

Laws for Promoting Colonization in Texas

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With the abdication of Emperor Augustín in March 1823 and the formation of a new republican government, Mexico's legislative body was again faced with the question of how to increase population in the northern department of Texas and secure this under populated territory from the dual threat of aggressive Indians and Americans. The imperial colonization law of 1823 was declared void and Stephen F. Austin, whose *empresario* contract had been the only one to be granted under the law, and other potential *empresarios* now had to petition the newly formed federal government for permission to settle immigrant families in Texas.

On August 18, 1824 the Mexican government passed a new national colonization law. This law allowed foreigners to settle on any vacant public land in Mexico, but restricted foreigners from settling within twenty leagues of the border with another country and within ten leagues of the coast. Preference was to be given to native Mexican citizens wishing to relocate and military men granted land in exchange for their service, but otherwise immigrants were to be treated equally in the distribution of land grants. All immigrants were to be exempt from paying all taxes for four years. The 1824 colonization law did not stipulate that immigrants must be Catholic, but other federal law maintained Catholicism as the national religion and prohibited other religious practices. New immigrants were required to obey the laws of the country, which in essence would also be an oath of allegiance to the Catholic faith. Beyond these and a few other general provisions, the national law stated that "the Congresses of the States shall as speedily as possible frame laws of regulations for the colonization of those lands which appertain to them, conforming in every respect with the fundamental Constitutional Act, the General Constitution, and the regulations established by this law."

The state of Coahuila y Tejas passed its state colonization law on March 24, 1825. This law contained 48 articles that governed the conditions and responsibilities for the colonization of the state. The state law reiterated the conditions of the national law, but included many more specific regulations. Key provisions included that immigrants "must prove, by certificate from the authorities of the place from whence they came, that they are Christians, and also the morality and propriety of their conduct." Foreign immigrants were to be considered naturalized citizens after buying land and establishing themselves in settlements. Marriage to a Mexican woman, however, could fast track a settler's claim to full citizenship rights and entitle him to additional land. *Empresarios* could petition the government to bring 100 or more families to the state at their expense. Their petition was to include a timeframe for settling families within their colony. If *empresarios* did not settle at least 100 families by the deadline, they would lose their contract and any unclaimed land in their colony would revert back to the state.

The law also specified how much land was to be given to different types of immigrants - i.e. bachelors, heads of household, farmers, ranchers and tradesmen - and the price of land. Settlers were exempt from paying taxes for ten years starting on the date which settlement was established, but if they had not fully settled on their land within six years the land would revert back to the state. Much of the state colonization law was dedicated to stipulating the establishment of towns within settlements. Subsequent laws and the constitution of the State of Coahuila y Tejas set forth the requirements for governing the new settlements.

With the new national and state colonization laws in place, the Mexican government finally began to grant the petitions of men like Green DeWitt, Robert Leftwich, Benjamin Milam, Hayden Edwards and Martín De León. Some of these men had been in Mexico City as early as 1822 seeking *empresario* contracts. Their long wait paid off, as *empresarios* were

eligible for a bonus of 23,000 acres of land for every 100 families they settled in Texas. The government continued to grant land contracts throughout the 1820s and by 1830 essentially all of the land in Texas was under contract by an *empresario*.

The success of the 1820s colonization push is debatable. On the one hand, approximately 30,000 immigrants settled within the borders of Texas, dramatically increasing the population of this frontier state. New towns, such as Gonzales and Victoria, were founded and the settlers began organizing ranging companies to combat aggressive Indian groups. On the other hand, with the exception of Stephen F. Austin's original contract, none of the *empresarios* managed to fulfill the terms of their contracts and settle the agreed upon number of families in their colonies. All of the contracts were eventually revoked and land reverted back to the state.

From the Mexican government's perspective the colonization program was actually somewhat disastrous as the new immigrants were the wrong type of settlers. Instead of attracting Catholic Europeans and former citizens of French Louisiana, the majority of the settlers had come from American states like Kentucky and Tennessee and did not share the same cultural values as the Mexican people. There were also disputes between *empresarios* over the boundaries of their colonies, and attempts to overthrow the Mexican government in Texas. All of this eventually led to the passage of the Law of April 6, 1830, which with a few exceptions, ended Anglo colonization in Texas. Legal colonization, that is, because once the borders of Texas were opened to foreigners, particularly Americans caught up in the expansionist mindset of the nineteenth century, it was impossible to close them.