to Uncle Rich., and after we had breakfast he hitched up his ox teams and went with us on the back trail to meet our companions. We met them jogging along about thirty miles back. We put our wounded on the wagon and made our way to Frank Tankersley's about thirty-five miles distant. Frank received the crowd very cordially and hospitably and gave us each food enough to last until we reached home.

Before disbanding Colonel Dalrymple and Schnively told us to go home and prepare for another trip in the spring. We all agreed to meet on the Concho on the first of May with a company of one hundred men, which we did. Some of the company were very distinguished men from different portions of the State. Among them was General Hardeman, of Austin, Colonel Lane and Captain Cunningham, of Comanche, and Captain Carrington, of Bosque. We also had several mineralogists and geologists in the crowd.

We met on the Concho at the specified time with one hundred men, all well equipped, and made the trip across the Staked Plains, following the Pecos River. At Horsehead Crossing, on the Pecos River, we relieved a party of emigrants who were surrounded by Indians. The Indians had captured all of their horses and cattle, and burned their wagons. One lady, Mrs. Hoyett, whose husband was a photographer, was wounded, having been shot through the thigh. Several others were slightly wounded. The Indians had besieged them, trying to starve them out. The emigrants were about to take chances on slipping out, when we rescued them.

When the Indians discovered our party, they disappeared, and carried the cattle belonging to the emigrants into the Guadalupe mountains. We had a bunch of beef steers, and we fitted the emigrants out with a wagon and steers to draw it. They pulled them through to Fort Sumner, New Mexico.

After resting on the Pecos for a few days we marched on to Eagle Springs, in the Rio Grande country, where we were directed to look for the rich gold mine, but our search was in vain. We hunted several days in the surrounding hills for miles around. We then moved several miles south and made a number searches, but found no gold, nor any indications of any. Finally the men, becoming disheartened, disbanded, some going to California and Arizona, the majority returning to Texas.



## NOTES AND FRAGMENTS.

THE MEXICAN ADVOCATE.—A brief note on the *Mexican Advocate* appeared in Volume VII, p. 243, of the QUARTERLY. This note will now be supplemented by the following extracts from *The Arkansas Gazette*, a weekly contemporary of the *Advocate*, published at Little Rock. The earliest reference found was printed in the issue of the *Gazette* of September 9, 1829, and is a quotation from the *Natchitoches (La.) Courier*:

Extract of a letter from the Editor of the Mexican Advocate, at Nacogdoches, Texas, to a respectable gentleman of this town—"It is said Com. [David] Porter and Lorenzo de Zavala<sup>1</sup> Ser. of Haciendas, [Minister of the Treasury,] have obtained a grant of Land of the Ayish Bayou, down as far as the Sea Coast."

In the issue of September 23, 1829, appeared the following editorial notice:

A newspaper has been established at Nacogdoches, Texas, and is published in the Spanish and English language, by Milton Slocumb.<sup>2</sup>

<sup>1</sup>Lorenzo de Zavala obtained a grant, conforming in general to the one described above and providing for the introduction of 500 families, in March, 1829, previous to his appointment to the Treasury. Commodore Porter was not associated with him in this grant.

<sup>2</sup>The Nacogdoches Archives, in the Texas State Library, contain the following facts relative to Milton Slocumb: The *Relacion de los extranjeros que en el mes de la fha. han yegado al territorio de esta Municipalidad, y que en cumplimiento del Reglamento de Pasaportes de 1o de Mayo 828 se Remite al Gov. del Estado*, a report by the *ayuntamiento* of Nacogdoches, dated December 31, 1829, shows that, on June 27, 1829, "Meton Esclocom," a native of Massachustee, but late of Louisiana, and a printer by profession, arrived at Nacogdoches, where he is now settled. The *Padron qe. comprende el Numero de Almas qe hay en este Pueblo de Nacogdoches, formado pr. el Alcalde Constitucional de dho. Pueblo hoy dia de la fha.* [June 30, 1830,] *esto es desde Atoyague hasta Trinidad*, page 6, gives his name as "Meltin Eslocom," and describes him as being unmarried, a printer, a Roman Catholic, and twenty-seven years of age. The *Padron* for 1831, dated June 30, repeats these facts, varying only the spelling of the first name to "Meliton" and his age to twenty-eight. The *Padron* for 1832 shows that "Milton Escolon" has quit the printer's

A third reference to the *Mexican Advocate* is contained in the following article, which was taken from its columns, and was printed in the *Gazette* of October 20, 1829:

Nacogdoches, Texas, Sept. 4.

By a letter from the interior we learn that an action has been fought near Cabo-Rojo, between the Mexicans and Gauchapines, in which the latter were defeated with the loss of 200 killed.

It is stated that Gen. Terran has taken command of the eastern division of the army, and that Col. Ahumada has marched with the Sattillo troops to join the main army. It is likewise stated that as the European Spaniards in Tampico, who had their time prolonged to settle their business were on the eve of sending \$400,000 to the Spanish army, they were discovered and the money seized and confiscated.

*Mex. Adv.*

The date of the first number of the *Advocate* is fixed by these extracts on or about September 4, 1829. Perhaps it was a few days earlier. The article below, dated "Nacogdoches, Sept. 1," may possibly have appeared in an earlier number. This article was printed in the *St. Louis Beacon* of Nov. 21, 1829. There is nothing in the *Beacon* to indicate whether it is original or copied. The points that suggested its appearance in the *Advocate* are: (1) the date; (2) the editorial we; (3) the almost *verbatim* reproduction in the *New York Courier's* notice<sup>1</sup> of the "first number" of the *Advocate*, of the second sentence in this article, beginning "Nacogdoches is situated in 31 deg. 42m N. L." etc.; and (4) it contains facts that would have occurred only to one who wrote on the spot described.

NACOGDOCHES, Sept. 1.

There are probably few places of the size of Nacogdoches, of which more has been said and of which less is known at a distance; we shall therefore give a short description of it. Nacogdoches is situated in 31 deg. 42m. N. L. on the main road from Natchitoches to San Felipe de Austin and Bejar. The situation of the town is beautiful, it being on an eminence just above the junction of two beautiful creeks, the Nana on the east and the Banito on the west—the waters of which are as clear as crystal.

Few places have undergone more changes and been the seat of trade, and that he has become a farmer or farm hand attached to José Doste. The *Padron* of 1833 shows him still in this relation and occupation. No notice of him was found in later *Padrones*.

<sup>1</sup>THE QUARTERLY, VII 243.

more or greater imaginary undertakings for the benefit of mankind and the projectors, if all they have said could be strictly relied on, than Nacogdoches; in it new imaginary republics have been conceived and brought to mature perfection—new empires, with all the reverence shown the gallant founders which has since been magnanimously conferred on the exploits of Francis Berrian,<sup>1</sup> and for a short time the residence of the youthful hero, who at the time had the honor of belonging to the staff of a young Spanish nobleman. From the time of the commencement of the first revolution in this section of country which gave birth to the fame of that pink of chivalry, Francis Berrian, there has been no less than seven different flags displayed at different times, with the usual formalities in cases of conquests.

Previous to the first expedition which passed through this place, and of which General Gutierrez was appointed commander, but afterwards superseded in his command by the traitor Toledo, through intrigue, Nacogdoches was a village of considerable importance; since then it has passed through every vicissitude of fortune, and at the time it was evacuated by the Fredonians only contained five or six houses, and one small store. Within less than three years about one hundred and twenty-five houses have been erected, of rough construction; many of them, however, are very comfortable, and the country in the vicinity is settling very rapidly with inhabitants, principally from the United States of America. The inhabitants of the town probably amount to about 630, exclusive of the military, of whom there is 269 stationed here under command of Colonel Pedras. It likewise contains 8 stores, a post office, tannery, with a considerable shoe manufactory attached to it; 1 saddler's shop, 3 blacksmith shops, 1 silver and gunsmith's shop, 1 hatter, 2 bakers, 1 confectioner, 2 tailors, 2 wagon makers, and 2 public houses.

How long the *Mexican Advocate* maintained an existence is not known. The fact that Mr. Slocumb is still set down as a printer in the *Padron* for 1831 may or may not aid in determining this fact. Certain it is, however that Nacogdoches is entitled to the honor of having the second as well as the first newspaper to be published within the present limits of Texas; for the first number of *The Texas Gazette*, published at San Felipe de Austin, did not

<sup>1</sup>Perhaps a reference to the hero of the romance, entitled *Francis Berrian, or the Mexican Patriot* (in two volumes. Boston: Cummings, Hilliard, and Company. 1826. 12mo. pp. 299 and 285). The authorship of *Francis Berrian* is ascribed to Timothy Flint (see Griswold, *The Prose Writers of America*, 152).

appear until about September 29, 1829.<sup>1</sup> *Niles' Register*, of Nov. 28, 1829, expressed this fact in the paragraph below, taken from "Interesting Items":

*Texas*.—Mr. G. B. Cotton is about to commence a newspaper at St. Felipe de Austin, in Texas. A newspaper has been recently commenced at Nacogdoches.

E. W. WINKLER.

<sup>1</sup>A Comprehensive History of Texas, II 369.



## BOOK REVIEWS AND NOTICES.

Mr. Eugene C. Barker, instructor in history in the University of Texas, contributed an article on "The Finances of the Texas Revolution," to Volume XIX, No. 4, of the *Political Science Quarterly*.

The contents of the *Publications of the Southern History Association* for October, 1904 (Vol. VIII, No. 6), are "Vice-President Andrew Johnson," by D. M. De Witt; "Joseph Martin and the Cherokees" (documents); "Recent Race Problem Literature," by A. H. Stone; "The National Era, an Abolition Document" (document); and "James Murray Mason," by W. L. Fleming.

*The American Historical Review* for October, 1904 (Vol. X, No. 1), contains the following contributed articles: "The University of Paris in the Sermons of the Thirteenth Century," by Charles H. Haskins; "English Poetry and English History," by Goldwin Smith; "The Naming of America," by Edward G. Bourne; "Nova Scotia and New England During the Revolution," by Emily P. Weaver; and "The First Stage of the Movement for the Annexation of Texas," by George P. Garrison. The documents printed are "Alexander Hamilton's Notes in the Federal Convention of 1787," and "Some Papers of Franklin Pierce, 1852-1862, I."

# THE QUARTERLY

OF THE

TEXAS STATE HISTORICAL ASSOCIATION

VOL. VIII.

APRIL, 1905.

No. 4.

*The publication committee and the editors disclaim responsibility for views expressed by contributors to THE QUARTERLY.*

## THE MUNICIPAL GOVERNMENT OF SAN FERNANDO DE BEXAR, 1730-1800.<sup>1</sup>

MATTIE ALICE AUSTIN.

In their efforts to civilize and christianize the Indians of Texas, and to hold it against the encroachments of the French, the Spaniards employed three instrumentalities: the mission, the *presidio*, and the civil settlement. These were tried, not all together at the outset, but successively, in the order mentioned, in accordance with the demands of circumstances. The development of the plans for the colonization of Texas was further affected by the fact that these plans were worked out by two different agencies—the gov-

<sup>1</sup>In the preparation of this paper four classes of material have been used: (1) public archives of Mexico and of Texas under the Spanish and Mexican government; (2) contemporaneous accounts of early mission work in Texas; (3) laws relative to the organization of Spanish settlements and documents throwing light on the construction of these laws; (4) and the works of authorities on South-western history. Of the first class are the Béxar Archives; the Nacogdoches Archives; the V. O. King Collection of Texas Documents; and copies of various documents in the *Archivo General de Mexico in Sección de Historia, Sección de Provincias Internas, Ramo de Reales Cédulas, and Memorias de Nueva España*. The Béxar Archives contain a large part of the public documents connected with the Spanish and Mexican occupation of Texas for over a century. They consist of official correspondence, local records, etc., that were collected at Béxar, or San Antonio, which was the capital of

ernment and the missionaries—who responded in inverse order to the two motives that have been indicated. To the government the thing of prime importance was the keeping back of the French; while the efforts of the *padres* were directed mainly toward the spread of the catholic religion and the elements of civilization among the Indians. Each was, however, affected by the special motive of the other; and, as a rule, they worked in more or less hearty co-operation. This will be made clear by a brief summary

Texas during practically the whole of the period from 1731 to 1836. When the Mexicans were driven from Texas, the archives were left in the hands of the Americans. With the exception of some papers that were sent to the office of the Secretary of State at Austin in 1841, they remained in the possession of B́exar County till 1898, when they were turned over to the University of Texas. Had they been kept intact, they would have furnished nearly all the information obtained from the other sources included in the first class of material used, and would have thrown a great deal more light on the settlement of the Canary Islanders, and the workings of their municipal government. They have, however, in the course of time, become very much scattered. Some of them have been mixed with other collections. The Nacogdoches Archives and the V. O. King Collection, for instance, both contain documents that were evidently once a part of the B́exar Archives. Some of the documents that must originally have belonged to these archives are known to be in private hands, while the whereabouts of many such papers is, as yet, unknown. The Nacogdoches Archives, consisting originally of local records relative to that place, were transferred from Nacogdoches to the office of the Secretary of State at Austin in 1850, and remained there till 1878, when they were turned over to the Texas State Library at Austin. It must have been during the interval while the papers remained in the office of the Secretary of State that they became mixed with the B́exar Archives. The V. O. King Collection, which has recently been given to the State Library, contains various documents relative to the history of Texas, among them being translations of several documents once in the B́exar Archives, but now missing. Fortunately, copies of many such documents were made and sent to Mexico, and, therefore, the information gained from the public archives of Texas was supplemented by the use of materials copied from the *Archivo General de Mexico in Sección de Historia, LXXXIV*, and *Sección de Provincias Internas, XXXII. Memorias de Nueva España, XXVII* and *XXVIII*, and *Ramo de Reales Cédulas, XLIV*, in the *Archivo General*, contain many documents relative to the very early history of Texas. The contemporaneous accounts of the early mission work in Texas I have used are the *Relacion* of Fray Francisco de Jesus María (belonging to the Agricultural and Mechanical College of Texas) which is the earliest account of this work yet known, and

of the early efforts of the Spaniards to occupy Texas, showing the operation of the motives and the use made of the instrumentalities already named.

The missionaries having heard of the rich and fertile country of the Texas,<sup>1</sup> became interested in the conversion of its inhabitants as early as 1683; and they tried, though without avail, to secure the co-operation of the government for this purpose. The project of Peñalosa for the conquest of Quivira, which, according

Espinosa's *Chronica Apostolica y Seraphica de Todos los Colegios de Propaganda Fide de Esta Nueva España de Misioneros Franciscanos Observantes*. Espinosa was in Texas during the greater part of the period covered by the *Chronica* and his evidence should be valuable,—although a cursory examination shows that he followed many of the documents in *Memorias de Nueva España*, XXVII and XXVIII very closely, in fact, copying long extracts without acknowledgment and so exactly as to deserve the accusation of plagiarism. The main body of laws relative to the organization of Spanish colonial settlements is the *Recopilacion de Leyes de los Reynos de las Indias*. In the use of this work, light was thrown upon certain points by the *Novísima Recopilacion de las Leyes de España*, lib. XII, tit. XXV, and *Los Codigos Españoles*, lib. VIII, tit. XII. The *Ordinances and Instructions of Don Alexander O'Reilly* in French's *Historical Collections of Louisiana*, V was valuable in the interpretation of the *Recopilacion*, while the *Coleccion de los Decretos y Ordenes que han Expedido las Córtes Generales y Extraordinarios desde 24 de Setiembre de 1811 hasta 24 de Mayo de 1812*, Tomo II, was found useful in the same connection. In addition to these sources I have used the following authorities: Bancroft, *North Mexican States and Texas*; Blackmar, *Spanish Institutions of the Southwest*; Bourne, *Spain in America*; Moses, *The Establishment of Municipal Government in San Francisco*, in *Johns Hopkins University Studies in Historical and Political Science* VII; Yoakum, *History of Texas*; and *The Quarterly of the Texas State Historical Association*, II, IV, V, and VI.

My special acknowledgments are due to Dr. George P. Garrison, Miss Lilia M. Casís, and Dr. Herbert E. Bolton for encouragement, suggestions, corrections, and assistance in translations.—MATTIE ALICE AUSTIN.

<sup>1</sup>At the beginning of the Spanish occupation, that portion of Texas inhabited by the Asinai Indians was usually thus designated by the Spaniards, although this nation was but a part of the Texas confederacy. (See *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*, in *Memorias de Nueva España*, XXVII, 175-209; *Representn. hecha á su Exa. por los R. R. Pads. Misioneros*, *ibid.*, 163-165; and *Carta del P. F. Antonio de Olivares á S. Exa.*, *ibid.*, 165 *vta.*—196) For the careless use of the two names, Asinai and Texas, and the attitude of Padre Francisco de Jesus María toward this, see his *Relación*, 107 *vta.*—108, and 111 *vta.*—112.



to reports, lay next to the country of the Texas, whose inhabitants were of a superior character, brought the matter still more prominently before the government. These two circumstances together with reports, which reached the City of Mexico in 1684, of the coming of the French to settle on the Gulf of Mexico, finally forced the Spaniards to action. The government at once fitted out a series of expeditions both by land and by sea to find and expel these intruders. The third of the land expeditions (1689) succeeded in reaching the French settlement which was located on la Bahía del Espíritu Santo; but found that all of the intruders, with the exception of a few scattered among the Indians, had died either by disease or by violence at the hands of the savages. While trying to find some of the French who had escaped, the Spaniards, who were encamped on the Guadalupe River, were visited by the governor of the Texas Indians accompanied by eight of his men. A missionary, Padre Manzanet, who is to be remembered as the originator of mission work in Texas, had joined the expedition; and, judging from what he saw of these Indians that they were tractable,<sup>1</sup> he was filled with the desire to attempt their conversion. The fact that the Indians themselves requested that missionaries should be sent to them encouraged him in this undertaking. The military commander of the expedition, Alonso de León, having made a favorable report of these Indians to the viceroy, sent to the College of Querétaro<sup>2</sup> to ask for missionaries to begin this great work. Padre Manzanet, together with three religious

<sup>1</sup>According to the laws prescribing the method to be followed in the settlement of any new country, the order of procedure, after discovery and pacification, was first Christianization, then colonization. (*Recopilacion, lib. IV, tit. I, ley i.*) After the Texas Indians were found to be friendly (*cf. ibid., tit. IV, ley vi.*) the first efforts of the government were directed toward the spread of religion among them. Missionaries were sent out at the expense of the royal treasury. (*Cf. ibid., tit. IV, ley iii.*) The laws of the Indies required that the conversion of the savages should be brought about by the kindest and most gentle treatment. (*ibid., tit. IV, leyes i and ii.*) It was the policy of the government to rely solely upon the missionaries if they were able to convert the Indians without aid. (*Cf. ibid., leyes iv and vi.*)

<sup>2</sup>Mission work in Texas was under the direction of the Franciscan friars. Missionaries were secured from the College of Santa Cruz at Querétaro, and from that of Nuestra Señora de Guadalupe at Zacatecas. The Zaca-

from the College of Querétaro appointed to assist in the undertaking, joined a party of soldiers, under the leadership again of De León, which was sent out in 1690 to find any Frenchmen that might still be remaining in the country, and to assist in the inauguration of the mission movement. For the time, the mission was regarded as sufficient for the purposes of both the government and the *padres*, although De León suggested in a report to the viceroy that *presidios* be established along the route from Coahuila to the country of the Texas. At San Francisco de los Texas, which was the first mission founded in Texas, and the only one established by this expedition,<sup>1</sup> three soldiers were stationed as a guard. This was in accordance with the viceroy's instructions to the effect that no large force should be left in the country unless the Texas Indians proved dangerous; and, in that event, only the number asked for by Padre Manzanet. De León insisted on leaving a force of fifty men to guard the mission. Padre Manzanet, however, considered this entirely unnecessary and even unwise; but he consented that three soldiers should remain. The objective point of this expedition was the country of the Texas Indians, because it was among them that the outlook for missionary work seemed most promising. In the course of the advance of the French up Red River this district became the north-eastern frontier of Spanish occupation. The bay of Espíritu Santo, where the French had been first discovered, was, for the time, neglected. The advantages of the locality which later became the center of Spanish attention, and was known as Béxar (San Antonio) had not yet been recog-

tecans did not begin their work until 1716. As to the way in which the work was first divided between the two colleges see *Representn. hecha á su Eaa. por los R. R. Pads. Misioneros*.

<sup>1</sup>Another mission, Santísimo Nombre de María, was founded by Padre Francisco de Jesus María in June, 1690, after De León had returned to Coahuila. It was placed on a small river, Archangel Miguel, and was a few miles to the north of San Francisco de los Texas which had also been placed among the Asinai Indians. (*Relacion* of Fray Franco. de Jesus María; and *Descripcion y diaria demarcacion executada por el General D. Domingo Terán principiada en 16 de Mayo, de 1691 y finalizada en 15 de Abl. de 1692*, in *Memorias de Nueva España*, XXVII, 23-74.) After Texas was abandoned in 1693, this mission was not heard of again.

nized by the government, and it was left meanwhile unoccupied and nameless.<sup>1</sup>

The next year, encouraged by the work among the Indians, the government sent out another expedition under the leadership of Don Domingo Terán the purpose of which was to found missions, to see if there were any foreigners—especially French—in Texas, and to explore the country. With Terán went Padre Manzanet, four Observants, four Barefooted Friars, and two other Franciscans from the College of Querétaro..<sup>2</sup> The government was willing to encourage the work of the *padres*, as it fully realized the importance of Texas for the purpose of resisting French invasion. Upon Terán's return to Coahuila, he left only ten men and one corporal to guard the two missions, San Francisco and Santísimo Nombre de María. Again the eastern frontier alone was guarded. Both the Texas and the Cadodachos Indians were to be Christianized.<sup>3</sup>

<sup>1</sup>This account is based upon Bonilla, *A Brief Compendium of the Events which have Occurred in the Province of Texas from its Conquest, or Reduction, to the present date*, THE QUARTETLY VIII, (Translation by Elizabeth Howard West.); Espinosa, *Chronica Apostolica y Seraphica de todos los Colegios de Propaganda Fide de Esta Nueva España, de Misioneros Franciscanos Observantes*; Letter of Don Damian Manzanet to Don Carlos de Sigüenza Relative to the Discovery of the Bay of Espiritu Santo, THE QUARTERLY II (Translation by Lilia M. Casís); *Derrotero de la Jornada que hizo el General Alonzo De Leon para el descubrimiento de la Báhía del Espiritu Santo y Poblacion de Franceses: Año de 1689*, in *Memorias de Nueva España*, XXVII, 1-16; *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*; Bancroft, *North Mexican States and Texas*, I.

<sup>2</sup>The several authorities consulted, here as in many places in the remainder of the summary, differ as to the number of missionaries included in the various expeditions, and the number of soldiers left in the country after these *entradas*. Since it is my purpose, however, only to show that missionaries and soldiers were sent out in small numbers, these various differences have not been noted. Espinosa is usually followed in giving the number of the religious, Bonilla in giving the number of soldiers.

<sup>3</sup>For Terán's expedition I have used Espinosa, *Chronica*; Bonilla, *Brief Compendium*; *Instrucciones dadas por el Superior Gobierno, pa. que se observen en la entrada de la Provincia de texas*, in *Memorias de Nueva España*, XXVII, 16-23; *Descripcion y diaria demarcacion executada por el General D. Domingo Terán principiada en 16 de Mayo de 1691, y finalizada en 15 de Abl 1692*.

The *padres* experienced great difficulties in dealing with the savages—the Texas Indians even declaring that they were tired of the Spaniards. The government furnished no aid; and in 1693, the missionaries were forced to abandon the country. Nothing further was done toward its occupation for over twenty years, although the *padres*, who by this time, had come to realize that soldiers were needed to enable them to convert the Indians, were urgent in their request for troops.<sup>1</sup>

In 1715, the entrance of Saint Denis, who had been sent out from Louisiana by Cadillac, at the instance of Antoine Crozat, to establish commercial relations with Texas, aroused the government to action. It dispatched under Domingo Ramón an expedition whose object, again, was to found missions to serve the double purpose of keeping back the French and of christianizing the Indians. The College of Zactecas, which had been founded at the beginning of the century, sent out with Ramón eight representatives. Their number was strengthened by the addition of five missionaries from Querétaro. Mission San Francisco was re-established about four leagues to the east of its original location, while three new missions, Purísima Concepción, Nuestra Señora de Guadalupe, and San Joseph, were founded—the first among the Asinais Indians, the second among the Nacogdoches, and the third among the Nazonas. Ramón founded also a *presidio* in the Texas country. These establishments, as will be seen, were all placed on the eastern frontier where, it was thought, lay the great danger of French invasion. Ramón left only twenty-five soldiers in Texas, but was of the opinion that at least twenty-five more were needed. Although he saw the necessity for a larger force of soldiers, and reported that the missionaries were practically helpless without this guard, some aggressive move on the part of the French was needed before any action could be expected from the government.<sup>2</sup>

<sup>1</sup>See Espinosa, *Chronica; Dictamen Fiscal, Mexico y Noviembre 30, de 1716*; Bancroft, *North Mexican States and Texas*, I.

<sup>2</sup>For Ramón's expedition see Espinosa, *Chronica; Representacion hecha por el Capitan Domingo Ramon a su Exa.*, in *Memorias de Nueva España*, XXVII, 159-162; *Derrotero para las Misiones de los Presidios Internos*, *ibid.*, 135 *vta.*—159; *Diario del Viaje del Marqués de San Miguel de Aguayo*, *ibid.*, XXVIII, 1-61 *vta.*; and *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*.



The last missions founded during this period<sup>1</sup> were Santísima Virgen de los Dolores and San Miguel de los Adaes. These were established by Padre Margil, the most prominent representative from the College of Zacatecas, as Padre Espinosa was from that of Querétaro. These two missions were also placed on the eastern frontier. No soldiers were left at either. Until this time, with the exception of Santísimo Nombre de María, all missions in Texas had been founded in the course of some military *entrada* and under government direction. The detachments of soldiers left by these successive expeditions numbered respectively three, ten, twenty-five. It seems to have been the policy of the government to increase the number,<sup>2</sup> even though it could not be done adequately.

With the year 1718 came a change of policy. The government having realized that the mission alone was ineffectual, placed all three of the instrumentalities in operation together. French encroachment again furnished the motive for an attempt to occupy Texas. In 1716 and 1717, the *padres* had reported that there was danger from the French on the eastern frontier; and, as a means of warding it off, they had planned to found a mission among the Cadodachos. They had asked for fifty men to be settled here as well as for fifty to be placed in the country of the Texas. Reports of the projects of the French for settling Bahía del Espíritu Santo had increased the fear of the Spaniards that the whole country would be overrun, and its trade monopolized. It was, therefore, thought wise to guard the threatened points.

In November, 1716, the *fiscal* advised several measures. A mission was to be founded among the Cadodachos Indians. A permanent settlement was to be formed in the Texas country, and mission work among these Indians continued. A mission that Padre Olivares had planned to establish on the banks of the San Antonio River was, by all means, to be founded since it could be used to prevent invasion through Bahía del Espíritu Santo, and as a connecting link between this bay, when settled, and the country of the Texas. A place was to be selected as headquarters for the missions on the eastern frontier, and to be fortified with moated

<sup>1</sup>See p. 283, *ante*.

<sup>2</sup>For the work of Margil see Espinosa, *Chronica*.

houses of stone (*casas de piedra fuertes*).<sup>1</sup> This was to be used as barracks for the soldiers until a *presidio* supplied with artillery might be founded. The building of the *presidio* and the settlement of Bahía were to be deferred until the king might be consulted in the matter.<sup>2</sup>

In pursuance of this advice, orders were issued for the establishment of one or more missions between the San Antonio and Guadalupe Rivers. Instructions were given that in locating these missions and the Indian settlements connected with them, space should be left for the founding of two cities or villas which, as time passed, would be needed as capitals of the province. A settlement containing at least thirty families was to be, at once, begun on the San Antonio River. As early as 1690, Padre Manzanet had suggested that this region was especially well suited for the founding of a mission. In 1693, he had advised that the work among the Texas Indians be abandoned, since they could not be induced to settle in *pueblos*.<sup>3</sup> Later, as a result of this suggestion, an attempt was made to establish the missions nearer Coahuila. The report of Padre Olivares concerning the country between the Rio Grande and the country of the Texas, suggesting the San Antonio River as a suitable place for founding the mission he had planned to establish, again attracted the attention of the government to this locality. It will be noticed that the three important points, the eastern frontier, Bahía, and Béxar were now all in the mind of the government at the same time. It is interesting to note how Béxar arose into prominence as a result of the way in which these plans were executed.

In March, 1718, Don Martin de Alarcón was appointed to lead an expedition into Texas to carry out the orders of the government. He was accompanied by some seven or eight priests who were to continue mission work. Although instructions were not

<sup>1</sup>*Cf. Recopilacion, lib. IV, tit. IV, ley vii.*

<sup>2</sup>For the decision of the king in regard to these questions see royal *cédula*, June 18, 1718, *Ramo de Reales Cédulas* LXXXIX, 161-166.

<sup>3</sup>Long before this time, it had been decided that this was the most effective means of Ghristianizing the Indians. See *Recopilacion, lib. II, tit. III, ley i.*

fully followed,<sup>1</sup> thirty families were settled on the banks of the San Antonio River<sup>2</sup> near its head, and thus the government took the first step toward the formation of a settlement that might be expected to endure.<sup>3</sup> The *presidio* of San Antonio de B  xar which had been founded by Alarc  n, and the mission of San Antonio de Valero which had been founded just before by Padre Olivares were placed near this settlement. Hitherto the Texas country had been the objective point of occupation. Now, B  xar, which was to become the final rallying point of the Spaniards, begins to rise into view; while the eastern frontier becomes a secondary consideration, and finally relatively unimportant. B  xar was at first founded to prevent invasion through Bah  a, while later the settlement at Bah  a was kept up as a means of protecting the more important stronghold on the San Antonio River. The military policy in accordance with which Alarc  n had been sent out to Texas was not at this time followed up; for, when he asked for additional troops, his request was refused. He visited the eastern frontier, and added some six or seven soldiers to again make the number twenty-five, which had been left by Ram  n. These with the soldiers and their families settled at B  xar completed the guard for the entire country. The settlement and fortification of Bah  a were entirely neglected.<sup>4</sup>

The next movement toward occupation came in 1721, when as a result of the French invasion of 1719, a more strenuous military

<sup>1</sup>Espinosa, *Chronica*, 448.

<sup>2</sup>*Cf. ibid.*, lib. IV, tit. VII, ley v. For a description of the kind of places to be selected for settlement, see *ibid. leyes i, iii, and vi, and tit. V, leyes i and ii.*

<sup>3</sup>In 1787, the *cabildo* in a petition presented to Governor Rafael Mart  nez Pacheco, protesting against the decision of Governor Cabello in regard to the ownership of certain stock in Texas, tells the story of the settlement of Texas from 1715 to 1722. It is strange that in this account no mention is made of the families settled by Alarc  n. (*Representacion . . . que la Republica de la villa de San Fernando . . . ha puesto a los pies de . . . Rafael Mart  nez Pacheco, etc.*, 1787, B  xar Archives.)

<sup>4</sup>For Alarc  n's expedition see Espinosa, *Chronica*; Bonilla, *Brief Compendium*; *Dictamen Fiscal*, in *Memorias de Nueva Espa  a*, XXVII, 171 *vta.*—175; *Dictamen Fiscal, Mexico y Noviembre 30, de 1716*; *Carta del P. Fray Antonio de Olivares    S. Exa., ibid.*, 169-171 *vta.*; *Junta de*

policy was undertaken. For the time, almost the entire attention of the government was directed toward the foundation of *presidios* garrisoned by a much larger force than had ever before been used. Marqués de San Miguel de Aguayo was entrusted with this work. He restored the *presidio* in the Texas country, founded those of Adaes and Bahía, and moved that of Béxar to a more satisfactory location. As in the previous expedition, however, the mission and a modified form of the civil settlement were also used. Aguayo was accompanied by representatives of both the College of Querétaro and that of Zacatecas—to the number of nine—and the following missions were established: San José de Aguayo, San Xavier de Náxera, and Espíritu Santo de Zuñiga. The first two were at Béxar, the last, as its name would indicate, was at Bahía. Aguayo also settled families of soldiers at Adaes. He left the province garrisoned by a force of two hundred and sixty-eight soldiers—one hundred at Adaes, ninety at Bahía, twenty-five in the Texas country, and fifty-three at Béxar.<sup>1</sup>

The policy of the military occupation of Texas was not followed up. In 1727, when Pedro de Rivera made his tour of inspection into that country, he decided that the missions had proved ineffectual in inducing the natives to settle in *pueblos*, and that danger from French invasion was not so imminent as to demand the presence of a strong military force in Texas. The number of soldiers stationed in the province was, therefore, much reduced, and the *presidio* in the Texas country was abandoned.<sup>2</sup>

The mission alone, and the mission guarded by the *presidio* having proved ineffectual, the government resorted to actual colonization, thus trying the last means known to the Spanish system. The *padres* were the first to realize the necessity for this step, and had long before suggested the plan to the government. In fact, the idea was developing throughout the whole period in which military

*Guerra y Hacienda, Mexico y Diciembre 2 de 1716 años, ibid.*, 209-223; *Directorio ó Instrucciones para el Viage á la Provincia de Texas, ibid.*, 228 *vta.*—235; and *Relacion de los empleos Meritos, y Servicios del Sargento Mayor Don Martin de Alarcon, etc., ibid.*, 235 *vta.*—248 *vta.*

<sup>1</sup>For Aguayo's work see Espinosa, *Chronica*; Bonilla, *Brief Compendium*; and *Diario del Viaje del Marqués de San Miguel de Aguayo*.

<sup>2</sup>For Rivera's work see Bonilla, *Brief Compendium*; Espinosa, *Chronica*.



occupation was most strongly emphasized; and, as has been shown, a modified form of the civil settlement—the colony of citizen soldiers—had already been used. The plan, however, of settling families other than soldiers, and granting them municipal rights was not tried until all other means had failed. How gradual was the development of the plan of employing the purely civil settlement may be seen from an examination of the various efforts of the government to strengthen its hold on the country from 1718, when the first soldiers with their families were settled in the country, to 1731, when the fully matured plan was carried out in the founding of the villa<sup>1</sup> of San Fernando de Béxar.

Even as early as 1691, Padre Francisco de Jesus María had suggested the settlement of families among the Asinais Indians,<sup>2</sup> but it was not until about 1716 that the plan seems to have been urged upon the authorities. In July of this year, the missionaries had suggested the placing of families on the eastern frontier. In the same year, they had asked that fifty men be settled in the Cado-dachos country, and fifty among the Texas Indians. In 1716, also, Padre Olivares, in writing to the viceroy of his plans for founding the mission of San Antonio de Padua on the San Antonio River, asked that families be sent in addition to the soldiers he had thought necessary. The first settlers, however, sent into Texas by the government were those brought out by Alarcón in 1718.<sup>3</sup> The sending of these families may have been the direct outcome of the request of Padre Olivares.

The next step taken toward the settlement of families was in

<sup>1</sup>In Texas, the term villa seems to have been applied exclusively to corporate towns. San Fernando, the only settlement possessing a municipal government during the period of Spanish rule, was the only place thus designated. To the end of the eighteenth century, Nacogdoches, which was governed by the commander of the military force stationed at that point, was always referred to as a *pueblo*. Compare Blackmar's statement as to the use of the term in California. (*Spanish Institutions of the Southwest*, 153.)

<sup>2</sup>*Relacion*, 113.

<sup>3</sup>Four of the soldiers taken out by Ramón were accompanied by their wives. (*Informe dado á S. Eza.*, in *Memorias de Nueva España*, XXVII, 132 *vta.* 133 *vta.*) Their presence, however, can hardly be taken as indicating a policy of the government.

response to the suggestion of the *padres*. Disgusted with Alarcón's failure to execute orders,<sup>1</sup> one of them went to Mexico and made a report to the viceroy. By representing the imminent danger of French invasion and the consequent necessity for settlers this religious, Fr. Mathias Sanz, succeeded in obtaining from the viceroy an order that families be sought for at once to settle in villas. The plan was not carried out at this time, and nothing further was done in this direction until Padre Espinosa took the matter in hand.

Some time after Aguayo entered Texas, this priest went to Mexico, and laid before the viceroy his plan for making the Spanish hold on the country permanent. He says: "I had sufficient opportunity for conferring with the Marqués de Valero and with others in high positions concerning the condition of that poor province—Texas; and I shall never have to feel regret for not having proposed, as far as my limitations would permit, the most suitable means for the settlement and permanent occupation of that fertile country. That the plans of all the missionaries, counting Padre Margil in this number, might be evident to all, [I stated that] it was our opinion that, in accordance with the *Leyes de la Nueva Recopilación de las Indias*,<sup>2</sup> married men with their families, who should desire to volunteer as settlers,<sup>3</sup> should be taken instead of conscripts—as were the majority of those previously taken (although I am not speaking of all). To the men was to be given, for two years, the pay of soldiers, to their wives and to their children over fifteen years of age half pay—this to be furnished in money in order that they might carry everything necessary for settlers. Upon their arrival in the province, land was to be assigned each family to cultivate<sup>4</sup>—this to become the property of

<sup>1</sup>One of the chief complaints they made against him was his failure to bring mechanics as the orders given him had directed. That such men should be sent out to Texas had been recognized by Padre Manzanet in 1690. (*Dictamen Fiscal, Mexico y Noviembre 30, de 1716, 183 vta.*) Now after this long interval of waiting they were disappointed.

<sup>2</sup>The word *Nueva* in this reference must be due to some inadvertence. (See p. 300, *post.*)

<sup>3</sup>*Cf. Recopilacion, lib. IV, tit. V, leyes v, vi, and x.*

<sup>4</sup>*Cf. ibid., ley x.*

the said family. The families would doubtless cultivate the lands, regarding their labors as a means of leaving an inheritance to their children. The latter, being reared in the province, would look upon it as their fatherland.<sup>1</sup> I, likewise, proposed that among these families there should be some men understanding the trades and liberal arts. Of this class of people, many could be easily found who, not being comfortable in the cities, would gladly go to try their fortunes in a new country."<sup>2</sup> Espinosa began the work of carrying out this plan by securing from the viceroy an order authorizing him to procure families. Seven poor families with trades offered to go in the hopes of bettering their miserable condition. The undertaking was, however, frustrated by the suggestion of those managing the affair that it would be better to secure the recruits from various cities. This was done to Espinosa's displeasure, for he complains that but few persons went voluntarily, but that most of them were taken from prison. With these recruits he joined Aguayo in his expedition into Texas. These settlers located on the banks of the San Antonio River.<sup>3</sup>

It is quite evident from all the preceding evidence that the plan of settling families originated among the *padres*. The first request for settlers had come from them, and the first families of soldiers sent out were in a degree placed under their control. Padre Espinosa distinctly claimed that the plan he laid before the viceroy for the settlement of families was the work of the missionaries. His plan was essentially the same as that followed in Alarcón's instructions. This supposition is further borne out by the fact that Espinosa, a religious, is the only authority yet found who gives any detailed account of the settlement of families during Aguayo's expedition. It does not seem to have been a matter of any special interest to Aguayo for he mentions the settlement of

<sup>1</sup>In 1690, Padre Manzanet, had suggested the sending out to Texas of boys, who, having been reared in that country, would learn to love it, and would be able to win the love of the Indians. (*Dictamen Fiscal, Mexico y Noviembre 30 de 1716*, 183 *vta.*)

<sup>2</sup>Espinosa, *Chronica*, 455.

<sup>3</sup>*Representacion . . . que la Republica de la villa de San Fernando . . . ha puesta a los pies de . . . Rafael Martinez Pacheco, etc.*, 1787, page 5, B  xar Archives.

families but once, and then as if it were a subject of no real importance. This was the settlement of thirty-one soldiers with their families at Adaes.<sup>1</sup>

After Aguayo left Texas in 1722, the government seems to have abandoned its efforts to colonize the country. The work of colonization by means of families up to this time may be summarized as follows: in 1718, Alarcón settled a company of soldiers with their families on the San Antonio River and placed seven families at Adaes; in 1721, Aguayo stationed a company of thirty-one soldiers at Adaes; while during the same year, Espinosa settled the families he had raised, at Béxar. These settlements had all been made under government direction. But at least one group of families had come independently, and that, too, before 1718; hence this date which is usually given for the beginning of Béxar must be incorrect. This the following translation of an extract from the petition presented in 1787 by the *cabildo* to Governor Rafael Martínez Pacheco<sup>2</sup> will show. "It is certainly evident and clear that the settlement of this province of Texas was begun in the year 15 of our present century."<sup>3</sup> [The Province was given this name by the captains who made various expeditions into it in times past in obedience to superior orders. In these [expeditions] they had only the satisfaction of reconnoitering the province, but never the pleasure of settling it until the above mentioned year. Then, some bold citizens, from the two neighboring provinces—Nuevo Reyno de León or Monterey, and Nueva Estremadura Monclova or Coahuila—which were at that time the last and frontier provinces of Nueva España, desirous of renown or wishing to advance their own private inter-

<sup>1</sup>*Diario del Viaje del Marqués de San Miguel de Aguayo*, 51.

<sup>2</sup>See p. 290, note 3 *ante*. In this, and all of my own translations in the appendices abbreviations have been written out when there was no doubt as to the full form of the word, and all proper names have been spelled and accented in accordance with modern usage except in the case of certain signatures.

<sup>3</sup>This statement is confirmed by a report of Manuel Muñoz in regard to the Province of Texas, 1794 (V. O. King Collection), in which the following sentence is found. "The capital of San Antonio de Béxar owed its origin to a garrison of troops in 1715."



ests, had well authenticated and individual information that the many gentile nations living in these two provinces and in their principal districts about this time were at peace. . . . [These citizens] conceived the idea [of settling in Texas], and with manly courage set out to seek the famous and much lauded river of San Antonio,<sup>1</sup> on whose banks they formed a settlement very near the point at which our villa San Fernando is planted today. They brought with them not only their wives and children, but all their goods, cattle, horses, goats, sheep, and such other things as they thought necessary for their sustenance, returning from time to time to the *presidio* of San Juan Bautista del Rio Grande for the comforts of religion. They had no troops for their defense except the guard they themselves formed from their own number. There remains at this time only the memory of their coming, of the names of the most prominent men among them—these were Don Mateo Carabajal, Cristóbal Carabajal, and Don Francisco Hernandez—and of the survival and increase of the cattle they brought. This memory exists in the minds of their descendants—our relatives,<sup>2</sup> but it is not such as those men deserve as first settlers.”

After Aguayo left Texas in 1722, the *padres* continued their labors under great disadvantages. They finally despaired of success unless they could induce the government to send out more people to furnish to the Indians an example of the life they were expected to lead, and to teach them the most necessary arts.<sup>3</sup> These plans were not regarded with favor by Rivera, as the *padres* had so fondly hoped. Instead of adopting the policy recommended by them, the government actually abandoned the *presidio* in the Texas country and reduced the garrison at Adaes. In 1730, therefore, the three Querétaran missions which, up to the time of Ri-

<sup>1</sup>The natural advantages of the place were already well known.

<sup>2</sup>The word relatives taken together with the fact that the names of Carabajal and Hernandez were common ones at Béxar would indicate that these settlers remained at this point. There was even a Mateo Carabajal and a Francisco Hernandez residing in San Fernando in 1745. They are both mentioned in the proceedings of the *cabildo* for June 28, 1745. (*Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.)

<sup>3</sup>Espinosa, *Chronica*, 459.

vera's inspection had been protected by the *presidio* in the Texas country, were removed from the eastern frontier to Béxar, making five in all at this point.<sup>1</sup> Here the *padres* were soon to see their long cherished plan for the settlement of families carried out in the founding of the villa of San Fernando de Béxar. The three Zacatecan missions were left on the eastern frontier. These with the mission at Bahía completed the list of such establishments in Texas at this time.

The first officially recognized civil settlement in Texas was the villa of San Fernando de Béxar, which was founded in 1731 by a group of families from the Canary Islands. In the plan for the establishment of this new villa appear several new features. Hitherto the arrangements for the settlement of families had been worked out by the missionaries, the orders had been issued by the viceroy, and all families brought in had been natives of Mexico. Now the idea was taken up by the king, all orders were issued by him at the suggestion of Marqués de San Miguel de Aguayo, and all families were brought from the Canary Islands. The advisability of settling families in Texas from Galicia, or from the Canary Islands, from Havana, and from the Province of Tlascalala, as a means of preventing French invasion, had been recognized by Aguayo after he had succeeded in bringing Texas back under the dominion of the Spanish crown, after the French invasion of 1719. Both he and the corporal of Bahía had recommended this measure. As a result of this recommendation three royal orders for the transportation of families to Texas were issued, the first March 18, 1723,<sup>2</sup> the second on May 10, 1723,<sup>3</sup> and the third on February 14, 1729.<sup>4</sup> Nothing came of the two orders

<sup>1</sup>Not including San Xavier de Náxera, which was founded by Aguayo. The absence of records concerning this mission would seem to show that it was very short lived, and that it was abandoned before 1730.

<sup>2</sup>This differed from the other two as it was issued *por la via reservada*, that is, on the king's own authority without consultation with the council. The fact that such an order was issued is learned from the order of 1729.

<sup>3</sup>*Ramo de Reales Cédulas*, XLIV, No. 18.

<sup>4</sup>In *Expediente Mandado formar por el Sor. Comandte. Gral. Brigadier Dn. Nemesio Salcedo*, etc., 4-5 vta, Nacogdoches Archives. See appendix I.

issued in 1723. The order of February 14, 1729, recites that Marqués de Aguayo had proposed, as a means of holding Texas more securely, and at the same time avoiding the expense of maintaining so many *presidios*, and so large a force of soldiers there, the settlement of four hundred families from the Canary Islands, from Havana, and from the Province of Tlascala, suggesting that they be distributed among all the missions, at Bahía [de San Antonio],<sup>1</sup> at Adaes, and among the Texas Indians. He also thought that it would be well to form a mission with a settlement of Spaniards and Tlascaltecs half way between San Antonio and the country of the Texas. The king gave orders for the transportation of four hundred families, including the two hundred for which orders had previously been issued.<sup>2</sup> All these were to come from the Canary Islands. The volunteers were to be transported and maintained for one year at government expense, and to be settled in the places mentioned above. In response to this decree a few people—numbering when they left the Canary Islands but ten families<sup>3</sup>—volunteered to come to Texas. These immigrants reached Béxar at eleven o'clock, March 9, 1731.<sup>4</sup>

Something should be said here as to the seeming discrepancy in the number of settlers mentioned in the various accounts given concerning them. The exact number of families, and the number of persons composing them has been the subject of much discussion. The conclusions reached have been various—the number of families ranging from ten to sixteen, and that of the persons from fifty-two to fifty-six. The authorities vary, but the discrepancies can be easily explained. To begin with but ten families, under the leadership of Juan Leal Goras,<sup>5</sup> who was the oldest man among them and the one who subsequently received the greatest

<sup>1</sup>See p. 330, *post*.

<sup>2</sup>March 18, 1723.

<sup>3</sup>This, according to at least two of the royal orders, was the smallest number of volunteers to be transported in any one vessel.

<sup>4</sup>Order of the captain of the *presidio* of Béxar for families to appear for inspection. (Document in V. O. King Collection.)

<sup>5</sup>Order of Viceroy February 14, 1729, in *Expediente Mandado formar*, etc., Nacogdoches Archives.

honors within their gift, started out from the Canary Islands.<sup>1</sup> Within a month the number of families was increased from ten to fifteen. This was brought about by marriage among the colonists, as may be seen from a comparison of the list of the families taken at Quautitlan, September 9, 1730,<sup>2</sup> with the list taken just before they left Quautitlan, November 8, 1730.<sup>3</sup> The first list is as follows: "Juan Leal Gonzal, wife, three sons, and one daughter; Juan Carbelo, wife, two sons, and three daughters; Juan Leal y Moso (son of the first man), wife, four sons, and one daughter; Antonio Santio [Santos?], wife, one son, and four daughters; José Padron, and wife; Manual de la Nis [Niz?], wife, and daughter; Salvador Rodriguez, wife, and son; Maria Rodriguez (widow of Juan Cabrara who died near Vera Cruz), two sons and one daughter; Maria Rodriguez, (widow of Juan Rodriguez Granadillo), and two sons; Maria Melian (widow of Luca Delgado), three sons, and one daughter; five single men: Antonio Rodriguez, Phelipe Perez, José Antonio Perez, Martin Lorenzo de Armas, Ignacio Lorenzo de Armas—a total of fifty-two persons containing ten families." The list taken of the families just before they left Quautitlan includes the following persons:<sup>4</sup> Juan Leal Goras, and two sons; Juan Curbelo, wife, two sons, and one daughter; Juan Leal, Jr., wife, four sons, and one daughter; Antonio Santos, wife, one son, and three daughters; Joseph Padron, and wife; Manuel de Niz, and wife; Vicente Alvarez Travieso, and wife; Salvador Rodriguez, wife, and one son; Francisco de Arocha, and wife; Antonio Rodriguez, and wife; Joseph Leal, and wife; Juan Delgado, and wife; Joseph Cabrera, son, and daughter; Maria Rodriguez Provayna, three sons, and three daughters; Mariana Melano, two sons, and one daughter; and four single men: Phelipe Perez, Joseph Antonio Perez, Martin Lorenzo de Armas, and Ignacio Lorenzo de Armas—a total of fifty-six persons and fifteen families, or sixteen families if the unmarried men be

<sup>1</sup>List of Islanders taken at Quautitlan, September 9, 1730. (THE QUARTERLY, II 219, *The Founding of the First Texas Municipality*.)

<sup>2</sup>*Ibid.*

<sup>3</sup>In V. O. King Collection. See appendix II.

<sup>4</sup>For a full description of the immigrants see the list in appendix II.



counted a family as they sometimes were. The following changes had taken place. Vicente Alvarez Travieso and Francisco (de) Arocha—if they had not been overlooked in making the first list—had joined the party after the list was made.<sup>1</sup> Two women had died: Maria Rodriguez (widow of Juan Cabrera), and the wife of Juan Leal Goras. In taking the first list three daughters of Maria Rodriguez (widow of Juan Rodriguez Granadillo) had been overlooked, and one son had been born later. The following five men had married daughters of the Islanders: Vicente Alvarez Travieso, Francisco de Arocha, Antonio Rodriguez, Joseph Leal, and Juan Delgado, and consequently, there were fifteen families—not counting the four single men—when the second list was formed.<sup>2</sup>

These fifteen families founded the villa of San Fernando de Béxar. The settlement was given this name in honor of the heir to the Spanish crown, although many persons desired to name it

<sup>1</sup>They may have been omitted from the first list. Travieso was a native of Teneriffe, and Arocha of Palma. This might suggest that they had come over with the Islanders. The fact, too, that nothing is said in regard to their joining the immigrants, and that they received their share of goods, land, and money would be a further indication that they originally belonged to the party from the Canary Islands. The lists show, however, that the Islanders were a group of relatives, except for these two men, and possibly Joseph Padrón and wife, who do not seem to have been related to any of the rest. This might be taken to indicate that they joined the party during its stay at Quautitlan because it came from the land of their nativity.

<sup>2</sup>The statements made in the two lists in regard to the relationship of the members of the Cabrera family do not agree. According to the first list, Maria Rodriguez (widow of Juan Cabrera) had two sons, and one daughter. She died before the second list was formed, and the family is then given as follows: Joseph Cabrera, son of Manuel Cabrera and Maria Rodriguez, fifty years of age; Marcos de Cabrera, son of Joseph Cabrera, six years of age; and Ana Cabrera, daughter of Joseph Cabrera, thirteen years of age. The ages and relationships here given must not be correct. After the Islanders reached Béxar, the Cabrera family is listed as follows: Joseph Cabrera, sixteen years of age; Marcos Cabrera, sixteen; and Ana Cabrera, fourteen. (List taken about June 1731, *Ramo de Provincias Internas*, XXXII, Doc. 11.) This description of the family after it reached Béxar is doubtless that which should properly have been given in the second list.

Casafuerte in honor of the viceroy of Mexico.<sup>1</sup> According to the viceroy's orders it was to be made a *cuidad*, and created the capital of Texas because it was the first civil settlement founded in the province by families from the Canaries.<sup>2</sup>

The new settlement was to be governed by a city council or *cabildo*, and orders for the appointment of the members of this body had been issued long before the Isleños, as the Canary Islanders were often designated, arrived.<sup>3</sup> The law in regard to the formation of such a body in a new settlement founded under similar conditions to those existing at San Fernando declared that whenever any private individuals desired to form a new settlement, and had the necessary number of married men for the purpose—not less than ten<sup>4</sup>—they should be given permission to form a settlement, should be assigned lands, with prescribed limits,<sup>5</sup> and should be granted the right to elect from their own number *alcaldes* and other annual officers of the *cabildo*.<sup>6</sup>

All these directions had been followed. The viceroy had issued a decree authorizing the governor of Texas, or in his absence, the captain of the *presidio* of Béxar to select from the heads of these fifteen families six persons as *regidores*, one as *alguacil mayor*, one as *escribano de consejo y público*, and one as *mayordomo de los bienes y propios*. These were to have the power to elect from their own number two ordinary *alcaldes* as judicial officers. The first nine offices were to be given to the men whom the governor considered most suitable for holding them for life.

<sup>1</sup>Bonilla, *Brief Compendium*, 40-41.

<sup>2</sup>Order of Viceroy, November 28, 1730. Copy dated December 27, 1806. (Béxar Archives.) The government had originally planned the founding of two cities between the San Antonio and Guadalupe Rivers which should serve as the capitals of Texas. A better reason than that given by the viceroy for the establishment of the capital at San Fernando lay in the natural advantages of the place.

<sup>3</sup>*Ibid.* See appendix V.

<sup>4</sup>This provision probably led to the fixing of ten as the lowest number of families to be transported at any one time.

<sup>5</sup>These provisions are specified in the *Recopilacion*, lib. IV, tit. V, ley vi.

<sup>6</sup>*Ibid.*, ley x. Compare with the method of election when the settlement was made by contract, *ibid.*, leyes vi and vii.

In accordance with these instructions, on July 20, 1731, Don Juan Antonio Pérez de Almazán, captain of the *presidio* of Béxar, named all of the officers with the exception of the two *alcaldes*. The officers thus appointed were installed on August 1, 1731. They immediately held a meeting, and proceeded to the election of the two judicial officers<sup>1</sup> to whom they were entitled. These two *alcaldes* took the oath of office on that day. Now, nothing but the viceroy's approval was needed to complete the organization of the *cabildo* of the villa of San Fernando de Béxar.<sup>2</sup> Notification of the result of the election was forwarded at once, but the viceroy's approval was not given until October 24, 1731,<sup>3</sup> and over six months elapsed after the arrival of the Isleños before they had a completely organized municipal government.

As has been said, the number of officers provided for was eleven. These were to be six *regidores*,<sup>4</sup> two *alcaldes*,<sup>5</sup> one *escribano de consejo*, one *mayordomo de los bienes y propios*, and one *alguacil mayor*.<sup>6</sup> To fill these offices, however, as will appear from the list that follows, only nine men were needed; for the two *alcaldes* served also as *regidores*. This became the custom. The men appointed to these positions were: Juan Leal Goras, 1st *regidor* (*regidor decano*), and first *alcalde* (*de primero voto*); Juan Curbelo, 2nd *regidor*; Antonio Santos, 3d *regidor*; Salvador Rodriguez, 4th *regidor*, and 2nd *alcalde* (*de segundo voto*); Manual de Niz, 5th *regidor*; Juan Leal Alvares, 6th *regidor*; Francisco de Arocha, *escribano de consejo y público*; Antonio Rodriguez, *mayordomo*;

<sup>1</sup>When the Spanish *cabildo* was organized at New Orleans in 1769 by Don Alexander O'Reilly four officers, two of whom were *alcaldes*, were to be elected by the *regidores*. (*Ordinances and Instructions of Don Alexander O'Reilly*, French, *Historical Collections of Louisiana*, V, 254.) These instructions are but an abstract of the laws of the *Recopilacion* applying to the organization of *cabildos*. They were closely followed at San Fernando and are valuable evidence in the latter case as throwing light upon the Spanish construction of these laws.

<sup>2</sup>Cf. *Recopilacion*, lib. V, tit. III, ley x.

<sup>3</sup>*Ramo de Provincias Internas*, XXXII, Doc. II. See appendix VI.

<sup>4</sup>*Recopilacion*, lib. IV, tit. X, ley ii.

<sup>5</sup>*Ibid.*, tit. X, ley. i.

<sup>6</sup>For the last named officers see *ibid.*, tit. VIII, ley ii.

and Vicente Alvarez Travieso, *alguacil mayor*.<sup>1</sup> Only married men were chosen, and the preference was given to the older men among this number.

The documents I have examined in the Béxar Archives show that various names were applied to the body thus organized. The titles used in the *Recopilacion* when speaking of the bodies charged with the municipal government of *ciudades*, *villas* or *lugares* are *consejo*, *ayuntamiento*, or *cabildo*, *justicia*, *y regimiento*. The latter form is used in the minutes of the *cabildo* of San Fernando throughout the period under consideration. During its early history it was usually referred to simply as the *cabildo*. Still other names used were *consejo municipal*, and *cuero municipal*. Forms of address were *Muy Ilustre Cabildo*, *Noble Cabildo*, and *Ilustre Cabildo*, *Justicia, y Regimiento*. Toward the end of the century the name *ayuntamiento* almost superseded that of *cabildo*; and this, in turn, during the first quarter of the nineteenth century was displaced by the term *municipalidad*.

To understand the government thus organized a brief consideration of the history of the Spanish municipality is necessary; for, although all *cabildos* under Spanish dominion had certain features in common there were peculiar customs developed in each individual case. History will show that there was great latitude for the growth of these differences. During the eleventh and twelfth centuries the kings of Spain organized *consejos* in the various settlements of their dominion. These bodies were composed of all citizens or of all heads of families in the *pueblos*, and were used as a means of holding in check the nobles who always stood ready to usurp the royal power. The *consejos* supervised the economic activities of the settlement and exercised civil and criminal jurisdiction in all cases except those coming under the cognizance of the king himself, and appeals were taken directly from these *consejos* to the king. They elected *alcaldes* and other judicial officers together with certain administrative and military officials. The size of the *consejos*, however, proved inconvenient. Therefore, during the fourteenth century, the number was restricted, and the germ of the modern *ayuntamiento* was formed. A system of

<sup>1</sup>Appendix VI.



laws similar to those in Spain was developed for the government of *consejos* in America. Most of the laws that were in force at the time San Fernando was founded are contained in the *Recopilacion de Leyes de los Reynos de las Indias*. The first edition of these laws was issued in 1680, the second, which was merely a reprint of the first, in 1774, and the third in 1791.<sup>1</sup> It has already been shown that the Spaniards, in their various efforts to hold the Province of Texas from 1689 to this time, had been controlled by the laws of the *Recopilacion*. Now, it was the intention of the government to found this villa, and have it governed in accordance with these same laws. That this is true is easily established. In accordance with the laws of the *Recopilacion* the new settlers were created *hidalgos*<sup>2</sup> and were given a municipal government,<sup>3</sup> and detailed instructions, based upon the *Recopilacion*, were given for the laying off of the town.<sup>4</sup> Other examples showing obedience to the *Recopilacion* might be given, but these are doubtless sufficient.

It is clear, however, that in practice the laws were modified to meet peculiar conditions at San Fernando. One of the most striking instances of such disregard, or in fact of violation of these laws, was the establishment of the villa near the missions, and the groups of settlers that had gathered about Béxar between 1718 and 1730. The law prescribing the regulations for the settlement of villas governed by ordinary *alcaldes* and *regidores* declared that the boundaries of the four leagues of land set aside for the said place should be distant at least five leagues from any *ciudad*, *villa*, or *lugar de Españoles*<sup>5</sup> which might have been previously estab-

<sup>1</sup>In the preparation of this paper I have used the edition of 1774. For the development of the system of laws for the Indians see *Ley, que Declara la Autoridad que han de tener las leyes de esta Recopilacion, Recopilacion, Tomo I*. Cf. Bancroft, *Central America*, I, 285-288, and Bourne, *Spain in America*, XV.)

<sup>2</sup>*Recopilacion*, lib. IV, tit. VI, ley vi.

<sup>3</sup>*Ibid.*, tit. V, ley x.

<sup>4</sup>As to how closely the laws were followed in these instructions see appendix III.

<sup>5</sup>*Recopilacion*, lib. IV, tit. V, ley. vi.

lished. Blackmar interprets this law to include missions.<sup>1</sup> If this be true—which, however, is doubtful—the settlement of the villa at the point selected by the viceroy was undoubtedly in violation of the law in question, as there were several missions nearer than five leagues. At any rate, the groups of settlers gathered at this point must be considered as forming a *lugar de Españoles*, and, therefore, if it were recognized as such by the government,<sup>2</sup> the location of the new villa so near this settlement was illegal. That the villa was placed near the missions and the *presidio* is proved by the following statement. "In 1731, four settlements were made on this river [the San Antonio] three for the conversion of the heathens, and one called the villa of San Fernando in which the Islander families, and other citizens of the place are settled. These with the *presidio* form but one settlement."<sup>3</sup> In fact, the villa was placed but a few hundred yards from the *presidio* which was located on what is now known as the military *plaza*. The center of the villa settlement was marked by the spot now called the main *plaza*.<sup>4</sup>

Other cases in which the organization and methods of procedure in the municipal government of San Fernando were in violation of the *Recopilacion* may be mentioned. The law fixing the length of the term of municipal offices was, at first, modified to meet conditions at San Fernando. This law declared that officers of the *cabildo* should be elected annually, and that having served in any capacity for the period of one year, no man should be eligible to the same office or to any other municipal office until at least two years had elapsed. In the case of an *alcalde* an interval of three years was required before he could be again elected *alcalde*.<sup>5</sup> In

<sup>1</sup>*Spanish Institutions of the Southwest*, 132.

<sup>2</sup>The viceroy, in his provisions for laying off the villa, declared that the plan should be altered if any of the measurements could not be made in any of the directions mentioned owing to the fact that these lands were settled.

<sup>3</sup>*Descripcion de las Misiones del Colegio de la Santa Cruz en el Rio de San Antonio, año de 1740*, in *Memorias de Nueva España*, XXVIII, 201.

<sup>4</sup>*Ereccion de la Parroquia de San Fernando de Béxar, año de 1738* published in *el Bejareño*, Tomo I, No. 8, in Texas State Library.

<sup>5</sup>*Recopilacion*, lib. IV, tit. IX, ley xiii. Cf. *ibid.*, lib. V, tit. III, ley ix.

this new settlements it was impossible to fulfill these requirements. There were, as will be seen from the list of Isleños<sup>1</sup> only thirteen married men over eighteen years of age—the age of Antonio Rodríguez, the youngest member of the first *cabildo*. Unmarried men were not eligible. Therefore the number of those available for election was, at the outset, limited to thirteen. As the younger men were married the number was gradually increased. But there were also, as has been shown, other settlers at Béxar when the Isleños reached that place<sup>2</sup>—those who had come out with Alarcón,

<sup>1</sup>See Appendix II.

<sup>2</sup>Some of these settlers, or perhaps all of them, were called *vecinos agregados*. The term was probably applied first to the colonists who attached themselves to the expeditions of Alarcón and Aguayo (Espinosa, *Chronica*, 149, and *Representacion . . . que la Republica de la villa de San Fernando . . . ha puesto a los pies de . . . Rafael Martinez Pacheco*, etc., 1785, page 5, Béxar Archives), and with such significance, it would be properly applied only to these colonists, to the exclusion of the men who came independently without military protection in 1715 (*Ibid.*, 4) Before the villa was founded, however, all these groups were merged into a single settlement attached to the *presidio* under the common designation. In at least one document (Complaint of *vecinos agregados* against the Isleños for usurpation of privileges, 1745, Béxar Archives.) occurs the expression *vecinos agregados del presidio* with apparent reference to the settlers thus grouped. Later, at the time of the founding of the villa, or subsequent thereto, they became attached to it, and the term *agregados* may have taken on a new meaning in relation to this fact. (Cf Yoakum, *History of Texas*, I 393.) It was the intention of the government that the settlers sent out by Alarcón and Aguayo should, in accordance with the laws of the *Recopilacion*, be given lands and paid salaries for their services as soldiers. (Espinosa, *Chronica*, 448.) The lands, however, may not have been assigned. When the Isleños reached Béxar, they were given lands that had been cultivated by the ancient settlers of the *presidio* (Appendix IV), in spite of the fact that the viceroy, in his instructions for the laying out of the villa, had provided that the plan should be altered if any of the land intended for the Isleños were already settled. This would indicate that some of the settlers had merely cultivated the lands, but had never been given titles to them. (See also Petition of Fr. Benito Hernandez de Sta Anna *Presidente de las Misiones de S. Antonio, y San Xavier de la Prova. de Texas*, in *Memorias de Nueva España*, XXVIII, 131 *vta.* 133.) In 1745, Don Pedro Ocón y Trillo, in a complaint presented to the governor in behalf of the *vecinos agregados*, (Against Isleños for usurpation of privileges, 1745, Béxar Archives.) states that the Isleños made proud by the title

and they should have had a share in the municipal government of the newly founded villa, but practically, in the earlier years of the municipality, this was not true. The settlement established by Alarcón on the banks of the San Antonio River, in 1718, contained thirty families. According to the laws of the Indies, this was the requisite number for founding a villa to be governed by a *consejo* composed of ordinary *alcaldes* and *regidores*.<sup>1</sup> It was the intention of the government that the settlement founded by Alarcón should be organized as a villa.<sup>2</sup> It was even subsequently referred to as a villa,<sup>3</sup> but no evidence has as yet been found to show that these settlers had any distinct municipal government. Yet if this were true up to the coming of the Canary Islanders, the viceroy, in making provisions for the laying off of the town, had provided that such persons as might join the Isleños should be eligible to municipal office. This, however, may have been intended to apply to other settlers that were expected to come from the Canary Islands. The first *cabildo* was composed entirely of Isleños, and with the exception of the *alcaldes*, the members were appointed for life. Consequently there was not much chance for a non-Isleños to hold office at first. From 1731-1749 only some three or four men who did not belong to this favored class, so far as the records show, enjoyed the honor of serving on this body.<sup>4</sup> By the

of *pobladores* wished it to appear that they alone had the right to this title; whereas the *vecinos agregados del presidio*, at no cost to his majesty, were the most ancient *pobladores* and *conquistadores* of the country. If the fact that they came at no cost to his Majesty be emphasized, the expression *vecinos agregados* might be taken to include only the settlers who came out in 1715. Still another use of the word is found in a petition presented by Thomasa de la Garza to the governor (1745, Béxar Archives) asking for a certain building lot. She stated that her husband had served as a soldier at Espíritu Santo for many years, but on account of his illness, they had removed to San Fernando where she had lived for more than three years on a lot belonging to Joseph Miguel de Urrutia. In this petition she calls herself a *vecina agregada a la villa*.

<sup>1</sup>Recopilacion, lib. IV, tit. V, ley vi.

<sup>2</sup>Directorio ó Instrucciones, 32 vta.

<sup>3</sup>Relacion de los Empleos Meritos, y Servicios, 246 vta.; and Diario del Marqués de San Miguel de Aguayo, 11

<sup>4</sup>Libro de Cavildo, etc., 1742-1749, Nacogdoches Archives.



early 50's, however, some twenty years having elapsed, the number of the original *cabildo* had become thinned by death and incapacity.<sup>1</sup> It became necessary then, in some cases, to select other men to fill the vacancies, and the policy was adopted of regularly electing a few of the younger members of the *Isleños*, or even the *vecinos agregados*.

Although, at first, the law providing for the annual election of officers was disregarded except in the case of *alcaldes*,<sup>2</sup> toward the end of the century, it was strictly enforced. In 1794 Manuel Muñoz, who was then governor of Texas, wrote to the *cabildo* in regard to the election report sent him for approval, as follows: This government is not unmindful of the irregularities in the elections you report. In most cases you have left to those re-elected the same offices they had previously held. I cannot believe that there is a scarcity of individuals in the settlement to fill these places."<sup>3</sup> The same question had arisen the year before. The governor had written to the *cabildo* saying that before Don Clemente Delgado could be legally re-elected, at least two years interval after the expiration of his term of office was absolutely necessary.<sup>4</sup> As to the time for holding elections, and for installing the officers of a new *cabildo* nothing has been found previous to 1778. In this year, however, the time for holding the elections, the time for sending the report of these elections to the governor for approval, and the time for installing the officers was fixed. The election report for 1791<sup>5</sup> states that elections had been held on the 20th of the month of December in accordance with an order of Don Theodore de Croix, general comandant of the *Provincias Internas* which had been issued on January 13, 1778, and that re-

<sup>1</sup>Several of the officers were over forty years of age at the time of their appointment.

<sup>2</sup>The only way of determining the persons who served as *alcaldes* for any given year, previous to 1750, is to examine the lawsuits brought before these officers. From the evidence in hand no complete list can be formed, but no case has been found in which any person served two consecutive years.

<sup>3</sup>December 29, 1794, Béxar Archives.

<sup>4</sup>Manuel Muñoz to *cabildo*, December 21, 1793, Béxar Archives.

<sup>5</sup>Béxar Archives.

ports of elections had been sent to the governor for approval on the 21st of the same month in obedience to the same orders. The new *cabildo* was to be installed on January 1st. This arrangement was strictly adhered to, at least, as late as 1800.

Another instance in which the laws of the *Recopilacion* were violated, was in regard to the place of meeting. The law provided that all sessions of the *cabildo*, all elections, etc., should be held in the municipal hall. The penalty imposed for violation was permanent loss of office.<sup>1</sup> Special provision was made that no meetings should be held at the governor's house unless there were urgent reasons therefor. <sup>2</sup> Both of these laws were violated. There was no municipal hall at San Fernando for years after its foundation,<sup>3</sup> and consequently meetings had to be held at other places. As late as 1783, the *cabildo* met in the jail.<sup>4</sup> Sessions were frequently held at the house of the *alcalde*. It was not unusual to hold meetings at the governor's house even toward the end of the century.

Another case of violation of the laws of the *Recopilacion* was the election of *alcaldes* who were unable to write.<sup>5</sup> Of the nine officers of the first *cabildo* only four men could sign their names. Juan Leal Goras, 1st *alcalde*, could write sufficiently well for any person knowing that his signature was affixed to a document to identify it. Salvador Rodriguez, 2nd *alcalde*, however, had to have some one sign for him. The only man among the Isleños upon their arrival at Béxar who could write a legible hand was Francisco Joseph de Arocha, secretary of the *cabildo*.<sup>6</sup>

<sup>1</sup>*Recopilacion*, lib. IV, tit. IX, ley i.

<sup>2</sup>*Ibid.*, ley ii.

<sup>3</sup>Minutes for January 12, 1742, *Libro de Cabildo*, etc., 1742-1749, Nacogdoches Archives.

<sup>4</sup>Minutes for February 20, 1783, *Libro en que se asienta lo acordado en el cavildo*, etc., 1783-1807, Béxar Archives.

<sup>5</sup>*Cf. Recopilacion*, lib. V, tit. III, ley iv.

<sup>6</sup>Arocha served in this capacity from the time of his appointment on July 1, 1731 until January, 1757, when, upon petition presented to the *cabildo*, he was relieved from the office on account of his age. (Béxar Archives. The fact that the place remained vacant during the remainder of the century probably indicates that no properly qualified successor to him could be found.

One more instance in which the laws of the *Recopilacion* were violated may be mentioned. It was provided that in new settlements formed by groups of private persons, having the proper number of married men for the purpose—not less than ten—the settlers should be given the right to elect ordinary *alcaldes* and other annual officers of the *cabildo* from among themselves.<sup>1</sup> Contrary to these provisions the first *cabildo*, with the exception of the *alcaldes*, was appointed by the captain of the *presidio* of Béxar in obedience to the orders of the viceroy, who had provided that the captain should perform this duty if the governor of the province could not act. These officers were given their positions for life. In obedience to this same order, the *alcaldes* were elected, either by the *regidores* alone (*Cf. ibid., tit. XI, ley, ii*, and report of first election, appendix VI.), or by the whole *cabildo* with the exception of the *escribano de consejo*. (*Cf. Election report, 1750, Béxar Archives.*) As to the way in which they were elected previous to 1750, no evidence has been found. On January 1 of this year the two *alcaldes* for the incoming year were elected by the vote of all the officers of the *cabildo* with the exception of the *regidor decano*, who was not present, and the *escribano de consejo*, who was present, but did not vote. This arrangement was not in accordance with the law providing that the people should elect the *alcaldes*. Shortly after 1750 a complete series of the election reports are found. From these it is evident that it became the custom for the *cabildo* to elect all the municipal officers. It is not possible, however, to ascertain whether or not all of the members of the *cabildo*, with the exception of the *escribano*, voted as in the election for 1750. The *cabildos* in Spain had become close corporations, membership in which was either inherited or purchased, and the *consejos* in America had followed this course of development.<sup>2</sup> This probably explains the state of affairs at San Fernando, although, during the period under consideration, no attempt was made to sell any of the municipal offices,<sup>3</sup> and no member, so

<sup>1</sup>*Recopilacion, lib. IV, tit. V, ley x.*

<sup>2</sup>Bourne, *Spain in America*, 235.

<sup>3</sup>For the offices that were to be sold in the Indies see *Recopilacion lib. VIII, tit. XX, ley i*. For the laws governing such sales see *ibid. tit. XX.*

far as the available records show, ever inherited any office at San Fernando during the eighteenth century.

The functions of the *cabildo* are, in the main, well defined although the exact way in which the various duties devolving upon it were apportioned among the members is not exactly clear. To describe these functions, however, is a difficult task, since the judicial, the executive, and the legislative powers vested in this body are not clearly differentiated. The political hierarchy of the Spanish government was headed by the king, and included in a descending series, arranged in order of importance, the viceroy of Nueva España, the general commandant of the *Provincias Internas*, the governor of Texas,<sup>1</sup> and finally the *cabildo* itself.<sup>2</sup> The *cabildo* was practically restricted to carrying out the orders of the higher authorities. The Spanish *cabildo* was charged with the politico-economic government of the settlements under its control.<sup>3</sup> According to Moses this was "the care of the public health and accommodations, to watch over prisons, hospitals, and benevolent institutions that are not of private foundation, primary schools sustained by public funds, the construction and repair of bridges, highways, and roads, the raising and expenditure of public moneys from taxes, licenses, and the rents of municipal property; to promote the advancement of agriculture, industry, and commerce, and to assist the *alcalde* in the preservation of peace and public order among the inhabitants."<sup>4</sup> The duties of the *cabildo* of

For the first suggestion of the government yet found that offices should be sold, which was made in 1812, see *Expediente Mandado Formar etc.*, Nacogdoches Archives.

<sup>1</sup>The *justicia mayor* of the villa of San Fernando, and its jurisdiction, who was likewise captain of the *presidio* of Béxar, should perhaps be enumerated in this series. But since I have had available so little material concerning the nature of his jurisdiction, and his relation to the governor and the *cabildo* his name has been omitted.

<sup>2</sup>In taking the oath of office, the *cabildo* of San Fernando promised obedience to all these authorities. (Report of election, January 1, 1780, Béxar Archives.

<sup>3</sup>Escriche, *Diccionario Razonado de Legislacion y Jurisprudencia*, under *Ayuntamiento*.

<sup>4</sup>Moses, *The Establishment of Municipal Government in San Francisco*, page 16, in *Johns Hopkins University Studies in Historical and Political*



San Fernando, as defined by one of the governors in his charge to a newly elected body, were the administration of justice, and the protection of the interests of the commonwealth.<sup>1</sup> In all of these definitions the political dependance and subordination of the *cabildo* are assumed.

In fulfilling the obligations placed upon it, the *cabildo* of San Fernando had first to discharge certain duties involving its own continued existence and organization. These duties included the filling of vacancies in the body itself, and the election of the succeeding *cabildo*. But, as the reports in the B  xar Archives show, such elections required the approval of the governor, and he had also to install, in person or by deputy, the newly elected officers. On the *cabildo* devolved, in the second place, the duty of keeping public order by seeing that the various laws and regulations of the superior authorities were observed, and of preserving the public health, of looking after the general welfare, and of managing the business affairs of the villa. The law provided also for judicial appeals to this body from the decisions of the *alcaldes*,<sup>2</sup> but there is nothing to show that such appeals were ever made in San Fernando.

Although from all these definitions and examples, the powers exercised by the *cabildo* seem far-reaching they were, in reality, much restricted by the powers of the governor, the next higher authority. In the first place, the governor had to approve the election of municipal officers made by the *cabildo*.<sup>3</sup> This approval was usually granted, but, in case it was withheld for any reason, the elections were null. In considering the election of officers for 1784, after charging the acting members with gross neglect of duty in that they were so frequently absent from the villa on private business that the settlement had suffered in consequence, Gov-

Science, VII. Cf. *Coleccion de los Decretos y   rdenes que han expedido los C  rtes Generales y Extraordinarios Desde 24 de Setiembre de 1811 hasta 24 de Mayo de 1812*, II, 147-148.

<sup>1</sup>Manuel Mu  oz to *cabildo*, December 22, 1798, B  xar Archives. Compare with the duties as defined in the *Ordinances and Instructions of Don Alexander O'Reilly*, 254.

<sup>2</sup>*Recopilacion*, lib. V, tit. III, ley x.

<sup>3</sup>Cf. *Recopilacion*, lib. V, tit. III, ley, x.

ernor Cabello ordered the newly elected members not to absent themselves when, as a consequence of such an absence, any of their duties might be neglected. He refused to approve the elections until the members should have promised to obey these instructions.<sup>1</sup> He likewise refused to approve the election of a certain individual on the grounds that he did not possess the necessary qualifications, as there were two criminal charges pending against him.<sup>2</sup> Manuel Muñoz, the succeeding governor, objected to two other persons named for municipal office because their conduct had not made them worthy of the honor of serving in this body.<sup>3</sup> The elections, in each case, were not approved until the objectionable characters were excluded.

In addition to this power of approving and disapproving elections the governor, as has already been stated, had to install new officers, or to appoint some one in his stead to perform that duty. The honor was usually conferred on the *regidor decano*. The governor, likewise, sometimes presided over the *cabildo*,<sup>4</sup> and could cast the deciding vote in case of a tie in elections.<sup>5</sup> Besides this supervision of elections made by the *cabildo*, the governor had power over matters that one would naturally expect to be entirely under its control. Among these may be mentioned the management of school affairs. The petition of a teacher<sup>6</sup> asking to be allowed to establish a school, to receive certain pay for his services, and to have the rules and regulations for the school prescribed was referred to the governor for decision. Another instance of the governor's authority is shown by the petition of an *alcalde*<sup>7</sup> asking to be allowed to go with certain companions to get twenty-four head of stock beyond the Guadalupe River. When granting this

<sup>1</sup>*Expediente* concerning elections for 1784, in *Poseciones de Oficios*, etc., 1778-1784, Béxar Archives.

<sup>2</sup>Domingo Cabello to *cabildo*, December 22, 1784, Béxar Archives.

<sup>3</sup>Manuel Muñoz to *cabildo*, December 29, 1794, Béxar Archives.

<sup>4</sup>Election report, January 5, 1777, Béxar Archives.

<sup>5</sup>Report of election December 23, 1781, in *Poseciones de Oficios*, etc., 1778-1784, Béxar Archives.

<sup>6</sup>Don José Francisco de la Mata to *cabildo*, May 1789, Béxar Archives.

<sup>7</sup>Manuel de Arocha to *cabildo*, August 31, 1793, Béxar Archives.

petition, the governor restricted the number of cattle they were to kill, and prohibited further slaughter, and also marking, or branding of stock. In case the *cabildo* desired to make any improvements in the villa, for instance, if it wished to build a municipal hall or a prison, it had not only to secure the governor's permission to erect the buildings in question, but had also to submit the plans of the buildings for approval. After the specifications had been accepted, however, the matter of construction seems to have been entirely in the hands of the *cabildo*.<sup>1</sup> The governor was likewise appealed to in the matter of preserving order in the villa. In one petition, for instance, the *cabildo* informed the governor that the various members had witnessed many lawless acts while making the nightly patrol in the execution of their duties, and asked him to take steps to prevent the people from going upon the streets so much at night, to preserve order in the *fandangos*, which were frequently continued past the hour fixed by law, and to re-publish the order for good government issued upon his entrance to office. The governor complied with this request although he declared that these matters were within the peculiar province of the *cabildo*.<sup>2</sup> The power of the governor to grant land and the subordination of the *cabildo* in this respect are illustrated by a petition presented to Governor Larios in 1745 by Thomasa de la Garza, asking for a certain building lot.<sup>3</sup> The governor granted the petition, and ordered the *cabildo* to place her in possession of the land in question. In obedience to these instructions, the *cabildo* sent an ordinary *alcalde*—the *alguacil mayor* being absent—to carry out the orders of the governor.

A summary of the municipal ordinances of the villa of Goliad, although issued later than the period under consideration,<sup>4</sup> will be of value as illustrating the inner workings of a *cabildo*. Many

<sup>1</sup>Minutes of *cabildo* for January 12, 1742, *Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.

<sup>2</sup>*Expediente* concerning the preservation of order in the villa, February, 1783, Béxar Archives.

<sup>3</sup>Béxar Archives.

<sup>4</sup>Issued by the Constitutional Congress of Coahuila and Texas, 1829, decree No. 99, Béxar Archives.

of the usages at Goliad can be paralleled at San Fernando. The title of these regulations is *Municipal Ordinances for the Government and Internal Management of the Ayuntamiento of the Villa of Goliad*.

Part 1, chapter I, which consists of general provisions, declares that the *cabildo* shall meet every Saturday from eight to eleven for ordinary business sessions;<sup>1</sup> that it may hold extra sessions when necessary<sup>2</sup>—the president giving due notice of said meetings; that the secretary shall keep the minutes of the *ayuntamiento*; that all members may discuss business under consideration; that a majority of one vote shall decide a question;<sup>3</sup> and that the *regidor decano* shall preside in case of the absence of the *alcalde*.<sup>4</sup>

The duties of the presiding officer are defined in the second chapter of this division. These are, in general, to name the various standing committees of the *cabildo* and to give instructions as to the duties devolving upon the officers in consequence; to preside over the meetings of the *cabildo*; to see that members attend regularly—granting leave of absence when necessary; to preserve order during the deliberations of the body; to extend the time of meetings when necessary; and to see that the secretary keep the archives properly.<sup>5</sup> The duties devolving upon the *alcalde* in addition to those just named—which he exercised by virtue of the fact that he was the presiding officer of the *cabildo*—were to see that the

<sup>1</sup>There was no fixed time for such meetings in San Fernando previous to 1746. At that time Thursday was chosen as the time for meeting. (Minutes of the *cabildo*, June 8, 1746, *Libro de cavildo*. etc., 1742-1749, Nacogdoches Archives.)

<sup>2</sup>*Cf.* Minutes of the *cabildo*, February 6 and 7, 1783, in *Libro en que se asienta lo acordado en el cabildo*, etc., 1783-1807, Béxar Archives.

<sup>3</sup>*Cf.* Report of election, December 1781, in *Poseciones de Oficios*, etc., 1778-1784, Béxar Archives.

<sup>4</sup>At San Fernando the governor and the *justicia mayor* sometimes presided at the meeting of the *cabildo*. (See election report 1763, Béxar Archives.)

<sup>5</sup>No evidence has been found to show that the secretary kept the archives at San Fernando as most of the documents bearing upon the question are dated after the retirement of Arocha from office. The documents, however, do indicate that it was the duty of the whole *cabildo* to



municipal ordinances were observed, to hear cases brought before him, to examine the archives to see that they were properly kept or to appoint the *regidor decano* to do so, to see that a census be taken yearly, and compared with the one taken by the *síndico procurador*.<sup>1</sup>

Chapter I, part 2, deals with matters pertaining to the public health and police. It provides that there shall be a board of health, while all officers of the *cabildo* shall be charged with the duty of seeing that the following rules be observed: the *síndico procurador* shall keep the river free from dead animals and other contaminating matter;<sup>2</sup> the streets and *plazas* clean and unobstructed, the food supply fresh and unadulterated;<sup>3</sup> with the help of the *alcalde*, he shall see that physicians have the proper diplomas and credentials, that weights and measures be honest; while, the *alcalde* alone, shall inspect all new buildings, seeing that they are built straight with the street, that they are of the proper size, shape, etc., that they do not interfere with the rights of persons in the vicinity, and that the proper building fees are paid.

Part 2, chapter II, deals with public security. It provides that all members shall be responsible for the maintenance of public order; that the *síndico procurador* and his assistants shall see that lots are properly enclosed, that fires are not built where conflagrations might result, and that animals are properly secured; that the *procurador* and the first *regidor* shall have charge of the weights and measures; that all possible steps be taken to prevent gaming, and to preserve proper order in saloons and public halls;

make an annual examination of the archives, and that special stress was laid upon the fact that the *alcaldes* were present at this examination. (See inventories of documents in Béxar Archives for 1745, 1746, 1762, 1796, in Nacogdoches Archives.)

<sup>1</sup>See order of the governor of Texas, issued in January 1784, for the arrest of the two *alcaldes* of San Fernando for failure to take the census, Béxar Archives.

<sup>2</sup>See *expediente* concerning election for 1784 for the duties of the *procurador* of San Fernando, Béxar Archives.

<sup>3</sup>At San Fernando this duty was probably performed by one of the *regidores*. (Report of *cabildo* to Juan Bautista de Elguizabal, December 1799, Béxar Archives.)

that at least three rounds per month be made to secure proper order in the villa<sup>1</sup>—the *alcalde* being the first officer; and that the *cabildo* shall elect two ward commissioners and two *juezes de campo*<sup>2</sup> whose duty it shall be to watch over crops in the district, to prevent the cutting of valuable timbers, to see that fires, except on stated occasions, are not built within a certain distance of the villa, and that roads in their districts are kept in good condition.

The next chapter of part 2 deals with public accommodations. It provides that all members shall have the right to propose such measures as they may think necessary for the well-being of the settlement; that in times of scarcity of seed or other necessities, the *ayuntamiento* shall secure a supply with municipal funds, when possible, taking measures to see that these supplies last and that prices do not become exorbitant; and that it shall build bridges and sidewalks, repair streets,<sup>3</sup> care for unfortunates, establish and control private schools,<sup>4</sup> selecting from its own number a treasurer for the school fund.

Chapter IV, part 2, deals with the question of public improvement and provides that the *ayuntamiento* shall attend to the laying out of a cemetery, and see that all citizens contribute to this work, and that it be properly kept; that a municipal hall be erected; and that an alameda be planted for which the *procurador* must care.

The last chapters of part 2 deal with the collection and expenditure of municipal funds.<sup>5</sup>

Further light on the work of the *cabildo* may be had from an examination of the functions of the several officers. Those having

<sup>1</sup>The whole *cabildo* seems to have made these rounds on occasions at San Fernando. (*Expediente* concerning the preservation of order in the villa, February, 1783, Béxar Archives.)

<sup>2</sup>*Cf.* commission and instructions of Don Vicente Travieso as *juez de campo*, July 1, 1810, Béxar Archives.

<sup>3</sup>At San Fernando, this duty was performed by the *procurador*. (See *Expendiente* concerning election for 1784, in *Poseciones de Oficios, etc.*, 1778-1784, Béxar Archives.)

<sup>4</sup>See *ante* p. 309.

<sup>5</sup>With these municipal ordinances compare the *Ordinances and Instructions of Don Alexander O'Reilly*; Bancroft, *California Pastoral*, 540-547.

a vote in the *cabildo* will be considered first, and this includes all except the *escribano*.<sup>1</sup> The most important officer was the *alcalde*, who combined the functions of law-maker, judge, and policeman. He issued municipal ordinances for the preservation of good order, and the promotion of the healthfulness and cleanliness of the villa, and, on occasion, he arrested and punished individuals for disobedience to these ordinances.

A few examples of ordinances issued by *alcaldes* will serve to illustrate the nature of the legislative powers they exercised. One issued in 1735 by Juan Leal Goras, *regidor perpetuo* and *alcalde* of San Fernando, required owners of certain grain lands to enclose them with stakes, and to place irrigating ditches in good condition, and charged citizens and stock-raisers to secure a herdsman for their stock. Penalties were prescribed for failure to observe this ordinance.<sup>2</sup> Another issued in 1744 by Alcalde Joseph Curbelo prohibited citizens from going upon the streets after nine o'clock at night without urgent reasons therefor under penalty of imprisonment and fine, and provided that idle and objectionable characters should either secure employment or leave the villa.<sup>3</sup> And another issued in 1746 by Alcalde Juan Joseph Montes de Oca,<sup>4</sup> forbade, under penalty of a fine, the carrying of small arms in the villa.<sup>5</sup> Other instances could be cited, but these are sufficient to show that the *alcaldes* of San Fernando exercised legislative power in local affairs.

The *alcaldes*, as has been said, also exercised judicial power. The laws of the *Recopilacion* provided that in Spanish settlements where there was no governor or lieutenant-governor the ordinary *alcaldes* should have cognizance of all civil or criminal cases that would come within the jurisdiction of the governor or the lieutenant-

<sup>1</sup>Election report, 1750, Béxar Archives. See *Recopilacion*, lib. V, tit. III, ley xv; and *ibid.*, lib. IV, tit. XI, ley ii.

<sup>2</sup>*Expediente* in case against Martin Lorenzo de Armas and others for violation of ordinance, Béxar Archives.

<sup>3</sup>Béxar Archives.

<sup>4</sup>This was one of the few men other than Isleños who held a municipal office at San Fernando previous to 1750.

<sup>5</sup>Béxar Archives.

ant-governor, and that appeals from the *alcaldes*' decision should go to the *audiencia*, to the governor, or to the *ayuntamiento*, according to the provisions of the laws of Spain and New Spain. Although the governors played an important part in the life of San Fernando, and even, on some occasions, presided over the *cabildo*,<sup>1</sup> the *alcaldes* of the villa exercised both criminal and civil jurisdiction.<sup>2</sup> In the *Ordinances and Instructions of Don Alexander O'Reilly*<sup>3</sup> the judicial powers of the *alcalde* are defined thus: "(1) the ordinary *alcaldes* shall have cognizance of all matters in dispute, either civil or criminal, between the inhabitants residing within their jurisdiction, which shall extend throughout the city and the dependencies thereof, excepting those that may come within the cognizance of the ecclesiastical, military, or other special courts." These same *Instructions* provide further that "(7) *alcaldes* may hear and decide verbally any civil cases, when the demand shall not exceed twenty dollars, as also criminal causes of little importance. They may also hear and decide verbally those exceeding that sum when the interested parties shall consent thereto. (8) Causes legally brought before one of the judges shall be continued and determined in his tribunal, and neither the governor nor any other shall deprive him of the cognizance thereof. The governor, however, being required thereto by the parties, may, by an order in writing, and suitable to the case, require and summon the *alcalde* to render speedy justice conformably to the law." This definition would apply substantially, as far as I have been able to determine, to the jurisdiction of the *alcaldes* of San Fernando. The only definite restrictions on the power of these officers yet found are those fixed by a provision of the *Nuevo Reglamento* issued by Viceroy Casafuerte in 1729,<sup>4</sup> giving the captain of the *presidio* exclusive jurisdiction over Spaniards, mulattoes, and *mestizos* settled in the vicinity of the *presidio*. The *alcaldes*,

<sup>1</sup>Minutes of the *cabildo* 1777, Béxar Archives.

<sup>2</sup>Cf. *Recopilacion*, lib. IV, tit. V, ley xi relative to the jurisdiction of a person who settled families by contract.

<sup>3</sup>259.

<sup>4</sup>This same provision was included in a series issued by the general commandant of the *Provincias Internas* September, 1778. (See the proclamation of this official for the date given. Béxar Archives.)



however, exercised jurisdiction over the *vecinos agregados*,<sup>1</sup> who would seem to be included in this enumeration, but the precise meaning of this term, and the exact nature of the jurisdiction exercised is not clear. An examination, however, of the first lawsuit between the citizens of the villa of which there is any record may throw some light upon the extent of the judicial power of the *alcaldes* and upon the actual workings of their court. This case is also a striking illustration of the delays and ineffectiveness of the whole system of the local administration of justice in Spanish Texas.

On June 25, 1733, Joseph Padrón preferred a criminal complaint before the first *alcalde* of San Fernando, Antonio de los Santos, against Juan Leal Goras for having plowed over into complainant's corn, after having been ordered not to by certain inspectors who had been sent out by the governor. The *alcalde*, thereupon, sent out other inspectors, and examined certain witnesses. As a result, Goras was found guilty and placed in jail. He, however, twice broke prison and was fined twenty-five *pesos* on each occasion. He then appealed to the governor on the grounds that the *alcalde* was prejudiced in favor of Padrón. The appeal was granted. In spite of this, Goras made his defense before the *alcalde*, brought forward witnesses on his own behalf, and tried to invalidate the testimony of certain of Padrón's witnesses, charging them with treason. These men then brought a new charge against Goras and demanded that he be made to prove his statements or be punished. After various steps had been taken by the *alcalde*, the governor ordered that the case be brought before himself, and that meanwhile Goras be released. The order was obeyed. In his petition to the governor, however, Goras had charged the *alcalde* with having been bribed by Padrón. De los Santos, therefore, preferred a charge against Goras asking that he be required to prove his statement. Goras was thereupon ordered by the governor to answer the *alcalde's* complaint. A long delay ensued caused by Goras's failure to respond, on the grounds that he had not the necessary papers in the case. Then, the witnesses who had

<sup>1</sup>*Expediente* in case against Antonio Tello for murder of Mateo Treviña, 1744, Béxar Archives.

been accused of treason again appeared before the governor and asked that Goras be made to prove the charge he had made against them. Another delay followed, and upon the governor's departure for Adaes he remanded the case to the *alcalde*, ordering him to complete it, and send the records to the *asesor* — the interested parties paying the charges. The *alcalde* ordered the money collected, but Goras appealed to the *justicia mayor*, who finally ordered that the prisoner be released until he could gather his crop. This was done, and on March 4, 1734, all the parties concerned appeared before the governor and compromised the case.<sup>1</sup> From this it would seem that the *alcalde* could try cases and pronounce sentence in disputes between citizens of the villa, and that his decisions were not final, but could be appealed to either the governor or the *justicia mayor*. Examination of a number of trials shows that the process is much the same in every case. The appeal from the *alcalde's* decisions were usually carried to the governor's court, and then to the viceroy's.

In addition to the legislative and judicial powers exercised by the *alcaldes* of San Fernando, they had various administrative duties to perform. According to the laws of the *Recopilacion*, an *alcalde* could serve as governor upon the death or absence of that official, in case there was no lieutenant-governor.<sup>2</sup> Sometimes when the occasion arose at San Fernando an *alcalde* served as governor, but the office was most frequently filled by the *justicia mayor*. In 1791, Governor Muñoz was absent from the villa when the time came to install the new *cabildo*. The first *alcalde*, Ignacio Cavillo, acted as lieutenant-governor, and, as such, administered the oath of office to the new members. The *alcalde* was also a police officer.<sup>3</sup> Among the duties he performed in this capacity may be mentioned the making of rounds at stated times with the assistance of certain officers.<sup>4</sup> The *alcaldes* had to

<sup>1</sup>*Expediente* in case of Joseph Padrón vs. Juan Leal Goras, 1733-4, Béxar Archives.

<sup>2</sup>*Recopilacion*, lib. V, tit. III, ley xii.

<sup>3</sup>Election report, 1791, Béxar Archives.

<sup>4</sup>This duty devolved also upon the *alcaldes* under O'Reilly's government. See *Ordinances and Instructions*, 259.

visit prisons, and to take all possible measures to prevent the commission of crimes within their jurisdiction; and they had also many duties to perform in connection with the management of the internal affairs of the *cabildo*. As president of this body the 1st *alcalde* had to be present at the election of his successor,<sup>1</sup> and to see that the archives of the *cabildo* were properly kept.<sup>2</sup>

The functions of the *alguacil mayor* of San Fernando, who like the *alcalde* had a vote in the *cabildo*,<sup>3</sup> and was elected by it, may conveniently be considered next for the reason that the functions of these two officials were very closely connected. According to the laws of the Indies, the *alguacil mayor* was charged with the duty of making rounds at night,<sup>4</sup> and of arresting culprits in obedience to the orders of his superior authorities.<sup>5</sup> In regard to his duties the *Ordinances and Instructions of Don Alexander O'Reilly*<sup>6</sup> say: "1. The *alguacil mayor* is an officer charged with the execution of sentences and judgments rendered, as well for payments ordered, taking possession of goods for sale, and imprisonment, as for the punishment of crimes. . . . 2. The recovery of moneys upon writ of execution, orders for taking possession of goods, and seizure of real property, shall be executed by the *alguacil mayor*. . . . 3. The *alguacil mayor* shall also have the superintendence of the prisons, [and] shall commission the jailors and keepers of prisons, after having presented them to the governor [for approval]. The *alguacil mayor* and his lieutenants shall go the rounds, and shall visit the public places, both by night and day, to prevent noises and disputes, under the penalty of being suspended from their offices, and payment of the damages that may result from their neglect. They shall arrest, without other authority, the offenders, and shall give immediate information thereof to the *alcaldes*. They shall not tolerate unlawful games, nor

<sup>1</sup>Cf. *Recopilacion*, lib. V, tit. III, ley iii.

<sup>2</sup>Inventories of documents in Béxar Archives for 1745, 1746, 1762, and 1796, Nacogdoches Archives.

<sup>3</sup>Election report, 1750, Béxar Archives.

<sup>4</sup>*Recopilacion*, lib. V, tit. VII, ley viii.

<sup>5</sup>*Ibid.*, ley ix.

<sup>6</sup>263-264.

public and scandalous offenses. . . . 6. . . . He shall also assist with the judges ordinary at the visitation of prisoners, which shall be made at the times prescribed by the regulation." The duties exercised by the *alguacil mayor* of San Fernando must have been practically the same as those here enumerated. In fact, evidence could be adduced to prove that he actually performed nearly all of them. He was, however, a great part of the time relieved of his duties in connection with the superintendence of the prison and the care of the prisoners, owing to the fact that there was no jail for the town, and consequently the prisoners had to be kept in the presidial guard house.<sup>1</sup> His duties were therefore practically restricted to carrying out the orders of the governor, the *alcalde*, and the *cabildo*, and to preventing, as far as lay in his power, the commission of crimes.

The offices of *mayordomo* and *procurador* in the *cabildo* of San Fernando were held by the same person. When he was first appointed at the initial organization of the *cabildo* in 1731, he bore the title of *mayordomo de los bienes y propios de la república*. A little later he was called, without any apparent preference, *mayordomo* or *procurador* and even *síndico procurador general*. At New Orleans, however, the offices of *mayordomo* and that of *procurador* were separate. According to the *Ordinances and Instructions of Don Alexander O'Reilly*<sup>2</sup> the *procurador general* of New Orleans was "an officer appointed to assist the public in all their concerns, to defend them, to pursue their rights and obtain justice, and to pursue all other claims which have relation to the public interest." It was his duty, therefore, to see that the municipal ordinances were observed, and as far as possible, to prevent the occurrence of anything detrimental to the public welfare. In performing the last mentioned duty, he was to take steps, in the capacity of attorney, to recover debts and revenues due the city funds, to see that such officers of the *cabildo* as had to give bond should present the proper securities and that all should discharge their duties faithfully. According to the *Instructions* "he was to be pres-

<sup>1</sup>Minutes of the *cabildo* for February 20, 1783, in *Libro en que se asienta lo acordado en el cabildo*, etc., 1785-1807, Béxar Archives.



ent at, and interpose in the directions of lands,<sup>1</sup> and other public matters to the end that nothing unsuitable or injurious might occur in the distribution of the same."

According to these same *Instructions*<sup>2</sup> it was the duty of the *mayordomo de propios* to manage the city funds, and to keep an account of all receipts and of all expenditures made for the account of the *cabildo*. These *Instructions* would probably serve to define the functions of the *mayordomo* and *procurador* of San Fernando also, but there is little evidence as to the duties he actually performed. A complaint made against the members of the *cabildo* in 1783 by Governor Cabello indicates some, at least, of the duties performed by the incumbent of the double office as *procurador*. The governor stated that because of the absence of this officer the settlements were not supplied with water from the *arroyo* either for drinking or for other purposes—especially for irrigating the lands from which funds for the villa were collected. Likewise all bridges over the *arroyo* and the irrigating ditches of the *presidio* and villa were neglected.<sup>3</sup> At San Fernando, it was the duty of the *mayordomo* to collect the money arising from the lands belonging to the villa,<sup>4</sup> but no evidence has been found to indicate that, previous to 1800, he managed these funds after they were collected, as the *mayordomo* at New Orleans was required to do by the *Ordinances and Instructions*. In one instance at least, these funds were turned over to the *règidor decano*.<sup>5</sup> In 1799, in writing to the governor in regard to the functions of the various municipal officers of San Fernando, the *cabildo* stated that it was the duty of the *mayordomo* or *procurador* to attend to everything conducive to the cleanliness and neatness of the villa, and to collect the municipal funds.<sup>6</sup> This combines the two definitions just given, and corresponds, in a general way, to those derived from

<sup>1</sup>Cf. *Recopilacion*, lib. IV, tit. XII, ley vi.

<sup>2</sup>266.

<sup>3</sup>*Expediente* concerning the election for 1784, Béxar Archives.

<sup>4</sup>*Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.

<sup>5</sup>Minutes for January 7, 1783, in *Libro en que se asienta lo acordado en el cabildo*, etc., 1783-1807, Béxar Archives.

<sup>6</sup>Béxar Archives.

the *Ordinances and Instructions* above quoted. The term *mayordomo* did not always refer to the officer of the *cabildo* who exercised the duties just enumerated. When plans were placed on foot for the building of a parish church at San Fernando, Vicente Alvarez Travieso, *alguacil mayor*, and Francisco de Arocha, *escribano*, were appointed as *mayordomos*; and, as such, they were charged with the duty of collecting money for building the church.<sup>1</sup>

Although the *regidores* were primarily administrative officers, some of them exercised judicial power. By the laws of the Indies, in case of the absence or death of the *alcalde*, either the *alférez real* or the *regidor decano* could act as his substitute.<sup>2</sup> Many instances are found in which a *regidor* acted as *alcalde* at San Fernando, and although the documents do not always indicate that it was the *regidor decano* this may be safely assumed. As will appear later, one of the *regidores* exercised, as *alcalde provincial*, independent judicial power. There were six *regidores*, among whom the *alcalde* could apportion the various administrative duties not performed by himself, by the *alguacil mayor*, or by the *procurador* or *mayordomo*. Some evidence as to the way in which the work was most probably divided among them toward the end of the century has been found. In consequence of a royal decree issued May 3, 1797, ordering that salaries be fixed for the *regidores* of all the *ayuntamientos* of the Indies, the *cabildo* made a report to the governor in which they indicated the duties discharged by the various officers, and suggested the salaries that should be paid each. The apportionment of duties indicated by this report was as follows: The *regidor decano*, at times, served as *alcalde*, and saw that superior orders were carried out; the second *regidor* acted as *alcalde provincial*, and saw to the security of prisons; the third *regidor* acted as *fiel executor* and had charge of weights and measures; the fourth *regidor* was *depositario de los embargos*; the fifth *regidor* had charge of unclaimed property falling to the king; the

<sup>1</sup>Ereccion de la Parroquia de San Fernando de Bexar, año de 1738 in el Bejareño, Tomo I, No. 9.

<sup>2</sup>Recopilacion, lib. V, tit. III, ley xiii.

sixth *regidor* had only to vote in the *cabildo*.<sup>1</sup> The apportionment of duties indicated by a list sent by the governor to Intendente Don Bruno Diaz December 11, 1799,<sup>2</sup> was as follows: The first *regidor* was the *regidor decano*; the second, *real alferez*,<sup>3</sup> the third *alcalde provincial*; the fourth, *depositario general*,<sup>4</sup> the fifth, *contador de menores*, and the sixth collector of funds for the *ramo de mesteñas*.<sup>5</sup>

The lists do not agree exactly, but the governor's list was probably a suggestion as to the way in which the duties might be divided, while that of the *cabildo* was a description of the actual apportionment at that time. It should be observed that the *alferez real* was included in the governor's list, but not in that of the *cabildo*. The governor's suggestion may have been followed; for Governor Herrera in writing to Nemecio Salcedo, November 11, 1811, suggested that six *regidores* be appointed at San Fernando among whom should be divided the offices of *alferez real*, *alcalde provincial*, *alguacil mayor*, and *fiel executor*.<sup>6</sup> The office of *alferez* was, at least, kept in mind, but whether one was ever appointed or not can not be determined. With the apportionment shown by all these lists should be compared the statement of the duties devolving upon the *regidores* at New Orleans. According to the *Ordinances and Instructions* of O'Reilly<sup>7</sup> six *regidores* were to be appointed, among whom were to be distributed the offices of *alferez real*, *alcalde mayor provincial*, *alguacil mayor*, and receiver

<sup>1</sup>Report from the *cabildo* to Governor Juan Bautista de Elguezabal, December 10, 1799, Béxar Archives. For a description of the various offices here mentioned for the first time see the series of paragraphs following.

<sup>2</sup>Béxar Archives.

<sup>3</sup>Cf. *Recopilacion*, lib. IV, tit. X, ley iv.

<sup>4</sup>For the duties assigned this officer at New Orleans see the *Ordinances and Instructions* of Don Alexander O'Reilly, Section 8.

<sup>5</sup>The duties of this officer were practically the same as those assigned the 5th *regidor* in the preceding list.

<sup>6</sup>See *Expediente Mandado formar*, etc., Nacogdoches Archives.

<sup>7</sup>254.

of *penas de cámara*.<sup>1</sup> There was, however, no provision to indicate which *regidor* was to have any particular one of these offices.

The *regidor decano* presided over the *cabildo*, and exercised judicial authority whenever the first and second *alcaldes* were absent from the villa. In addition to this, as the election reports in the Béxar Archives show, he usually nominated men to municipal offices, and was, in most cases authorized by the governor to install the new officers after the *cabildo* had elected them.<sup>2</sup>

According to the list of officers sent by the *cabildo* to Governor Elguezabal, the second *regidor* served as *alcalde provincial*.<sup>3</sup> As to the duties of what must have been the same officer at New Orleans, the *Ordinances and Instructions* of Don Alexander O'Reilly say:<sup>4</sup> "The *regidor alcalde mayor*<sup>5</sup> *provincial* shall bear the rod of justice, and shall have cognizance of crimes committed in the uninhabited places without the cities and villages. Thefts, robberies, carrying away of property by force, rapes, as also treason, assaults, accompanied by wounds, or followed by death, setting fire to or burning down houses or crops, and other crimes of this nature, shall be within the competency of the said *alcalde mayor provincial*. 2. He may also take cognizance of the aforesaid crimes, although committed in cities, when the offenders have quitted the same, and have withdrawn to the country with their plunder; as also of murders or assaults committed on officers while in the exercise of their duties, or in the interval thereof, if the same are the effects of malice. If, however, the governor, or one of the ordinary judges of the city, shall have previously taken cognizance thereof, the *alcalde mayor provincial* shall not interfere therein, by reason that the jurisdiction of the same is vested in the ordinary *alcalde*. The judge, however, who shall have ap-

<sup>1</sup>Fines forfeited to the royal treasury.

<sup>2</sup>Election report, 1750. For a case in which the installation was performed by an officer other than the *regidor decano* see *expediente* concerning the election for 1784, Béxar Archives.

<sup>3</sup>See *ante* p. 321-322.

<sup>4</sup>261.

<sup>5</sup>For the *explanation* of the presence of the term *mayor* see *Recopilacion*, lib. V, tit. IV, ley. i.



prehended the offender, shall have the preference therein, even if the other shall have preceded him. 3. Whenever it shall be known that the crime does not concern the tribunal of the *Saint Hermandad*,<sup>1</sup> the *alcalde mayor provincial* shall refer the cognizance of the same to one of the ordinary *alcaldes*, without waiting until he may be required thereto. 4. The *alcalde mayor provincial* shall see that travelers are provided with provisions at reasonable prices, as well by the proprietors of plantations, as by the inhabitants of the places through which they may pass. 5. The principal object of the institution of the tribunal of the *Saint Hermandad* being to repress disorders, and to prevent the robberies and assassinations committed in unfrequented places by vagabonds and delinquents, who conceal themselves in the woods, and attack travelers and the adjacent inhabitants, the *alcalde mayor provincial* should assemble a sufficient number of commissaries or brothers of the *St. Hermandad* to clear his jurisdiction of those kinds of people, by pursuing them with spirit, seizing, or putting them to flight. 6. For the purpose aforesaid, and conformably to the usages of the other Indian provinces within the domain of his majesty, the *alcaldes mayores provinciales*, their commissaries, and the brothers of the *St. Hermandad*, shall have the right of

<sup>1</sup>The *Santa Hermandad* was a tribunal with original jurisdiction which punished crimes committed in unsettled districts. Originally it was a band of armed men organized to pursue criminals and highwaymen. There were two divisions of the organization, the *vieja* and the *nueva*. The first was organized during the minority of Alfonso VIII. of Castile by the citizens of Toledo and Talavera as a means of defense against certain robbers infesting the districts about Toledo and Sierra Morena. Various kings of Spain, continuously occupied in wars, and therefore, unable to attend to the security of the highways, gave their approval to this organization, bestowed upon it the name of *Santa Hermandad* because of its purpose and salutary influence, and granted it certain privileges. The *Nueva Hermandad* was instituted by the laws published at Córdoba on July 7, 1796. Its purpose was to punish criminals encountered in the mountains and on the highways. These laws regulated the workings of the *Hermandad* and converted it into a permanent organization. The *Nueva Hermandad* had a system of laws (*Constituciones y prontuario de los delitos*) which defined its jurisdiction. (See *Diccionario Enciclopédico Hispano Americano*; *Novísima Recopilación de las Leyes de España*, lib. XII, tit. XXXV; *Leyes de las Nueva Recopilación que no han sido comprendidas en la Novísima*, lib. VIII, tit. XIII.)

arresting, either within or without the city, all runaway negroes and fugitives, and may exact a reasonable fee therefor; which right shall not be vested in any other person save the master of the fugitive slave. The said fee is so much the more just, inasmuch as the *alcalde mayor provincial*, to comply with his duty, must at his own expense, travel through the unfrequented places, for the benefit of the inhabitants. 7. The said officer shall render speedy justice in all matters within his competency, and from his judgment there shall be no appeal; otherwise it would be impossible to remedy the consequences that would result therefrom. But, on the other hand, his judgments shall be pronounced in conformity with the spirit of the laws, to which end he shall consult some lawyer; but, in the interim, he shall be guided by the instructions herein contained, which relate to the administration of justice and the forms of proceedings. 8. This office of the *Hermandad* being created with a view to prevent those disorders which may be committed in unfrequented places, the *alcalde mayor* should make frequent excursions from the city. This duty consequently renders his employment incompatible with that of ordinary *alcalde*, to which he can not be elected, unless he shall have previously obtained permission of the king, to commit to a lieutenant, appointed by himself, the duties of *St. Hermandad*.”<sup>1</sup>

In 1760, Don Alverto Lopez was serving as *juez comisario de la hermandad y subdecano* of the villa of San Fernando.<sup>2</sup> As *juez comisario de la hermandad* he must have exercised practically the duties of the *provincial alcalde* as above defined.

It would seem from the list sent by the *cabildo* to Governor Elguezabal, that the third *regidor* or *fiel executor*<sup>3</sup> had to oversee the markets for the purpose of preventing fraud in goods sold, either in quantity or quality; that the fourth *regidor*, or *depositario de los embargos* had to take charge of all goods seized by order of a

<sup>1</sup>Cf. *Recopilacion*, lib. IV, tit. IV; *Novísima Recopilacion de las Leyes de España*, lib. XII, tit. XXXV; *los Codigos Españoles*, lib. VIII, tit. XIII; and Appendix VII.

<sup>2</sup>Proceedings in consequence of complaint of Juan Enrique before the first *alcalde*, Martin Lorenzo de Armas, against Pedro Qcón y Trillo for assault, 1760-1762, Béxar Archives.

<sup>3</sup>Cf. *Recopilacion*, lib. V, tit. III, ley xi.

judge when this measure was necessary to secure judgment; and that the fifth had charge of all unclaimed property falling to the king. The sixth *regidor*, since he had only to vote in the *cabildo* need not be discussed.

The *escribano* at San Fernando de Béxar, who was the only member not having a vote, acted both as secretary of the *cabildo* and as notary public. Hence, one can not always be sure, in any particular case considered, in which capacity he was acting. Francisco Joseph de Arocha was the first and only man who served as *escribano* at San Fernando during the eighteenth century. He kept the minutes of the *cabildo*, signing them with the other members.<sup>1</sup> He, likewise, drew up various legal documents, and took depositions in lawsuits before the *alcaldes*.<sup>2</sup> He also performed various duties assigned him by the *alcaldes* or by the governor. On one occasion, for instance, he went at the governor's order, with the *alcalde* and the *alguacil mayor* to see whether or not Juan Leal Goras had gone beyond the limits of his lands as charged by Joseph Padrón.<sup>3</sup> He often served notice upon interested parties of the orders of the *alcaldes* and the governor. In New Orleans, the duty of preserving in the archives all the papers concerning the *cabildo* or its proceedings was assigned to the *escribano*.<sup>4</sup> The evidence as to the method followed in this particular at San Fernando is scant. It is clear, however, that it was the duty of the whole *cabildo* to oversee the archives, and form inventories of documents contained therein. Arocha signed these inventories, as long as he served as *escribano*, with the rest of the *cabildo*.<sup>5</sup> Other duties performed by this officer were the keeping of certain municipal and other accounts; but no records have been found of municipal accounts previous to eighteen hundred, and it cannot be proved that Arocha performed the duty in question, although

<sup>1</sup>Minutes of the *cabildo*, in *Libro de cavildo*, etc., 1742-1749, Nacogdoches Archives.

<sup>2</sup>*Expediente* in case of Joseph Padrón vs. Juan Leal Goras, 1733-1734, Béxar Archives.

<sup>3</sup>*Ibid.*

<sup>4</sup>*Ordinances and Instructions of Don Alexander O'Reilly*, Section 8.

<sup>5</sup>Inventories for 1745, 1746, Nacogdoches Archives.

it is probable that he did, and that he also kept the archives in order, and that the *cabildo* inspected both at the end of each year.

In regard to the payment of municipal officers the information is too fragmentary to be of much value. It was the intention of the government to pay the salaries of the *regidores* out of the revenues from the town lands.<sup>1</sup> This land, however, could not have yielded any very large amount. Certain expenses of the *cabildo* also had to be paid from the same fund.<sup>2</sup> In 1745, because the existing town lands yielded little or no revenue, the *cabildo* decided to lay off new bodies of such lands which would be better situated and hence more productive. These new lands were to be divided into nine blocks which were to be rented at twelve *reales* each.<sup>3</sup> Whether this means per week, month, or year cannot be determined. In any case, the amount would not have been large even if the fund were increased by money paid for water privileges, from money arising from fines, occupation taxes, etc. Then, when other necessary expenses were paid, such for instance as those incurred in the building of a municipal hall and prison,<sup>4</sup> the *regidores* must have received small compensation for their services. Some of them may have received fees from other sources. According to the *Instructions of Don Alexander O'Reilly* the *alcalde mayor provincial* and the officers of the Saint Hermandad were to receive certain fees for signatures and sittings, the two *regidores* appointed to hear appeals were to receive pay for these same serv-

<sup>1</sup>Appendix III.

<sup>2</sup>*Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.

<sup>3</sup>*Ibid.*

<sup>4</sup>In 1742, the *cabildo* decided to build a municipal hall and a prison, and contracted with Antonio Rodriguez y Mederos to haul the stone for the building for one hundred and seventy *pesos*. In 1745, the same body contracted with Manuel de Caravajal to haul the stone for one hundred *pesos* as the first contract had not been fulfilled. In 1749, it decided, as there was no money to finish the municipal hall and the prison, to borrow a sufficient amount to roof and white wash the buildings, promising to pay the money back as soon as any municipal funds were collected (*Libro de Cavildo*, etc., 1742-1749, Nacogdoches Archives.) This shows what straits the villa must have been in for money.



ices, while the depositary general was to be paid a certain per cent. of the money placed in his care.<sup>1</sup> Since no account-books of the *cabildo* have been found in the Béxar Archives for the period under discussion, one can not be sure that this custom was followed at San Fernando; and, if so, no idea of the amount these officers may have received can be formed. According to the *Ordinances and Instructions*, *escribanos* were likewise, to receive certain fees for drawing up legal documents, and performing certain other duties. This officer at San Fernando could not have received a very large amount; for, in 1757 Francisco Joseph de Arocha presented a petition to the *cabildo* praying to be relieved of the duties of his office on the ground that it did not yield enough to support his family.<sup>2</sup> In regard to what the *alguacil mayor* received the information is a little more complete. The *Ordinances and Instructions of O'Reilly* provided that the *alguacil mayor* should receive a sum amounting to one tenth of a debt in case there was any delay in the payment of the same after executions had been levied. He was, likewise, to receive certain amounts for arrests.<sup>3</sup> In a meeting of the *cabildo* of San Fernando, February 20, 1783, it was decided that the prison fee of ten *reales* per prisoner, usually paid to the *alguacil mayor*, should be placed in possession of the *depositario de propios* to be kept for the purpose of building prisons, as the prisoners were at that time kept in the presidial guard house, and the *alguacil* was therefore relieved of this duty. Later in 1800, the *cabildo* decided to pay to the *alguacil mayor* eight of the ten *reales* usually paid for each prisoner.<sup>4</sup> As to the payment of the *procurador* no evidence at all has been found.

<sup>1</sup>*Table of Fees Demandable by Judges, Lawyers, Escribanos, Attorneys, and Other Officers of Justice*, appendix to *Ordinances and Instructions*.

<sup>2</sup>Béxar Archives.

<sup>3</sup>*Table of Fees*, etc., 288.

<sup>4</sup>*Libro en que se asienta lo acordado en el cabildo*, etc., 1783-1807, Béxar Archives.

## APPENDIX I.

*Royal Dispatch Providing for the Transportation of the Canary Islanders to Texas, February 14, 1729.*<sup>1</sup>

(Translation.)<sup>2</sup>

*Royal Dispatch.*

The King.

[To] Don Bartolome de Cazabna. [Casablanca] y Mesa, *Juez del Comercio de Indias* in the Canary Islands.

Marqués de San Miguel de Aguayo has informed me that, as a consequence of the French invasion of the Province of Texas and Nuevas Philipinas—in Nueva España—in 1719, which forced the soldiers stationed there as guards to abandon the [first named] province and the six missions erected in it, the Marqués de Valero, who was viceroy of that kingdom, at the time, made him in my name, governor and captain-general of the provinces above mentioned and of Coahuila; that when he had succeeded in pacifying these parts—the country of the Texas, Bahía del Espíritu Santo, and the *presidio* of San Antonio, the said provinces being again brought under my dominion—he left them fortified by the necessary *presidios*, one in the center of the Texas country with a guard of twenty-five men to protect the missions, one at Adaes with one hundred men, one at Bahía del Espíritu Santo with ninety men; and that this work was finished on the thirty-first of May 1722. He suggested, for the greater security of the provinces mentioned, and for the saving of expenses to the royal treasury, since there would be so many soldiers and *presidios* to maintain, that it would be a good plan for four hundred families to come from your Islands [the Canaries], from the city of Havana, and from the Province of Tlascala, and be distributed in Bahía de San

<sup>1</sup>This title is supplied. The annotations of the appendices are mine throughout, as are the translations, except in II and IV.

<sup>2</sup>From a document in *Expediente Mandado formar*, etc., 1811, Nacogdoches Archives.

Antonio,<sup>1</sup> in all the missions, at Adaes, and among the Texas Indians; that, at the same time, a new mission, with a settlement of Spaniards and Tlascaltecan, should be founded half way [between San Antonio and the Texas country] in one of the following locations: la Añguila, or Nuestra Señora de Buena Vista, since the one hundred and seventy-two leagues between San Antonio and the first mission among the Texas Indians is unsettled. It seemed to him that, without these families, it would be hard to hold the province, which is one of the most valuable in America. It is very fertile in all kinds of grain, seed, and stock; and likewise rich in mines which can be worked. After the above mentioned report had been seen in my Council of the Indies, together with the opinion of the *fiscal* in regard to it, I was likewise consulted on the point; and, as it was remembered that by an order of March 18, 1732, issued *por la via reservada*, Don Juan Montero, who was then serving as *intendente ad interim* of those Islands, was given instructions that every register ship leaving the Islands for Campeche should carry over two hundred families of such persons as desired to volunteer to settle in the above mentioned places, in the Bay of San Bernardo, [or] Bahía del Espíritu Santo, and the Province of Texas, to be distributed proportionately in all these places; and that said families should be left in the port of Campeche from whence they should be carried to Vera Cruz in trading vessels, I have now resolved, that, for the peace and security of the aforesaid provinces, there should be sent from those Islands four hundred families, including the two hundred for whose departure I had previously provided by the above mentioned order of March 18, 1723. It must be understood that these additional two hundred families shall set sail from the Canaries in such register ships as may leave for the port of Havana, each vessel carrying ten or twelve families, and as many more as is possible, in order that from the said port they may be transported to the port of Vera Cruz, and from there they may travel by sea to the places which they are to settle and inhabit. I, therefore, command and order that you make known my royal will in those Islands, and see if there be families in them who desire to go by

<sup>1</sup>It is probable that a line was omitted here, and that the reading should be Bahía del Espíritu Santo and the *presidio* of San Antonio, as above.

way of Havana to the places above mentioned. If they agree to this voluntarily, and in no other case [*y no en otra forma*], you shall arrange for the transportation of at least ten or twelve families in each register ship as above stated. Know that by dispatches I this day order the governor and royal officials of Havana, as soon as the families arrive at that port, to receive them and to give them such assistance as they may need, and to arrange for their transportation to Vera Cruz; and [that I also issue an order] to the viceroy of Nueva España that he shall see that the same measures are taken in his port, that he shall arrange for their transportation by sea to the places in which they are to settle, and that he shall provide them with what they may need for their maintenance for one year, until they plant their crops. He is, likewise, to see that they are cared for, and are given the proper treatment. This is my will. Likewise, you shall report, at the earliest opportunity, the receipt of this dispatch, and such measures as shall be taken in consequence.

Seville, February 14, 1729.<sup>1</sup>

THE KING.

DON FRANKO. DIAS ROMAN.

By order of the King,

#### APPENDIX II.

*List of Canary Islanders taken at Quautitlan, November 8, 1730.*<sup>2</sup>

(Translation.)<sup>3</sup>

First Family.

1.—*Juan Leal Goras*. Son of Antonio Goras and Maria Perez, native of Lancerota island, 54 years old, tall, long face, thick

<sup>1</sup>Copy issued at Teneriffe March 26, 1730, upon request of Juan Leal and other [heads of] families who wished to go to the above mentioned places for the purposes expressed.

<sup>2</sup>The title is supplied.

<sup>3</sup>This and appendix IV are literal copies of documents in the V. O. King Collection, now in the State Library of Texas. They were translated by Luis de Tejada from originals once on file in the office of the Secretary of State at Austin. De Tejada's affidavit appended to the translations is dated June, 1882. The originals can not now be found.



beard, dark complexion, sharp nose, blind in the left eye, black beard & hair, light grey eyes.

2.—*Vicente Leal*. Son of foregoing and Catharina Rodriguez decd., native of Lancerota, 18 years old, medium height broad shouldered, long face, beardless, aquiline nose, eyebrows meeting, light grey eyes, black curled hair, black eye-brows, dark complexion.

3.—*Bernardo Leal*. Son of Juan above, native of Lancerota, round face, 13 years old, flat nose, light grey eyes, chestnut eyebrows and hair.

#### Second Family.

4.—*Juan Curbelo*. Son of Domingo Curbelo and Maria Martin Enriquez, native of Lancerota, 50 years old, tall, broad-shouldered, full-faced, fair complexion, grey beard, & hair, light grey eyes, black eyebrows, rather bald, sharp nose.

5.—*Garcia Perdomo y Umpienes*. Wife of above, daughter of Marcos Perdomo y Umpienes and Maria Cabrera, native of Lancerota, 46 years old, medium height, large face, dark complexion, black eyes, aquiline nose, black hair & eyebrows.

6.—*Joseph Curbelo*. Son of above, native of Lancerota, medium height, 25 years old, broad-shouldered, full-faced, beardless, pitted with small-pox, sharp nose, light grey eyes, dark complexion, black hair & eyebrows.

7.—*Juan Francisco Curbelo*. Son of Juan above, native of Palma Island, 9 years old, fair complexion, round face, light grey eyes, chestnut eyebrows & hair, thick eyelids.

8.—*Maria Curbelo*.—daughter of Juan above, native of Lancerota, 13 years of age, small body, round-faced, dark complexion, red nose.

#### Third Family.

9.—*Juan Leal Jr*. Son of Juan Leal of the First family, native of Lancerota, 30 years old, medium height, broad-shouldered, dark complexion, long face, thick beard, sharp nose, meeting eyebrows, curled hair, black eyebrows & hair, eyes almost grey, blobber-lipped.

10.—*Garcia de Acosta*. (called also MARIA de Acosta), Wife of above, daughter of Peter Gonzales Cabezas, and Francisca de

Acosta, native of Teneriffe, 30 years old, tall, full-faced, fair complexion, light grey eyes, black hair & eyebrows, pointed nose.

11.—*Manual Leal* son of above, native of Lancerota, round face, 2 years old, dark complexion, aquiline nose, light grey eyes, chestnut curled hair, scar above the left eyebrow.

12.—*Miguel Leal*. Son of above native of Fuerteventura, round face, 10 years old, large grey eyes, meeting eye-brows, light chestnut hair, thin nose, scar at the end of the left eyebrow, blobber-lipped, black curled hair.

13.—*Domingo Leal*. Son of above, native of Palma island, round face, 7 years old, fair complexion, black eyes, reddish hair, flat nose, freckly face.

14.—*Pedro Leal*. Son of above, native of Havana, round face, 5 months old, fair complexion, black eyes, black hair & eyebrows.

15.—*Maria Leal*. daughter of above, native of Fuerteventura, 6 years old, round face, dark complexion, grey eyes, black hair & eyebrows.

#### Fourth Family.

16.—*Antonio Santos*. son of Simon & Anna Rodriguez, native of Lancerota, 50 years old, more or less, medium height, broad-shouldered, round face, dark complexion, large nose, black eyes, thin beard, black beard & hair, rather grey and curled, black eyebrows.

17.—*Isabel Rodriguez*. wife of above daughter of Domingo de Vargas and Leonor Rodriguez, 34 years old, native of Lancerota, tall, fair complexion, thin nose, round face, light grey eyes, black eyebrows & hair.

18.—*Miguel Santos*. son of above, native of Lancerota, about 17 years old, medium height, broad shouldered, round face, dark complexion, flat nose, light grey eyes, black eye-brows and curled hair.

19.—*Catharina Santos*. daughter of above, native of Lancerota, 12 years old, more or less, round face, dark complexion, black eyes, flat nose, black eyebrows, & hair, pitted with small pox.

20.—*Maria Santos*. daughter of above, native of Palma, about 7 years old, long face, dark complexion, grey eyes, thin nose, light chestnut hair & eyebrows.

21.—*Josepha Santos*. daughter of above, native of Lancerota,

about 2 years old, round face, flat nose, light grey eyes, chestnut hair & eyebrows.

#### Fifth Family.

22.—*Joseph Padron*. native of Palma, about 22 years of age, good figure, long face, dark complexion, black eyes, black hair & eyebrows, thin black beard.

23.—*Maria Francisca Sanabria*. wife of above, daughter of Luis Sanabria y Francisca Lagarda, native of Lancerota, about 22 years old medium height, slender, thin face, thin nose, light grey eyes, fair complexion, chestnut hair & eyebrows.

#### Sixth Family.

24.—*Manuel de Niz* (called also Manuel de Nistrosa) son of Juan and Andrea Mireles, native of Grand Canary, about 50 years old, medium height, broad-shouldered, long face, dark complexion, thin beard, flat nose, light grey eyes, black beard & hair, rather bald, black eyebrows.

25.—*Sebastiana de la Peña*. wife of above, daughter of Domingo de Leon, and Gregoria Suarez de la Peña, a little over 42 years old, good figure, dark complexion, long face, black hair, eyes & eyebrows, thin nose.

#### Seventh Family.

26.—*Vicente Alvarez Travieso*. son of Juan Alvares Travieso and Catharina Cayetano, native of Teneriffe, medium height, 25 years old, broad-shouldered, round face, thin nose, light grey eyes, thick beard, fair complexion, chestnut curled hair.

27.—*Maria Ana Curbelo*. wife of above, daughter of Juan Curbelo, and Gracia [*sic*] Perdomo Umpienes, native of Lancerota, about 18 years old, medium height, broad shouldered, fair complexion, long face, light grey eyes, chestnut hair & eyebrows, thin nose.

#### Eighth Family.

28.—*Salvador Rodriguez*, son of Francisco Rodriguez, and Isabel de los Reyes, native of Lancerota, about 42 years old, good figure, broad face, dark complexion, greenish eyes, thick beard, rather grey, black hair.

29.—*Maria Perez Cabrera.* wife of above, daughter of Domingo and Maria Perez, native of Lancerota, about 42 years old, good figure, long face, dark complexion, thin nose, light grey eyes, black hair & eyebrows.

30.—*Patricio Rodriguez.* son of above, native of Lancerota, about 15 years old, medium height, slender, dark complexion, light grey eyes, thin face, chestnut hair & eyebrows.

Ninth Family.

31.—*Francisco (de) Arocha.* son of Simon de Arocha and Angela Francisca, native of Palma, 27 years old, tall, long face, grey eyes, dark complexion, meeting eyebrows, thick beard, thin nose, black hair.

32.—*Juana Curbelo.* wife of above, daughter of Juan Curbelo and Garcia Perdomo de Umpienes, native of Lancerota, 14 years old, full faced, dark complexion, grey eyes, black hair & eyebrows, flat nose.

Tenth Family.

33.—*Antonio Rodriguez.* son of Juan and Maria del Carmen, native of Grand Canary, 18 years old more or less, medium height, broad shouldered, full-faced, fair complexion, pitted with small-pox, flat nose, grey eyes, chestnut hair & eyebrows, mole on right cheek.

34.—*Josefa de Niz.* daughter of Manuel de Niz and Sebastiana de la Peña, wife of above, native of Grand Canary, good figure, 19 years old, long face, pitted with small-pox, black eyes, hair & eyebrows, thin nose, dark complexion.

Eleventh Family.

35.—*Joseph Leal.* son of Juan Leal Goras and Louisa Hernandez, native of Lancerota, 22 years old, good figure, long face, dark complexion, thick beard, black hair & eyebrows, meeting of eyebrows, thin nose.

36.—*Ana Santos.* wife of above, daughter of Antonio Santos and Isabel Rodriguez, native of Lancerota, 15 years old more or less, medium height, broad shoulders, full face, fair complexion, lively grey eyes, flat nose, light chestnut hair and eyebrows.



## Twelfth Family.

37.—*Juan Delgado*. son of Luis Delgado and Maria Melean, native of Lancerota, 19 years old more or less, good figure broad shoulders, round face, dark complexion, meeting eye-brows, little beard.

38.—*Catharina Leal*. daughter of Juan Leal and Lucia Hernandez, wife of above, native of Lancerota, about 16 years old, medium height, dark complexion, flat face, flat nose, lively grey eyes, black hair & eyebrows.

## Thirteenth Family.

39.—*Joseph Cabrera*. son of Manuel Cabrera and Maria Rodriguez, native of Lancerota, about 50 years old, medium height, broad shoulders, dark complexion, round face, flat nose, pitted with small-pox, grey eyes, chestnut hair and eyebrows, blobber-lipped.

40.—*Marcos (de) Cabrera*. son of above, native of Lancerota, about 6 years old, dark complexion, round face, black eyes, hair & eyebrows, flat nose.

41.—*Ana Cabrera*. daughter of above, native of Lancerota, about 13 years old, medium height, slender, long face, dark complexion, light grey eyes, chestnut hair, and eyebrows.

## Fourteenth Family.

42.—*Maria Rodriguez-Provayna*. daughter of Manuel and Paula Umpienes, native of Lancerota, about 27 years old, good figure, slender, long face, fair complexion, black hair & eyebrows, thin nose.

43.—*Pedro Rodriguez Granadillo*. son of Juan Rodriguez and the above Maria, about 13 years old, good figure, fair complexion, broad shoulders, full face, light grey eyes, thin nose, light chestnut hair & eyebrows, pitted with small-pox.

44.—*Manuel Francisco Rodriguez (Granadillo)* son of Juan Rodriguez and the above Maria, native of Lancerota, about 3 years old, fair complexion, reddish hair, blue eyes.

45.—*Josefa Rodriguez Granadillo*, daughter of Juan Rodriguez

and the above Maria, native of Lancerota, full faced, about 10 years old, reddish flat nose, chestnut hair.

46.—*Paula Rodriguez Granadillo*. (also called *Pablā Rodri-guez*) daughter of Juan Rodriguez and the above Maria, about 10 years old, native of Lancerota, fair complexion, flat nose, round face, black eyes hair & eyebrows.

47.—*Maria Rodriguez Granadillo*, daughter of Juan Rodri-guez and the above Maria, 5 years old, native of Lancerota, round face, fair complexion, reddish hair & eyebrows, grey eyes.

48.—*Juan de Acuña*. (*Rodriguez Granadillo*) son of Jaun Rodriguez and the above Maria, native of Quautitlan, about 1 month old, round face, fair complexion, blue eyes, reddish hair & eyebrows, flat nose.

#### Fifteenth Family.

49.—*Mariana Meleano*. (called also *Maria Meleano*) daughter of Francisco and Ynes de Hoyos, native of Lancerota, about 30 years old, good height, fair complexion, long face, black eyes, hair & eyebrows.

50.—*Francisco Delgado*. son of Lucas and the above Mariana, native of Lancerota, about 16 years old, medium height, fair complexion, thin nose, light grey eyes, chestnut hair & eyebrows, two moles on the right cheek.

51.—*Domingo Delgado*. son of Lucas and the above Mariana, native of Lancerota, 2 years old, fair complexion, round face, reddish hair, thin nose, greenish eyes.

52.—*Leonor Delgado*, daughter of Lucas and the above Mariana, about 4 years old, native of Lancerota, round face, fair complexion, large black eyes, black hair & eyebrows.

#### Sixteenth Family.

Consisting of four single men.

53.—*Phelipe Perez*. son of Domingo and Maria Granados, native of Teneriffe, 20 years old, medium height, broad shoulders, long face, dark complexion, thin nose, blue eyes, black hair & eyebrows, large forehead.

54.—*Joseph Antonio Perez*. brother of foregoing and son of

the same parents, native of Teneriffe, 19 years old, good height, long face, thin nose, black hair eyes and eyebrows.

55.—*Martin Lorenzo de Armas* son of Roque and Teresa de Aviles, native of one of the Canary Islands about 20 years old, good height, broad shoulders, flat face, dark complexion, flat nose, long eyebrows, grey eyes, black beard, eyebrows & hair, three moles on the left cheek toward the nose.

56.—*Ignacio Lorenzo de Armas*. brother of the preceding and son of same parents, native of one of the Canary Islands, about 22 years old, good height, long face, dark complexion, thin nose, black eyes, beard & eyebrows and hair, pitted with the small-pox, several moles between the nose and the left cheek.

#### APPENDIX III.

*Dispatch authorizing the governor of Texas, or, in case of his absence, the captain of the presidio of San Antonio, to examine the place in which is to be founded the settlement for which the fifteen families have come, and to measure, mark out the boundaries, assign lands, and do the other things ordered, in accordance with this dispatch.*

(Translation.)<sup>1</sup>

Don Juan de Acuña, etc.<sup>2</sup> . . . . .  
I now command the governor of the province [of Texas]<sup>3</sup> Don Juan Antonio Bustillo y Bustamante, or in case of his absence, his failure to act, or of any other impediment, the captain of the *presidio* of San Antonio to go, as soon as the families shall arrive, taking such persons of intelligence as may be available, to examine the site a gunshot's distance to the western side of the *presidio*, where there is a slight elevation forming a plateau suitable for founding a very fine settlement. On account of its loca-

<sup>1</sup>From *Sección de Historia, LXXXIV, Doc. 4.*

<sup>2</sup>For the power of the viceroy to grant lands to settlers see *Recopilacion, lib. IV, tit. XII, ley iv.*

<sup>3</sup>According to the laws, the lands granted by the viceroy could be distributed by the governor of a province, *ibid., ley v.*

tion it will have the purest air,<sup>1</sup> and the freshest of waters flowing from two springs or natural fountains situated on a small hill a short distance north-east from the *presidio* of Béxar. From these are formed, on the east, the San Antonio River, and, on the west, the small river called the *Arroya* which flows to the south. These two rivers unite eight or nine leagues from their sources, and before joining the Medina River. Between these two streams the *presidio* is built. East of the river is the mission of San Antonio; while to the west of it is the mission of San Joseph from which one can go to the *presidio* without crossing the river; and since there is a church at the *presidio* which they can visit for that purpose, until a church is built for them, these families may attend the mass and and other catholic services [at that place] without the trouble of crossing the river.

The governor, after having examined the elevation and the plateau, shall survey the land, lay off the streets, the town blocks,<sup>2</sup> the main *plaza*, and the site for the church, the priest's house, the public hall, and the other buildings,<sup>3</sup> shown on the map which is sent [with these instructions] to the end that, observing the measurement in feet and *varas* indicated in each direction for each block and street, and for the *plaza*, church, and public hall, he shall mark these out with a cord.<sup>4</sup> In addition he shall make a furrow with a plow, and to distinguish every block from every other block, he shall place stakes in the four corners; and to mark the center of each block he shall dig a hole and place a stone in it. In the same way he shall mark off the site for the church, the public hall, and the *plaza*, taking care to make the streets straight and exact as shown on the map.

As soon as the fifteen families arrive, he shall give a block<sup>5</sup> to each of them in order that each family may build its house

<sup>1</sup>*Cf. ibid., tit. V, ley i.*

<sup>2</sup>As to the way the streets and blocks of a town were to be laid off see *ibid., tit. VII, leyes x and xii.*

<sup>3</sup>For the laws governing the situation of the *plaza* and the principal building see *ibid, leyes viii and ix.*

<sup>4</sup>*Cf. ibid., ley. i.*

<sup>5</sup>*Cf. ibid, tit. XII, ley i.*



thereon, indicating to them the limits marked out by the stakes so that they may not go beyond them. He shall assign the blocks facing the *plaza* to the principal families,<sup>1</sup> giving to each one of them possession and title to the corresponding block or lot by virtue of this order, so that it may enjoy its possessions. If the families desire at once to go to their lot, (which the governor shall encourage them to do, in order that they may more quickly build their houses) he shall see that the tent which each family carries, or the awning, or the hut of twigs which it may think more suitable for its dwelling,<sup>2</sup> be placed in the center of its block.

In addition to these blocks and streets, the governor shall, with cord and plow, mark out others for such families as may be added to these fifteen, or may desire to join them.<sup>3</sup>

Likewise he shall go with intelligent persons to examine the land suitable for cultivation adjoining the lands assigned as blocks for the settlement. These are to the north and south of the *presidio*. Having reserved as much as he may think necessary both for these families and for those who may come in the future, he shall set apart a sufficient amount for commons (*exidos*),<sup>4</sup> so that if the population increases, the people will have ample recreation grounds, and room for the stock to graze without doing any damage.

In addition to these commons, he shall lay off sufficient lands for pastures (*dehesas*) on which to keep the work oxen, the horses, the stock for the slaughter-houses that may be subsequently built, and the other stock which by law the settlers are required to keep.

Coterminous with the pasture lands, he shall set apart others as the property of the *consejo* or *cabildo* (*propios*)<sup>5</sup> which is to be formed from these families and those who may join them.

In addition to the pasture lands, he shall mark off the farm lands (*tierras de labor*) making just as many tracts as there are lots in the town. From the irrigable lands he shall make divi-

<sup>1</sup>Cf. *ibid.*, *leyes v and x.*

<sup>2</sup>Cf. *ibid.*, *ley iii and tit. VII, ley xv.*

<sup>3</sup>Cf. *ibid.*, *ley xi.*

<sup>4</sup>Cf. *ibid.*, *tit. VII, ley xiii.*

<sup>5</sup>Cf. *ibid.*, *tit. XII, ley vi.*

sions (*suertes*), and distribute them in just proportion among the first settlers. The remainder shall be unappropriated lands (*valdías*) to be given to such families as may afterwards come. From the farm lands he shall reserve the amount he may think proper as public lands; so that from these public arable lands and from the above mentioned public pasture lands, which shall together compose the lands for the town, it may be possible to secure from the yield or rent, the salaries of the *regidores* and the expenses incident upon the public duties which the *consejo* has to perform.<sup>1</sup>

In order that the division of lots, commons, pastures, and farm lands may be made with such exactness that it will be possible to apportion the lands destined for the inner town, as well as the irrigable, the non-irrigable, and the pasture lands; and in order that the settlers may have an equal share in each class, the governor, using the map on which there are marked out from the door of the church four exact squares—the laterals not being marked off (and these are sufficient for the families who are now coming and for those who may soon come)—shall measure from the door of the church, passing over the four squares above mentioned, one thousand and ninety-three usual *varas* containing three thousand two hundred and eighty geometric feet or *tercias* in a straight line from the church door in one direction, making up twelve blocks. From the door of the church, including the church itself, he shall measure one thousand and ninety-three *varas* in the opposite direction in which shall be included twelve other squares and streets. From the door of the church, on one side, he shall measure one thousand and ninety-three *varas* containing twelve other blocks and streets. From the same door, on the other side, he shall measure one thousand and ninety-three *varas* in which shall be twelve other blocks and streets—all of the same size, each block containing two hundred and forty feet square—every geometric foot equal to a third of a usual *vara*—and each street between the blocks forty feet wide. Having thus formed a cross with the church as a center, he shall make a square on the four sides of the whole area or plan with a cord one thousand and

<sup>1</sup>*Cf. ibid., ley xiv.*

ninety-three *varas* long, and shall place at each of the four corners of the square a large stone in a hole which he shall have dug, in order that the plan destined for the present and future inner town may be marked out. He shall make a furrow with a plow along the four sides of the square marked by the cord, in order that willows and other trees may be planted to mark out the four sides of the area of the inner town. They will serve not only to beautify it, but as soon as they grow to the height of a man their branches will furnish shade to the settlers.

In order that the dwellings may be beautiful they shall be of the same size and similar to each other with *patios* and *corrals* in which the horses and other work animals of the owners may be kept. The houses shall be [adapted] for defense, for cleanliness and for the healthfulness of the inmates, and shall be built so that, as indicated on the map, the four winds north, south, east, and west may enter the four angles or corners of the town and of each of the houses, making them more healthful.<sup>1</sup>

When this measurement has been made in the form and manner prescribed, the governor, using the usual *vara* of three *tercias* shall measure one thousand and ninety-three *varas* from each of the furrows which he has made at right angles to each other on the north-east, south-east, north-west, and the south-west in forming the square about the above mentioned plan, making this measurement in the same directions [as before], and placing large stones in the corners to mark the boundaries of the commons.

From these boundaries he shall begin another measurement, and lay off two thousand one hundred and eighty-six *varas*, that is, twice one thousand and ninety-three *varas* in the same directions, placing stones in holes in the corners of the square [thus formed] to mark the boundaries of the territory containing the lands destined for pastures. He shall set apart a fifth of this for *propios*.

From the boundaries of this square he shall begin another measurement, and mark off two thousand one hundred and eighty-six *varas* in each direction as above mentioned. All the land within this square he shall set apart for farms; and, having reserved one

<sup>1</sup>*Of. ibid., tit. VII, leyes ix and xvii.*

fifth for town lands, he shall give the remainder to the fifteen families, assigning to each the tract which it should have for its farm.

The lands remaining after this measurement has been made, the governor shall declare unappropriated lands, so that from them grants may be made to the families who in future may desire to settle at that town.

To each of these fifteen families he shall give possession of the tract of land assigned it, and title to the enjoyment of the possession of the same in the name of his Majesty, and by virtue of this order, and *ley iv, tit. XII, lib. V*, of the *Recopilacion de Indias* charging each family to plant trees on the boundaries of its tract of land, and to make use of the waters of the above mentioned Arroyo, and of the San Antonio River. The governor must remember that, in this division, he shall apportion the tracts of land and the water equally among all the families, and that if, in any of the directions he can not make any one or any number of the squares, on account of the land being occupied, he shall make them in the other directions. He is, likewise reminded that this order must be kept in the strong box of the *consejo* or *cabildo*, so that what should be done in the future may always be evident. . . .

#### APPENDIX IV.

(Translation.)<sup>1</sup>

A. D. 1731.

July 11th at the "Presidio" of  
of San Antonio de Bexar, Texas.

*Record of the division and distribution of the lands between the San Antonio River and San Pedro Creek, having the advantage of being irrigated, among the fifteen families from the Canary Islands by the order of the governor—also the names of those 15 families.*

Don Juan Antonio Perez de Almazan, Captain of said "Presidio" and Chief Justice of this jurisdiction say: that in conform-

<sup>1</sup>See note 2 appendix II.



ity with the order at the beginning of these proceedings relating to the partition and distribution of irrigable and arable lands ordered to be executed among the fifteen Islander families; in consideration that in the whole space and neighborhood corresponding to the four surveys I ordered to be made,<sup>1</sup> and which have been executed for this new settlement, there are not to be found any other arable lands than those situated between the San Antonio River and the San Pedro Creek which waters this "Presidio", which ground extends in form of Peninsula from north to south, which lands measured and surveyed with all possible care and accuracy, notwithstanding the difficulties encountered in some of the windings of said San Antonio River because of its being very timbered, I have found, as I have said in another report, ten "caballerias"<sup>2</sup> and three quarters of a "caballeria" of arable lands, every portion of it susceptible of being irrigated and cultivated, from which quantity of land, by my order of the eighth instant to that effect, a little more than two "caballerias" have been set apart as commons<sup>3</sup> for this new settlement remaining free more than eight "caballerias" of land to be distributed between said families, reserving some more to be distributed in the future among settlers that may come to join these families; and in order to do it with the greatest equity and notwithstanding the survey made of all the lands of the "Potrero", it has been necessary to make two separate measures of said lands, one of them measured so as to show the lands clear and free from any timber, which was executed by me from the limits of the "Presidio" and in a line from north to south were found lands clear of timber and cultivated by the ancient settlers<sup>1</sup> of this "Presidio" excepting some windings, which have been cleared by said families, which land was found to measure twenty-four "cordeles" of seventy varas each in length, making one thousand six hundred and eighty usual

<sup>1</sup>This doubtless means the surveys of the inner town, of the commons, of the farm land, and of the pasture land in accordance with the viceroy's order of November 8, 1730. (See appendix III.)

<sup>2</sup>See *Recopilacion*, lib. IV, tit. XII, ley i.

<sup>3</sup>See appendix III.

varas; which being distributed among the sixteen families of said Islanders, the number of which has been increased from fifteen expressed in the order† to sixteen, four single men natives of said Islands, who were included in the roll and discription sent to me from Quautitlan, and who received and are receiving the assigned per diem having been reckoned as one family, for which reason they have been entered in said distribution of land among the sixteen families: and according to said distribution there was allotted to each one of said sixteen families one “suerte”, or lot of land, hundred and five usual varas, wide making fifty-two and a half “brazas” (the usual measure in their Islands) and in length the distance from San Pedro Creek to the San Antonio River; and because of the windings of the said stream some of the “suertes” are larger than the others, lots<sup>1</sup> were cast with sixteen tickets, on each one of which a number was written from one to sixteen, and each one of these drew his lot in the following form and manner without any preference whatever—Joseph Curbelo drew the first “suerte”; Joseph Leal drew the second; Salvador Rodriguez drew the third; Juan Leal Junior drew the fourth; Antonio Rodriguez drew the fifth; Francisco Arocha drew the sixth; Vicente Chavez [Alvares] drew the seventh; Francisco Delgado drew the eighth; Manuel de Nis drew the ninth; Joseph Padron drew the tenth; Maria Rodriguez (widow,) drew the eleventh; Juan Delgado drew the twelfth; Antonio Santos drew the thirteenth; Juan Curbelo drew the fourteenth; Martin Lorenzo for himself and in the name of the three single men drew the fifteenth; Juan Leal Goras drew the sixteenth and last “suerte”; and in this way was made the partition aforesaid, of the lands cleared and cultivated by the first settlers of this Presidio, which I approve in the best form I can and must, and is vested in me by the superior order at the begining of these proceedings. And in order that the right of said sixteen families and their successors may be known at all times I have reduced it in writing and signed it with those of said families who know how to write and my as-

<sup>1</sup>Cf. *Recopilacion*, lib. IV, tit. VII, ley xi.

sisting witnesses, acting with them as justice ex officio in default of a Notary Public in this jurisdiction to which I certify.

JUAN ANTONIO PEREZ DE ALMAZAN.

JUAN LEAL GORAS.

FRANCISCO DE AROCHA.<sup>1</sup>

By request of JUAN CURBELO,

FRANCISCO ROCHA.

ANTONIO SANTOS.

VICENTE JUAREZ TRAVIESO.

JUAN DELGADO.

FRANCISCO JOSEPH DE AROCHA.

ANTONIO ESPRONCEDA.

SEBASTIAN MUNARRIZ.

#### APPENDIX V.

*Dispatch ordering the governor of Texas,<sup>2</sup> or, in case of his absence, the captain of the presidio of San Antonio to make a new inspection of the fifteen families going to settle there, and to elect the municipal officers, and to perform the other duties expressed in this dispatch.*

(Translation.)<sup>3</sup>

. . . This dispatch . . . authorizes the said governor to appoint from the heads of these fifteen families six persons as *regidores*, one as *alguacil mayor*, another as *escribano de consejo y público*, and another as *mayordomo de los bienes y propios* of the commonwealth. They shall have power to elect two ordinary *alcaldes* to administer justice. These nine offices shall be given to the persons whom the governor shall consider most suitable for holding them continuously. The governor, in person,

<sup>1</sup>In this list the signature of Francisco de Arocha will be recognized under three different forms. The first time he signs for himself, the second for Juan Curbelo, and the third apparently for Juan Delgado.

<sup>2</sup>*Cf. Recopilacion, lib. IV, tit. VII, ley ii.*

<sup>3</sup>From *Sección de Historia, LXXXIV, Doc. 4.*

shall be present at the first meeting of the *ayuntamiento* to administer the oath to the officers elect, as well as to install them into the offices to which he has appointed them. He shall send me a record of these elections for my approval, and shall, likewise, attend the first election — the election of the ordinary *alcaldes* — in order that he may give instructions as to the method of procedure to be followed in that settlement. He shall send a report of this to my superior government.

Mexico, November 28, 1730.

APPENDIX VI.

*Report of the appointment of the first cabildo of San Fernando de Béxar.*<sup>1</sup>

(Translation.)<sup>2</sup>

I, Don Juan Antonio Pérez de Almazán, captain of the *presidio* of San Antonio de Béxar, and *justicia mayor* of this jurisdiction, etc., do certify that, exercising the power which, for this occasion, his Excellency, Marqués de Casafuerte, viceroy, governor, and captain-general of Nueva España confers upon me for electing and naming *regidores* and other individuals to form, constitute, and compose the *cabildo* of this new settlement do now, exercising the said power, elect and appoint, in the name of his Majesty, Juan Leal Goras, as first *regidor* of the six to be appointed, since he is one of the principal men among the fifteen Isleñas families and a person in whom are found all the qualifications and the standing necessary for the position. As such, he shall exercise his office in all cases and causes connected therewith and pertaining thereto in the same form and manner in which all other *regidores* of cities, villas, and *lugares*<sup>4</sup> of Nueva España have exercised and enjoyed it, and as his Majesty (God save him) has decreed and ordered by royal *cédulas*. I command that the said Juan Leal Goras be, and be held as first *regidor*, and that he be granted all the

<sup>1</sup>The title is supplied.

<sup>2</sup>From *Ramo de Provincias Internas*, XXXII, Doc. 11.



privileges, exemptions, prerogatives, and immunities belonging by right to the said office. This title, together with all other papers that may be drawn up, shall be put,—so as to be a record for all time, in the book of the *cabildo* which shall be formed, beginning with the original dispatch, and with the acts in pursuance thereof. A *verbatim* legal copy of all the preceding documents shall be sent to his Excellency, the viceroy of Nueva España, together with separate copies of these appointments for his approval, if he thinks it well, first making known to the officers-elect their duties and administering the oath for the faithful discharge of their duties according to law and the viceroy's order to me in his dispatch. In order to make a permanent record, I attach my signature and confer my authority with attesting witnesses, acting with them as *juez receptor*, since there is no notary in the jurisdiction in which this is dated, July 20, 1731.

JUAN ANTONIO PEREZ DE ALMAZAN

ANTONIO DE ESPRONCEDA

SEVASTIAN DE MUNNARIZ.

[Here follow similar documents recording the appointment of Juan Curbelo; 2nd *regidor*; Antonio Santos, 3d *regidor*; Salvador Rodriguez, 4th *regidor*; Manuel de Niz, 5th *regidor*; Juan Leal Alvares, 6th *regidor*; Vicente Alvares Travieso, *alguacil mayor*; Francisco Joseph de Arocha, *escribano de consejo y público*; and Antonio Rodriguez, *mayormodo*. The report then continues as below.]

In the royal *presidio* of San Antonio de Béxar in the governmental district of Texas and Nuevas Philipinas, on the first day of August, 1731, I, Don Antonio Pérez de Almazán, captain of the said *presidio* and *justicia mayor* of this jurisdiction do certify that, by virtue of the said commission and power which his Excellency, Marqués de Casafuerte, viceroy, governor, and captain-general of Nueva España, was pleased to confer upon me by his order of the 28th of November of the past year of 1730 (with which dispatch the formation of this book of the *cabildo* was begun), using this power, have made appointments of the *regidores* and other officers of the new *cabildo* as follows: Juan Leal Goras,

1st *regidor*; Juan Curbelo, 2nd *regidor*; Antonio Santos, 3d *regidor*; Salvador Rodriguez, 4th *regidor*; Manuel de Niz, 5th *regidor*; Juan Leal Alvares, 6th *regidor*; Vicente Alvarez Travieso, *alguacil mayor*; Francisco Arocha, *escribano de consejo y público*; and Antonio Rodriguez, *mayordomo*.

All these assembled and were congregated at my house, since, as yet, there is no municipal hall in which to hold the elections of ordinary *alcaldes* as is required. Previous to the elections, I administered the oath of office in proper form to the nine officers, from the first *regidor* to the *mayordomo*. Standing and uncovered they made the sign of the cross in [*En*. This is probably a copyists' error for *con*, with.] their hands, swore to discharge their duties honestly and faithfully to the best of their knowledge and understanding, and accepted the duties and offices to which they had been appointed. Exercising these rights, in a meeting of the *cabildo*, held according to the manner, custom, and usage in all cities and villas in Nueva España, and according to law, the said *regidores*, making nominations freely because of the lack of eligible individuals and persons among the families,—but no one of them nominating or voting for himself—did nominate Juan Leal Goras and Juan Curbelo for first *alcalde*, and Salvador Rodriguez and Manuel de Niz for second *alcalde*. By legal election and vote, Juan Leal Goras received the greatest number of votes for first *alcalde* and Salvador Rodriguez for second.

The elections thus held, I do approve in the name of his Majesty (God save him) only so far as I have the power, and the right has been conceded me by the dispatch of his Excellency, the viceroy of Nueva España. This measure taken, I administered the oath of office, and they received it in proper form, promising to perform the duties of ordinary *alcaldes*, which they were elected, faithfully and of the best of their knowledge and understanding. I also handed over to them the insignia and rod for the administration of justice. I order that, in accordance with what has been decreed by his Excellency, an exact legal copy of this report of elections be taken and sent him, with records of the titles of the nine officers of the *cabildo* so that he may approve and confirm them if he think proper. The members who know

how to write sign with me. Those who do not know how make the sign of the cross.

JUAN ANTONIO PEREZ DE ALMAZÁN  
 JUAN LEAL GORAS  
 SALVADOR RODRIGUEZ+  
 ANTONIO SANTOS  
 MANUEL DE NIS+  
 ANTONIO RODRIGUEZ+  
 JUAN CURBELO+  
 JUAN LEAL ALVARES+  
 VICENTE ALVAREZ TRAVIESO  
 FRANCISCO DE AROCHA

[Note in margin]

On October 24, 1731, ten dispatches of approval were issued: [for] six *regidores*, the *alguacil mayor*, the *mayordomo*, the *escribano de cabildo*, and the two *alcaldes*.<sup>1</sup>

#### APPENDIX VII.

##### *Commission of Don Vicente Travieso as Juez de Campo.*<sup>2</sup>

(Translation.)<sup>3</sup>

It being proper, for better order and vigilance in the unsettled districts of this province, to appoint an *alcalde provincial* or a *juez de campo*, I have named for this office, Don Vicente Travieso, and have drawn up the following instructions: . . .

##### *Instructions for the Jueces de Campo of the Province of Texas.*

As it is necessary to repress the transgressions and crimes which are committed in the unsettled districts by runaways, vagabonds, and delinquents who escape to the woods in order to commit their crimes freely, with great injury to the *haciendas* or ranches and even to the settlements themselves, I have determined to appoint

<sup>1</sup>There were eleven officers and nine offices. Why ten dispatches were issued is not clear.

<sup>2</sup>The title is supplied.

<sup>3</sup>From a manuscript in the B  xar Archives.

a *juez de campo*, who, with authority over the *sindics* of ranches, shall watch and see to the fulfillment of the duties of these, and observe and follow, on his own part, the following rules:

He shall have cognizance of thefts, robberies, carrying away of properties by force, and rape, as well as of murders, inflictions of wounds which may be through malice or treachery, and also of the burning of houses, grain, or other things, whenever the said crimes may be committed in unsettled districts—by this is meant every place not a villa or *lugar*—unless the government shall have had previous knowledge of the crime and shall commission some other person [as judge thereof.]

He shall see that the roads and ranches are kept free from the said class of people, pursuing them with spirit until he shall either arrest them, or put them to flight. I, therefore, order all the *sindics* of ranches and ever other person of any class whatsoever to obey and help him every way necessary for this purpose.

The fees which he is to receive for these arrests will be fixed by this government, according to the distances and circumstances.

He shall make frequent expeditions from this capital, visiting the district under his jurisdiction with the object of carrying out whatever may be ordered; and to recompense him in part for his work, he shall be exempt from all other municipal and public duties, and shall be given the preference in matters of privileges and grants that may be made to him, to his children and his descendants, provided that faithful service in favor of his country make him worthy of this distinction.

Persons who do not respect or who insult the person of the *juez de campo* shall incur the same penalties established in the case of all other judges; and persons who shall be injured or ill-treated by him shall come before this government, where they will be heard with the proofs they shall present—it being understood that if the complaint brought be proved to be without foundation and made only to calumniate the *juez*, the complainant shall be punished with all rigor, since the reputation of one exercising similar duties should never be compromised.

All *sindics* of ranches shall be obliged to give information to the *juez de campo* of occurrences worthy of mention and of of-



fences that may have been committed, every time the *juez* may present himself in, or pass through their respective jurisdictions. If they do not do this, they shall be responsible for the result and shall be subject to the penalty that should be imposed.

San Fernando de Béxar.

July 24, 1810.

## AFFAIRS OF THE ASSOCIATION.

The Association has sustained a great loss in the death of its president, Judge John H. Reagan, which occurred at his home near Palestine on March 6. He has been for nearly fifty years a notable, and during the latter part of the time almost a unique, figure in State and National politics. For robust strength of character, for uncompromising integrity, and for self-sacrificing devotion to his ideals he has stood second to no man in all the list of his great contemporaries.

A sketch of Judge Reagan by Dr. Walter F. McCaleb, editor of his forthcoming memoirs, is expected to appear in the July number of *THE QUARTERLY*.

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The executive council met at the University of Texas on March 2, 1905, Judge C. W. Raines presiding. Mr. E. T. Miller and Miss Ethel Zivley Rather were elected fellows of the Association, and a number of applications for membership were approved.

Immediately after the adjournment of the council there was a meeting of the Association, over which Governor Lubbock presided. The literary program consisted of a sketch of Dr. R. M. Swearingen, by Prof. George P. Garrison, and a paper on "The Beginnings of San Antonio," by Miss M. A. Austin. In the business session which followed, the Treasurer's report was read and approved; Judge W. D. Wood, of San Marcos, was elected second vice-president in place of Mrs. Julia Lee Sinks; Judge John C. Townes and President S. P. Brooks were elected members of the executive council for the term expiring in 1910, and the following persons were elected members of the Association:

Mr. Walter Bremond, Austin; Mr. C. D. Gustavuse, Oakwoods; Mr. J. K. P. Hanna, Calvert; Prof. J. P. Hollis, Georgetown; Mr. J. F. Johnson, Austin; Mrs. George Langston, Cisco; Mr. Frank C. Patten, Galveston; Mr. A. J. Robinson, Hubbard; Mrs. James C. Rudd, Owensboro, Ky.; Mr. S. S. Sayers, Austin; Mr. John Lang Sinclair, Artesia; Miss Harriet Smither, Georgetown; Miss Nancy

Lee Swann, Tyler; Miss Edith C. Symington, San Antonio; Mrs. Mary C. Welder, Victoria; Rev. T. J. Windham, Houston; Mr. James Wyman, Austin.

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The following are the resolutions concerning the death of Mrs. Sinks, drafted by the committee appointed for the purpose at this meeting:

*Whereas*, The eventful and exemplary life of Mrs. Julia Lee Sinks, second vice-president of the Association, came to an end at the home of her daughter, Mrs. James Cook, in Alvin, Texas, October 24, 1904, therefore be it

*Resolved*, That by the death of Mrs. Sinks the Association has lost one of its most loyal, enthusiastic, and valuable supporters.

*Resolved*, That in the character and influence of Mrs. Sinks were manifest those high ideals of womanhood which were the finest product of the Old South, and which constitute the best inheritance of the New.

*Resolved*, That these resolutions be communicated to the surviving son and daughters of Mrs. Sinks, and that copies be furnished the daily papers of the State for publication.

GEORGE P. GARRISON,  
BRIDE NEILL TAYLOR,  
DORA FOWLER ARTHUR,  
Committee.

---

## **John Henninger Reagan.**

Member of the House of Representatives of  
Texas, 1847-1849.

Judge of the Ninth District of Texas,  
1852-1857.

Member of Congress, 1857-1861, 1875-1887.

Member of the Provisional Congress of the  
Confederacy, 1861.

Postmaster-General of the Confederacy,  
1861-1865.

Secretary of the Treasury of the Confederacy,  
1865.

United States Senator, 1887-1891.

Chairman of the Texas Railroad Commis-  
sion, 1891-1903.

President of the Texas State Historical  
Association, 1899-1905.

**Born, October 8, 1818.**

**Died, March 6, 1905.**

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# **TREASURER'S REPORT, FROM AUGUST 1, 1904, TO FEBRUARY 28, 1905.**

## **RECEIPTS.**

Balance on deposit in City National Bank at last report, bearing 4 per cent interest.....	\$	600 00	
Balance on hand at last report subject to check.....			102 80
By membership dues collected by draft.....	\$	326 45	
By membership dues collected by mail and otherwise.....		294 20	
By one fellowship fee .....		5 00	
By contribution (Mrs. Julia Lee Sinks).....		5 00	
By sale of Quarterlies.....		17 50	648 15
<b>Total .....</b>	<b>\$</b>	<b>1350 95</b>	

## **EXPENDITURES.**

### Vouchers.

No. 72	Von Boeckmann-Jones Printing Co.....	\$	224 09	
71	} U. S. Postoffice, stamps and postage on Quarterly....			
74b				
75			24 00	
73	L. C. Robertson, for drawing a map.....		2 35	
74	Miss Edith Weeden, clerical help, addressing wrappers and mailing bills.....		7 00	
74a	J. J. Averitte, typewriting.....		6 60	
	City National Bank, commissions and exchange.....		24 50	
	Collection agency, commissions on collections.....		37 00	\$ 325 54
	Balance on deposit in City National Bank, bearing 4 per cent interest .....			700 00
	Balance on deposit in City National Bank, subject to check.....			325 40
<b>Total.....</b>		<b>\$</b>	<b>1350 94</b>	

## **RESOURCES OF THE ASSOCIATION.**

On deposit in City National Bank.....	\$	1025 40	
Accrued interest on \$600.....		24 00—	\$ 1049 40

Respectfully submitted,

EUGENE C. BARKER, Treasurer.

## BOOK REVIEWS.

*Out West* has resumed the publication, discontinued for some time, of valuable original historical materials. In the January number (Vol. XXII, No. 1) is begun a series of papers entitled, "Letters of an Argonaut, from August, 1849, to October, 1851," written at San Francisco by Thomas Goodwin Wells. The series ends in the March-April number.

*The Publications of the Southern History Association* for January (Vol. IX, No. 1) contains: "Vice-President Johnson (continued)," by D. M. DeWitt; "Vice-President Johnson and Senator Doolittle," by Duane Mowry; "Joseph Martin and the Cherokees—Documents (concluded)"; "Benedict Arnold's Family," by M. J. Wright; "Mexican War Documents"; "American Negro Academy," by W. L. Fleming.

*The American Historical Review* for January, 1905 (Vol. X, No. 2), contains: "The Policy of France Toward the Mississippi Valley in the Period of Washington and Adams," by Frederick Jackson Turner; "Improvising a Government in Paris in July, 1789," by Henry E. Bourne; "The Treaty of Guadalupe-Hidalgo," by Jesse S. Reeves; "Materials in British Archives for American Colonial History," by Charles M. Andrews; "Some Papers of Franklin Pierce, 1852-1862, II" (documents).

*The South Atlantic Quarterly* for January, 1905 (Vol. IV, No. 1), contains: "Southern Public Opinion," by William Preston Few; "John M. Daniel and Some of His Contemporaries," by Oscar Penn Fitzgerald; "A Spanish Project for the Conquest of Louisiana in 1804," by William R. Shepherd; "The Strength of Our Fathers," by John Carlisle Kilgo; "The Italian Cotton Grower: the Negro Problem," by Alfred Holt Stone; "President Theodore Roosevelt," by Edwin Mims; "Robert E. Lee and Reconstruction," by William H. Dodd; "Some Effects of Industrialism in An Agricultural State," by Holland Thompson; "The In-

dependent Order of White Men," by Walter L. Fleming; "An Exile from the South," by the editor.

We regret to note in this number Professor Bassett's statement of his intention to resign the editorship of *The South Atlantic Quarterly*. The high measure of success achieved in the face of serious difficulties by the magazine since its foundation more than three years ago has been very largely due to the editor's earnest efforts. While we regret Professor Bassett's retirement, we welcome in his place, however, the two men who are to succeed him—Drs. Edwin Mims and William H. Glasson, who are well fitted by training and experience to conduct the *Quarterly* successfully.

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