

CHAPTER III

EMPRESARIOS AND SETTLEMENT

During the latter part of the Spanish regime the missions and presidios of the vast province of Coahuila and Texas had almost fallen into decadence, because the corruptness of Spain's mercantile system had virtually sapped out the life blood of her colonies. Spain found it necessary to look for new lands from which to get new raw materials; therefore, she again expressed a desire for colonization in her undeveloped province of Texas.

Moses Austin of Missouri, had formerly been a Spanish citizen of Louisiana during the Napoleonic Wars when Spain had acquired Louisiana from France. He heard of Spain's desire for her frontiers to be colonized and in accordance took it upon himself in the year 1820 to visit the Spanish provincial government of Texas, which at that time was located at the town of Bexar (San Antonio).¹ At the time Moses Austin left, Texas was in that administrative division of Mexico known as the Eastern Interior Province, as the following quotation explains:

. . . . Texas, Coahuila, Nuevo Leon, and Santander or Tamaulipas constituted the Eastern Interior Provinces. The commandant was both civil and military head of the

¹ H. Yoakum, History of Texas (New York: J. H. Redfield Company, 1855), Vol. I, p. 210.

province. Each province had its own governor and military commandant and was subdivided, or could be divided, into departments, districts (partidos), and municipalities. Texas constituted one department, and in 1820 contained but two organized municipalities, Bexar and La Bahia, the present Goliad. The government of a municipality, which included not only the town but much of the surrounding country, was an ayuntamiento.²

The municipality of Bexar included the territory of what today is Montgomery County, and extended into East Texas. This division remained this way until January 31, 1~~8~~³31, when due to the influx of so many immigrants, the Legislature of Coahuila and Texas passed a decree creating another division, that of Nacogdoches. This new division also took in a part of Montgomery County. The decree read as follows:

The Congress of the State of Coahuila and Texas, considering the evils experienced in the political and financial administration of the department of Texas for the reason that the extensive territory thereof is comprised in one sole district, and populated mostly by foreign colonists, thinly settled therein; exercising the power conferred by article 8 of the constitution, decrees:

ART. 1. The department of Bexar shall be divided into two districts, and the following shall be the dividing line--commencing at Bolivar Point on Galveston Bay, thence running northwesterly to strike between the San Jacinto and Trinity rivers, following the dividing ridge between the said rivers to the Brazos and Trinity to the head waters of the latter, and terminating north of the source of the said Trinity upon Red River.

ART. 2. The territory situated east of said line shall

² Eugene C. Barker, Texas History (Dallas: Turner Company, 1929), p. 103.

be called the District of Nacogdoches, and the town of the same name shall be the capital.

.....
 Given in the city of Leona Vicario on the 31st of January 1831.³

While at Bexar, Moses Austin, with the help of his old friend the Baron de Bastrop, acquired permission from the Spanish government to settle three hundred families in the province of Texas.⁴

Moses Austin died before his plans for settlement could be completed, and his son, Stephen F. Austin, took charge of his father's unfinished work. In August, 1821 after the death of his father, Stephen F. Austin was recognized by the government as his father's successor and was authorized to explore the country and select a site which he wished to colonize.⁵ When Austin had explored the land, he selected in the municipality of Bexar his reservation, and outlined its west boundary as the Lavaca River up to the Bexar-Nacogdoches road, and its east boundary the San Jacinto River up to the Bexar-Nacogdoches road.⁶ The Western half of present day Montgomery County falls within the site which Austin selected at that time.

³ Laws and Decrees of Coahuila and Texas, (Publisher and date not listed), Decree Number 164.

⁴ Yoakum, loc. cit.

⁵ Earker, loc. cit.

⁶ Ibid., p. 67

Before Austin could bring his colonists from the United States, Augustin de Iturbide, the Mexican patriot, issued on February 24, 1821 his plan of Iguala.⁷ Practically all of Mexico rallied to his aid to help him throw off the tyrannical yoke of the Spanish who had goverened Mexico and her province since their triumphal capture by that illustrious conquistador, Hernando Cortes.

Due to these events, Austin had to wait until new colonization laws could be passed by the new government. They were passed, and after Iturbide's short rule, other colonization laws followed in rapid suit owing to the many coup d'etats in forming the Mexican government.

An explanation of Mexico's colonization laws is as follows:

. . . Mexico passed her first colonization law in January, 1823, while Iturbide was emperor. With his overthrow in March, 1823, and the repeal of the colonization law of 1823, it was then necessary for the Mexican Republic to formulate its colonization policy. On August 18, 1823, the central government passed the national colonization law. This laid down a few general regulations with reference to colonization within the nation, but left the undertaking largely to the state. In the first place each state was to pass a colonization law for the settlement of the unoccupied territory within its limits. However, only the federal government could grant permission to establish settlements within twenty leagues of the boundary of any foreign nation or within ten leagues of the coast.

(In the law of 1824 Mexico had reserved the right to repeal the law when enough colonists had arrived, and)

Yoakum, op. cit., p. 214.

. . . Mexico took advantage of the provision and passed the law of April 6, 1830, by which she forbade the further entrance of citizens of the United States into Texas. . . ⁸

With the national law of August 18, 1824 giving the state authority to pass their own colonization laws, the Legislature of Coahuila and Texas on March 24, 1825 passed a colonization law of more detailed nature, as the following paragraphs show:

The state colonization law granted to each married man who wanted to farm one labor, an equivalent of 177 acres. If he also desired to raise cattle, he could obtain twenty-four labors of pasture land or 4,251 acres. The total of farming and pasture land made one sitio or league, consisting of 4,428 acres. An unmarried man received one-fourth of this amount. If the colonist's occupation or capital was such that it would benefit the colony, he would obtain additional land.

The new settler was required within six years to pay a nominal sum to the state for this land. For each sitio of pasture land he paid \$30; for each labor of unirrigable land \$2.50; and for each labor which was irrigable he paid \$3.50. The government required no part of it to be paid until the end of four years. At the close of the fourth year one-third of the amount was due; at the end of the fifth year, another third; and when the sixth year closed, the last payment was to be made to the state. To acquire a title to his land the colonist had to occupy or cultivate it. ⁹

Under this same law an empresario or contractor was to be in charge of all the colonization procedures. Each empresario made an agreement with the state to introduce a certain number of families

⁸ Baker, op. cit., pp. 86-87

⁹ Ibid., p. 88

within a limited time. He received a definite area in which to locate his immigrants. When he had fulfilled his obligations the empresario was entitled to receive for each hundred families introduced, a premium of five leagues and five labors of land. Thus, under these provisions Austin was appointed empresario and given instructions to settle his colonists.

The news of Austin's colony had spread rapidly in the United States and immigrants came in as fast as they could be settled. The receiving point for the immigrants was Nacogdoches and Austin appointed an agent to collect the families and send them on to his colony. E. C. Barker¹⁰ gave the following concerning Nacogdoches as the induction center:

Fifty or more families from the vicinity of Nacogdoches had agreed to move to his grant in November and December (1820), he (Austin) said, and since he could not be there to receive them, he had appointed an agent to supervise them and prevent overlapping locations. He also appointed Josiah H. Bell, one of his former associates in Arkansas, to exercise temporarily in the settlement the duties of a justice of the peace. He found at Natchitoches nearly a hundred letters from Missouri, Kentucky, and other western states, and was convinced that he could settle fifteen hundred families as easily as three hundred. . . .

To take care of the influx of people coming into Texas, Mexico soon granted other men empresario rights. One of these empresarios was Hayden Edwards, who on April 18, 1825 obtained a contract to

¹⁰ Ibid., p. 67

to settle eight hundred families in Texas.¹¹ H. Yoakum¹² described

Edwards and the location of his grant as follows:

. . . He was a gentleman of high moral character, strict honor, and liberality. He had devoted much of his time in Mexico in forwarding the general colonization law. He had his colony greatly at heart, and had expended thousands of dollars in getting up the enterprise. The contract with the state was sufficiently liberal. It admitted him as an empresario under the general state law. The lands designated were bounded on the east by a line beginning twenty leagues from the Sabine and ten leagues from the coast; thence through Nacogdoches, and fifteen leagues beyond it; thence west to the Navasota; thence down this river to the San Antonio road, and with this road to the San Jacinto; thence down said river to within ten leagues of the coast; and along the coast, ten leagues from it, to the place of beginning. . . .

This grant that Edwards got from the government included the eastern half of present day Montgomery County.

The Mexican government selected for Hayden Edwards the lawless town of Nacogdoches as the seat of activity for his colony. Soon after his arrival an uprising occurred in December 1826, known as the Fredonian Rebellion.¹³ This mutiny was caused by the agitation between the Mexican officials and Edwards' colonists. A good account of this rebellion was written in a letter by one of the future citizens of Austin's colony and Montgomery County. The letter is as follows:

¹¹ Yoakum, op. cit., p. 234.

¹² Ibid., pp. 234-235

¹³ Ibid., p. 246

Gentlemen:

Sir, yours of the inst. inviting me as one of the early settlers, to give any incidents coming within my knowledge, that might go to the making up a correct historical account of the early setting of Texas. I settled on the Red Sandy near San Augustine in Nov. 1821; staid there 9 years; then moved to Montgomery where I have lived ever since.

Many of the incidents of those days are fresh in my recollection; but I am at a loss to know, what kind of incident would be useful or interesting to your society. It would afford me much satisfaction to aid the society on gathering scraps that might go to the making up a correct history of the early setting of Texas by the whites; and I believe that I could, if you were to direct my mind to anything I might know.

I will however, give one occurrence that took place at Nacogdoches in 1826 or 7; afterwards called the Fredonion War. Up to that time the Mexican government had kept troops stationd at Nacogdoches as much for the purpose of keeping his own citizens in subjection, as the keeping of the Indians from depudation on them.

The Alcalde, backed by the troops was not always guided by law and evidence nor equitable principles in making up his judical decisions; and particually when an ex-U. S. citizen was brought before his honor. This of course gave offence to many which was borne with, until an opportunity presented its self, as some of the leading spirits thought by which they could bring about a change of public affairs.

About this time, the troops was sent from Nacogdoches and stationd at some other place, (I think) Goliad.

Now being the time to strike, carriers were sent in every direction calling upon the men to meet at Nacogdoches fully armed on a certain day without letting them know the object of the call. Many thought it was to repel an expected attack from the Indians; others, of course knew the object. For fifty miles around every man that could, rallied to the call.

I rode forty miles. When I reached there, I found about 200 whites, Mexicans, and Negroes; all armed. The two leading spirits were Col. Edwards and Col. Parmer. One, (I do not recollect which) called on the men to form a line, which they did. We were then marched to where a flag was putting to breeze, and called the fredonian flag. I do not recollect the devices on it; but when we were halted under it speeches were made by Col. Edwards, and Parmer I think, explaining the object of the meeting, and telling of the wrongs and oppressions they had borne from the Government and the Alcalde.

After the speaking, patriotic songs were sung and we again formed into line. When Col. said to the men that all of those in favor of a free government and opposed to a tyrannical government, and that were willing to affect that change right then and there, to march eight paces in front; and those opposed to it, to remain fast. At the word march all marched forward but four. I being one of that number. When the others all turned to see who were left, I felt small and that I was in a small crowd. Some of my friends said to me that they were sorry to see me act so, yet I stood firm.

Amongst the braves, who had stepped so gallantly forward, I saw one whom I took to be green from the States.

He was gentlemanly dressed, having on a fine velvet coat, hat of beaver, pants to match and a fine beaded pr. of moccasins. Near him stood a drunken negro, and being as free and patriotic as any, and being anxious I suppose, to feel the fine texture of the strangers dress, staggered up against him in a very rude manner which of course gave offence. The stranger was about to shoot the negro, when others interfered to prevent it. I and my other companions, as much to off set the jeers we had received, charged for the negro who seemed not too much alarmed. I afterwards learned that the stranger was no less a personage than Henry S. Foote, who was then, not unlike yourselves now, hunting up material to write a History of Texas, which he did. And amongst the many untruthful stories he wrote of Texas, he gave

an account of this fredonian war, which was incorrect in many things; but to the thread of the story. After the difficulty between Mr. Foote and the negro had been settled the crowd were dismissed to meet again under the flag in a short time. In the interest the Alcaide was disposed.

After again meeting, and speeches and songs were made and sung, sufficient as the leaders thought to stir all to action, called them in line again. I and my three companions also being in line, Col. said that all those in favor of the mearures already taken, and that were willing to remain to inforce and carry out those things, to march eight paces in front. At the word march but one moved forward. It was Matthew Cartwright of San Augustine. I and those other three laughed. The leaders saw that it was no go, and all quietly dispersed and returned to our homes.

The troops in due time were sent back. The alcaide restored to the functions of his office, and troopers were sent out in search of the leaders of the fredonian war. The crossings on the Sabine were guarded day and night, but I do not believe they caught very many.

Thus ended the tempest in a teapot. ¹⁴

The rebllion was squelched and Edwards' grant was revoked by the Mexican government. After the revocation of his grant the territory embraced in it was divided between the empresarios David G. Burnet, Lorenzo de Zavala, and Joseph Vehlein.

Joseph Vehlein, a German merchang of Mexico City, through

 Letter of Col. Jacob Shannon to Messrs. Gray and Henderson, Treasurer and Secretary of the Texas Historical Society, October 13, 1870, in the Hart Addison Collection.

his agent, John L. Woodbury, made his contract with the government for three hundred families in December, 1826.¹⁵ His colony was to be settled in the following boundaries:

Beginning at the Town of Nacogdoches: Thence South, leaving free Twenty boundary border leagues, parallel with the Sabine River to the intersection of the boundary line of the same, with that of the Ten coast border leagues, on the Gulf of Mexico. Thence west to the river San Jacinto: Thence up the said river with its left bank, to its source, and thence on a stright line North to the San Antonio raod leading from Bexar to Nacogdoches: Thence with said road to the town aforesaid, and previous to arriving at the River Trinity the line shall follow the road called Bull's hill road (Loma del Toro) crossing that river above the Military Post, and continuing on said road, until it unites with the road first mentioned and thence with it to the Town of Nacogdoches and place of beginning.

Vehlein's grant was in what had been the western part of Edwards' grant which consisted of the eastern half of Montgomery County. The San Jacinto River was the dividing line between Austin's colony and Vehlein's colony; therefore, the western half of Montgomery County was in Austin's colony and the eastern half in Vehlein's.

Vehlein's colony did not pan out well; therefore, having failed to carry out his obligations, he, with empresarios Burnet and Zavala, transferred his contract to the Galveston Bay and Texas Land Company on October 16, 1830.¹⁶ The Galveston Bay and Texas Land Company

¹⁵ Baker, op. cit., p. 92

¹⁶ Ibid., p. 93

converted the grants into a Wall-street speculation and issued scrip on the land. The scrip was worthless in Texas, where every immigrant was entitled to a league of land; but in New York it sold for one to two cents an acre.¹⁷ This company selected the town of Anahuac for their headquarters; but when John Bradburn became commander at Anahuac, and exercised his despotism, the population fled, and the bubble of the "Galveston Bay Company" exploded.¹⁸

There were forty-two members of Austin's and Vehlein's colonies who got their land titles from the Mexican government, and settled in what today is Montgomery County. They and the date of their patents are listed as follows:

Those on the west side of the San Jacinto River and located in Austin's colony were: Archibald M. Alexander, October 5, 1835; William Atkins, April 18, 1831; Solomon Brown, April 16, 1828; William C. Clarke, April 10, 1831; John Corner, May 10, 1831; Mary Corner, April 7, 1831; Thomas Corner, May 28, 1831; John Cronkrite, June 6, 1831; John H. Edwards, April 13, 1831; William W. Ford, October 17, 1832; Noah Griffith, April 11, 1831; Paschal B. Hamblin, October 10, 1835; Archibald Hodge, April 3, 1831; James Hodge, April

¹⁷ Homer S. Thrall, A Pictorial History of Texas From the Earliest Visits of European Adventurers, to A. D. 1879 (St. Louis: N. D. Thompson and Company, 1879), p. 167

¹⁸ Loc. cit.

8, 1831; Joseph House, April 13, 1831; William Landrum, April 10, 1831; Zacharia Landrum, April 10, 1831; Joseph Miller, April 16, 1831; James ~~Peer~~^Whouse, April 7, 1831; William Rankin, April 10, 1831; Raleigh Rogers, May 6, 1831; Jacob Shannon, April 30, 1831; Owen Shannon, April 8, 1831; James Smith, May 13, 1831; Wiley B.D. Smith, April 5, 1831; Allen Vince, April 30, 1831; John T. Vince, May 4, 1831; and Ann White, May 12, 1831.

Those on the east of the San Jacinto River and located in Behlein's colony were: William S. Allen, June 2, 1835; Bennett Blake, August 27, 1835; Elijah Collard, April 29, 1835; Timothy Cude, September 15, 1835; Jose Marie de la Garza, November 4, 1833; Samuel Lindley, August 27, 1835; Joseph Lindley, April 6, 1835; Neal Martin, April 13, 1835; Jonathan C. Pitts, September 13, 1835; John Saddler, April 29, 1835; JohnB. Tong, July 24, 1835; and William Weir, August 17, 1835.¹⁹

Not much is known about these pioneers but most of them did not stay long enough to leave a trace of their activities; but some did, and the following is an account from W. N. Martin of some of those who did leave behind a mark of perseverance:

One of the original grantees was William Rankin. He and his wife Sarah came to Texas from Alabama in 1825. In June of that year they made application for a grant of

¹⁹Land Abstracts, General Land Office, Austin, Texas, Vol. I.

one league of land lying between Lake Creek and the San Jacinto River, in what was then Washington County. On April 10, 1831, the Spanish granted this land. The Rankins had no children, but he was administrator for his brother's children for several years. He took an active part in the civic affairs of the county. He was a member of the Masonic Lodge, and at one time a member of the Commissioners Court. Rankin died on April 2, 1857, and was buried in the Montgomery cemetery.

A pioneer family that left little trace of its members was that of John Corner and his wife Prutia. They came to Texas from Alabama in 1825. They were received as colonist in the colony of Stephen F. Austin. In the same year of their arrival they contracted with the government of the state of Coahuila and Texas, through Stephen F. Austin, for a grant of one league of land. Having met the necessary requisites provided for by the law of colonization of 1825, they received their grant of land from the government on May 10, 1831. This land is situated on a stream called Atkin's Creek, a tributary of the San Jacinto River.

John Corner lived on his grant of land and developed much of it by clearing off the forests and putting in small farms. In 1838 he began to sell his land. He sold much of his league to Wm. W. Shepperd, a land speculator. So far as records show, Corner never took part in any civic affairs or public interests. It is known that he had two sons who lived in Montgomery until they were grown. The whole family left after selling their land to several other early settlers. Witnesses have been produced, however, who swore they knew that John Corner lived in Montgomery in the 1850's.

Not many of the original families of Montgomery were as eager to sell their land and leave the vicinity as the members of the Corner family seem to have been. Raleigh Rogers was one of the first pioneers of Montgomery, and a large part of his land was handed down to his descendants who still live on and own the land. He and his wife Polly came from Alabama about 1830. They were settlers in Stephen F. Austin's last colony. They made application for a league of land, and on May 6, 1831 the Mexican Government approved the grant.

Raleigh Rogers was a successful farmer and trader, and he owned much live stock and several slaves. He was a very active member of the community and associated freely with the other builders of Montgomery. The exact time of his death is not known, but he was buried in the family grave-yard on his land.

This couple had only four children, one boy who never married, and three girls. One of the girls, Mary Davis Rogers, married a Methodist circuit preacher, Pleasant M. Yell, who is the grandfather of two women still living in Montgomery on the old family grant. Mary and her husband lived on the Rogers land until they built their home on the present site of the Yell land. Pleasant Yell gave up preaching and became a successful farmer working several slaves. After emancipation most of his slaves left, but one family remained, whose descendants still live on the Yell land and work for descendants of Raleigh Rogers.

Another original family of Montgomery was William Landrum and his wife Nancy Gilmore, who came from Alabama in 1830. The Landrums were of old American stock, having come to America from England and Scotland in the early part of the eighteenth century. William Landrum's father and his wife's father were soldiers in the American Revolution. William Landrum was a member of Austin's second colony and received a grant of land from Mexico in 1831. Several hundred acres of land of the original grant are still in the possession of the descendants of William Landrum.

To this couple were born several children. Mary Landrum married Judge G. B. Gay and lived in Montgomery for the duration of her life. They have descendants living in Montgomery now. Melissa Landrum married I. C. Davis. Their descendants also live in Montgomery at the present time. One of the Landrum boys died without marrying.

Zachariah Landrum and his wife Letetia came to Texas in 1827. They made application for a league of land lying between Lake Creek and Atkin's Creek in what was then

Washington County. On April 10, 1831, this grant was given him by the Spanish Government.

This Landrum family came with a train of other settlers from Alabama. With them came two sons, William and John, and two daughters, Sarah and Kathrine.

Landrum became ill in 1838 and made his will, giving all his land to his wife, his two sons, and his two daughters. He died in 1844 and was buried in a private cemetery.

Owen Shannon and his wife Margaret came from Georgia, landed in Texas, and settled near San Augustine in 1827. Although they had much difficulty trying to get information concerning Austin's colony, they finally succeeded in getting into it in about 1830. The Shannons settled north of the present site of Montgomery. They reared a large family and lived on the land until his death in 1850.

Benjamin Rigsby and his wife came to Montgomery in 1828. They made application for a league of land which was granted April 14, 1831.

A land speculator, Thomas Taylor, furnished the money to finance Rigsby. In return for this service, Rigsby returned 2214 acres of land to Taylor. Rigsby sold the remainder of his league of land to different settlers and left Montgomery in 1837. There is no record of where he went.²⁰

Although, Montgomery County has only forty-two grants of the original titles left today, it had included in its boundaries when it was created a total of three hundred and eighteen of the first colonists.

²⁰W. N. Martin, "A History of Montgomery," (unpublished Master's thesis, Sam Houston State Teachers College, Huntsville, Texas, 1950), pp. 11-17.

Gradually its boundary lines and original grants diminished as the new counties of Waller, Walker, Grimes, San Jacinto, and Madison were carved from it.