

De Witt's Colony

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DE WITT'S COLONY.[1]

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

[1] Besides the well-known secondary authorities that have been used in the preparation of this paper, the most important printed works are

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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.[1] 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 Órdenes 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.

[1] Talamantes, Historia del Descubrimiento y poblacíon de la Provincia de Texas hasta el año de 1730 (MS.), ch. 3, par. 28.

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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.[1]

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 overtasked 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.

[1] Bancroft, *North Mexican States and Texas*, II 2.

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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.[1] Austin's plan involved special legislation, but the presence in Mexico of several other men who were seeking grants[2] 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.

[1] Bancroft, *North Mexican States and Texas*, II 62.

[2] Among these are said to have been Hayden Edwards, General Wilkinson, Robert Leftwitch and Green De Witt.

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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.[1]

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.[2] The *empresario* was to receive a pre-

[1] 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).

[2] The grant, of course, did not confer on the *empresario* any right of

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mium of five *sitios*[1] of grazing land and five *labors*,[2] 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[3] was probably in Mexico as early as 1822,[4] 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.

[1]A *sitio*, or square league, is twenty-five million square *varas*, or 4428.4 acres.

[2]A *labor* is one twenty-fifth of a *sitio*.

[3]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).

[4] See above, p. 98, note.

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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,[1] April 15, 1825, upon the following terms:

1. Under penalty of losing all rights guaranteed him by the colonization law,[2] 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.[3]

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[4] as

[1] Baron de Bastrop to Austin, July 16, 1825, Austin Papers, class O, no. 126.

[2] See above, pp. 99-100.

[3] Empresario Contracts (MS.), 27-31. General Land Office, Austin, Texas. See Appendix III.

[4] Baker (*A Texas Scrap Book*, 290-292) gives the following data con-

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his surveyor-general.[1] 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,[2] he and six other men[3] 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.[4] Kerr then drew the plan of the town, which he called Gonzales in honor of Don Rafael Gonzales, the provisional governor of Coauhila and Texas.[5] 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.

[1] 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.

[2] She later became Mrs. J. C. Sheldon of Galveston (Baker, *A Texas Scrap Book*, 291).

[3] Erastus (Deaf) Smith, Bazil Durbin, Geron Hinds, John Wightman, James Musick, and — Strickland (Brown, *History of Texas*, I 124).

[4] Brown, *History of Texas*, 1 124-125.

[5] James Kerr to Saucedo, political chief, December 12, 1825. Bexar Archives.

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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.[1]

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.[2] 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.[3] 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

[1] Brown, *History of Texas*, I 126.

[2] 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).

[3] These were probably the Tonkawas (Kerr to Austin, July 18, 1826. Austin Papers, class P, no. 1).

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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.[1]

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,[2] 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.[3]

[1] Brown, *History of Texas*, I 126-127.

[2] De Witt to Austin, September 3, 1826. Austin Papers, class A, no. 22.

[3] 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*

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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.[1]

In August he went to Béjar to ask the political chief[2] to assign to De Witt the whole Lavaca valley and to allow the colonists to remain at the river's mouth.[3] 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 delightsome as these Prairies."[4] 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,[5] he would not authorize the permanent location of colonists there.[6]

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.*"

[1] Kerr to Austin, July, 1826. Austin Papers, class D, no. 24.

[2] Unless otherwise stated "political chief" in this essay always means the political chief, or executive, of the district or department of Béjar.

[3] 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.

[4] Kerr to Austin, August 18, 1826. Austin Papers, class D, no. 23.

[5] In May, 1827, full permision 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).

[6] Kerr to Austin, August 23, 1826. Austin Papers, class D, no. 31.

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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.[1] 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.[2]

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.*"[3] 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[4] in which to store their goods was constructed at the mouth of the Lavaca.[5] By August, 1826, there were about forty men, women, and children collected here.[6] Lands were distributed, cabins erected, and James Norton was appointed *alcalde* for the remainder of the year.[7]

[1] Kerr to Austin, July, 1826 (Austin Papers, class D, No. 24); De Witt to Austin, September 3, 1826 (Austin Papers, class A, no. 22).

[2] 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.

[3] De Witt to Austin, Setpember 3, 1826. Austin Papers, class A, no. 22.

[4] See above, p. 105, note 4.

[5] De Witt to Austin, September 3, 1826. Austin Papers, class A, no. 22.

[6] Kerr to Austin, August 8, 1826. Austin Papers, class D, no. 30.

[7] Political chief to De Witt, October 25, 1826. Bexar Archives.

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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.[1] 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.[2] * * *

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.[3] Kerr had proved himself so capable that the colonists, too, desired that he be given a large portion of the authority.[4]

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-

[1] De Witt to political chief, July 14, 1827. Appendix to Empresario Contracts, II 181.

[2] Brown, *History of Texas*, I 129.

[3] De Witt to political chief, July 14, 1827. Bexar Archives.

[4] 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."

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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.[1] 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[2] 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.[3] 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[4] he presented a petition ask-

[1] Record of Translations of Empresario Contracts (MS.), 55-66. General Land Office.

[2] August 2, 1825 (Kerr to political chief, December 12, 1825. Appendix to Empresario Contracts, II 177-180).

[3] *Ibid.*

[4] See above, p. 99.

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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.[1] 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.[2]

A year later, as has already been shown,[3] 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.[4]

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.[5] The cargo, with the exception of one boatload that had been sunk,[6] was landed and carried up to the station

[1] Record of Translations of Empresario Contracts, 55-66.

[2] Kerr to political chief, December 12, 1825. Appendix to Empresario Contracts, II 178-180.

[3] See above, p. 105.

[4] Kerr to Austin, August 23, 1826. Austin Papers, class D, no. 31.

[5] Powell to Austin, October 24, 1827. Austin Papers, class D, no. 16.

[6] *Alcalde* of De Witt's colony to Saucedo, November 8, 1826. Bexar Archives.

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to sell to the colonists.[1] There was also on board this ship an individual, a Doctor Oldivar,[2] who was of French origin, but who claimed to be at this time a Mexican officer.[3] 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.[4] October 25, the political chief ordered all the goods except the tobacco released.[5] 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.[6] 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.[7] The Americans armed themselves to receive the Mexicans.[8] Kerr, although evidently not altogether composed,[9] 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

[1] De Witt to Austin and Samuel M. Williams. Austin Papers, class E, no. 59.

[2] *Ibid.* The name was most probably Oliver, the Mexican pronunciation of which might easily become Oldivar.

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

[4] De Witt to Austin and Samuel M. Williams. Austin Papers, class E, no. 59.

[5] Political chief to De Witt, October 25, 1826. Bexar Archives.

[6] Political chief to De León. Bexar Archives.

[7] Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1.

[8] Political chief to vice-governor, December 1, 1826. Bexar Archives.

[9] "Altho I myself are not easily alarmed, yet I confess that I scarcly new what to be about." (Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1).

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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,[1] 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.[2]

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." [3] 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.[4]

Kerr was by this time fully convinced that Oldivar was acting under a bribe from De León.[5] 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

[1] 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).

[2] 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.

[3] Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1.

[4] Norton to Austin, December 13, 1826. Austin Papers, class E, no. 126.

[5] Kerr to Austin, November 11, 1826. Austin Papers, class P, no. 1.

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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.[1]

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.[2] 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.[3] 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,[4] 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.[5]

[1] Kerr to Austin, November 11, 1826 (Austin Papers, class P, no. 1); De Witt to Austin and Williams (Austin Papers, class E, no. 59).

[2] Three permits granted to settlers by him at the station are dated December 13, 1826 (Brown, *History of Texas*, I 128).

[3] Kerr to Austin, November 12, 1826. Austin Papers, class P, no. 1.

[4] Brown, *History of Texas*, I 138.

[5] 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-

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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.[1] These circumstances, therefore, induced the government to cut the Gordian knot by breaking up the Lavaca settlement.[2] Consequently the political chief ordered, August 29, 1827, that within one month all De Witt's colonists remove to Gonzales.[3]

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"

[1] 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.'

[2] 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).

[3] Political chief to De Witt, August 29, 1827. Bexar Archives.

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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.[1] Accordingly, on September 28, the time was extended to December 1.[2]

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.[3] Another petition from De Witt to Governor Viesca, extended the time for removal through the first six months of 1828.[4] But by December 17 the settlement on the Lavaca had been abandoned.[5]

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,[6] 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.[7] This little settlement on the Guadalupe was now augmented by the arrival of the families from the Lavaca.[8]

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-

[1] De Witt to political chief, September 13, 1827. Appendix to Empresario Contracts, II 182.

[2] Political chief to De Witt, September 28, 1827. Appendix to Empresario Contracts, II 183.

[3] Kerr to Saucedo, October 18, 1827. Bexar Archives.

[4] Viesca to political chief, November 17, 1827. Appendix to Empresario Contracts, II 192-193.

[5] Anastacio Bustamante to political chief, December 23, 1827. Bexar Archives.

[6] De Witt to Austin, April 3, 1827. Austin Papers, class P, no. 1.

[7] De Witt to political chief, undated. Bexar Archives.

[8] 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

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dred families had arrived,[1] and in January, 1831, José Antonio Navarro was appointed commissioner of the colony by Governor Viesca.[2] 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;[3] 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*.[4]

Navarro's first step after receiving a copy of the instructions to commissioners was to appoint Byrd Lockhart surveyor, April 14, 1831.[5] In 1825, De Witt upon his own authority had named Kerr surveyor general.[6] 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.[7] 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.

[1] See above, p. 101.

[2] Viesca to Navarro, January 29, 1831. Titles, De Witt's Contract, 813-816.

[3] Paper of the first seal was worth six *pesos* per leaf; of the sceond 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.

[4] Instructions to Commissioners, September 4, 1827 (Sayles, *Early Laws of Texas*, I 73-76.)

[5] Titles, De Witt's Contract, 825.

[6] See above, p. 101.

[7] Titles, De Witt's Contract, 829-830.

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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,[1] 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.[2] 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.[3] These were approved by the government, May 23, 1833.[4]

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.[5] The commissioner's fees were fifteen *pesos* for a *sitio* of grazing land, two *pesos* for a *labor* of *temporales,*[6] and *twenty reales* for a *labor* of irrigable land.[7]

[1] December 12, 1826 (Brown, *History of Texas,* I 129).

[2] Navarro to Ramón Musquiz(August 1, 1831. Appendix to Empresario Contracts, II 248-249. Byrd Lockhart was assisted in his surveying by Charles Lockhart.

[3] 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.

[4] Appendix to Empresario Contracts, II 273-274.

[5] Sayles, *Early Laws of Texas,* 1 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.

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).

[7] Sayles, *Early Laws of Texas,* I 77.

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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.[1]

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.*[2]

2. The applicant must then present his petition along with this certificate to the commissioner,[3] 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.[4]

6. The commissioner must issue the title, in which were included the surveyor's field notes.[5]

[1] Colonization Law of Coahuila and Texas, March 24, 1825, section 22.

[2] 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.

[3] 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.

[4] Note that the commissioner himself was to issue the title. This order, therefore, was a mere form.

[5] 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.

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The special grant was practically a gift from the state.[1] 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[2] 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.

[1] The fees appear to have been the same as when the title was secured through an *empresario.*

[2] This name was variously spelled by the men that bore it (see appendix I).

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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.[1]

José Antonio Valdez gave no reason.[2]

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.[3]

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

[1] See appendix V.

[2] Titles to special Grants by Jose Anto. Navarro in De Witt's colony (MS). General Land Office, Austin, Texas.

[3] 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*).

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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.[1]

When Kerr had been irregularly appointed surveyor by De Witt in 1825 he had drawn up a plan of the town of Gonzales.[2] This plan was sent, December 12, 1825, to the political chief, who in turn forwarded it to the governor, February 5, 1826.[3] On March 10, the governor returned to the political chief his approval.[4] 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,[5] the governor had approved the plan, coupling his approval with an order that the public squares should be designated.[6]

In 1832 under Navarro's supervision Byrd Lockhart surveyed the town tract containing the four square leagues of land to which each

[1] Instructions to Commissioners, September 4, 1827.

[2] See above, page 102.

[3] Political chief to Navarro, April 14, 1831 (Titles, De Witt's Contract, 829-830); James Kerr to political chief, December 12, 1825 (Bexar Archives).

[4] Political chief to Navarro, April 14, 1831. Titles, De Witt's Contract, 829-830.

[5] I have not been able to find a copy of these early instructions.

[6] Political chief to Navarro, April 14, 1831. Titles, De Witt's Contract, 829-830.

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town was entitled.[1] 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.[2]

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

[1] May 26, 1832 (see map 2).

[2] 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.

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were twenty-five *varas* wide.[1] 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.[2]

Town lots were to be appraised and sold at public auction.[3] 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.[4] The price of a deed was three dollars,[5] 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.[6] The surveyor's fee for an "in" lot was one dollar, for an "out" lot two.[7] 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.[8] A tax of one dollar a year was put upon "in" lots; no tax was levied

[1] 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.

[2] See map 3.

[3] Colonization Law of Coahuila and Texas, March 24, 1825, section 36.

[4] Minutes of the *Ayuntamiento* of Gonzales 1833, article 11 (MS. in office of Harwood and Walsh, Gonzales, Texas). See appendix VI.

[5] 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.

[6] *Ibid.*, article 20.

[7] *Ibid.*, article 12.

[8] *Ibid.*, article 28.

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upon "out" lots.[1] 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.[2]

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." [3]

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.[4] 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.[5]

[1] Minutes of the *Ayuntamiento* of Gonzales, 1834, article 11 (MS. in office of Harwood and Walsh, Gonzales, Texas). See appendix VI.

[2] 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.

[3] Constitution of Coahuila and Texas, article 158 (Gammel, *Laws of Texas,* I 336).

[4] See above, page 106.

[5] Musquiz to *alcalde* of Béjar quoting the governor's letter of October

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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.[1]

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.[2] 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.*

[1] 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).

[2] 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).

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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.[1]

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.[2]

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.[3]

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,

[1] *Colleccion 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.

[2] Blackmar, *Spanish Institutions of the South-West*, 286-290.

[3] Colonization Law of Coahuila and Texas, March 24, 1825, section 41.

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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.[1]

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.*[2] 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.*[3]

The next *ayuntamiento* consisted of James C. Davis, *alcalde;* Charles Lockhart, first *regidor;* Eli Mitchell, second *regidor;* and Thomas R. Miller, *síndico procurador.*[4] 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.*[5]

[1] Constitution of Coahuila and Texas (Gammel, *Laws of Texas,* 335-336).

[2] *Ayuntamiento* of Gonzales to political chief, November 13, 1832. Bexar Archives.

[3] 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.*

[4] Minutes of the *ayuntamiento* of Gonzales, 1834. See appendix VI.

[5] Official correspondence of the *ayuntamiento* of Gonzales with the governor, 1835. The first portion of this correspondence is preserved in the

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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.[1] During the year 1834 the house of Thomas R. Miller was rented as a place of meeting, the price being eighteen dollars.[2]

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[3] 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.[4]

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.

[1] Minutes of the *ayuntamiento* of Gonzales, 1833, 1834. See appendix VI.

[2] Minutes of the *ayuntamiento* of Gonzales, 1834, article 1. See appendix VI.

[3] 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).

[4] 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).

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turning them to the *ayuntamiento.* Those persons whose names then headed the lists should consider themselves appointed as judges.[1]

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.[2] This seems to have been part of the political chief's official functions,[3] 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

[1] Laws and Decrees of Coahuila and Texas, decree no. 262 (Sayles, *Early Laws of Texas,* 94-97).

[2] Ramón Musquiz to governor, July 17, 1831. Bexar Archives.

[3] Governor Letona to political chief, June 10, 1831. Bexar Archives.

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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.[1]

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.[2] 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.[3]

In March, 1834, the political chief repeated the complaint that not a letter had been received from the towns of Austin, Liberty, and Gonzales.[4] 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.[5] No record is

[1] Instructions from Ramón Musquiz to *alcalde* of Gonzales, November 16, 1832. Bexar Archives.

[2] Secretary of the governor to political chief, August 5, 1833. Bexar Archives.

[3] Secretary of the governor, J. Miguel Falcón, to political chief, December 11, 1833. Bexar Archives.

[4] Political chief to secretary of the governor, March 10, 1834. Bexar Archives.

[5] Musquiz to secretary of the governor, May 19, 1834. Bexar Archives.

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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.[1]

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.[2] Of these, thirty thousand belonged

[1] 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.

[2] 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.

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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.[1] 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.[2]

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.[3]

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 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.[4]

[1] *Ibid.*

[2] 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 Almonte in 1834, *Noticia Estadística sobre Tejas,* in Filisola, *Memorias para la Historia de la Guerra de Tejas,* Appendix, II 547-548.

[3] Almonte, *Noticia Estadística sobre Tejas* in Filisola, *Memorias,* etc., II 549-550; David G. Burnet's report in Schoolcraft, *Indian Tribes of the United States,* I 231.

[4] Padilla, Memoria sobre los Indios infieles de la Provincia de Texas.

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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.[1] In Texas they usually ranged north and northwest of Béjar.[2] 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.[3]

The Karankawas, one of the fiercest of the Texas tribe, inhabited the coast region.[4] There is convincing evidence that they were cannibals.[5]

The Tonkawas were said to have ranged along the Brazos westward to the sources of the Guadalupe.[6] They were one of the most friendly of the tribes.

The Kechi tribe lived along the banks of the Trinity River.[7] 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

[1] 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.

[2] Holley, *Texas* (1836), 152.

[3] *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).

[4] 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).

[5] 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.

[6] Kenney, *History of the Indian Tribes of Texas* in *A Comprehensive History of Texas*, I 732; see also above, note 4.

[7] 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.

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professed great friendship for the white people, but they were a great nuisance on account of their constant thieving.[1]

The Wacos and Tawakanas inhabited the Brazos valley. They probably belonged to the same stock.[2] It is said that they were more civilized than any other tribe north of Mexico.[3]

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:[4]

"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-

[1] *Ibid.*

[2] 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.

[3] THE QUARTERLY, I 27.

[4] 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.

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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 Antoñiito'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.[1]

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

[1] 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.

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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.[1]

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.[2]

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.[3] 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

[1] These terms are summarized from a copy of the treaty in the Bexar Archives.

[2] Holley, *Texas* (1836), 160.

[3] Green De Witt to Ramón Musquiz, April 25, 1829. Bexar Archives.

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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.[1] 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.[2] 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.[3]

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.[4] 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.[5] 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.[6] On the day that Ruiz left the town De Witt sent to the political chief a petition asking for another detachment,[7] and again in Decem-

[1] 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 McClare [Abraham McClure], and William Bracken.

[2] *Ibid.*, 156-158.

[3] 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).

[4] Alexander Yhary to James Kerr, November 11, 1827; James Kerr to Ramón Musquiz, February 11, 1828. Bexar Archives.

[5] Green De Witt to Ramón Musquiz, May 8, 1829. Bexar Archives.

[6] The order was given May 17, 1829 (Ruiz to Antonio Elosua, May 22, 1829).

[7] De Witt to political chief, May 23, 1829. Bexar Archives.

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ber, 1830,[1] 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.[2]

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.[3] 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.[4] 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.[5] 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.[6] Shortly afterward the detachment was withdrawn.[7]

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-

[1] See above, p. 133.

[2] January 7, 1831 (Bexar Archives).

[3] De Witt to Ramón Musquiz, March 4, 1831. Bexar Archives.

[4] Musquiz to Elosua, January 12, 1831; Elosua to Musquiz, March 19, 1831. Bexar Archives.

[5] 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.)

[6] 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.

[7] Barberena to Elosua, Setpember 22, 1831. Bexar Archives.

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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.[1] 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

[1] Holley, *Texas* (1836) 152.

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take no part in the convulsion caused by the pronunciamento in favor of the plan of General Santa Anna.[1]

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.[2]

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

[1] Brown, *History of Texas*, I 225-226.

[2] 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).

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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.[1] 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.[2] 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.[3] 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.[4] Probably as a result of this consultation, Terán wrote the vice-consul of Mexico at New Orleans, James W. Breedlove, that passports were to

[1] Decree of April 6, 1830. Dublan and Lozano, *Legislacion Mexicana*, II 238-240.

[2] Alorete to political chief, Ramón Musquiz, June 14, 1830. Appendix to Empresario Contracts, II 208.

[3] Political chief to *alcalde* of Goliad, June 23, 1830. Appendix to Empresario Contracts, II 209.

[4] Viesca to Ramón Musquiz. Appendix to Empresario Contracts, II 210.

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be denied to all North Americans except those *en route* for Austin's and De Witt's colonies.[1]

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.[2] 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.[3]

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.[4] This array of

[1] October 6, 1830 (Appendix to Empresario Contracts, I 10).

[2] 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.

[3] Official correspondence of the *ayuntamiento* of Gonzales for 1835. Office of Harwood and Walsh, Gonzales, Texas.

[4] Ramón Musquiz to Principal Commandant Antonio Elosua, May 26, 1831; Elosua to commandants of Nacogdoches, Anuhuac, Lavaca, Guadalupe, Goliad, and Tenoxtitlan, May 27, 1831. Bexar Archives.

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sentinels seems faithfully to have performed its duty, for no land was secured from De Witt by colonists who entered Texas after that time.[1]

De Witt had introduced less than half the number of families for which he had contracted.[2] 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.[3] This had been conceded April 30, 1829.[4] 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.[5] 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.[6] Navarro protested, claiming the land for De Witt, and in reply the governor annulled Manchola's grant, May, 1831.[7] 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

[1] For date of arrival of De Witt's colonists, see appendix 1.

[2] 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).

[3] April 13, 1829 (Record of Translations of Empresario Contracts, 69-70).

[4] 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.

[5] See above, p. 108.

[6] Musquiz to Navarro, July 21, 1831 (Appendix to Empresario Contracts, II 243); De León to Musquiz, August 16, 1830 *(ibid.*, 12).

[7] 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).

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De León was to prevent his disturbing the twenty-five families that were already located upon the section in question.[1] But De León seems not to have so understood it, and in September, 1831, he complained that on account of various adverse decisions[2] of the government his colonizing activities had been considerably paralyzed.[3] 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.[4]

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.[5] 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-

[1] Appendix to Empresario Contracts, II 243.

[2] 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).

[3] De León to political chief, September 21, 1831. Bexar Archives.

[4] May 26, 1832 (Bexar Archives).

[5] 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).

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tion, told him that he had full permission to colonize the land that through Manchola had been granted him in 1829.[1]

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.[2] 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

[1] Letona to the political chief, August 4, 1832 (Appendix to Empresario Contracts, IV 42).

[2] 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).

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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-

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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.[1] 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.[2] 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.[3]

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,

[1] 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).

[2] See above, p. 137.

[3] 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.

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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![1]

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.[2]

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.[3] 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.*[4]

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.[5]

[1] Edward, *History of Texas,* 191-192.

[2] Brown, *History of Texas,* I 198. James Kerr went as delegate from the Lavaca district.

[3] Bexar Archives.

[4] Brown, *History of Texas,* I 216.

[5] Brown, *History of Texas,* I 232-233.

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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.[1]

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.[2] 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.[3]

[1] Bexar Archives.

[2] 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.

[3] Brown, *History of Texas*, I 290.

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Shortly after this precautionary step, Edward Gritten, reputed among the colonists to be a confidential friend of Santa Anna,[1] 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.[2] 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.[3] 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.[4] 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.[5] When they met

[1] Report of William J. Fisher, president of the committee of safety at Gonzales, July 4, 1835. Austin Papers, 29.

[2] Gritten to Ugartechea, July 5, 1835. Bexar Archives.

[3] Gritten to Ugartechea, July 6, 1835. Bexar Archives; *Mercurio del Puerto de Matamoras*, August 27, 1835. Austin Papers, class O.

[4] Gritten to Ugartechea, July 9, 1835. Bexar Archives.

[5] 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.

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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.[1] The townspeople began to get their wagons ready to move their families out—some east to the Colorado,[2] some only into the woods to hide.[3] Messengers were at once dispatched to various points in Texas for help.[4] The cannon was buried in George W. Davis's peach orchard,[5] and the ground was plowed and smoothed over it.[6]

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 an so was the remainder part of the Ayuntamto when your dispatch arrived in consequence the men who bore sd dispatch were necessarily detained untill to day for an answer. This is a matter of delicasy to me nor do I know without further

[1] Castañeda to Ugartechea, September 29, 1835. Bexar Archives.

[2] E. Bailey to ———, September 26, 1835. Archives of Texas, D file 22, no. 2133.

[3] 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.

[4] Austin Papers, 30; report of Wm. Fisher to Austin, October 3, 1835 (Austin Papers, 50); THE QUARTERLY, II, 314.

[5] 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.

[6] 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).

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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 untill I have obtained more information on the subject matter At least untill I have an opportunity of consulting the chief of this department[1] 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.*[2]

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.[3] Otherwise, Castañeda was to bring the *alcalde* of Gonzales to Béjar as prisoner and to punish all who should offer resistance.[4]

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

[1] That is, the department of the Brazos, created by decree of March 18, 1834.

[2] Bexar Archives.

[3] Angel Navarro to *alcalde* of Gonzales, September 27, 1835; Ugartechea to *alcalde* of Gonzales, September 27, 1835. Bexar Archives.

[4] Ugartechea to Castañeda, September 27, 1835. Bexar Archives.

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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,[1] and the ferry-boat and canoes were on the other side under guard.[2] While he waited he wrote to Ugartechea a detailed report of all that had taken place.[3]

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

[1] *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.

[2] Bennet, in THE QUARTERLY, II 315, says Jessie [Jesse] McCoy, Joseph Kent, Graves Fulchear, and W. W. Arrington kept watch at the river. Kent told Bennet afterward that he and Fulchear, 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.

[3] It is upon this report, dated September 29, 1835 (Bexar Archives), that the above account is based.

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yield. We are weak and few in number, nevertheless we are contending for what we believe to be just principles.'[1]

Casteñada 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.[2] 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[3] he would try to effect a crossing further up the stream.[4] That night he spent in camp on the mound at the De Witt place, about three hundred yards from the river.[5] 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.[6]

Castañeda had not been misinformed as to the arrival of volunteers in Gonzales. At first there were only eighteen men to defend the town.[7] By the 30th there were between one hundred

[1] Joseph D. Clements, *regidor*, to Castañeda, September 30, 1835. Bexar Archives.

[2] This account of the transactions of this day is based upon a report made late in the day by Castañeda to Ugartechea (Bexar Archives).

[3] 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.

[4] Castañeda to Ugartechea, September 30, 1835. Bexar Archives.

[5] Report of Wm. Fisher, October 3, 1835, in the *Telegraph and Texas Register*, April 4, 1837. Austin Papers, 50.

[6] *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.

[7] 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

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and fifty[1] and one hundred and sixty, and more were expected to arrive that day.[2] For the immediate emergency they organized with John H. Moore as colonel and J. W. E. Wallace as lieutenant colonel.[3] 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.[4]

When the Mexicans began to move up the river the Texans,[5] 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.[6] 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.[7] 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 Fulchear, 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.)

[1] Captains Martin, Coleman, and Moore to the people of San Felipe and the Lavaca. Austin Papers, 30.

[2] Castañeda to Ugartechea, September 30, 1835 (Bexar Archives); William Fisher to Austin, October 3, 1835 (Austin Papers).

[3] Account of the campaign of 1835 by William T. Austin *(A Comprehensive History of Texas,* I 536.

[4] 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.

[5] 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.

[6] Report of Wm. Fisher, October 3, 1835, in *Telegraph and Texas Register,* April 4, 1837. Austin Papers, 50.

[7] *A Comprehensive History of Texas,* I 180.

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by Rev. W. P. Smith, a Methodist preacher from Rutersville.[1] 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

[1] THE QUARTERLY, II 316.

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the shriek of the cannon with its unusual charge could be heard reverberating along the valleys with remarkable distinctness.[1] The Mexicans lost one man—the total mortality of this memorable engagement.[2]

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.[3] 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[4] 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.] [5]

[1] Bennet, in THE QUARTERLY, II 316.

[2] 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.

[3] John H. Moore to San Felipe committee of safety. Archives of Texas, D file 13, no. 1248.

[4] 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).

[5] *A Comprehensive History of Texas*, I 538. This letter is not in the

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The volunteers had by this time reached the number of three hundred.[1] 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,[2] 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.[3] 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.

[1] John H. Moore to San Felipe committee of safety, October 6, 1835. Archives of Texas, D file 13, no. 1248.

[2] October 8. He came at about one o'clock in the afternoon.

[3] 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.

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to cross the Guadalupe river, and on the 13th they took up their line of march for Béjar.[1]

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.[2] 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.[3]

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.[4]

[1] 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.

[2] 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.

[3] Brown, *History of Texas*, I 550.

[4] 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, Jessee [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

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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.[1]

Just at dusk on the day of Houston's arrival Anselmo Bogarra and another Mexican came bringing the news that the Alamo had fallen.[2] 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.[3] 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).

[1] 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).

[2] Brown, *History of Texas,* I 587.

[3] 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.)

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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.[1]

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.[2] 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,[3] 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

[1] *Ibid.*

[2] 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.

[3] THE QUARTERLY, IV 243, 294.

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left to set the town on fire.[1] Toward morning the fugitives, looking back, beheld a red glow along the western horizon.[2] By daylight there remained of the thirty houses or more that had made up the little town of Gonzales only two small huts.[3]

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.[4] 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.

[1] 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."

[2] 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.

[3] See map 4.

[4] 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.

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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[1]	1 Sitio	May 5, 1831[2]	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	¼ "	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	¼ "	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	¼ "	June 6, 1832	701–704
9	Bennet, Valentine	S	April 1, 1831	1	¼ "	Nov. 8, 1831	601–604
10	*Berry, Esther	Widow	Nov. 6, 1830	4	24/25 "	July 20, 1831[3]	115–120
11	" "				1/25 "	Sept. 20, 1831	121–125
12	Berry, Francis	M	May 12, 1825	6	24/25 "	May 15, 1831	105–110
13	" "				1/25 "	Aug. 24, 1831	111–114
14	Blair, George	M	Feb. 10, 1829	7	24/25 "	Dec. 1, 1831	555–558
15	" "				1/25 "	June 28, 1832	559–562
16	Branch, Umphries	M	May 29, 1830	4	24/25 "	Nov. 20, 1831	589–592
17	" "				1/25 "	Nov. 29, 1831	577–580
18	Brand, David W	S	April 20, 1830	1	¼ "	Nov. 25, 1831	585–588
	Brock, Caleb	M	Feb. 26, 1830	15	1 "	May 5, 1831[4]	135–138
19	Burket, David	M	June 1, 1830	6	24/25 "	May 10, 1832	611–614
20	" "				1/25 "	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	¼ "	July 10, 1831	359–362
23	Caldwell, Mathew	M	Feb. 20, 1831	5	1 "	June 22, 1831	315–318
24	Campbell, Joseph[5]	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	¼ "	May 5, 1831	171–174
29	Cottle, Almond	S	Certificate Missing	1	¼ "	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[6]	195–198
32	Cottle, Isaac[7]	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	24/25 "	April 24, 1831	39–42
35	" "				1/25 "	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.]

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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	¼ "	June 30, 1831	275–278
39	Davis, Jesse K.	S	Sept. 29, 1830	1	¼ "	May 15, 1832	633–636
40	*Davis, John.	S	Feb. 16, 1830	1	¼ "	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	¼ "	Nov. 5, 1831	537–540
43	Denton, Abraham.	S	July 16, 1825	1	¼ "	May 15, 1832	629–632
44	DeWitt, Eliza[1].	Widow	Jan. 19, 1830	1	1 "	April 15, 1831	 75–80
45	DeWitt, Green[2].	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	545–548
49	" "				⅖ "	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	" "				⅕ "	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	¼ "	Nov. 26, 1831	593–596
56	Dikes, M. G.	S	Dec. 28, 1829	1	¼ "	Aug. 23, 1831	439–442
57	*Dowlearn, Patrick.	S[3]	June 24, 1827	1	¼ "	July 25, 1831	417–420
58	*Duncan, Benjamin.	S	Oct. 16, 1828	1	¼ "	June 28, 1831	297–300
59	Fennel, John.	S	June 5, 1830	1	¼ "	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	¼ "	July 10, 1831	347–350
62	Fullshear, Benn.	S	Dec. 19, 1826	1	¼ "	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	¼ "	April 24, 1831	 31–34
65	Fuqua, Benjn.	S	Mar. 6, 1830	1	¼ "	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	¼ "	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	⅘ "	June 12, 1832	725–730
70	" "				⅕ "	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	¼ "	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	⅘ "	May 1, 1831	211–214
76	" "				⅕ "	Aug. 4, 1831	215–216
77	Hill, William.	M	June 10, 1830	8	1 "	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	¼ "	July 6, 1831	413–416
81	Hughart, Edward.	S	June 20, 1830	1	¼ "	June 21, 1832	689–692
82	Hughes, James.	S	Feb. 15, 1831	9	¼ "	June 6, 1832	697–700
83	Jackson, Thomas.	M	July 6, 1829	4	⅘ "	May 1, 1831	223–228
84	" "				⅕ "	May 10, 1831	229–233

1 Daughter of Green De Witt, and widow of Thomas Hamilton, who died after coming to the colony. The certificate was issued to her husband.

2 These grants made to De Witt were his premium lands.

3 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.

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List of the Original Settlers in De Witt's Colony.

	NAME	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	¼ "	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	¼ "	June 10, 1832	693–696
89	Kimball, George C	S	Mar. 5, 1825	1	¼ "	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	¼ "	Sept. 13, 1832	795–798
93	Leech, William	S	July 19, 1830	1	¼ "	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	¼ "	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	¼ "	Dec. 2, 1831	531–535
99	Lockhart, Sam'l	M	July 29, 1830	3	1 "	July 9, 1831	383–386
00	Lockhart, George W	S	Mar. 25, 1829	1	¼ "	Sept. 10, 1831	481–484
01	Lockhart, Wm. B	S	Mar 15, 1829	1	¼ "	Sept. 17, 1832	803–806
02	Managhan, George F	S	Mar. 25, 1830	1	¼ "	May 1, 1831	199–202
03	Matthews, Wm. A	S	Feb. 19, 1830 (?)	1	¼ "	May 5, 1831	151–154
04	Middleton, Samuel P	S	Dec. 30, 1829	1	¼ "	Sept. 12, 1831	485–488
05	Miller, Thomas R	S	June 16, 1830	1	¼ "	Sept. 20, 1831	519–522
106	Mills, David G	S	Feb. 20, 1830	1	¼ "	June 15, 1832	755–758
107	Mills, Robert	S	April 23, 1830	1	¼ "	Sept. 13, 1831	489–492
108	*Morris, Bethel	S	Feb. 20, 1831	1	¼ "	July 1, 1832	705–708
109	*Morris, John	S	Feb. 20, 1831	1	¼ "	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 25, 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	¼ "	July 6, 1831[1]	375–378
114	McClure, B. D	M	May 10, 1830	2	2 4/5 "	Sept. 6, 1831	501–505
115	" " "				3 1/5 "	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	¼ "	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	¼ "	July 11, 1832	767–770
122	McCoy, Samuel	S	Jan. 4, 1829	1	¼ "	July 9, 1831	387–395
123	McCrabb, John	S	Mar. 20, 1830	1	¼ "	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 4/5 "	May 1, 1831	183–187
127	" "				3 1/5 "	July 27, 1831	189–193
128	Page William	S	June 15, 1830	1	¼ "	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	¼ "	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	¼ "	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	¼ "	May 5, 1831	167–170

1 Set aside by decree of court, 1853.—Gonzales 1-340.

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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"
135	Roe, John	S	April 25, 1827	1	1/4 "	July 10, 1832	775–778
136	*Roney, James	S	Jan. 1829	1	1/4 "	June 11, 1832	709–712
137	*Sanders, Stephen F	S	Mar. 26, 1830	1	1/4 "	Nov. 22, 1831	551–554
138	Scott, Jonathan	S	Aug. 20, 1830	1	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	1/4 "	June 16, 1832	743–746
141	Shupe, Samuel	S	Mar. 27, 1827	1	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'r	Sept. , 1828	4	1 "	May 8, 1832	619–623
145	Sowell, Lewis D	S	May 3,	1	1/4 "	June 25, 1831	339–342
146	Sowell, John	M	May 3, 1830	6	2 4/5 "	May 5, 1831	331–334
147	" "				1/5 "	July 1, 1831	327–330
148	Sowell, William A.	S	May 31, 1830	1	1/4 "	June 22, 1831	305–308
149	Stapp, Darwin M.	S	June 4, 1828	1	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	1/4 "	July 9, 1831	363–366
152	Stinnett, C.	S	May 20, 1830	1	1/4 "	April 15, 1831	63–68
153	St. John, William[1]	S	Certificate Missing	1	1/4 "	June 12, 1832	681–684
154	Strode, William	M	Certificate Missing	2(?)	1 "	June 15, 1832	763–766
155	*Tate, Elijah	S	Feb. 1829	1	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	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[2]	1	1/4 "	Dec. 15, 1831	633–666
162	*Tumlinson, James	S	Dec. , 1828	1	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	1/4 "	Aug. 8, 1831	465–468
165	Tumlinson, L. F	S	Nov. , 1828	1	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	1/4 "	May 1, 1831	239–242
168	Ward, Russel	S	Mar. 5, 1830	1	1/4 "	July 20, 1831	401–404
169	Weldon, Isaac.	S	July 25, 1828	1	1/4 "	June 30, 1831	271–274
170	Wentworth, Tobias	S	June 24, 1828	1	1/4 "	May 18, 1832	625–628
171	Wickson, Byrum	S	Mar. 13, 1829	1	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	1/4 "	May 12, 1832	637–640
174	Williams, Ezekiel	S	Jan. , 1829	1	1/4 "	May 1, 1831	247–250
175	Williams, Malkijah	S	Aug. 1, 1830	1	1/4 "	Nov. 20, 1831	563–566
176	Williams, Samuel	S	Nov. 9, 1830	1	1/4 "	June 15, 1832	685–688
177	Wood, James T	M	Feb. 20, 1831	8	1 "	June 22, 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	2 4/5 "	Nov. 23, 1831	567–572
181	" "				1/5 "	Aug. 11, 1831	573–576

1. Unsigned.

2. Evidently a mistake. The certificate is dated March 17, 1831.

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Those Who Obtained Land Directly From the Government.

	NAME	Date of Concession	Size of Grant	Date of Title	Reference to Titles to Special Grants.
82	Baume, Joseph De la	Nov. 4, 1828	6 "	July 1, 1332	133–142
83	Cantu, Jesus	Mar. 8, 1830	2 "	Nov. 5, 1831	9–17
84	Chirino, Marjila	May 30, 1828	2 "	July 1, 1832	84–95
85	Clements, Joseph D	Feb. 9, 1831	3 "	July 10, 1835	155–168
86	Esnaurizar. Antonio M[1]	July 23, 1830	11 "	Nov. 10, 1831	49–70
87	Fullshear, Benn. } Fulshear, Graves }	Feb. 11, 1831	1 "	June 3, 1831	71–76
88	Gortari, Eligio	May 27, 1828	1 "	Aug. 30, 1831	18–29
39	Kerr, Santiago	Feb. 15, 1831	1 "	July 8, 1831	77–83
90	Lockhart, Byrd[2]	Feb. 9, 1831	1 "	April 5, 1835	116–127
91	" "		1 "	June 27, 1833	105–115
92	" "		1 "	Nov. 25, 1831	128–132
93	" "		1 "	July 8, 1831	42–48
94	Mansolo, Anastacio	April 12, 1831	1 "& 1 l'r	Aug. 30, 1831	96–104
95	Pettus, Edward	Feb. 15, 1831	1 sitio	May 15, 1831	1–8
96	Pettus, Wm.	Feb. 9, 1831	2 "	May 15, 1831	36–41
97	Salinas, José Maria	July 4, 1827	4 "	Aug. 31, 1831	143–154
98	Seely, Sarah	Feb. 15, 1831	1 "	April 15, 1831	30–35
99	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.

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Appendix II.

List of the Lots in the Inner and Outer Town of Gonzales, Deeded by Alcaldes.[1]

Lots in the Inner Town.

Block.	Lot.	Appraisement.[2]	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	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*.

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Lots in the Inner Town—Continued.

Block	Lot	Appraisement[2]	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 to mechanic	Dec. 30, 1833	" "	Almeron Dickinson
"	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	Appraisement	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[1]	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	1.34¼	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

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Lots in the Outer Town West of Water Street.

Range	Block	Lot	Appraisement	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	" "	" "

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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	2.62	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	1.56¼	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

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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	" "	.. "

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APPENDIX III.

DE WITT'S PETITION.[1] (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 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

[1] Empresario Contracts, 27-31.

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[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.[1]

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

[1] In translating the description of this line, literalness has to a considerable extent been sacrificed to clearness.

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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.

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APPENDIX IV.

A TITLE TO LAND SECURED UNDER THE EMPRESARIO SYSTEM.[1] (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*[2] the oath provided for by article three of the state colonization law.[3]

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.

[1] Titles, De Witt's Contract, 359-362. In this first document the portions underlined are those inserted into the printed form.

[2] See page 99.

[3] Evidently this reference is to article 3 of the instructions to commissioners issued September 4, 1827.

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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 thonsand 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.

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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.

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APPENDIX V.

A TITLE TO LAND SECURED DIRECTLY FROM THE GOVERNMENT.[1] (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

[1] Titles to Special Grants, 30-35.

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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.]

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APPENDIX VI.

MINUTES OF THE AYUNTAMIENTO OF GONZALES.[1]

Jurisdiction of Gonzales. Jan'y, the 25th 1833—

Art, 10th The Aynt°. metin ordinary Session all the members present

Resolved that from & after the 1st day of May next any hogs runing at larg in this jurisdiction over one year old unmarct 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.e 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 enstawlments, the first in six months the second in twelve & the third in eighteen months, a forfature accuring in case of failing to make any of the payments, for promt payment six persent per annum allowed.

J. B. PATRICK President.
ALMOND COTTLE, Sindico.

Jurisdiction of Gonzales, Feby 15th 1833

The Ayunt°. met in ordinary session, present the Alcalde 2nd Regedor & Sindico.

Art.e 12th. Resolved that Byrd Lockart the surveyor of the Jurisdiction is the same for the town, for surveying 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

[1]A literal copy of an incomplete record preserved in the office of Harwood and Walsh, Gonzales, Texas. This title is supplied.

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branch a lital south west of Market square—and the session adjourned.

J. B. PATRICK President.
ALMOND COTTLE Sindico

Arte. 14th The Ayunto. met in ordinary session present the Alcalde 1st Regdr & Sindico,
Resolved that we this day make out an official commucation to the Chif of Depatment Assigning the reasons &c — which is pointed out in sd. note a coppy to be fild in the office.

J. B. PATRICK President
ALMOND COTTLE Sindico

Jurisdiction of Gonzales May 28th 1833

Arte. 15th The Ayunto. met in ordinary session present the Alcalde 1st Regd—& Sindico.
Resolved that John Francis Buetti be employed by the Ayunto. 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 Ayunto. 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 subjicts them selves to a fine of any amout under one hundred Dollars for every offence that they may be found gilty of before the proper authority one third to the informants for the better surpresing the evil—and the session adjournd—

J. B. PATRICK Pres.
ALMOND COTTLE Sindico.

Jurisdiction of Gonzales June 22nd—1833.

17th. The Ayunto. 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-

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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 Ayuntᵒ. Met in ordinary session present 1st. Regador 2sd Do. & Sindico—
Resolved that the rate of Ferrage across the Guadalope; is for a loaded waggon & team $1.50 cts emty $1-00- loaded Carts and team $1-25 Cts emty 75 Cts Ditto one yoak 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 Ayuntᵒ. of Gonzales, or expreses from or to Sd Ayuntᵒ. 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 accoumpt in one year.

J. B. PATRICK President.

ALMOND COTTLE Sindico.

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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 Coppy to be fild in the office—

J. B. PATRICK President
ALMOND COTTLE Sindico.

Art. 23rd. Jurisdiction of Gonzales August 5th, 1833.
The Ayuntam^to. 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.

Jurisdiction of Gonzales August 12th, 1833.
The Ayuntam^to. met in session. Present Alcalde & 1st & 2nd Regadors.
Art. 25th. 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^to. met in Extraordinary session. Present James B. Patrick Alcalde & Almond Cottle Sindico.

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Article 27th. Resolved, that in consequence of the non attendance of the persons last heretofore appointed by the Ayuntumto 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 Ayuntamto.

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 seets. They [are] composed of the following members Viz—James C. Davis Alcalde Charles Lockhart first Rigidore Eli Mitchell Sechend 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.

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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 accoumpts 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 revew 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 saim privalege 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

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The session adjorned 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 adjorned 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 Holesaleing 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 Anuelly and for retailing Dry goods alone will be five Dollars anuelly, Those that doe not apply for licencs 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 Anuelly no tax on out lots any person wishing to take out lots will be intitled to as

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many as he will improve and pay for at the valuea-tion 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

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Appendix VII.

Lista de los habitantes de la colonia de Dewitt en el Departamento de Texas.[1]

Nombres	Casad[s]	Solter[s]	Estado	Edad de Varon[s]	Edad de hemb[s].	Eclavos	Edad de Esclav[s]	Caballos	Ganado	Jume [n]tos	Marranos	Labradores	Ganado de toda clase	Notas
Joseph McCoy	1		Misuri	37				2	20	1	7	1	1	
Catharine McCoy					32									
Prospect McCoy				11										
Green McCoy				9										
Elizabeth McCoy					7									
Christopher McCoy				5										
One Infant				½										
John McCoy	1		Misuri	52				3	13	1	2	1	1	
Martha McCoy					47									
Jesse McCoy		Soltero	Misuri	22				2				1	1	
Daniel McCoy				14										
Louiza McCoy					12									
Samuel Shup		Soltero	Pensilvania	25					14			1	1	
John W. Henry		Soltero	Lusiana	35								1	1	
Benjamin Fulcher		Soltero	Allinois	23				2	4	10	10	1	1	
Josiah Taylor	Casado		Alabama	45				12	39		75	1	1	Su muger esta en Trin[ida]d (?)
Hepnebeth Taylor					34									
William Taylor		Soltero	Alabama	21								1	1	
Joannah Taylor					13									
Crud Taylor				11										
Josiah Taylor				9										
Pitean Taylor				6										
Rufus Taylor				5										
James Taylor				3										
William Nash	Casado		Lusiana	25				3	03		41	1	1	
Polly Nash					25									
Thomas Nash				5										

1. From the Nacogodoches Archives. The document is dated on the back 1828.

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Appendix VII.

Lista de los habitantes de la colonia de Dewitt en el Departmento de Texas.

Nombres	Casad^{s}	Solter^{s}	Estado	Edad de Varon^{s}	Edad de hemb^{s}.	Eclavos	Edad de Esclav^{s}	Caballos	Ganado	Jume [n] tos	Marranos	Labradores	Ganado de toda clase	Notas
Betsey Nash					3									
Infant														
John Williams	Casado		Pensilvania	32				1	75		8	1	1	Su muger en la otra colonia
Margarett Williams					45									
Fielding Porter		Soltero	Alabama	38				1				1	1	
Elizabeth Berrey			Misuri		43			1	16		23			Viuda
Nancy Berrey					14									
James Berrey				11										
Rheney Berrey					8									
Tillman Berrey				6										
Felix Taylor	Casado		Tenesi	35				1			16	1	1	
Elizabeth Taylor					18									
John Taylor				*										
John Oliver		Soltero	Misuri	22				1				1	1	
Samuel Clark		Soltero	Quintoke	26				1				1	1	
Alexander Philips		Soltero	Misuri	50				1				1	1	
Edward Perrey		Soltero	Masatuisetts	30				1	4			1	1	
Joseph K. Looney		Soltero	Quintoke	28				1	2			1	1	
Youngs Coleman		Soltero	Tenesi	23				1	2			1	1	
Daring Gregg		Soltero	Quintoke	23				1	2			1	1	
Robert Harvey		Soltero	Misisipi	21								1	1	
Arthur Burns	Casado		Misuri	45				3	7		12	1	1	
Salley Burns					35									
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 unidos
John Lawrence	Casado		Quintoke	47				1	6			1	1	

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Lista de los habitantes de la colonia de Dewitt en el Departamento de Texas.

Nombres	Casad^{s}	Solter^{s}	Estado	Edad de Varon^{s}	Edad de hemb^{s}.	Esclavos	Edad de Esclavs	Caballos	Ganado	Jume [n] tos	Marranos	Labra-dors	Ganado d toda clase	Notas
Joseph Kent		Soltero	De Inglaterra	25								1	1	
Bird Lockhart	Casado		Misuri	46				1	x		20	1	1	
Josef M^{a} 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	Casado		Misuri	40				3	2		12	1	1	
Salley Dewitt					38									
Eliza DeWitt					17									
Naomi DeWitt					13									
Ebalina Dewitt					11									
Christopher C. Dewitt				8										
Clinton DeWitt				5										
Joseph Callahan		Soltero	Tenesi	30								1	1	
James Kerr	Casado		Misuri	37		7		4	8		30	1	1	Su muger muerta
Mary M. Kerr					5									
John Jones	Casado		Quintoke	50				1				1	1	Su muger en estados unidos
Bazel Durbin		Soltero	Misuri	37				1	1			1	1	
William Smeathers	Casado		Indiana	55				1	18		20	1	1	Su muger muerta
Elias R. Wightman		Soltero	Nueva Yorke	30				1	20			1	1	

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NOTE.

The last sentence of note 2 on page 106 belongs to and should complete note 2 on page 105.

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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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DE WITT'S COLONY

MAP 1.

Lands obtained through the empresario.

Lands obtained directly from the government.

GUADALUPE CO

CALDWELL CO

GONZALES CO

DE WITT CO.

VICTORIA CO

LAVACA CO

FAYETTE CO

JACKSON CO

NEW BRAUNFELS

SEGUIN

SAN MARCOS

TOWN TRACT

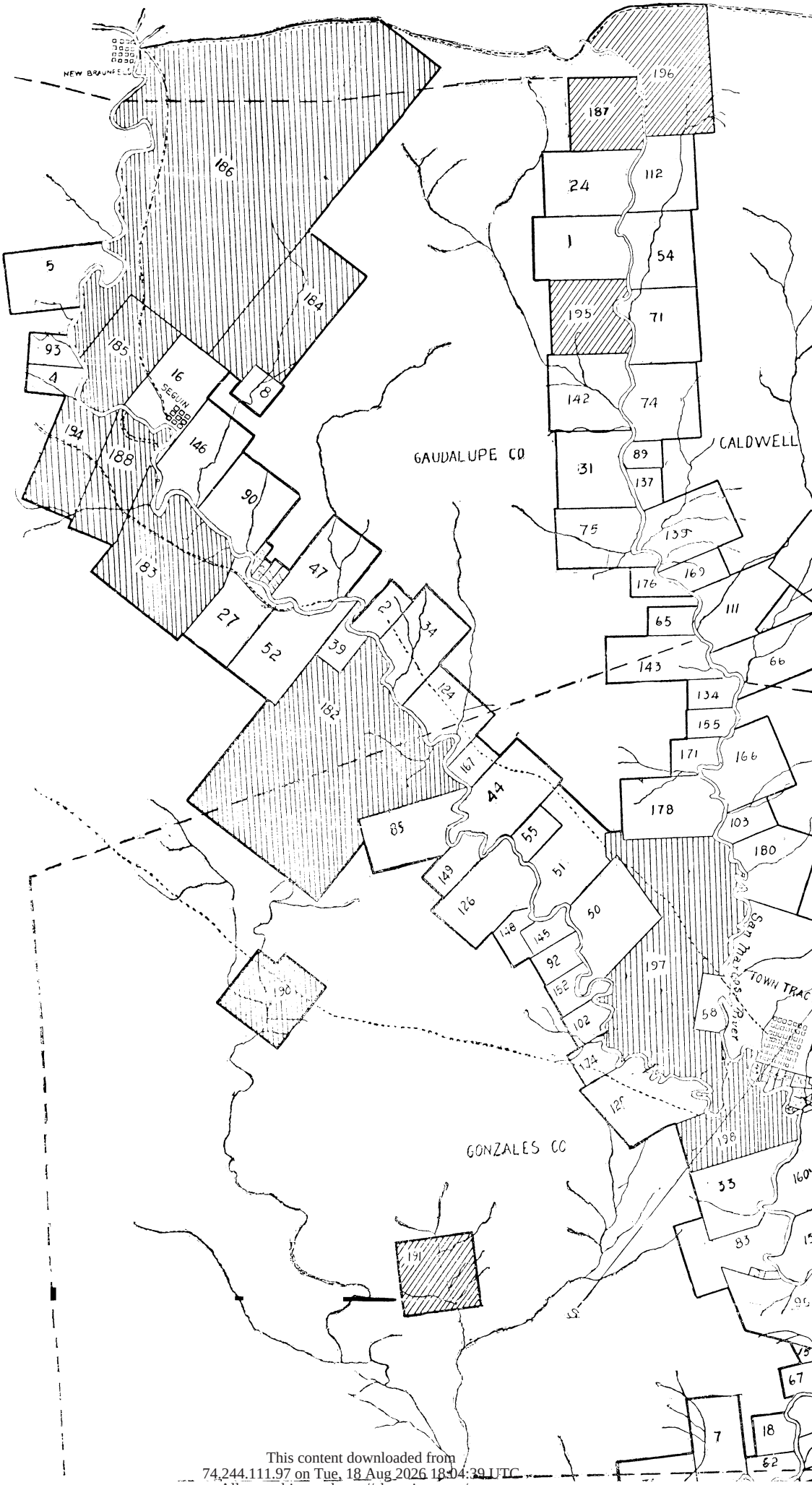
GONZALES

HALLETTSVILLE

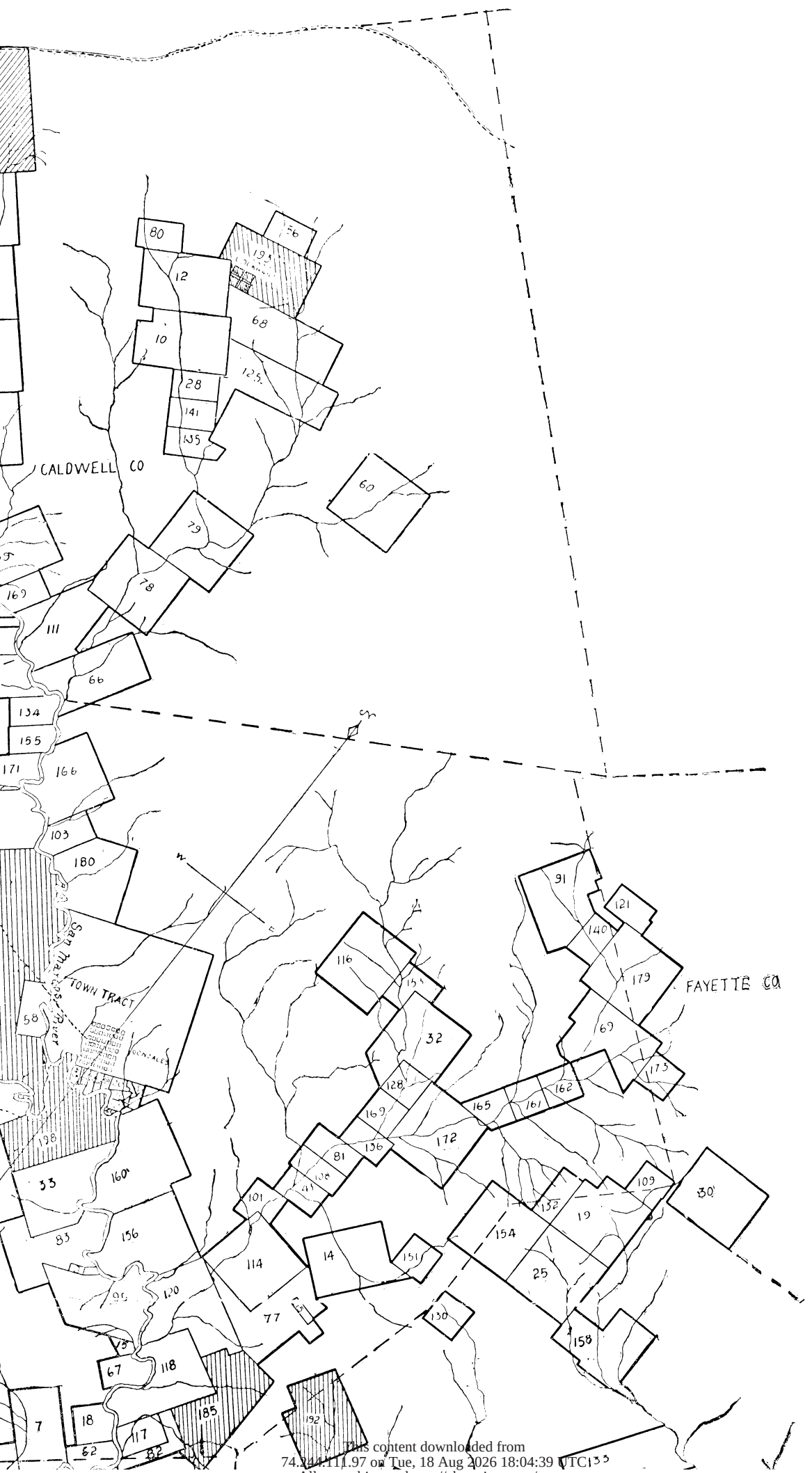
PETERSBURG

Guadalupe River

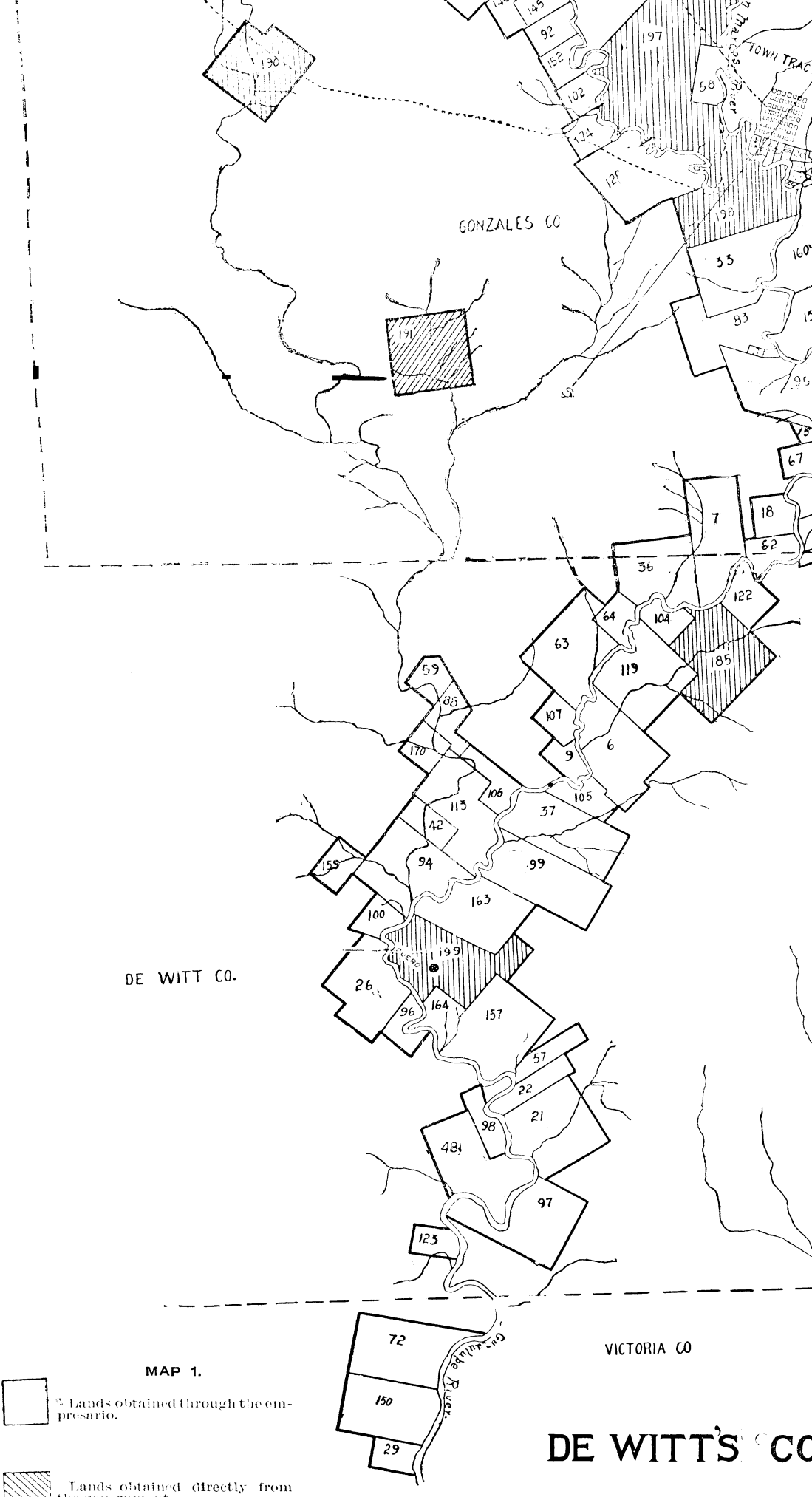
Lavaca River



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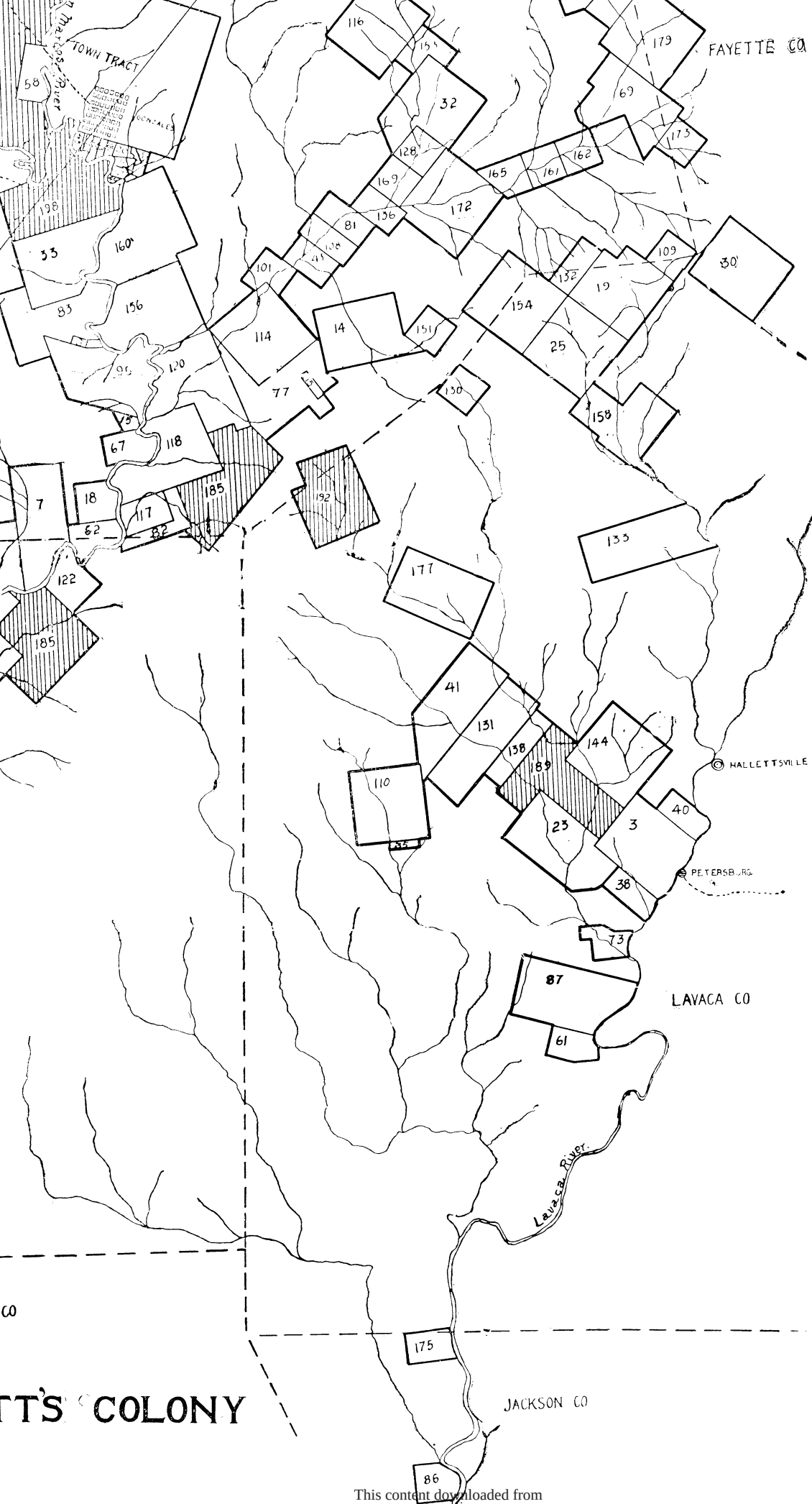


MAP 1.

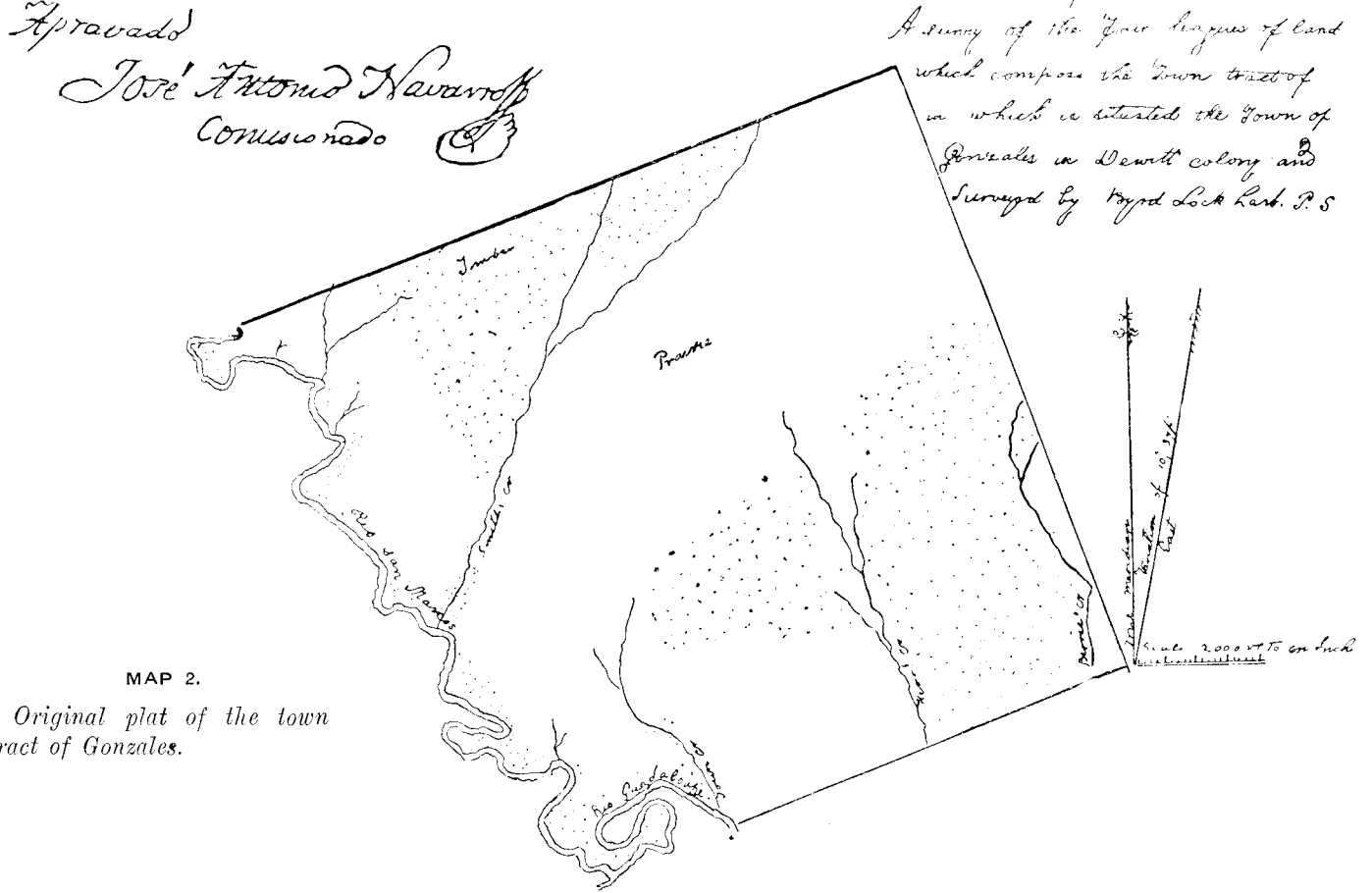
Lands obtained through the empresario.

Lands obtained directly from the government.

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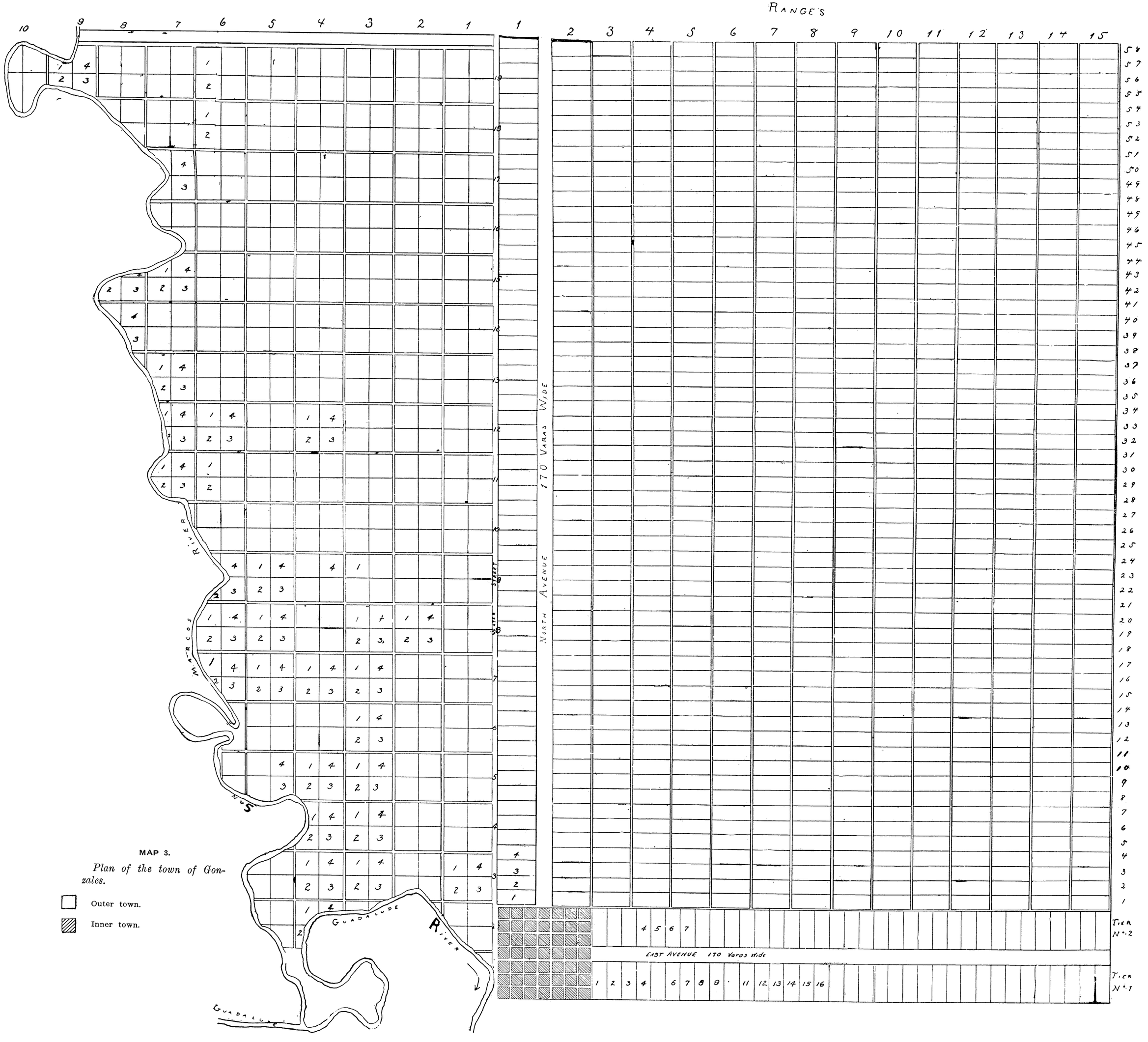
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MAP 2.

Original plat of the town tract of Gonzales.

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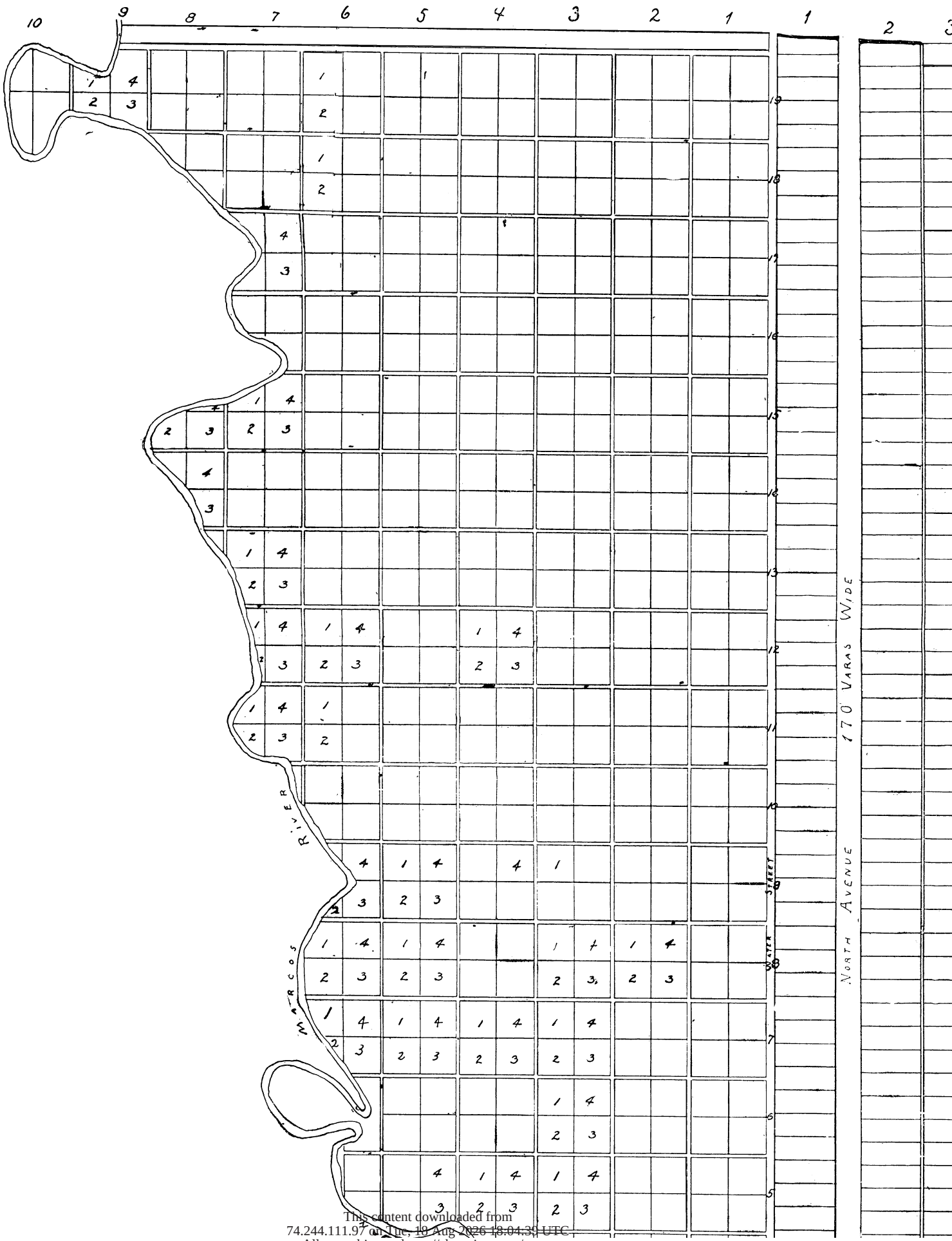
MAP 3.

Plan of the town of Gonzales.

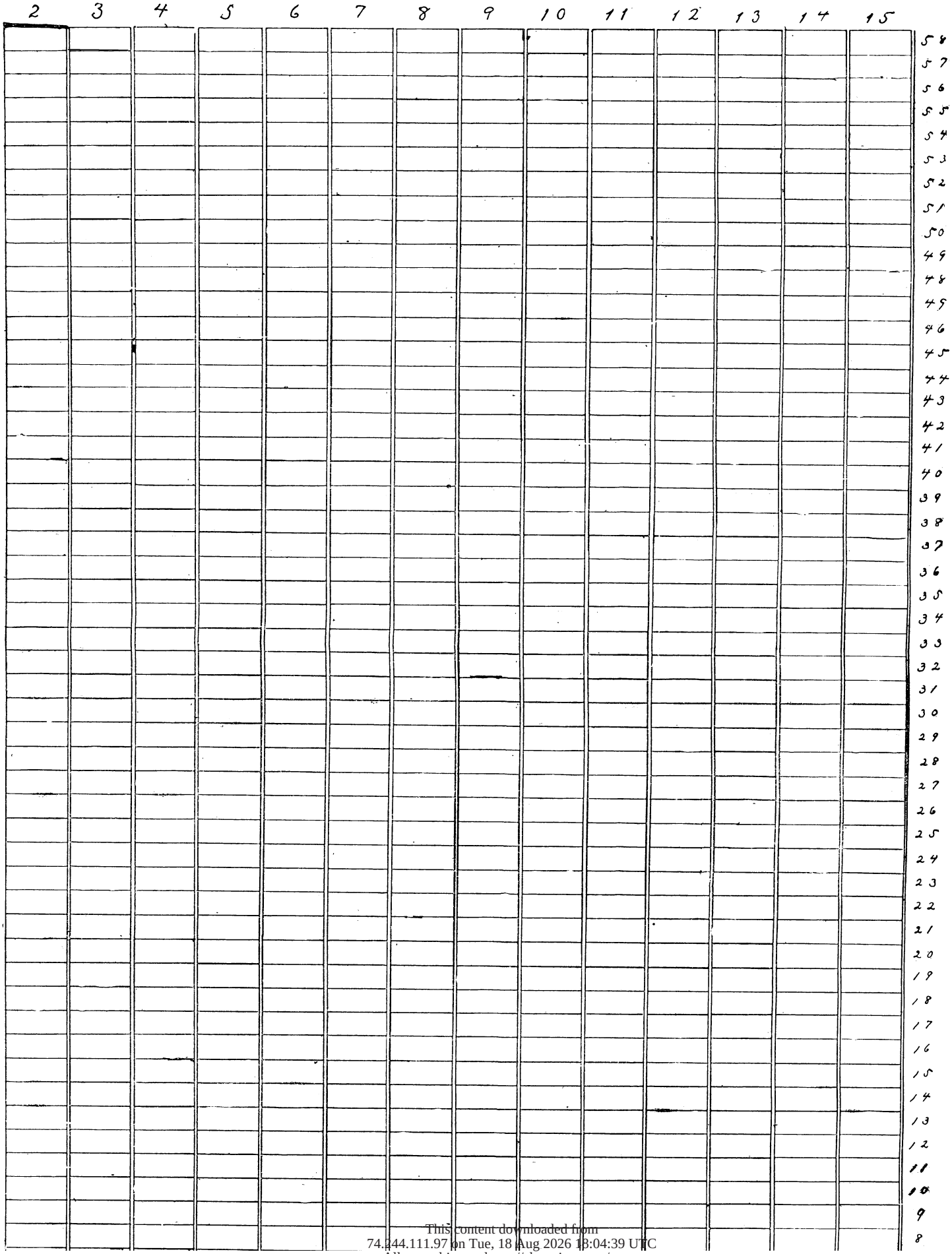
Outer town.

Inner town.

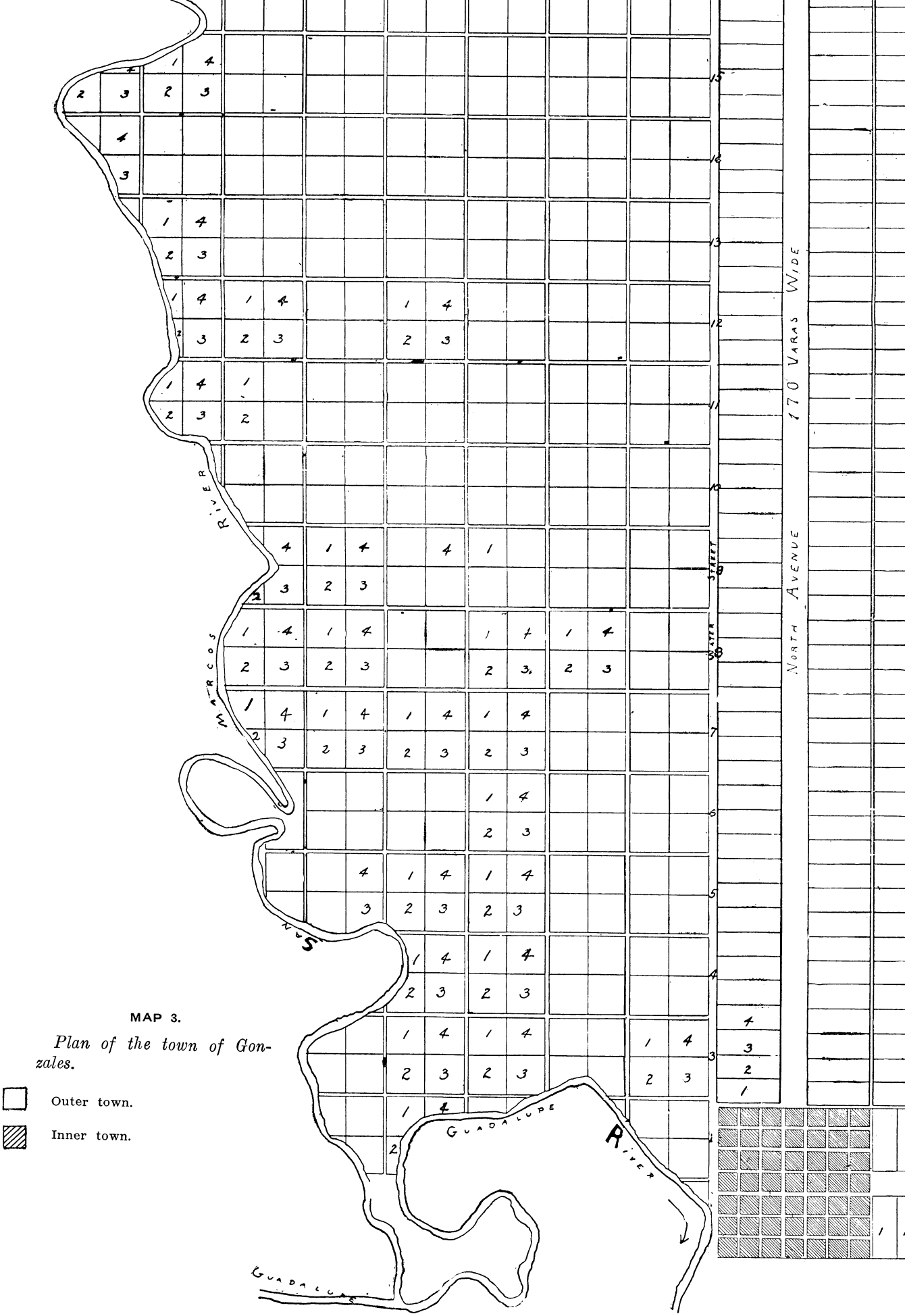
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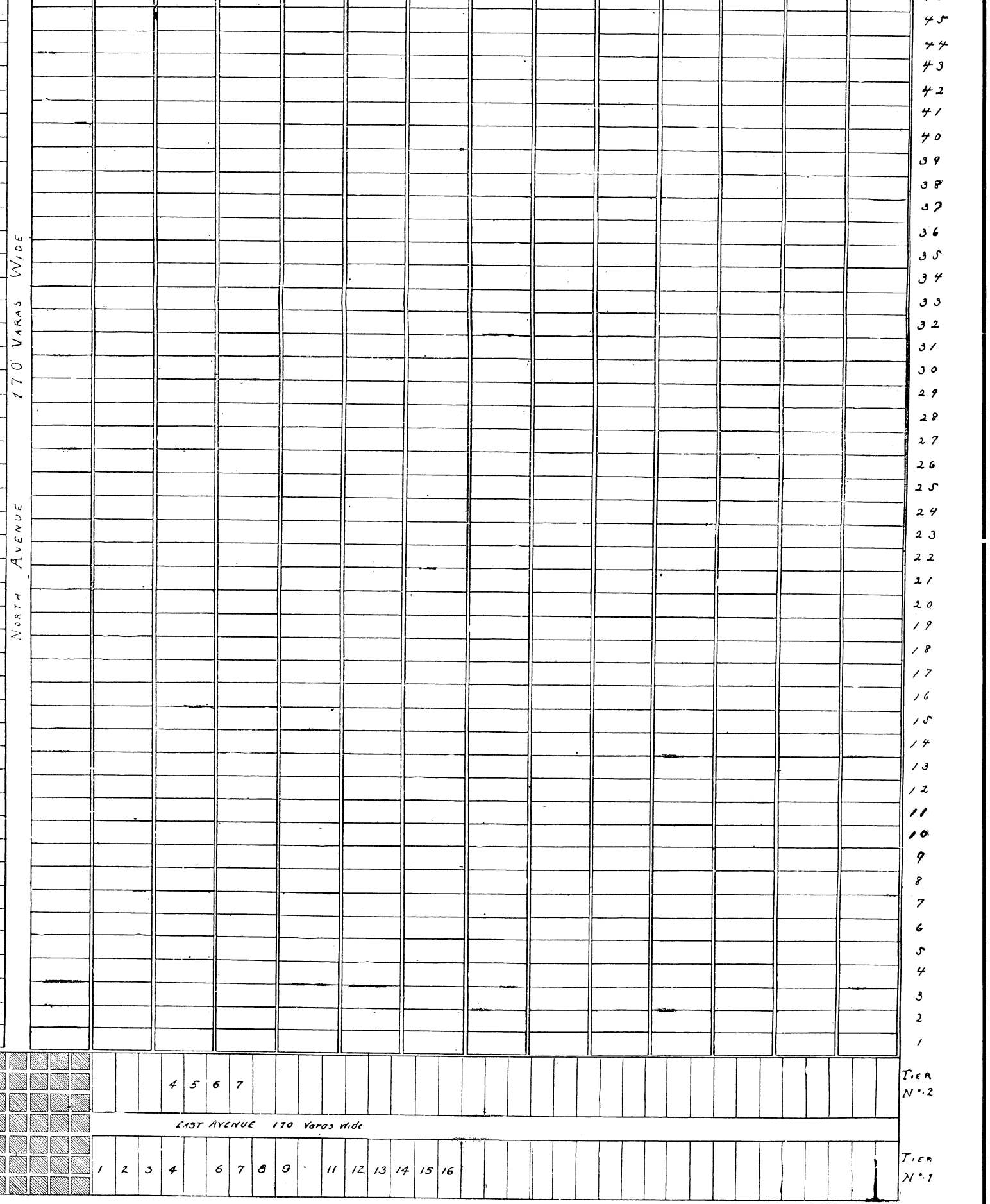
MAP 3.

Plan of the town of Gonzales.

Outer town.

Inner town.

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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 6 G. Hind's residence.
2 1 John Castleman's residence.
2 Dickinson and Kimble's hat factory.
3 James Hind's residence (subsequently Matthew Caldwell's).
3 1 Fort.
3 T. R. Miller's residence (hatched).
T. R. Miller's store (blank).

5 House—owner unknown.
6 Stephen Smith's residence (blank).
Stephen Smith's store (hatched).
5 1 L. D. Sowell's residence.
3 James Tumlinson's residence.
6 1 Saddler's shop.
2 J. B. Patrick's residence.
3 John Sowell's residence.
5 J. B. Patrick's residence.
9 1 Humphries Branch's residence (subsequently Sam Lockhart's).
3 Dr. J. H. C. Miller's residence.
10 3 J. C. Darst's residence.
11 1 Luna.
3 Turner's hotel.
5 Adam Zumwalt's residence and kitchen.
12 1 G. W. Davis's residence (blank).
Eggleston's store (hatched).
3 Eli Mitchell's residence.
13 1 Best's residence and smoke house (subsequently Andrew Ponton's).
2, 3 Mrs. John Brown's residence.
15 1 W. Arrington's residence.
28 1 Jo Martin's residence.
Outside limits. Jo Martin's gin and mill.

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MAP 4.

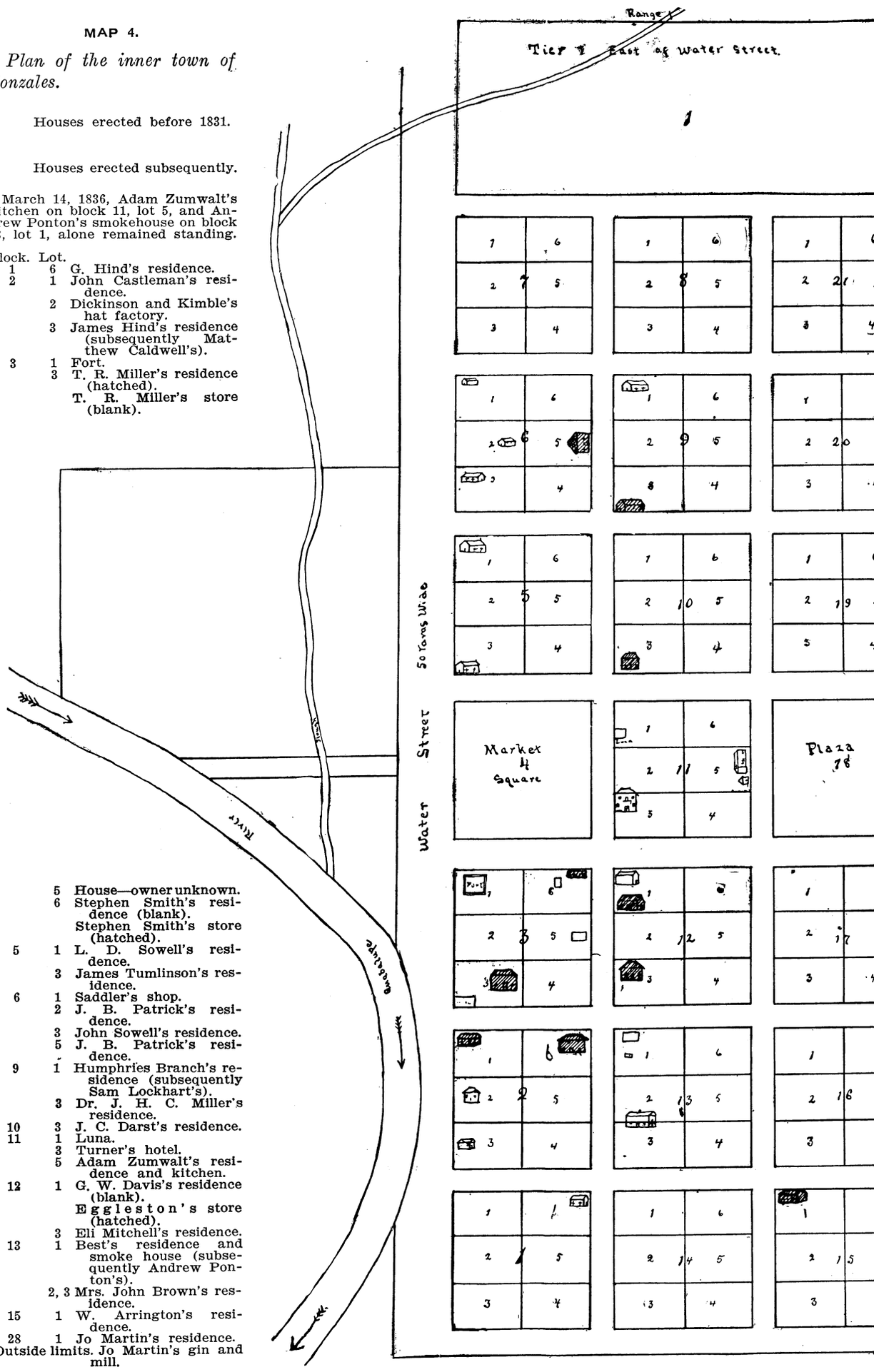
Plan of the inner town of Gonzales.

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.	
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2	1	John Castleman's residence.
	2	Dickinson and Kimble's hat factory.
	3	James Hind's residence (subsequently Matthew Caldwell's).
3	1	Fort.
	3	T. R. Miller's residence (hatched).
		T. R. Miller's store (blank).
	5	House—owner unknown.
	6	Stephen Smith's residence (blank).
		Stephen Smith's store (hatched).
5	1	L. D. Sowell's residence.
	3	James Tumlinson's residence.
6	1	Saddler's shop.
	2	J. B. Patrick's residence.
	3	John Sowell's residence.
	5	J. B. Patrick's residence.
9	1	Humphries Branch's residence (subsequently Sam Lockhart's).
	3	Dr. J. H. C. Miller's residence.
10	3	J. C. Darst's residence.
11	1	Luna.
	3	Turner's hotel.
	5	Adam Zumwalt's residence and kitchen.
12	1	G. W. Davis's residence (blank).
		Eggleston's store (hatched).
	3	Eli Mitchell's residence.
13	1	Best's residence and smoke house (subsequently Andrew Ponton's).
	2, 3	Mrs. John Brown's residence.
15	1	W. Arrington's residence.
28	1	Jo Martin's residence.
Outside limits.		Jo Martin's gin and mill.



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North Avenue
170 Ft wide

Tier No 1 East of North Avenue. { Range 24

1

Tier 2 East of North Avenue { Range 2

1

Tier 1 North of East Avenue

1 2

Jail
24
Square

Plaza
18

25

Church
32
Square

Cemetery
46

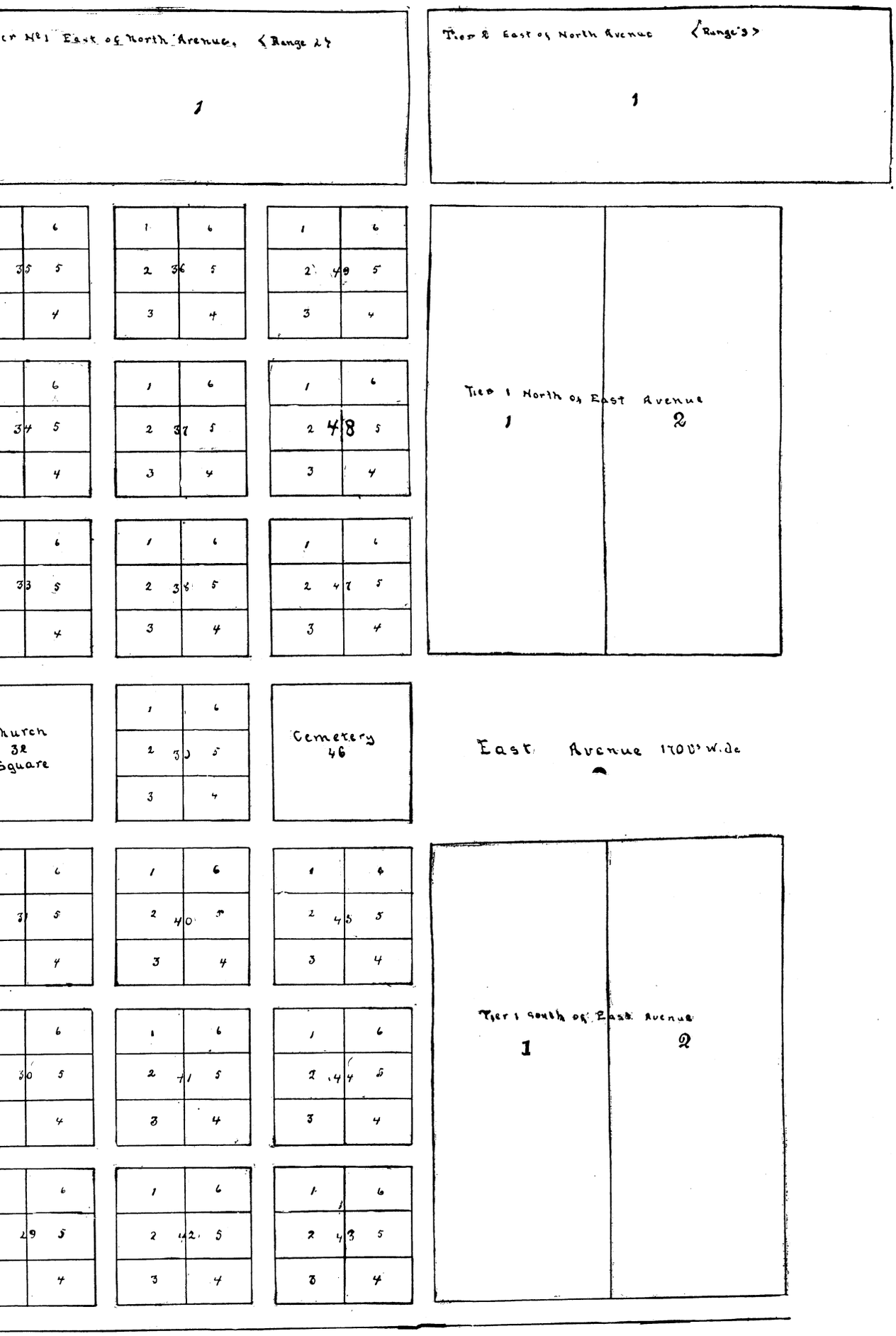
East Avenue 170 Ft wide

Military
26
Square

Tier 1 South of East Avenue

1 2

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