



El gigante GOLIATH y el pastor DAVID.

The Giant Goliath and the Shepherd David. (David's sling is labeled "International Law.")
The United States and Mexico, 1847.

MYTHS, MISDEEDS, and MISUNDERSTANDINGS

The Roots of Conflict in U.S.-Mexican Relations

*Edited by
Jaime E. Rodríguez O. and Kathryn Vincent*



A Scholarly Resources Inc. Imprint
Wilmington, Delaware

The Colonization and Loss of Texas: A Mexican Perspective

*Josefina Zoraida Vázquez**

TODAY IT SEEMS INCOMPREHENSIBLE that despite the clear signs of expansionism in its neighbor to the north, the Spanish and subsequently the Mexican government repeatedly encouraged and authorized colonization of Texas by Anglo Americans. Nevertheless, these actions should be analyzed within the context of their time. On the one hand, in the first decades of the 1800s the concept of Mexican nationality had not yet acquired its full meaning, and the immense expanse of sparsely occupied Mexican territory needed to be settled. On the other hand, the success enjoyed by the immigration policy of the United States seemed to make imitation advisable.

In 1783 the United States consisted of 2,305,000 square kilometers (km²); after the Louisiana Purchase in 1803 and the Adams-Onís Treaty of 1819, its size increased to 4,631,000 km², bounded in part by New Spain's territory. When it was founded in 1821, the Mexican Empire extended over 4,429,000 km² (not including the 445,683 km² temporarily added by the short-lived union of the Central American provinces).¹ But their symmetry in territorial area was not matched by the respective demographics of the United States and Mexico. In 1790 the United States had 4 million inhabitants and New Spain 5 million; by 1810 the ratio had begun to reverse itself, for the former's population had increased to 7.5 million, whereas the latter's was around 6 million. By 1830 the difference had become more striking, with the United States at almost 13 million and Mexico at a standstill. In 1845, on the eve of the war

*The author is grateful to Frank de la Teja for his corrections and suggestions.

¹When Mexico declared independence in 1821, the provinces of Central America, known as the Kingdom of Guatemala, joined the new Mexican Empire. In 1823, after the abdication of Emperor Agustín, those provinces withdrew peacefully and formed the Republic of Centro América.

*Porcentaje
Demografía*

between the United States and Mexico, there was an obvious asymmetry: The United States had more than 20 million inhabitants, whereas Mexico still had only 7.5 million.

But of even greater concern at the time the new Mexican nation was established in 1821 was population distribution. The central part of the country was heavily populated, whereas the 1793 census showed barely 12,500 inhabitants in the Californias, 31,000 in New Mexico, and 5,000 in Texas. The sparse population and attacks from hostile Indians made colonization a priority in order to defend such a huge frontier. Although Mexico invited Catholics—Anglo Americans as well Europeans—to settle the northern territories, with the optimistic view that they would be integrated into Mexico in the same way that Irish Catholic immigrants had been absorbed in Spain, the majority of colonists proved to be Anglo Americans and Protestants.

As we know, the result was disastrous for Mexico. Although the Anglo-American colonists received generous concessions, privileges, exemptions, and even juridical practices alien to Spanish tradition, it proved impossible for Mexico to prevent the loss of Texas, where most of the Anglo Americans had settled. In addition, to justify their actions the new Texans launched a campaign to discredit Mexico, which naturally led to resentment and a breakdown in communication between the two nations. Notwithstanding its importance, only North Americans, primarily Texans, have written the history of this event, placing special emphasis on the truth of the grievances enumerated in the Texas Declaration of Independence, a political document that contains many inaccuracies and even falsehoods. The result is a history that depicts an Anglo-American struggle for liberty against a tyrannical Mexico.

The Beginning of the Colonization of Texas

The Adams-Onís Treaty of 1819 ceded some Spanish territories to the United States and, at the same time, authorized transfer of the affected “Spanish” population to other parts of the Spanish Empire. In 1821, just before independence was achieved by Mexico, a colonization law was passed by Spain. The legislation was drafted by Miguel Ramos Arizpe and other Mexican deputies to the Spanish *cortes* (parliament) and remained in effect until 1824. It should be noted that Article 28 of the colonization law prohibited the importation of slaves into Spanish territories and emancipated those brought there. It did not require that colonists be Catholic because the 1812 constitution had declared Catholicism to be the kingdom’s only religion.

Moses Austin appeared in Texas in 1820, having been forced to emigrate from the Louisiana territory because of bankruptcy. He claimed his

rights in the Spanish province as a former resident of territories that had been Spanish. The governor of Texas regarded him with suspicion; but the Ayuntamiento (town council) of San Antonio de Béxar, worried about Indian attacks, supported Austin’s request to establish himself and three hundred families there and persuaded the governor to transmit the proposal to the commandant general of New Spain’s Interior Provinces.

Optimistic about the results, Austin returned to the United States. Commander Joaquín de Arredondo, after consulting with the recently established Provincial Deputation of Texas,² approved the request on January 17, 1821. Austin died in June, however, and it was his son Stephen who took advantage of the Texas concession and who, with sixteen companions, arrived in San Antonio on August 12 to begin exploration of Texan territory.

The governor raised no objection to transferring to Stephen Austin the rights previously granted to his father. He also approved the plan proposed by Austin for land distribution: 640 acres for each male colonist, 320 per wife, and 160 per child. Austin also asked for 80 acres for each slave, but the Mexican government was limited by the colonization law and the antislavery mood. The conditions set forth for the elder Austin remained in effect: Three hundred families would be permitted to enter from Louisiana, all Roman Catholics, of good customs, sworn “to obey and to defend the government of the king of Spain, [emphasis added]” and to respect the Political Constitution of the Spanish Monarchy. Article 12 of the constitution established that the religion of the land *was and would be in perpetuity* “the one true Roman, Catholic, and Apostolic faith.” Thus, the Austin colonists not only entered Texas as Catholics but also freely accepted religious intolerance and a monarchical system of government.

Austin was mistaken about some aspects of his father’s enterprise. He believed that the entire concession had been granted to him and that he possessed the freedom to establish his own rules and to determine the amount of land that he could give to the settlers. He considered himself familiar with Spanish laws and customs because he had resided in Louisiana.³ That was not the case; the Spanish government had retained the existing French practices in that province upon its acquisition in 1763. Austin authorized the first contracts, and families began to arrive in San

²The provincial deputations, created by the Constitution of 1812, were locally elected bodies that administered a province under the direction of an official appointed by the central government.

³Stephen Austin to Mary Austin, July 13, 1821, and Austin to Governor Antonio Martínez, October 1821. Eugene C. Barker, ed., *The Austin Papers*, 3 vols. (vols. 1 and 2, Washington, DC: American Historical Association, 1924, 1928; vol. 3, Austin: University of Texas Press, 1927), 1:401, 420.

Antonio just as all of Mexico—as, on July 17, 1821, the governor of Texas himself had done—was swearing loyalty to the Plan de Iguala, which provided an agenda for independence.

The second invasion of Texas by the U.S. filibusterer James Long, who was defeated by the authorities in October 1821, drew the attention of the Mexican Empire to the security of its northern frontier. When the new Mexican Congress convened, as one of its first acts it created the Colonization Commission, which began to collect land petitions as well as suggestions for opening the Eastern Interior Provinces, the northeastern region of the empire, to free trade with the United States. The commission recommended that these provinces be protected by a special army whose men would be rewarded with land in Texas. Similar grants were made to Indians who converted to Catholicism.

When Austin returned to San Antonio in March 1822 with still more families, the governor advised him to ratify his concession with the new national government. In late April he appeared in Mexico City, where other Anglo-American petitioners already had gathered.⁴ Austin made friends in high government circles with his offers to draw up a map of Texas, to remove sediment obstructing navigation of the Colorado River, and to carry out the Indian pacification campaign proposal that he presented to the new commandant general of the Eastern Interior Provinces.

The Mexican Congress did not receive the colonization commission's report until July; the following month, it considered several proposed laws. The principal bill contained the same generous conditions provided by Spanish law: It prohibited the sale and purchase of slaves and declared the children of slaves free at age fourteen. It required that the colonists be Catholic, and it gave preference "to natives of the country and in particular to those in the military." The bill presented by Bernardo Gutiérrez de Lara, representative from Tamaulipas, dealt with procedures and the system for measuring land grants. It stressed that foreigners should "change their language to that of the Empire and convert their slaves into free servants who may be emancipated through work and adjudication." It set forth provisions to attract the Indians and granted them provincial deputations. The most radical plan was submitted by Valentín Gómez Farías. It gave preference to the nomadic Indian tribes of Texas and even to those in territories "bordering the Mexican Empire," and it categorically pro-

⁴Benjamin Milam, Andrew Erwin, Robert Leftwich, and James Wilkinson. Later Haden Edwards, Daniel Stuart, and Arthur Wavell arrived. Diego Barry, Tadeo Ortiz, and Felipe O'Reilly also presented colonization projects. Eugene C. Barker, *The Life of Stephen F. Austin, Founder of Texas, 1793–1836* (Austin: University of Texas Press, 1980), 16–17; Juan A. Mateos, *Historia parlamentaria de los Congresos Mexicanos de 1821 a 1857*, vol. 2 (Mexico: Vicente R. S. Reyes, 1877), 123.

hibited slavery, conferring freedom on any slave who so much as touched Mexican soil.⁵

Emperor Agustín I dissolved the First Constituent Congress before it could draft the law, but the Junta Nacional Instituyente, the body that replaced it, approved a colonization law in January 1823. The new law incorporated most of the provisions discussed by the dissolved congress. In addition, it provided tax relief for foreigners, and it favored *empresarios* (concessionaires) who introduced at least two hundred families into the empire. Like the earlier congressional proposals, the new law provided for an orderly process of obtaining Mexican citizenship.

Austin succeeded in having his contract ratified on March 10th. The Council of State stipulated that the religion of the three hundred families should be Catholic, Apostolic, and Roman and that, "if more families were authorized, those families should settle in the interior of the province alongside earlier populations; the security of the State makes this precaution necessary, because if a large population of persons who speak the same language and share the same customs and connections with a neighboring nation should exclusively occupy the same land area . . . they could someday disturb the peace of the Empire."⁶

Agustín de Iturbide abdicated his throne in March 1823, but not before reconvening the First Constituent Congress, which recommended ratification of Austin's concessions. The Junta Nacional Gubernativa (National Governing Council) signed it on April 14, 1823.

The provinces, which had forced Iturbide to abdicate, insisted on the election of a Second Constituent Congress, which created the federal system in 1824. One of the most difficult questions faced by the new legislature was how to organize Mexico's large, sparsely populated regions. Although most areas wished to be independent states, Congress proposed combining several underpopulated provinces into single states, among them Texas and Coahuila. The Texas representative to Congress did not have precise instructions on the matter. Congress, therefore, decreed the union on May 7, 1824, but stated that "Texas has the right to form a single state as soon as it feels capable of doing so."⁷ The action meant that Texas lost for a time the autonomy it had enjoyed because of its distant location and that its defense needs lost urgency. Texas's dependence on Saltillo, the capital of the newly formed state of Coahuila y Tejas, immediately became a problem. As a poor region, Texas could not organize an effective defense against either "hostile" Indians or the depredations of Anglo

⁵All of the schemes appear in Mateos, *Historia parlamentaria*, 812–837.

⁶Consejo de Gobierno, February 18, 1823, in Vicente Filisola, *Memorias para la historia de la Guerra de Tejas*, 2 vols. (Mexico: Cumplido, 1849), 1:115–120.

⁷Mateos, *Historia parlamentaria*, 770.

Americans. Distance also hampered all its administrative and judicial procedures; capital cases, for example, had to be sent to the capital for adjudication.

The Provincial Deputation of Texas, which would be eliminated because states transformed their provincial deputations into legislatures, refused to send a delegate to the Constituent Congress of the state of Coahuila y Tejas in August 1824. In September, the Texan deputy to the national congress declared that Texas preferred to remain a territory.⁸ Initially, many federal deputies supported the position of Texas. Congressman Ramos Arizpe, however, pointed out to the Ayuntamiento of San Antonio that under the new colonization law the states controlled their public lands; and the national government administered the lands in the territories. Thus, if Texas, which lacked sufficient population to become a separate state, became a territory, it would lose control of its public lands. His argument was effective, and on October 4, 1824, Coahuila and Texas were united as a single state.

The government of Saltillo lost no time in suspending the Texas Provincial Deputation, which was a severe blow to the region in that it no longer had a separate autonomous representative body to resolve its problems. The three states of Coahuila y Tejas, Nuevo León, and Tamaulipas remained part of a unified military organization that, until 1832, had the good fortune to be under the command of two distinguished and honorable generals—Anastasio Bustamante and Manuel Mier y Terán. This would have an impact on the future of Texas.

Congress discussed the thorny problem of slavery in January 1824. The body immediately prohibited the slave trade. The wealthy settler Jared E. Groce inquired if this decision affected slaves already in the state, in which case he requested authorization to remove his slaves.⁹ His petition generated heated debate in Congress. Although the majority of legislators desired to immediately free all slaves in the national territory, they proved unable to resolve the issues presented by property rights. Their differences of opinion kept abolition of slavery from being included in the constitution, even though many recognized that abolition would serve as an effective barrier between Mexico and the United States. There were practically no slaves in Mexico except those introduced by Anglo Americans.

Minister of Interior Lucas Alamán called the attention of the legislators to the dangers involved in leaving the frontier area under state

⁸*Constitución Federal de 1824. Crónicas*, vol. 2 (Mexico: Cámara de Diputados, 1974), 732–735.

⁹Nettie Lee Benson, "Texas as Viewed from Mexico, 1820–1834," *Southwestern Historical Quarterly* 90, no. 3 (January 1987): 242.

control, but the colonization law approved in August 1824 kept under federal control only land within twenty leagues of the border and within ten leagues of the coasts. The new colonization law gave preference to Mexicans and to Indians "of all nations bordering on the state and also of the nomadic tribes within the state [of Coahuila y Tejas]." The colonization law reiterated the prohibition of the importation of slaves into Mexico established by the decree of July 13, 1824.

Approval for settlement contracts in Texas was transferred from Mexico City to the state government in Saltillo, which was immediately besieged by foreign speculators and *empresarios*, who obliged the legislative assembly of Coahuila to ratify its own colonization law at the beginning of 1825. Although antislavery sentiment predominated in the state legislature, emancipation was not approved because of intense lobbying by the Anglo-American settlers. Solving the slavery problem was left to the state constituent congress. Notwithstanding the effect of Mexico's antislavery position, the economic crisis, less-generous land policy, and soaring land prices in the United States guaranteed a steady inflow of settlers to Texas. By March 1822, 150 settlers had entered with Austin; by September 1824, the state commissioner of colonization, Baron de Bastrop, had issued 272 land titles for the first colony. The census of the new Texas settlements the following year reported 1,800 inhabitants, of whom 443 were slaves.

Austin became convinced that he could hope to preserve the slave status of only those slaves who already had been introduced and, with luck, their children until age fourteen. Nevertheless, this did not keep him from fighting to maintain the institution of slavery, which he considered to be fundamental to the success of his enterprise. On June 5, 1824, Austin's colonists prepared a brief stating that their slaves had been introduced under Spanish imperial law, confirmed by the Constituent Congress; that they were family servants, not Africans; and that they were not subject to being purchased and sold. The settlers asked for exemption from the emancipation law, which freed slaves introduced into Mexico and slave children at age fourteen, or for permission to take their "servants" to the United States. A year later, Austin proposed that the Anglo-American colonists be allowed to introduce slaves until 1840, at which time they would free the male grandchildren of slaves at age twenty-five and the females at age fifteen.¹⁰

There is no doubt that, from the beginning, the settlers violated the conditions set for them. Because of Mexico's urgent need to attract colonists and to defend its population from Indian attacks and from North American expansionism, the government turned a blind eye to the

¹⁰Barker, *Life of Austin*, 203–204.

illegalities: The majority of settlers were not Catholic; slaves had been introduced; and there was land speculation.¹¹

Organizing the Colonies

At the end of 1822 the governor of Texas had ordered that every settlement of colonists should elect an *alcalde* (local magistrate) and a militia commander. In 1823 the commander of the Interior Provinces vested Austin with the rank of lieutenant colonel of the militia, and the Provincial Deputation listed his responsibilities. He was to exercise absolute authority, except in the case of capital crimes, which were to be turned over to the governor for sentencing. To simplify his administrative and judicial duties, Austin divided his colony into districts for the election of *alcaldes*, and he drafted instructions and regulations that remained in force until 1828, at which time the 1827 constitution of the state of Coahuila y Tejas went into effect.

The extent of trust placed in Austin by state and federal authorities was expressed in further concessions: in 1825 a new contract for three hundred families; in 1827 a contract for five hundred, near Galveston Bay, for the purpose of developing commercial and trade activities, and then another contract for one hundred families; and in 1828 a contract for three hundred families. The Galveston contract, on federal territory, was granted as a reward for Austin's help in quelling an uprising in the colony of Haden Edwards.

In other colonies, with the exception of those of Martín de León and Green DeWitt, lawlessness prevailed, to the point of sale of nonexistent lands. Adventurers and fugitives from justice had come in full force. The contact between people from different cultures and with different values caused many problems, as in the example of Haden Edwards's colony. In 1825 Edwards had obtained a contract to settle eight hundred families on land near Nacogdoches. Although his contract contained the usual conditions, Edwards was a violent and uneducated man who overestimated the authority he had been given. Furthermore, living on "his land" were Mexicans and many squatters of every conceivable background and nationality. Guiding the colony required the kind of prudent action of which he was incapable. When he installed himself in Nacogdoches in October, he declared himself "empresario and military commander" and demanded that "individuals or families resident within the limits of the specified territory [of his concession] and all those who claim to have a right to any

¹¹The *empresarios* Stephen F. Austin and Green C. DeWitt, however, maintained that they had not abused their authority and that they had charged the colonists only for drawing up boundary lines and issuing titles and for the effort and expenses involved in negotiating permits.

part or parts of the land or lands of said territory, shall immediately present themselves to me and show me their titles or documents. . . . If they do not do this, the said lands will be sold."¹²

Edwards confused his authority as a militia commander, a post given *empresarios*, with that of a military commandant, a Mexican army position that existed in Nacogdoches because of its border location. He also antagonized longtime Mexican residents, who naturally resented having a newcomer question their rights and threaten them with sale of their properties. Because this was specifically prohibited under the terms of their contracts, they complained to the state legislature. In addition, Edwards committed fraud in the elections for *alcalde* of Nacogdoches, which caused the departmental governor to declare the elections invalid and to deprive Edwards of any authority to demand titles from residents or to sell their properties. The governor also pointed out that Edwards already faced the serious charge of attempting to supplant the military commandant. Unable to manage the situation, Edwards set off for the United States, leaving his brother Benjamin in Nacogdoches. Although it seems that he wanted to "sell" his colony, he threatened to go in search of foreign assistance.

By mid-1826 news of Edwards's abuses had come to the attention of the commander of the Eastern Interior Provinces, Anastasio Bustamante, and the minister of war, and the government decided to cancel his contract. Austin advised Edwards to try to mend matters, but on December 16, 1826, Benjamin Edwards proclaimed the Republic of Fredonia. The political chief of Texas made a conciliatory announcement and offered to pardon all rebels who would surrender; nonetheless, the Anglo Americans chose to fight. Although government troops and Austin's militia put the rebel leaders to flight, the incident demonstrated the dangers of Anglo-American colonization. Adding this to the fact that a year earlier the U.S. minister to Mexico, Joel Poinsett, had suggested that his country might be interested in purchasing territory, Mexico began to have renewed suspicions about the objectives of the United States.

The Constitution of Coahuila y Tejas and the Regulations Laid Down for Colonization

The Edwards uproar had hardly quieted when the promulgation of the constitution of Coahuila y Tejas in 1827 stirred up new unrest. Texas became the Béxar Department, and remained so until 1834, when it was divided into three departments—San Antonio-Béxar, Brazos, and Nacogdoches. In addition, the new constitutional structure naturally eliminated the powers that the *empresarios* had received during the early transitional period; as a result, the residents of Texas faced the inconvenience

¹²Barker, *Life of Austin*, 152.

of having to travel to Saltillo, seat of the legislature and the state high court of justice, to resolve many important questions. The principal problem, however, originated in Article 13 of the state constitution regarding slavery. As initially proposed, the article declared: "The state prohibits slavery absolutely and forever in all its territory, and slaves now in it shall be free from the day the constitution is published in this capital. A law shall regulate the mode of indemnifying those who owned them at the time of publication."¹³

With his usual shrewdness, Austin presented a brief that focused on the sore point of how the state would obtain the money to indemnify the slaveholders; he pointed out the injustice of the alternatives: either imposing on the people of Coahuila y Tejas the financial burden of freeing Texan slaves or seizing the property of slave owners. The pressures he brought to bear were effective, and, thanks to the support of the Ayuntamiento of San Antonio and the lobbying of Baron de Bastrop and James Brown Austin (younger brother of Stephen), the final version was softened: "After the promulgation of the Constitution in the capital of each district, no one shall be born a slave in the state, and after six months the introduction of slaves under any pretext shall not be permitted."¹⁴

When Article 13 became law, it ordered the municipalities to draw up a list of slaves and to inform the state government every other month of births and deaths; and it set forth measures to improve the slaves' conditions. Of slaves who had been included in wills, 10 percent were to be freed, and should there be no heirs, all were to be freed unless their owner had been murdered. The law also charged the ayuntamientos with providing the best possible education for emancipated children.¹⁵

For most Mexican politicians, the concept of liberty was incompatible with slavery. Lester Bugbee argued that the settlers did not believe they were violating the national colonization law of 1824,¹⁶ but his argument is misleading because that law clearly stated that "slaves introduced contrary to the tenor of this provision would be free by the mere act of treading Mexican soil." Furthermore, in 1824 Deputy Erasmo Seguín had interpreted the colonization law to mean the abolition of slavery, even though it was not enforced because of scruples about property rights.¹⁷ This was a pity; total emancipation would have avoided many problems.

¹³Lester G. Bugbee, "Slavery in Early Texas," *Political Science Quarterly* 13, no. 3 (1898): 389-412.

¹⁴H. P. N. Gammel, *The Laws of Texas, 1822-1897*, vol. 1 (Austin: Gammel Book Company, 1898), 315.

¹⁵J. P. Kimball, *Laws and Decrees of the State of Coahuila and Texas* (Houston: Telegraph Power Press, 1839), 78-79.

¹⁶Bugbee, "Slavery in Early Texas," 407-409.

¹⁷Seguín to Bastrop, cited in Barker, *Life of Austin*, 202.

In 1826, not having sufficient funds to indemnify slave owners, deputies to the constitutional convention of Coahuila y Tejas decreed *vientre libre* (freedom at birth), which was supposed to guarantee a solution in the long run. However, it did not take Texan slaveholders long to discover a way around the law. Under the new system, master and slave signed a contract before a notary or other authorized official prior to entering Mexico. In this document, the slave acknowledged that he owed a given amount of money on receiving his freedom and that because he wanted to accompany his master to Texas, he agreed to work for the latter until he paid off his debt. Food and clothing would be deducted from his wages, which were set at an amount (in most cases, around twenty pesos per year) that made repayment impossible; in this way, the debt—and servitude—would be inherited, inasmuch as no slave would receive wages until age eighteen. Austin's lobbying efforts in Saltillo, using the argument of labor shortage, resulted in a state decree on May 5, 1828, that "all contracts not contrary to the laws of this state made in foreign countries between emigrants to, or inhabitants of, this state and servants or hirelings introduced by them are guaranteed as valid in this state."¹⁸

Not long afterward, slave owners faced a new setback when on September 15, 1829, President Vicente Guerrero, then exercising extraordinary powers because of a Spanish invasion, signed a decree emancipating all slaves. He promised compensation "as soon as possible." Some U.S. historians have described Mexico's antislavery position as expressing the "language of their emotions," derived either from the French Revolution—a hypocritical attitude that allowed for peonage¹⁹—or in rhetoric based on the assertion that slavery did not exist in Mexico.²⁰ These arguments denote an ignorance of Spanish history and the subtle differences in Spanish laws about slavery.²¹ They fail to consider the fact that the idea that all persons are equal before the law was born in the Spanish world in the sixteenth century to curb the excesses of the conquistadors in their treatment of the Indian population. African slavery was introduced into New Spain, in part, to address the labor shortage resulting from the steep decline in indigenous population, but it never reached the high proportions

¹⁸Bugbee, "Slavery in Early Texas," 409.

¹⁹Eugene C. Barker, "The Influence of Slavery in the Colonization of Texas," *Southwestern Historical Quarterly* 28, no. 1 (1924).

²⁰Bugbee, "Slavery in Early Texas," 392.

²¹"Under the Spanish law, the master could manumit his slaves without official or judicial license. The slave, if cruelly treated, could institute judicial proceedings for sale to another master, and more importantly, his freedom could be compulsorily purchased by himself or by a third party at his judicially appraised market value." Hans W. Baade, "The Law of Slavery in Spanish Louisiana, 1769-1803," in *Louisiana's Legal Heritage*, ed. Edward F. Hass (Pensacola: Perdido Bay Press, 1893), 75.

of the Caribbean region. Although slavery had declined to the point where it was almost nonexistent by the end of the eighteenth century, Spanish liberals and later independent Mexicans sought to end that unjust social reality by adopting the radical position that all persons are equal.

What cannot be denied is the inertia of the state and local authorities. Some of the Coahuilans and Texans sided with the Anglo-American settlers, and most feared the consequences of drastic measures. Therefore, when the political chief of Béxar, Ramón Múzquiz, received President Guerrero's decree, he asked the state governor to make an exception for Texas because the development of agriculture and other tasks required "the strong and almost tireless arms of this so-called black species of the human race which has the misfortune to suffer slavery."²² Múzquiz made clear that they had not been made slaves in Mexico, that they numbered more than a thousand, and that he feared the consequences of enforcing the measure. Governor José María Viesca turned the petition over to President Guerrero. Acknowledging the praiseworthy objective of the decree to put an end to this most "shameful of human institutions that, unhappily, has not been eliminated even in the United States, cradle of freedom," Viesca nevertheless stressed that enforcing the decree might incite "disturbances against which we would be obliged to use violent and costly measures."²³

Although Múzquiz had notified Austin in confidence of his actions, rumor rapidly spread the news throughout the province. Never at a loss for new arguments, the *empresario* maintained that the state constitution "expressly recognized the right to own slaves by allowing them to be introduced for six months after publication of the law." But this was not a special consideration applied to the slavery regulation; rather, it was the normal time lapse required by international custom so that no reform affecting foreign countries would be enforced before there was time for knowledge of it to be widely disseminated. Austin threatened to use every channel at his disposal to press his case and insisted that the settlers would defend their property. He pointed out that he owned only one not-very-valuable woman slave but that his "constitutional rights as a Mexican were just as much infringed as they would be if [he] owned a thousand."²⁴

Even before receiving Austin's arguments, President Guerrero accepted Texas from enforcement of his decree, with the warning that not a

²²Múzquiz to Viesca, Béjar, October 17, 1829, *Texas Gazette*, October 10, 1830.

²³José María Viesca to the minister of foreign relations, Leona Vicario, November 14, 1829, in Barker, *Austin Papers*, 2:306-308.

²⁴Austin to Durst, November 17, 1829, in Barker, *Life of Austin*, 215-216.

single additional slave would be admitted into the state.²⁵ Austin was jubilant. He announced that the Mexican government was "the most liberal and most generous government on Earth to immigrants. After being here one year, one will never wish to return to Uncle Sam."²⁶

Defining the Border

The Mexican Commission on Boundaries, established in 1825, finally was activated following the Republic of Fredonia incident, which reminded the federal government of the importance of the frontier region. The commission, headed by General Manuel Mier y Terán, left for the border at the end of 1827. Its instructions were to draw Mexico's northern borderline in accordance with the 1819 treaty between the United States and Spain, to establish garrisons, to ascertain the number of troops and kinds of fortifications needed for defense of the frontier, and to report on conditions there. Three scientists were brought along to help in collecting useful geographical, botanical, zoological, and mineralogical data.

In February 1828, Mier y Terán entered Texas. A perceptive and educated man, he had no trouble grasping the bitter reality there. Foreigners outnumbered Mexicans 10 to 1.

Foreigners are unhappy about the political disorganization . . . and Mexicans complain about the privileges and better schools enjoyed by foreigners. In addition to North Americans who settled there in the days of the Spanish government, who are few in number, there are two classes of colonists: The first are fugitives from the neighboring republic . . . thieves and scoundrels; they are located between Nacogdoches and the Sabinas River, which they are likely to cross and recross. . . . The others are poor day laborers who have not had the four or five thousand pesos needed to purchase a piece of land in the north and because of their desire to become landowners . . . they are, in general, hard-working and honest and they appreciate Mexico.²⁷

But Mier y Terán found all of the residents of Texas to be in agreement on one thing: the need to separate Texas from Coahuila. He recommended closer supervision by the federal government and the installation of a political chief in Nacogdoches.

²⁵Mier y Terán to Austin, Pueblo Viejo, November 20, 1829, in Barker, *Austin Papers*, 2:290.

²⁶Austin to James F. Perry, San Felipe Austin, December 31, 1829, cited in Barker, *Life of Austin*, 220.

²⁷Mier y Terán to Guerra, Pueblo Viejo, November 14, 1829, Archivo Histórico de la Secretaría de la Defensa Nacional (hereafter cited as AHDN) XI/481.3/738.

Spain's short-lived attempt to reconquer Mexico, and its attack on Tampico in July 1829, temporarily distracted Mier, and certainly the government of President Guerrero, from the problems of the northern frontier. But upon being named commandant general of Interior Provinces not long after the Spanish were defeated, Mier once again focused his attention on Texas. He was right in doing so, for one of the heaviest waves of immigration occurred in the final months of 1829 and the beginning of 1830.²⁸

The popularity of Texas increased U.S. interest in purchasing it. President Jackson had urged Joel Poinsett, the U.S. minister to Mexico, to persuade that government to sell the region to the United States. Poinsett made himself persona non grata because of his interference in Mexican politics, and he was subsequently replaced by the Texas speculator Anthony Butler, who was appointed U.S. chargé d'affaires in Mexico in 1830. Although the Mexican government refused to consider either selling Texas or changing its policies there, newcomers from the United States continued to enter the region. The new influx of Anglo-American immigrants was composed mainly of speculators and people who favored annexation of Texas to the United States. The commander of the Nacogdoches garrison reported to Mier y Terán that U.S. troops were moving toward the border and that newspaper items had appeared boasting that Texas would soon be purchased. Austin discussed these issues in his letters to different people. By 1830, Austin, seemingly resigned to the inevitable, defended the gradual emancipation of slaves as "founded in justice and in the well-being of the state,"²⁹ and he declared his opposition to Texas's being transferred to the United States unless the guarantees offered included the abolition of slavery.³⁰ Only three years later, however, he linked the future of Texas with slavery,³¹ a contradiction that was overlooked by historians such as Eugene Barker and Lester Bugbee, who criticized Mexican "ambiguity" about slavery.³²

By the beginning of 1830, Mier y Terán had become pessimistic about the prospects of holding Texas, and in a letter to Alamán he wrote that he was sure Texas would be lost "this year and, according to public rumors,

²⁸Austin informed his brother that in the previous two months more than 150 families had arrived; thirteen days later, he wrote that in one month 200 more families arrived, and they had made many contracts with wealthy people of Alabama. Austin to Perry, January 3 and 16, 1830, cited in Barker, *Life of Austin*, 220–221.

²⁹Austin to . . . , May 8, 1830, cited in *ibid.*, 221.

³⁰Austin to Henry Austin, June 1, 1830, *ibid.*

³¹Austin to W. Martin, May 30, 1833, *ibid.*, 223–224.

³²See notes 19 and 20.

this spring."³³ He had drafted a report to the minister of war in 1829 in which he urged that Mexican and European colonization be promoted; that order be imposed on the colonies, which, except for those of Austin and DeWitt, were full of irregularities; that garrisons be established to oversee border and customs activities, especially because the initial periods of exemption had expired; and that coastal shipping trade be encouraged. He considered this document to be so urgent and important that he sent it to the minister with one of his agents so that the latter could provide whatever explanations might be necessary.³⁴

The Colonization Law of April 6, 1830

General Guerrero was deposed from the presidency at the beginning of 1830 and was succeeded as chief executive by Vice President Anastasio Bustamante, with Lucas Alamán as minister of foreign and interior affairs. Upon receiving Mier's report, both officials were concerned about the problem of Texas. For this reason, on February 8, Alamán presented yet another colonization bill, which was published on April 6, 1830. The two principal articles stated:

10. No variance shall be made for colonies already established as regards slaves there present; but the national government, or the government of each state, shall make it its immediate responsibility to make sure that colonization laws shall be respected and that slaves shall not be reintroduced.

11. In exercise of the authority vested in the national Congress by Article 7 of the law of August 18, 1824, *there shall be no colonization by foreigners in those states and territories bordering on their nations of origin* [emphasis added]. Therefore, all still unfulfilled contracts and [those] which are contrary to the law shall be suspended.³⁵

The provisions of the new law were meant to favor colonization by poor Mexican families and by Mexican ex-convicts who, after completing their sentences, would be given land and resettlement assistance. It provided for the creation of eight garrisons (which Mier would later

³³Mier y Terán to Alamán, Tampico, January 2, 1830, Nettie Lee Benson Latin American Collection (hereafter cited as BLAC), García Papers, 36, 2.

³⁴Report of Mier y Terán to Guerra, Pueblo Viejo, November 14, 1829, AHDN, XI/481.3/740.

³⁵Manuel Dublán and José María Lozano, *Legislación mexicana*, vols. 2 and 3 (Mexico: Dublán y Lozano Hijos, 1876), 2:238–239.

baptize with indigenous names like Tenochtitlán, Anáhuac, and Lipantitlán in an attempt to Mexicanize the region).

The new law responded to Mier's recommendations. Supervision of colonization was returned to the federal government, whose agent was to ensure that contracts complied with the federal law, a requirement that soon caused problems between the federal and state governments. The law produced a great deal of anxiety, and even Mier was worried. In his "Reflections" on this law, he wrote that he considered the prohibition against introducing slaves to be inoperative, for the latter would enter "with papers falsely documenting their freedom," and he said that he himself would not dare to announce it to the colonists for fear that "they would embrace the interests of the North, about which *they are still undecided* [emphasis added], because they also are interested in being Mexicans, on an equal footing with farmers from Louisiana. . . . Like any other Mexican, I hate slavery, but this sentiment will not cause me to deceive the government or the nation about its interests."³⁶

Convinced that progress in agriculture depended on slavery, Mier y Terán advised tolerance of the introduction of slaves for a given number of years, exclusively for cotton production on the coast, which could make Mexico a leader in the market. He found the wording of Article 11 to be impolitic, and he counseled that only the term *foreigner* be used instead of specific reference to "bordering . . . nations of origin." His most important recommendation was to formulate a new law on the administration of justice, for that was "the most justified complaint of the Texas colonists." He was totally pessimistic about any cooperation from the government of Coahuila y Tejas, which was completely subordinated to the Texans, notwithstanding the fact that "being the weakest state in the Mexican Union, Texas is a burden."³⁷

Their confidence in Austin was such that General Mier and even Vice President Bustamante personally informed him about the bill, courtesies that did not stop Austin from reacting violently against Article 11. Nonetheless, with his customary pragmatism, Austin asked the national authorities for an explanation of the term "still unfulfilled contracts," and he suggested that Mier, who had been appointed federal commissioner of colonization, should be charged with interpreting the law.

In Washington, the Mexican minister José María Tornel publicized the prohibition contained in Article 11, and the publicity unquestionably was a factor in reducing emigration to Texas. Mier did not wait for

³⁶Mier y Terán, "Reflexiones que hago sobre cada uno de los artículos de la ley de 6 de abril de este año, en cumplimiento de lo que se me ordena," Matamoros, June 6, 1830, AHDN, XI/481.3/1192, 16–22.

³⁷Ibid.

instructions; although he knew that he was not acting in accordance with the wishes of Alamán, he ordered the Mexican consul in New Orleans to issue passports only for the colonies of DeWitt and Austin. When he realized that many colonists were already on their way to Mexico and could not obtain passports, he authorized Austin to issue border-crossing certificates. Such special arrangements made settlers suspect that Austin had participated in drafting the law. Mier also proceeded to put into effect the military provisions of the law; he requested seven thousand men for Texas, but they never arrived because of the national government's lack of resources and the refusal of state governors to lend their militias. Because efforts to promote immigration to Texas from other regions of Mexico were hampered by the indifference of the governors of the more populous states, the national government decided to encourage settlement by friendly Indians, a project later promoted by Juan N. Almonte.

Mier proposed to make Anglo-American colonists abide by the law and recommended the cancellation of any colony that did not have at least one hundred fifty inhabitants. Among those affected were the Nashville Company, which had been transferred to Sterling C. Robertson, and the Bay and Texas Land Company of David G. Burnett, Lorenzo de Zavala, and Joseph Vehlein; both colonies were illegal because they had been selling the land of their contracts. When Robertson hastened to enter Texas with fifteen new families in October, he was stopped; however, for humanitarian reasons, Mier permitted him to continue to Austin's colony, which was urged to absorb the illegal settlers. Robertson took advantage of Austin's imminent departure as deputy to the state legislature to ask him to negotiate ratification of his contract. Austin agreed, but when he learned in Saltillo that Robertson's lands were going to be conveyed to a Frenchman, Gabriel Laisné, he asked that they be given to him and his partner Samuel Williams instead. His request was granted in 1831, at which time Robertson brought suit against him.

The effects of the law of April 6 were minimized by Austin's skill in justifying his own interpretations of it, together with the goodwill of Mier. But the uneasiness of Texas's *empresarios* was deepened by an 1832 state measure derived from Mexico's antislavery attitude. The new law prohibited worker contracts of more than ten years' duration in Coahuila y Tejas.³⁸

Ironically, the first serious problems stemmed from Mier's acts of goodwill: on the one hand, his recommendation to give property titles to squatters who not only were illegal but were settled in prohibited zones on the coast and the border; on the other, his use of foreign officials such

³⁸Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821–1865* (Baton Rouge: Louisiana University Press, 1989), 25, 29.

as Colonels John Davis Bradburn and George Fisher for the command of the Anáhuac garrison and customhouse, in the belief that this would facilitate communication with the colonists. Nonetheless, the two men seem to have lacked the flexibility called for by the complicated situation of the region. The settlers requested that Mexicans occupy the posts, about which the Texas historian Eugene Barker had the following comment: "One is tempted to speculate on what might have happened had all [Mier y] Terán's commanders been Mexicans, because the Mexican officers in Texas seem to have been uniformly men of discretion, and with the possible exception of Colonel Piedras, at Nacogdoches, the colonists respected and liked them."³⁹

The mistake made in appointing Fisher to set up a customs office on Galveston Island is inexplicable, for Mier knew about his unpopularity, and after so many years of failure to collect duties on materials entering Texas, resistance to payment could have been predicted. Although Fisher created a series of difficulties in the operation of the customs office, there was no justification for U.S. vessels, with the support of the settlers of Brazoria, to fire on Mexican soldiers guarding the customs office. Austin, accustomed to being given exceptions and privileges, complained about the enforcement of tariffs; Mier relieved Fisher of his post, but he replied to Austin in unusually harsh terms:

Do you dare to say, as you did in your letter to Mr. Davis [Bradburn], that the government's objective is to destroy trade in your colony? The many favors you owe to the Mexican government and the many considerations extended to your agents have produced in you only an ability to voice your mistaken judgments and baseless complaints, with which you provoke discord and unrest among the colonists. . . . The payment of trade tariffs is required of Texan colonists, just as it is required of Mexicans everywhere, and only in Brazoria does it give rise to protests and complaints, and causes don Juan Austin to clamor for the destruction of Mexican guards. You say that the peoples of Texas have just complaints. This must be a new development, and only you would know what the complaints are. Would you please name them, because no one knows what violation has been done to the laws enjoyed by the peoples of Texas, or even to the unique privileges they have been granted in the Mexican Republic. You want the government to adopt a more liberal policy. Would you please state what liberty you crave in addition to the one that is already yours? But first look at the eastern coast of the American continent, from Hudson Bay to Cape Horn. In which nation and in which ports do they not charge trade tariffs and where do they not have a customs office? . . . Only in Brazoria is this considered reason to revolt, to have ships set out in concealment, opening fire as though they were pirates and wounding a Mexican soldier who, in the belief that

³⁹Eugene C. Barker, *Mexico and Texas, 1821-1835* (New York: Russell and Russell, 1965), 104.

those colonists are his countrymen, is caught defenseless. . . . Without question, what should be required is respect for the law; if we have broken the law, direct your complaints to the government, but do not authorize, with your opinion, insolence.⁴⁰

Colonel John Davis Bradburn was determined to implement the law. In one case, he prevented the state commissioner from granting property titles to squatters who had settled on land under federal jurisdiction, and he nullified the ayuntamiento that the state commissioner had installed in a community under federal jurisdiction for the same reason. But Bradburn was unpopular among the settlers because in 1831 he had applied the law that freed those slaves who set foot in Mexican territory to the case of two fugitive slaves from Louisiana. Mier y Terán approved his conduct and required that recovery of the slaves be dealt with through diplomatic channels. Their owner contracted William B. Travis to defend his case, and the latter, having no grounds for legal action, threatened to launch a supposed rescue attack from Louisiana. Bradburn's response was to jail Travis and to try him in a military court. His position was legal because it involved a federal coastal zone and an accusation of conspiracy against the government, but violence broke out—settlers attacked the Anáhuac garrison—and Bradburn had to resign his post and flee. It soon became evident that some settlers wanted to get rid of all military forces in Texas; after forcing the capitulation of Anáhuac, they prepared to attack Nacogdoches, the only place where Mexican troops were still garrisoned.⁴¹

The Right Combination of Circumstances: The Revolution of 1832

The insurrection led by Antonio Santa Anna against Vice President Anastasio Bustamante in 1832 provided the Texas settlers with an invaluable opportunity. Even though most of the Mexican army supported the Bustamante administration, civil war in Mexico spread because of the inefficiency of the government. Mier y Terán tried to be everywhere at once to maintain the loyalty of his troops to the government. This preoccupation led him to neglect matters in Texas, at the same time that the unpopular actions of Bradburn and Fisher jeopardized control of the province. Mier's efforts appeared to have been in vain when on June 26, 1832, the pro-Santa Anna colonel José Antonio Mexía disembarked at Brazo de Santiago. Although their opposition to the national government stemmed, by and large, from different reasons, the rebellious Anglo-American

⁴⁰Mier y Terán to Austin, Matamoros, January 27, 1832, in Filisola, *Memorias*, 1:185-189.

⁴¹Margaret S. Henson, *Juan Davis Bradburn: A Reappraisal of the Mexican Commander of Anahuac* (College Station: Texas A&M University Press, 1982), 94-100.

settlers sided with Mexía against the Bustamante administration and, therefore, against Mier's military control of the area. From Matamoros, Austin wrote to Mier to complain: "I am convinced that as the army in Texas grows in number, the threat to that country's tranquility increases; . . . By army, I mean everything in excess of the troops needed for garrisons of ports and *places exposed to Indians*. . . . The situation in Texas is a most unhappy one. Article 11 of the law of April 6 has paralyzed progress in the country, which is at great risk of being filled with *Indians and reprobates*, who will enter without regard for the law."⁴²

It must have been a bitter experience for the commander to learn about the fall of Anáhuac to antigovernment forces and to experience the ingratitude of his "model" *empresario*. All Mier's efforts to improve the situation in Texas seemed to have failed. Weary, ailing, despondent over his wife's departure, made desperate by the political discord and the impossibility of resolving it, on July 3, 1832, wearing his dress uniform, he ran his sword through his heart. His death may have sealed the fate of Texas and Mexico because with it disappeared the opportunity to have an honest and enlightened statesman who possessed strong national support occupy the presidency.

General Mexía confused Texan ambitions with the federalist struggle so that, after removing the commander of Matamoros from his post, he traveled to Brazoria in the company of Austin. The Texans, pretending to adhere to Santa Anna's plan against the Bustamante administration, received General Mexía with great celebrations. Austin drafted the Declaration of the Ayuntamiento of San Felipe supporting Santa Anna, to which were added the supposed grievances of Texas: the "military tyranny of Bustamante," reflected in the arbitrary actions of Commander Mier y Terán, who had annulled the Libertad Ayuntamiento; taken possession of "whatever lands he wanted, thereby disregarding the rights and sovereignty of the state"; prevented the issuance of land titles; and supported the abuses of Bradburn. The colonists affirmed that they never had "swerved from their duties as Mexican citizens" and that they sought only "to defend the independence and constitution of their adopted country and the integrity of its territory."⁴³

The separation process gained momentum, and by October 1832 fifty-five delegates from the Texas communities attended a convention in San Felipe. Three resulting petitions to the Congress of Mexico asked for annulment of Article 11 of the Colonization Law of April 6, 1830, customs reform, issuance of titles for illegal residents, and the separation of Texas

⁴²Austin to Mier y Terán, Matamoros, June 27, 1832, in Filisola, *Memorias*, 1:237-242.

⁴³"Acta de San Felipe Austin," July 15, 1832, AHDN, XI/481.3/788, 70-76.

and Coahuila. The meeting, which took place outside of the institutions and laws of the Mexican republic, was condemned by both the political chief of Texas and the Béxar Ayuntamiento. The latter sent a competing petition to the state congress, in accordance with legal procedures. It protested the attacks on state sovereignty, the actions of the military authority, and the lack of a judicial system and a border militia; it requested a new colonization law, licensed judges, schools, a greater number of deputies for Texas, and tax exemption for ten years.⁴⁴

Nevertheless, the Anglo-American settlers called for a new convention to be held in April 1833; the second meeting was attended by recent arrivals such as Samuel Houston. Further decisions toward separation included appointment of a commission to draft the constitution of the state of Texas and the selection of delegates to represent Texas before the federal government. Having failed to persuade the Mexicans of San Antonio to support him, Austin left to deliver the proposed constitution to the newly elected government of Santa Anna in Mexico City.

Austin had confidence in the new liberal government, but he arrived in the capital at an unfortunate moment. Federal authorities were faced with an antigovernment movement, the deputies were set on reform, and cholera was laying waste to the population. In his message of August 1, 1833, to the minister of foreign affairs, Austin stressed the provisional nature of the union with Coahuila, and he pointed out that Texas had 46,500 inhabitants and abundant resources; therefore, the union should be dissolved to keep Texas loyal to the Mexican nation. With his usual skill, Austin softened the threat with the statement that separation from Mexico would be a calamity for the province. On August 12 he presented his petition for the annulment of Article 11 of the Law of April 6, 1830. Although the federalists favored Austin, reports received from the political chief of Béxar were not reassuring. "The Texans know very well . . . that the time has not come for Texas to be constituted as a state. . . . Therefore, it can easily be inferred that their revolutionary outbursts are not aimed at turning Texas into a state. . . . [U.S. Minister] Butler, when he passed through here in 1829, let it be known that . . . the object of his mission was to contract for the purchase of Texas. And the trip by land made by this same foreigner in June of last year from Mexico City to the Austin colony in this Department . . . was what finally determined the revolutionary movements of those colonists who until then were pacific."⁴⁵

⁴⁴"Representación al H. Congreso," Béxar, December 19, 1832, in Filisola, *Memorias*, 1:280-301.

⁴⁵Ramón Múzquiz to the governor of Coahuila y Tejas, Béjar, March 11, 1833, in Filisola, *Memorias*, 1:319-322.

While Austin waited for a reply to his petition, his mood swung from periods of optimism to those of deep depression. His volatile moods led him to commit the inexplicable imprudence of writing to the B́exar Ayuntamiento, which had been opposed to his taking actions outside constitutional procedures, to recommend that "the ayuntamientos of Texas place themselves in communication with each other without a moment's delay, for the purpose of organizing a local government for Texas as a state of the Mexican federation . . . for there is no doubt but that the fate of Texas depends upon itself and not upon this government."⁴⁶

Notwithstanding the reports on Texas, Austin's petitions made progress. Mexía and Zavala were interested in annulling the prohibition against the entrance of Anglo Americans, although they favored converting Texas into a territory. In November 1833, President Santa Anna convened a meeting to discuss the matter. Austin, who was invited, pressed for the separation of Texas as a state. Santa Anna told him that it was not opportune "to bring up that question at the moment; *he was willing to support* [emphasis added] Texan claims at a suitable time . . . [meanwhile] urging the government of the state of Coahuila and Texas to pass the appropriate reforms . . . establishment of licensed judges, trial by jury, and other similar measures."⁴⁷ On November 21, 1833, Article 11 of the Law of April 6, 1830, was repealed by the Mexican Congress, and Austin, satisfied, left Mexico City for home on December 10.

Almost at the same time, news of Austin's letter to the B́exar Ayuntamiento reached Mexico City from Coahuila. Furious, Vice President Valentín Gómez Farías ordered Austin's arrest, and in January 1834 the Texan was arrested and returned to the capital. Austin wrote to several friends criticizing "the Gothic system and religious politics" of Mexico and denying the separatist aspirations of Texas: "There have not been nor are there now plans; what they want there is improvement of the interior government. . . . I have stated and am of the belief that the local government of Texas should either be put in order or that that country should be sold to the government of the North, so that *some benefit may be derived from it before it is lost* [emphasis added]."⁴⁸ A copy of this letter was entered into his file, further prejudicing his situation.

The Mexican government, fearing disturbances, decided to send General Juan N. Almonte to the region to assure the people that the federal government was exploring solutions for Texas and to observe conditions

⁴⁶Austin to the Ayuntamiento of B́exar, Mexico, October 2, 1833, *El Telégrafo*, December 30, 1833.

⁴⁷Filisola, *Memorias*, 2:22–23.

⁴⁸Austin to Rafael Llano, Monterrey, January 14, 1832, AHDN XI/481.3/1077, 33–36.

there.⁴⁹ Although Almonte arrived expecting the worst, he was favorably impressed. His recommendations coincided with the actions that the state government, on advice of the federal government, was starting to put into effect: an increased number of ayuntamientos, the appointment of political chiefs in the departments of Brazos and Nacogdoches, the introduction of trial by jury, and the use of English as a second language. All of the foregoing were established by law in the state of Coahuila y Tejas on April 17, 1834. Almonte advised that Austin be set free and that because of the danger of a large influx of Anglo-American immigrants, Indians be settled on federal lands.

The Texans did not respond. Although some ayuntamientos endorsed petitions in support of Austin, they did not forward them—perhaps because of the influence of recent arrivals who had different goals. Barker cites the animosity of U.S. Minister Anthony Butler, who considered Austin to be "one of the greatest enemies of our government and people" and cause of "the defeat of our final efforts to obtain the cession of Texas."⁵⁰

Nevertheless, Mexico's political changes favored Austin. Santa Anna had initially allowed Vice President Gómez Farías to introduce liberal reforms, but when opposition grew, he took over the government in April 1834. He then lifted the ban on communication with Austin and pressed for a speedy resolution of his case, which was complicated by questions of jurisdiction. Austin was distressed that he did not have greater support to counteract the writings of his enemies against him. In January 1835 he published his *Exposition to the Public Regarding the Affairs of Texas*.⁵¹ In it, he labeled as mere rumor the news about the independence of Texas, which wanted only to become a state of the federation—an event that would "tie Texas more and more closely to the republic." He went on to explain Texan grievances about its judicial system and government. He made use of the petition of the Ayuntamiento of B́exar, "whose population is made up of Mexicans, all by birth," and he justified the San Felipe meetings as "an exercise of the right to petition that belongs to every free people." Austin's situation had improved and, with the assistance of two lawyers sent from Texas, he was released on bond. While waiting for his case to be dismissed or for a pardon, he enjoyed, for the first time in ten years, six months of "civilized" life. In July 1835 he was able to leave for Veracruz on his way to New Orleans, and on September 1 he was back in

⁴⁹Celia Gutiérrez Ibarra, *Cómo México perdió Texas: Análisis y transcripción del informe secreto (1834) de Juan Nepomuceno Almonte* (Mexico: Instituto Nacional de Antropología e Historia, 1987), Apéndice.

⁵⁰Butler to his government, July 13, 1834, in Barker, *Life of Austin*, 391.

⁵¹Stephen F. Austin, *Exposición al público sobre los asuntos de Tejas* (Mexico: Sebrig, 1835).

Texas, where he found that, during his absence, changing circumstances had led to new disturbances.

The Texan Conspiracy at a Critical Time in Mexico

In Texas the flow of Anglo-American immigrants, which had never ceased, was further stimulated by cancellation of Article 11 (the prohibition against foreigners) of the Colonization Law of April 6, 1830. An extension was approved for all settlement contracts that had not met the time limit, such as those of Zavala and Sterling C. Robertson, who was in litigation against Austin. Except for permission to own slaves, most of the San Felipe requests had been granted. Administration had improved with division into districts and the addition of new ayuntamientos. The "plan for making the administration of justice in Texas more efficient" put into effect trial by jury and guaranteed that every defendant would be tried in his own language.⁵² Another concession was to appoint an Anglo American, Jefferson Chambers, as superior circuit judge of Texas in 1835.⁵³

Permission for Anglo Americans to enter freely and rumors that the United States was about to purchase Texas spurred land speculation. Texan deputies to the state congress promoted the auction of vacant lands belonging to the state, and they obtained new concessions in 1834. Even though forbidden by federal and state law, sale of Texas land was openly advertised in North American newspapers. Therefore, the reforms that came into force in 1834 could not quell dissent; a militant group of settlers called the "war party" wanted to "separate Texas from Mexico at any cost."⁵⁴ Austin himself had changed his mind to suit his interests. Apprehensive about the grandiose speculation schemes that appeared to be tolerated in Mexico, he decided to support independence.⁵⁵ By 1833 his vacillations about the issue of slavery had turned into the certainty that "Texas must be a slave country. Circumstances and unavoidable necessity compel it. It is the wish of the people there and it is my duty to do all I can, prudently, in favor of it. I will do so."⁵⁶

Political conflicts in the state and the nation contributed to the uncertainty of the time. The state legislature transferred the capital from Saltillo to Monclova in March 1833, causing considerable resentment in the former

⁵²Vito Alessio Robles, *Coahuila y Texas desde la consumación de la independencia hasta el tratado de paz de Guadalupe Hidalgo*, 2 vols. (Mexico: Talleres Gráficos de la Nación, 1945–1946), 1:493–495.

⁵³Ibid.

⁵⁴Andreas Reichstein, *Rise of the Lone Star: The Making of Texas* (College Station: Texas A&M University Press, 1989), 190.

⁵⁵Ibid., 111–112.

⁵⁶Austin to Willy Martin, May 30, 1833, in Barker, *Life of Austin*, 224.

capital. In 1834 conservatives urged President Santa Anna to overturn the federal system and introduce centralism. Centralists pointed to the brazen references in the U.S. press to the forthcoming annexation of Texas and justified changing the system, in part, as the only way to safeguard the integrity of national territory. Thus fear of losing Texas prevented reforms from being made to the Constitution of 1824—that is, an adjustment similar to the one made in the United States in 1787. When the national congress moved to restructure the nation, some states such as Zacatecas defied their orders. The situation eventually degenerated into civil war, as Mexicans were divided into federalists and centralists. Taking advantage of national discord, Saltillo declared that Monclova had become the state capital illegally and selected its own governor.

The Texan deputies who were present in Saltillo took advantage of the opportunity to strengthen the autonomy of their province and recommended that a meeting be held in Béxar to establish a provisional government. The new political chief of Béxar, Juan N. Seguín, sympathized with the settlers and called for a meeting in November, but it was postponed because of the advancing troops led by the commander of the Interior Provinces.

The governor of Coahuila y Tejas, Agustín Viesca, and the radical federalists were afraid that Santa Anna would march against Coahuila after destroying resistance in Zacatecas. On May 21, 1835, the state legislature disbanded and authorized Governor Viesca "to establish an office in another part of the State that is not the capital." When he left for Béxar on June 25, Viesca issued a declaration in which he made the following appeal: "Citizens of Texas, arise and take arms, or sleep forever! Your most cherished interests, your liberty, your properties, even more, your very existence depend on the changing whims of your most relentless foes."⁵⁷ In late June, Governor Viesca was arrested as the two groups struggled for control of the state.

The national and state conflicts profoundly affected the situation in Texas. The flash point came in 1835, which marked the end of the two-year grace period on tariffs granted in 1833 and hence reinstatement of the Anáhuac customs office. The settlers were not prepared to pay, and by July they organized their resistance under the direction of William Travis, whose broader objective was to expel Mexican troops from Texas, using as pretext the imprisonment of Governor Agustín Viesca. Viesca undoubtedly misinterpreted the Texan rebellion as sympathetic to the federalist cause. When he finally escaped and reached Texas, however, he was not recognized as governor. The Texan situation was complex. Whereas a local convention held in Columbia reprimanded Travis for his taking over

⁵⁷Alessio Robles, *Coahuila y Texas*, 2:22.

command of Anáhuac and declared its "desire to remain united with the federal government,"⁵⁸ which forced Travis to reassure the Béxar commander that he wanted only peace and "to see the government firmly established on a permanent foundation,"⁵⁹ in east Texas the war party was dominant. On July 8, 1835, the political chief of Nacogdoches summoned the militias to take up arms against the Mexican troops and called on the rest of the citizens to organize themselves into a volunteer army.⁶⁰ The battle had begun.

The national government took time to mobilize. President Santa Anna planned a spring expedition. He ordered General Cos to concentrate all his troops in Béxar, to avoid provoking the settlers, and not to take any offensive. As a result of the pressure of events, however, Cos made mistakes: He refused to receive a conciliatory commission of colonists, and he ordered the arrest of Travis, which stirred up Anglo-American feelings against the military authorities.

With the arrival of Lorenzo de Zavala, who was an enemy of Santa Anna and had broad interests in Texas, the revolution escalated, although Austin's return brought hope to the partisans of order. But the *empresario* had changed his position and now acknowledged his desire to see Texas "forever free of any Mexican control"; he even began to talk about annexation to the United States.⁶¹ On learning that troops were marching from Béxar to Matamoros, he issued a call to arms and prepared for a meeting of representatives.

The first violent incident occurred in Gonzáles on October 2, and on the 9th, Cos entered Béxar. It was not easy to mobilize the settlers, who were a peaceable people; but this difficulty had been anticipated, and the "Texas Committees," which already operated in New Orleans, New York, and other cities, mustered volunteers, sent arms and money, and publicly promoted the war. The volunteers were under Houston's command; the militias, under Austin's.

The Columbia Convention met on November 3, 1835, and declared null and void the "pact" with Mexico because it had established centralism. The body organized a provisional state government based "on the principles of the 1824 Constitution." Barker acknowledges that this manifestation of loyalty to the Constitution was only "an expression of Austin's characteristic caution."⁶² Some Mexicans—including Francisco Ruiz, J. Antonio Navarro, and Lorenzo de Zavala—signed the independence document; others were simply federalists and opposed the centralist re-

⁵⁸"Reunión de Columbia," June 28, 1835, AHDN XI/481.2/1100, 300–331.

⁵⁹W. B. Travis to Ugartechea, San Felipe Austin, July 31, 1835, *ibid.*, 87–88.

⁶⁰"El Jefe Político a sus habitantes," Nacogdoches, July 8, 1835, *ibid.*, 88.

⁶¹Austin to Burnett, October 5, 1835, in Barker, *Life of Austin*, 421.

⁶²Barker, *Life of Austin*, 421.

gime in Mexico City. Even the exiled Gómez Farías wrote to Miguel Barragán, who served as acting president while Santa Anna commanded the nation's army in the struggle to impose centralism, to assure him that if he extended "a protective hand to the colonists, their discontent would disappear."⁶³ Like many individuals, the people of the towns near the Rio Grande misunderstood the intentions of the Texas rebels, a confusion that hampered the movements of the Mexican army. Some of the settlers who remained loyal to Mexico, especially those of Irish extraction, later were obliged to follow the Mexican army out of fear of reprisals.

The surrender of Béxar to Anglo-American settlers on December 14, 1835, furthered the cause of independence. In addition to the symbolic value of pushing the Mexican troops back to the other side of the Rio Grande, the rebels came into possession of a great deal of military booty, including the recent fortification of the Alamo. On December 20, the militias and inhabitants of Goliad requested a formal declaration of independence.

Austin demonstrated his shrewdness by taking advantage of Mexico's political conflicts. He had united most Texans even before there was a danger of repression by the arrival of the division led by Santa Anna. The latter's earlier wanton cruelty in the destruction of the city of Zacatecas made it easier to convince the undecided that they had no other choice than to fight for independence.

A Revolution for Independence?

Santa Anna departed from Mexico City in November 1835 and entered Texas in February 1836. A Texan mission had already traveled to the United States seeking aid; although they were not able to obtain a loan, they did spread news of the availability of land in Texas, thereby ensuring the arrival of many volunteers. All Mexican attempts to halt that avalanche seemed futile, for notwithstanding the U.S. government's declaration of neutrality, local authorities supported the Texans. The Mexican government, concerned about foreign interference in Mexico's domestic problems, had published on December 30, 1835, a circular that it made sure was widely distributed abroad. "These acts, condemned by the wise laws of the United States of North America" had caused the Mexican government to decide "to treat and punish as pirates all foreigners who enter with arms and hostile intentions, or who introduce arms and munitions through any port of the Mexican Republic."⁶⁴

⁶³Farías to Barragán, Monterrey, June 2, 1835, BLAC, archive of Valentín Gómez Farías, 352.

⁶⁴José Basilio Arrillaga, *Recopilación de leyes, decretos, bandos*, vol. 2 (Mexico: Fernández de Lara, 1834–1850), 678.

This measure, which was carried out to the letter by Santa Anna, was a desperate attempt to maintain control of the territory in the face of the flagrant intervention of foreigners against Mexico's government. Naturally, the government did not authorize massacres, as in the case of the prisoners of Goliad. At the time these events occurred, the instructions stated:

1. When a surrender takes place . . . it shall be strictly observed, according to international law.

2. Excluded from this case are promoters of revolution, those who have belonged to the so-called general council of Texas, those who have performed the duties of governor . . . those who have commanded a military division or fortification . . . *they shall be judged, sentenced, and executed, according to the law* [emphasis added].

3. Persons who, after Texas's declaration of rebellion, have come to its territory in armed expedition . . . *shall be judged and punished as pirates* [emphasis added], as announced in the circular of December 30th. . . .

5. Those colonizers who have taken no part in the revolution . . . shall remain in the territory.⁶⁵

The order sought to avoid excesses, to calm the territory, and to reorganize it under the old system. Moreover, another congressional decree, of April 14, 1836, cancelled part of paragraph 3a by stating that Texan prisoners taken during the war with Texas when this decree was published, who may have incurred capital punishment under such laws, are pardoned even though they may have been captured with arms in hand.⁶⁶

Meanwhile, a convention held in Washington-on-the-Brazos proclaimed Texas's independence from Mexico on March 2, 1836, and elected David G. Burnett and Lorenzo de Zavala as president and vice president of the new republic. The declaration defined the struggle in Texas as a fight against tyranny; it justified the revolt on the necessity to protect basic rights and on the fact that Mexico had annulled the federal pact. The declaration also stated that the Mexican government had invited the colonists and had made a commitment to them "under word of a written constitution" that they would continue to enjoy "the republican institutions to which they were accustomed in their native land, the United States of America." The document alluded to the rejection of the colonists' petition to establish a separate state; the imprisonment of Austin; the failure to establish trial by jury and an educational system, "even though there

⁶⁵Tornel to Santa Anna, March 18, 1836, in Filisola, *Memorias*, 2:371-379.

⁶⁶Dublán and Lozano, *Legislación*, 3:142.

exist immense resources allocated from public revenues"; and the denial of the colonists' right to worship the Supreme Being in their own way.

The grievances enumerated in the document not only were false, they were unfair. The *empresarios* had lobbied to obtain concessions, and their first permits had been granted by a monarchy under conditions that they had consistently violated. Lack of resources had prevented ambitious educational projects from being carried out. As for the administration of justice, it was true that although the 1812 reform had ended the old system, it had not managed to implement the new; therefore, despite its being alien to Spanish juridical tradition, trial by jury had been initiated in Coahuila y Tejas in 1834, as the settlers had requested.

No group in Mexico received as many privileges as the Texans because the government was determined to make the colonization work. Santa Anna did not become dictator until 1841, and thus there was absolutely no reason to speak of tyranny. Margaret S. Henson has argued that Anglo-American immigrants were not aware that the 1824 Constitution did not contain a bill of rights.⁶⁷ Although not so named and less clearly defined than they would be in the Centralist Constitution of 1836, the basic rights of freedom of assembly and freedom of speech in Mexico were guaranteed by both the Spanish Constitution of 1812 and the Mexican Constitution of 1824; during the first federal republic (1823-1835) it was precisely abuse of those rights that undermined institutional stability. When Béxar authorities objected to the meetings held in Texas, they did so because the settlers had not made use of their right to petition through the ayuntamiento, the political chief, or the state legislature—the minimal respect owed to the institutions of the country that had taken them in.

Barker and other North American historians have stressed differences in political tradition as a cause of the Anglo-Mexican friction. Andreas Reichstein has presented a convincing argument against this thesis, and he has stated that, with some exceptions, settlers from both cultures lived together peacefully. For him, an important factor in the expansionist movement was land speculation. He also has challenged the idea that this represented a revolution. "No one wanted to change anything in Mexico itself. They were not turning against an oppressive system of government, but rather against cohabitation with and in a foreign country."⁶⁸ Therefore the comparison with the U.S. Revolution, which was used as propaganda to obtain North American support, was in no way justified.

⁶⁷Margaret S. Henson, "Tory Sentiment in Anglo-Texan Public Opinion, 1832-1836," *Southwestern Historical Quarterly* 90, no. 1 (1986): 1-34.

⁶⁸Reichstein, *Rise of the Lone Star*, 194.

The significant role that Mexico's antislavery stance played in the Texan independence may be seen in some of the features of the constitution adopted by the independent Texans. This charter, influenced by the constitutions of the Southern states, stated:

Section 9. All persons of color who were slaves for life previous to their emigration to Texas and who are now held in bondage shall remain in the state of servitude, provided the said slave shall be the bona fide property of the person so holding said slave as aforesaid. Congress shall not pass laws to prohibit bringing their slaves into the Republic with them and holding them by the same tenure by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slave holder be allowed to emancipate his or her slaves without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the Republic. No free person of African descent, in whole or in part, shall be permitted to reside permanently in the Republic without the consent of Congress. . . .

Section 10. All persons (Africans, the descendants of Africans, and Indians excepted) who were residing in Texas on the day of declaration of independence, shall be considered citizens of the Republic.⁶⁹

In this way, one of the great differences with Mexico was resolved. Irish colonists from San Patricio who took refuge in Matamoros reported that "the establishment of slavery as a permanent institution was one of the principal causes of the rebellion."⁷⁰

After taking the Alamo in March, Santa Anna pursued the Texan government, but on April 21, 1836, he suffered a humiliating defeat at San Jacinto. Plans to reorganize Texas and hope of ending the rebellion were frustrated. Even though Mexico's president and commander in chief had been taken prisoner, his second in command, Vicente Filisola, obeyed his orders to withdraw the other Mexican columns below the Rio Grande; the independence of Texas was thus consolidated. The Mexican Congress did not recognize the independence of Texas and sought to subdue the rebellious province. Subsequently, federalist insurrections, threats from abroad,

⁶⁹"Constitution of the Republic of Texas. March 17, 1836," *Laws of the Republic of Texas*, 2 vols. (Houston: Office of the Telegraph, 1838), II, 19.

⁷⁰British subjects in San Patricio to His Excellency the Plenipotentiary Minister of His British Majesty in Mexico, Matamoros, June 1, 1838, Public Record Office, London (PRO), F050, 144, 117-118.

and lack of resources made it impossible for Mexico to renew the war with Texas.

On May 14, Santa Anna signed two treaties in Velasco. In the public one, he agreed never again to take up arms against the people of Texas, to end hostilities, to evacuate Texan territory, and to indemnify all property taken during the retreat. Secretly, he agreed to commit the Mexican government to recognize Texan independence and to sign a treaty of friendship in which the borders of Texas were "not to extend below the Río Bravo del Norte." The Texan government consented to put Santa Anna on a ship bound for Veracruz. Neither side kept its commitment. Santa Anna did not promote recognition of Texas, and under pressure from its volunteer soldiers, the Texan government did not comply with its agreement to ship Santa Anna back to Mexico; he was not freed until Houston became president in the fall of 1836.

The Texas episode has not been examined properly. North American historiography, by and large, has sought to demonstrate the veracity of the Texan Declaration of Independence. The few Mexicans who have dealt with the subject have accepted uncritically, with slight variations, the self-serving Texan version. No one seems to have understood the great significance that the colonization of Texas had for the founders of the Mexican republic, who sought to emulate the success of their northern neighbor. They were profoundly disillusioned by the results. Moreover, Texan attempts to claim territories that had never formed part of the province placed still more obstacles in the way of its being recognized as a sovereign nation by Mexico. Thus a situation was created that would prove disastrous for Mexico, for it ultimately justified a war of conquest by the United States and the loss of half of its national territory.