

THE STATESMEN OF NORTHERN MEXICO:  
A FRONTIER PERSPECTIVE

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In the past, historiography about the swathe of land that stretches as far West and North as modern-day California, and as far East and South as modern-day Texas has been limited by an emphasis on the nation-state. The narrative has revolved around the fact that between 1821 and 1848, that swathe of land changed hands from Mexico to the U.S.. Even today, one catches strains of this narrative. As historian Brian DeLay wrote in 2007, the story of Northern Mexico from 1821 to 1848 is a "familiar tale about competition between a thriving and faltering republic."<sup>1</sup> On the one hand, the newly-formed Mexico failed to devote attention to strengthening its hold on the frontier. Since its independence in 1821, Mexico was plagued by political clashes that made it difficult to maintain a cohesive, functioning central government. Christon L. Archer claims that the loss of the frontier was simply an indication that the Mexican government could not get its act together.<sup>2</sup> On the other hand, the expansionist U.S. sought to dominate the frontier and make the frontier its own. Starting with the Texas Revolution in 1836, which Will Fowler claims was not a revolution from within but a movement staged by the U.S. to break Mexico's hold on Texas, the U.S. took steps to realize its grand scheme of Western

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<sup>1</sup> Brian DeLay, "Independent Indians and the U.S.-Mexican War," *The American Historical Review*, Vol. 112, No. 1 (Feb. 2007): 36, <https://www.jstor.org/stable/4136006>.

<sup>2</sup> See Samuel Manickam and Christon I. Archer, "Fashioning a New Nation" in Michael C. Meyer and William H. Beezley, eds., *The Oxford History of Mexico* (Oxford: Oxford University Press, 2000). Historian Christon L. Archer writes that "the independence wars had left the new nation driven by violence, political clashes between those who supported centralized or decentralized forms of government, and incessant controversies over the power to hold the land, tax the people, and wield district or regional command." It is because of this internal conflict at the central government that Mexico lost the frontier, Archer claims: "The loss of the frontier...[was] symptomatic of the deep fissures that divided Mexicans." Scholars like Brian DeLay have made important inroads to conceive of a third vital agent involved in the hostilities between the U.S. and Mexico, the Indians. However, even as he follows the story of northern Mexico from Mexico's independence in 1821 to the War of 1846, he limits his analysis to the nation-state paradigm, where Indians interacted with Mexican actors on the one hand and Anglo-Americans on the other, and where Indians devastated northern Mexico so that it was simple for the U.S. to sweep down in the War of 1846 and claim northern Mexico for its own. DeLay, "Independent Indians and the U.S.-Mexican War."

expansion.<sup>3</sup> All the while, the people who lived in that area of then-Northern Mexico, now-United States, either chose sides or simply waited for history to happen.

Today, a new literature emerges that contests the tendency to tell modern history according to the legacy of nation-states. Historians have devoted their attention to frontier studies. They write the history of regions lying at the edges of what governing bodies dictate to be their jurisdiction. Often, as with the area of land between U.S. and Mexico, these regions are found between what have traditionally been seen as more powerful civilizations, nation-states, or empires. Andres Resendez designates the inauguration of frontier studies as the moment in 1981 when Howard Lamar and Leonard Thomson envisioned a grand comparative synthesis of literature on frontier experiences around the world.<sup>4</sup> Lamar and Thomson seemed to suggest that all around the world were frontiers ready to be studied, having been neglected in historiography. Since 1981, frontier literature has exploded. Recent research on the frontier includes Pyrenees, Ghana-Togo, the medieval Irish frontier, the Ohio Valley.<sup>5</sup> Works like Brian Boeck's study of the

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<sup>3</sup> Will Fowler argues that the Texas Revolution of 1836 was not a revolution from within but a movement staged by U.S. to break Mexico's hold on Texas. He observes that "the rebels were predominantly U.S. citizens who had brought their troops with them from New Orleans. Of the fifty-eight men who signed the subsequent Texan declaration of independence, on 2 March 1836, only two were actually from Texas: José Antonio Navarro and Francisco Ruiz." See Will Fowler, *Santa Anna of Mexico* (Lincoln: University of Nebraska Press, 2007), 174. As for the rest of Northern Mexico, the Texas Revolution was one step in the grand scheme of U.S. expansion into the Southwest. At the first "Mexican Americans in Texas Conference" in 1991 held in San Antonio, historians chose to focus on the post-1836-era because 1836 marked "a new period of Euro-American domination as Texas became, first, an independent republic and then a member of the United States." In the eyes of the historians who conceived of this conference, Texas independence was one step in the greater scheme of Euro-American domination of the Western frontier. Emilio Zamora, ed., *Mexican Americans in Texas History: Selected Essays* (Austin: Texas State Historical Association, 2000), Preface.

<sup>4</sup> Howard Lamar and Leonard Thompson, eds., *The Frontier in History: North America and Southern Africa Compared* (New Haven, CT: Yale University Press, 1891), 5-6, mentioned in Andres Resendez, *Changing Identities at the Frontier* (Cambridge: Cambridge University Press, 2005), 7.

<sup>5</sup> See Andres Resendez, *Changing Identities at the Frontier* (Cambridge: Cambridge University Press, 2005), 7, for a complete list of citations.

Don Cossacks of Russia<sup>6</sup> are forays into “fringe” or “border” societies that exhibited their own rules and systems distinct from the organized civilizations they associated with or purportedly belonged to.

As for the area between U.S. and Mexico, historians have embarked on meaningful quests to separate out and understand this frontier as its own space, inhabited by people who obey different rules and systems and have different objectives than those who traditionally represent the nation-state. Historian David J. Weber is one such voice who enters the gap in the record. His work, *The Mexican Frontier: 1821-1846*, is a synthesis of research on Texas, New Mexico, Arizona and California in the years between 1821 and 1846, linking the events in these provinces into a broader pattern to give meaning to what it means to be a “frontier.”<sup>7</sup> What I find is that Weber’s historiography still focuses too much on how events played out from the perspective of the Mexican central government, privileging the desires and actions of those who have traditionally been seen to represent the nation-state. Specifically, he has suggested that the failures of the Mexican central government to meet its state-building objectives inspired feelings of discontent in people on the frontier. Underlying this is an assumption that the people on the frontier had the same objectives as the Mexican central government. By embarking on a discrete, local study of Texas, and Austin’s Colony in particular, I hope to introduce the notion that the objectives of frontierspeople often differed from the objectives of the Mexican central

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<sup>6</sup> See Brian Boeck, *Imperial Boundaries: Cossack Communities and Empire-Building in the Age of Peter the Great* (Cambridge: Cambridge University Press, 2014).

<sup>7</sup> This is an introduction made by Ray Allen Billington of *The Huntington Library* and Howard R. Lamar of *Yale University*. Having read the book myself, I agree that Weber’s work is a skillful synthesis of research which attempts to capture the dynamics of the frontier between U.S. and Mexico. Also, let us note that Weber did make a caveat about his work. He says in the *Preface* of *The Mexican Frontier: 1821 to 1846* that the frontier is a broad swath of land and would benefit from discrete, local studies of individual territorial entities.

government. Before diving into Weber's historiography in more detail, we must first take a look at what "state-building," the policies and initiatives put forward by the Mexican central government, looked like for Mexico at the time.

### Mexico After Independence

In 1821, Mexico became a new nation-state. It was to inherit the configurations and responsibilities of the Spanish Crown and decide which aspects of past rule to discard and which to continue. After a brief stint during which one of the leaders of the Independence movement, Agustín de Iturbide, declared himself Emperor, Mexico was governed by a group of Federalists. They inaugurated a Federalist system under the Constitution of 1824, the first real piece of legislation to grace the new nation.<sup>8</sup> In the mid-1830s, the Federalists would be ousted by Centralists.<sup>9</sup>

The Federalists embraced the Spanish Constitution of 1812 in the 1824 Constitution. Crafted by a group of young liberals in the Spanish parliament, the Constitution of 1812 had done away with the absolute monarchy in Spain and instead provided for a greater representative government at all levels.<sup>10</sup> Running with this, the 1824 Constitution awarded Mexican provinces

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<sup>8</sup> David J. Weber, *The Mexican Frontier: 1821-1846* (Albuquerque: University of New Mexico Press, 1982), Chapter 2: The New Politics.

<sup>9</sup> The exact moment when the Mexican government transitioned from "Federalist" to "Centralist" is not entirely clear. The turning point depends on when Centralists came to power, when they were able to pass legislation that reflected a Centralist ideology, and when that policy finally reached the edges of Mexico, the frontier. J.R. Edmondson in *Alamo Story: From Early History to Current Conflicts* suggests that the Centralists came to power after Vice President Anastasio Bustamante disposed of the Federalist warrior President Vicente Guerrero in the year 1830. The Centralists' first creation was the Law of April 6, 1830, hence, Edmondson suggests that 1830 is the benchmark for when the Mexican government flipped from Federalist to Centralist. However, Weber suggests that Centralist policy did not begin to push out Federalist policy in any significant way until the mid-1830s.

<sup>10</sup> Weber, *The Mexican Frontier: 1821-1846*, 16.

even greater regional autonomy and participation in national affairs. Accordingly, most Mexican provinces became states and began to draw up their own constitutions. They converted their *diputaciones* (a body of representatives elected by popular rule, established by the Spanish 1812 Constitution) into legislatures. They become sovereign political entities with control over their internal affairs.<sup>11</sup>

But while most of Mexico was moving forward, the frontier appeared to be moving backwards. Across the frontier, provinces experienced a relative loss of autonomy and government representation. For a brief moment in 1823, the frontier provinces tasted what the new Federalist system would be like. Under the Spanish, each province exercised limited representative power by electing one to two deputies to a frontier-wide provincial *diputación* that managed the affairs of all the frontier provinces. In 1823, each province was authorized to elect its own *diputación*, a body of elected representatives who would exercise greater control over the affairs of the province.<sup>12</sup> But after 1824, the Mexican government rescinded these privileges for most of its frontier provinces, converting some provinces to territories and simply dissolving others. For example, it decided not to graduate the province of Texas to a state or territory and lumped it under a joint government headquartered at Coahuila, a neighboring province.<sup>13</sup> Soon after Texas and Coahuila were joined, the Texas provincial *diputación* was dissolved, only a few months after its creation.<sup>14</sup> Though the Mexican government knew that joining Texas and

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<sup>11</sup> Weber, *The Mexican Frontier: 1821-1846*, 22.

<sup>12</sup> Charles A. Bacarisse, "The Union of Coahuila and Texas," *The Southwestern Historical Quarterly*, Vol. 61, No. 3 (Jan., 1958): 342, accessed December 24, 2019, <https://www.jstor.org/stable/30240812>.

<sup>13</sup> According to Bacarisse in "The Union of Coahuila and Texas," the officials at Mexico City believed that neither Coahuila nor Texas had enough people to form and staff a state government with municipal bodies and state legislatures.

<sup>14</sup> See Bacarisse, "The Union of Coahuila and Texas," 347 or Weber, *The Mexican Frontier: 1821-1846*, 24-26.

Coahuila was only a temporary solution, Congress failed to approve a bill in 1828 to make Texas a state, or bills in 1833-34 to make it a territory.<sup>15</sup> Across the North, the Mexican government failed to keep its Federalist promise of increased local autonomy as Texas stayed joined to Coahuila, and New Mexico and Alta California retained a territorial status that entailed limited representative power and self-governance.<sup>16</sup>

David J. Weber suggests that Texans in particular were infuriated when they were joined with Coahuila and lost the privileges they would have had as a state. Weber argues that discontent generated by Texas's union with Coahuila became one of the "burrs in the saddle" that led Texans to throw off Mexican rule in 1836.<sup>17</sup> Implicit in this claim is the assumption that Texans always wanted what the Mexican government promised, so when the central government failed to meet its promises, the frontierspeople revolted. Weber has precluded the possibility that Texans had objectives that differed from the objectives of the Mexican government. I argue that because the objectives of frontiersmen differed from that of the central government, there were times when frontierspeople benefited when the central government failed to act on its promises. In fact, men vested with power by the central government, purported agents of the Mexican government, sometimes subverted the wishes of the Mexican government because they faced local frontier realities.

### Why Austin's Colony?

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<sup>15</sup> Weber, *The Mexican Frontier: 1821-1846*, 26.

<sup>16</sup> Weber, *The Mexican Frontier: 1821-1846*, 28.

<sup>17</sup> Weber, *The Mexican Frontier: 1821-1846*, 26.

In this paper, we undertake a discrete, local study of Austin's Colony in Texas to examine the objectives and perspectives of frontiersmen. When speaking of discrete, local studies of the frontier, one confronts the problem: How local does one go before one is no longer talking about the dynamics of the frontier but about a historical anomaly, one unusual "case" on the frontier? However, Austin's Colony was no small blip on the map. When speaking of the history of Texas, one must speak of Austin's Colony. After 1821, Texas was broken up in a series of land grants, or colonization contracts, awarded to many different *empresarios* who promised to settle and develop the land. Only a few of those land grants had enough settlers to form functioning colonies with some kind of political organization before 1836,<sup>18</sup> and one colony among those featured the most prominently: Austin's Colony. After Austin's Colony, the next largest, fastest growing colony in Texas, DeWitt's Colony, was off to a slower start than Austin's Colony, and even DeWitt's Colony was a resounding success compared to the rest of land grants.<sup>19</sup> In 1830, Commandant General of the Eastern Interior Provinces and head of immigration, Manuel de Mier y Terán, recognized Austin's Colony and DeWitt's colony as "established colonies" whereas the rest of the colonization contracts "[had] not even been started."<sup>20</sup> The *empresario* of Austin's Colony, Stephen F. Austin, became a spokesperson for Texas when it petitioned for statehood in 1833. In 1833, after delegates from most Texas communities met to draft a petition asking for Texas to become a state separate from Coahuila, Austin was called on to carry the petition to Mexico City.<sup>21</sup>

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<sup>18</sup> Weber, *The Mexican Frontier: 1821-1846*, 164.

<sup>19</sup> Weber, *The Mexican Frontier: 1821-1846*, 164.

<sup>20</sup> Manuel de Mier y Terán to José María Letona, April 18, 1831. *Robertson's Colony Papers*, 193.

<sup>21</sup> Weber, *The Mexican Frontier: 1821-1846*, 246.

For this study, I will draw from the *Papers Concerning Robertson's Colony* (or Robertson's Colony Papers). The University of Texas in Arlington embarked on a multi-year project to compile all the papers concerning Robertson's Colony from 1788 up to the Texas Revolution, yielding six comprehensive volumes of compiled letters, legal records, personal biographies and other materials published as the *Papers Concerning Robertson's Colony* in 1979.<sup>22</sup> Initially, the Robertson's Colony Papers caught my eye because no comprehensive study has been completed on them. Austin's Colony features in the Robertson's Colony Papers because the *empresario* of Austin's Colony, Stephen F. Austin, secretly acquired a contract to settle Robertson's Colony from 1831 to 1834. During that time, Robertson's Colony<sup>23</sup> was referred to as Upper Colony because Austin's Colony sat right below it.

From here on out, when I refer to the Mexican government, I refer to the central government passing legislation from Mexico City. This definition is important because the main actors described in this paper, Stephen F. Austin and Manuel de Mier y Terán, could be considered government officials. The difference between these actors and the central government is that these actors occupied positions of power that put local realities of the frontier front and center. These local realities shaped how these men perceived their interests, which then affected

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<sup>22</sup> Malcolm McLean, ed., *Papers Concerning Robertson's Colony* (Arlington: University of Texas at Arlington Press, 1979), Introduction. Amazingly, these papers have never been the centerpiece of focused historical study. The documents were compiled and edited by Malcolm McLean. McLean himself notes in the introduction to the volume that the translation, transcription and compilation of the Robertson Colony papers was a collaborative effort of many scholars. However, McLean is responsible for the translation of the Spanish documents in the volume. He received his training at the University of Texas in Austin where he graduated with a bachelor's degree in Spanish in 1936. Malcolm McLean's father was a descendant of Michael Reed, whose family was the first to receive grants in Robertson's Colony.

<sup>23</sup> Robertson's Colony was originally established in 1825 under a colonization contract originally obtained by a man named Robert Leftwich from the provincial government of Coahuila y Texas. Leftwich then sold this contract to a group of men called the Texas Association. Robertson claimed a share of this tract of land as an original stockholder of the Texas Association.

how these men conceived of and met their objectives. Austin and Mier y Terán did not in fact seek the same objectives as the Mexican government. Instead, these men behaved in ways that suggest that they had to negotiate between their objectives as statesmen and their objectives as frontiersmen. First, we discuss the configurations of power in Austin's Colony. The Mexican government's state-building efforts threatened to dismantle a judicial system that had been constructed with Austin at the head. Austin was no fan of these efforts and preferred that the Mexican government not interfere with the governance of his colony. When these state-building efforts failed, Austin retained the system that he believed would best serve the colony. Failed state-building efforts afforded Austin leeway to meet his own objectives. Secondly, we discuss how Austin's Colony faced a potentially crippling challenge when the Mexican government passed the Law of April 6, 1830. After the Mexican government passed the Law of April 6, 1830, Austin's Colony faced a ban on immigration from the U.S.. However, the Commandant General tasked with enforcing the Law, Mier y Terán, feared that the Mexican military would not be able to respond adequately if the sizable colonies Austin's Colony and DeWitt's Colony revolted in protest of the Law. Mier y Terán found himself negotiating between a local reality, the lack of military infrastructure on the frontier, and the aims of the central government decreed in the Law of April 6. In the end, Mier y Terán exempted Austin's Colony and DeWitt's Colony from the immigration ban, allowing the colonies to continue to build their populations without trouble. Mier y Terán subverted the wishes of the Mexican government in light of local realities on the frontier.

Stephen F. Austin and The Judicial System in Austin's Colony

Government staffing on the frontier was sparse. Writing in 1828, Mexican official and commissioner Manuel de Mier y Terán wrote that on the frontier,

Neither are there civil authorities or magistrates; one insignificant little man—not to say more—who is called an *alcalde*, and an *ayuntamiento* that does not convene once in a lifetime is the most that we have here at this important point on our frontier.<sup>24</sup>

Indeed, Austin's Colony was divided into districts where *alcaldes* *were* the government. They ruled on executive, judicial and legislative matters with the help of a constable to summon witnesses and make arrests.<sup>25</sup> Most *alcaldes* in Mexico were not trained in interpreting the Mexican Law. In Austin's Colony, most were Anglo-Americans who were uncertain of what the Law stipulated, firstly because the Law sometimes contradicted itself in places where the Mexican government stitched together new legislation with old legislation borrowed from the Spanish system,<sup>26</sup> and secondly because of the language barrier. The *alcaldes* voiced feeling under-equipped and underprepared to enforce the Law, writing to *empresario* Stephen F. Austin, the governor of Texas, and the deputy of Texas at Congress for clarification of the Law or for confirmation that they had executed the Law correctly.<sup>27</sup> Ultimately, all these questions trickled back to Austin, who had the final say. It was Austin who released on January 22, 1824 a set of

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<sup>24</sup> Mier y Terán to President Guadalupe Victoria, June 30, 1828, translated in David J. Weber, ed., *Foreigners in their Native Land: Historical Roots of the Mexican Americans* (New Mexico: University of New Mexico Press, 2004), Chapter 3.

<sup>25</sup> Eugene C. Barker, "The Government of Austin's Colony, 1821-1831," *The Southwestern Historical Quarterly*, Vol. 21, No. 3 (Jan., 1918), 227, accessed December 4, 2019, <https://www.jstor.org/stable/30234752>.

<sup>26</sup> See Weber, *The Mexican Frontier: 1821-1846*, Ch. 2 on the failure of Congress to clarify which laws of the Spanish system still continued and where they were replaced by newly issued laws.

<sup>27</sup> See Barker, "The Government of Austin's Colony, 1821-1831," 228. John Tumlinson, *alcalde* of the Colorado district, begged Bastrop for a "rule whereby I may in future be governed for the general good and peace of society." Josiah Bell, of the Brazos, after confiscating the property of a horse thief to pay for the stolen horses and the cost of capturing him, anxiously asked the Governor of Texas to say whether he had done rightly.

“Instructions and Regulations for the alcaldes” to fix the jurisdiction of the alcaldes and define a judicial procedure.

Since he first inherited the colonization contract from his father Moses Austin in 1821, Stephen F. Austin enjoyed virtually absolute power to decide how his colony would be governed. At the time that Austin first inherited the colonization contract, the governor of Texas Antonio Martinez made plain that Austin would be responsible for matters of governance because Martinez had no means yet of extending administration so far out into lands that up until then went uninhabited.<sup>28</sup> The governor Martinez was in a line of *Tejano* oligarchs whose interests were aligned with that of *empresarios* like Austin: Both *empresarios* and *Tejano* oligarchs wished to develop the land and grow the population.<sup>29</sup> The governors mostly paved the way for *empresarios* to proceed as they pleased. In the set of “Instructions and Regulations for alcaldes,” Austin reaffirmed that in all judicial matters that happened within the colony, with exception to capital cases, Austin had the final say. Cases would be investigated by an alcalde, tried by a jury of six, and the record and verdict trickled up to Austin for final judgement.<sup>30</sup>

Meanwhile, under the Federalist government, a new judicial system brewed that threatened to disrupt this configuration. Among other concerns, the Mexican government felt anxious about how the judicial government was configured on the frontier. It knew that some alcaldes were corrupt and most were untrained in interpreting the law. In Texas, there was no level of justice higher than local courts unless someone journeyed to the state capital of Saltillo,

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<sup>28</sup> Barker, “The Government of Austin’s Colony, 1821-1831,” 225.

<sup>29</sup> Weber, *The Mexican Frontier: 1821-1846*, 176.

<sup>30</sup> Barker, “The Government of Austin’s Colony, 1821-1831,” 229.

which most Texans did not have the means to do.<sup>31</sup> The 1824 Constitution brought forth a series of reforms to the judicial system. First, it provided that Mexico have an independent judiciary in the legal system, independent from other branches of government, emphasizing the separation of powers. Second, it provided the creation of district courts to hear cases involving large sums of money or serious crimes, to take appeals beyond the local alcalde. Later, in 1833, the government reaffirmed a decree made in 1812 which required that judges learned in the Law be available for residents of even the most remote communities, such as those on the frontier.<sup>32</sup> In other words, part of state-building meant introducing a judicial system that would keep local officials, including those in Austin's Colony, accountable to the Mexican government and its laws.

The effect of these state-building initiatives would have been to subject Austin and his alcaldes to outside accountability. Austin's judicial authority would be shared with agents of the Mexican government. Alcaldes would no longer answer to Austin on questions of interpretation of the law, but to judges of the law sent from the Mexican government. In this way, Austin's absolute power would be reabsorbed by the state as the government extended its administration to the frontier. Austin knew to expect that the Mexican government's state-building efforts should eventually have this effect. As Austin wrote in a note to himself in 1823, the Mexican government had entrusted him to "preserve good order, and govern the colony in all civil, judicial, and military matters, according to the best of his abilities, and as justice might require, *until the government was otherwise organized and copies of laws were furnished* [emphasis added]."<sup>33</sup> Austin

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<sup>31</sup> Weber, *The Mexican Frontier: 1821-1846*, 28.

<sup>32</sup> Weber, *The Mexican Frontier: 1821-1846*, Ch. 2.

<sup>33</sup> H. P. N. Gammel, *Laws of Texas*, I, 13 quoted in Barker, "The Government of Austin's Colony, 1821-1831," 226. A description of Gammel's *Laws of Texas* by *University of North Texas Libraries*: H.P.N. Gammel's *The Laws of Texas* (1822-1897) is a compilation of documents covering each congressional and

would stand in as the Law until the laws were provided and administrative systems established by the central government on the frontier.

In the end, the stipulations regarding the judicial system were never carried out. The Mexican government lacked the means, resources and men to implement its objectives.<sup>34</sup> Alcaldes continued to exercise executive, judicial and legislative power and answer to Austin on all judicial matters. The state-building that would have wrested control from Austin failed, and Austin continued to retain control in his own hands.

In fact, Austin preferred to preserve the existing system in which all answered to him on issues of governance. He did not like interference from the government on his colony's affairs, and he believed that preserving the current state of affairs, where the colony was united under him, was the key to its prosperity. He expressed these feelings in a letter he wrote to Samuel Williams, his partner in settling Austin's Colony, on March 12th, 1831.<sup>35</sup>

The spirit of the policy which has preserved us so far...is to have nothing to do with extraneous affairs, unless ordered especially by Government. If anything is said by my colony in favor of one side, or the other, it will be taken hold of to class us as belonging to one party, or the other. This will do an injury—we belong to the *law* and to the Government and will obey when officially called to do so.

I understand that Jorge Fisher is publishing or has published a book, against me. He is a second Dayton and believes that nothing was wanting but a leader among the settlers to turn them all against *me*. I fear the main object is to try and create *parties* in the colony and by that means ruin us all. I have frequently said that, that colony had not an enemy to fear except itself, if it remains united, and firm to me, nothing can touch it.

...The prospect of another revolution in Mexico is said to be getting more probable every day. God preserve this unhappy and distracted nation. I know not what is to become of

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legislative session regarding Texas, select journals from the constitutional conventions, and early colonization laws. It charts Texas from the time of colonization through to statehood and reveals Texas' legal history during crucial times in its development.

<sup>34</sup> Weber, *The Mexican Frontier: 1821-1846*, 38.

<sup>35</sup> Stephen F. Austin to Samuel Williams, March 12, 1831. *Robertson's Colony Papers*, 94.

them. If you keep united and harmonious in the colony, you are better off and have more *solid* guarantees for your rights, than any other part of this vast republic, your fate is in your own hands.

Austin advocated for isolationism, to have nothing to do with “extraneous affairs” outside the colony unless explicitly ordered. Specifically, he contrasted the political turbulence of the rest of Mexico (an “unhappy and distracted nation”) with the safety found inside his colony, saying, “in the colony you are better off and have more solid guarantees for your rights, than any other part of this vast republic.” Further, not only was insulation from the outside required, but unity of the colony under Austin. Austin touched on a drama unfolding within his colony, a series of men who wished to challenge his authority, first Lewis B. Dayton, then Jorge Fisher. The colony’s greatest enemy, he wrote, was internal fracturing, with factions of settlers led by men *other than him*. Austin believed that “nothing [could] touch [the colony]” if the colony remained “united,” and “firm to [him].” Thus, a combination of keeping the colony insulated from interference by the outside, and keeping the colony united under Austin alone, would preserve the wellbeing of the settlers of Austin’s Colony. When the Mexican government’s state-building efforts failed, Austin was able to preserve both of these objectives. The colony remained untouched by outside review and Austin retained his seat of absolute power. Austin retained the conditions to fulfill his own objectives for the colony.

### Mier y Terán and The Law of April 6

On April 6, 1830, a real threat to Austin’s Colony emerged. The Mexican government passed the Law of April 6, 1830, which made a series of stipulations concerning the frontier. Article 11 effectively halted immigration from the U.S., stating:

In accordance with the right reserved by the general congress in the seventh article of the Law of August 18, 1824, it is prohibited that emigrants from nations bordering on this Republic shall settle in the states or territory adjacent to their own nation. Consequently, all contracts not already completed and not in harmony with this law are suspended.<sup>36</sup>

The Mexican government issued Article 11 of the Law of April 6, 1830 in response to a report by Mexican military official Manuel de Mier y Terán. In 1828, Mier y Terán led a gaggle of scientists, cartographers, and artists in a boundary-commission expedition through Texas.<sup>37</sup> After the expedition, Mier y Terán reported that contrary to the wishes of the Mexican government, Anglo-American settlers had not assimilated and instead maintained their own schools and refused to learn the Spanish language, and that a bitter enmity existed between the colonists and native Mexicans.<sup>38</sup>

In fact, the findings of Mier y Terán's report were no surprise to the Mexican government. The Mexican government had long been wary of immigration from the U.S.. It feared United States encroachment and saw the Anglo-American immigrant-settlers as agents of U.S. aggression.<sup>39</sup> Yet, just six years prior to the Law of April 6, in 1824, the Mexican government had reluctantly opened its borders to immigration. Frontier officials had been allowing foreigners to settle lands in Northern Mexico illegally because they wanted to stimulate the development of the land. For example, though Texas governor Antonio Martínez distrusted foreigners, he had given the go-ahead for Stephen F. Austin to resume Austin's father's colonization contract in

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<sup>36</sup> Translated in Alleine Howren, "Causes and Origin of the Decree of April 6, 1830," *The Southwestern Historical Quarterly*, XVI (1913), 395-98, quoted in Texas State Historical Association Online.

<sup>37</sup> Ohland Morton, *Terán and Texas* (Austin: The Texas State Historical Association, 1948), Chapter 3: Inspection of Texas, 1828-1829.

<sup>38</sup> Mier y Terán to President Guadalupe Victoria, June 30, 1828 in Weber, *Foreigners in their Native Land: Historical Roots of the Mexican Americans*, Chapter 3.

<sup>39</sup> Morton, *Terán and Texas*, 47.

1821 because he wanted to see Texas prosper and grow. Since large numbers of foreigners had settled the frontier despite laws excluding them, in 1824, the government retroactively responded by issuing a colonization policy that guaranteed tax breaks, land and security to foreign settlers. The government hoped that by legalizing the settlers' status, it could win the settlers' loyalty. Making the settlers landowners would give them a stake in the nation.<sup>40</sup> It is with this backdrop, with the government straddled between the perceived threat of Anglo-American influence and the realities already playing out on the frontier, that Mier y Terán sent his report to President Guadalupe Victoria. It suggested that the government's concessions had not won the Anglo-American settlers' loyalties as it had hoped.

With the passage of the Law of April 6, 1830, Mier y Terán, Commandant General of the Eastern Interior Provinces, was tasked with executing the eighteen stipulations of the Law of April 6. He was given the title Federal Commissioner of Colonization along with his existing title, Commandant General of the Eastern Interior Provinces, because much of the Law of April 6 concerned the colonization of the frontier. In regards to Article 11, Mier y Terán did something that was perhaps surprising to his colleagues in Mexico City. He decided to make an exception for Austin's Colony and DeWitt's Colony. The exception was broadcasted in a Notice posted by the Mexican consulate in New Orleans on March 8th, 1831 that "no citizen of this country can obtain from [the Mexican consulate] *Passports to emigrate to Texas*, unless he gives satisfactory proofs of his belonging to the settlements of E. F. Austin and Green DeWitt."<sup>41</sup> Mier y Terán's

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<sup>40</sup> Weber, *The Mexican Frontier: 1821-1846*, 160-162.

<sup>41</sup> "Notice to Emigrants to Texas," March 28, 1831. *Robertson's Colony Papers*, 146. After 1830, the Mexican government undertook stricter book-keeping measures to tighten its hold on illegal immigration across the border. *Robertson's Colony Papers* is filled with records of land titles made from Robertson to prospective settlers and agitation on the Mexican government's part to gain access to these records in order to keep

interpretation of the Law was not popular among other Mexican government officials. Even while Mier y Terán made an exception for Austin and DeWitt's Colonies, Mexican government officials actively tried to defy Mier y Terán's decree by issuing contradictory orders.<sup>42</sup> This internal disagreement was captured in Henry Austin's letter to his uncle Stephen F. Austin on March 30th, 1831.<sup>43</sup> Henry Austin had caught wind of a machination in the Mexican government to prevent the immigration of all U.S. settlers to Northern Mexico, including those immigrating to Austin's Colony, despite the Notice issued on March 28th by Mier y Terán. When Henry called on the consulate in New Orleans for more information, he was shown the notice from the office of the Minister of Foreign Affairs under Lucas Alamán, which stated that the law of April 6 had "no exception in favor of the Colonies of Austin and Dewitt" and "those who have obtained a location there since the publication of the Law *are liable to be expelled at the pleasure of the government.*" The Minister of Foreign Affairs ordered the consulate to publish his notice. However, the consulate noted that Alamán's orders did not correspond with the instructions of Mier y Terán, who said that the consulate was not to grant passports to any emigrants except those that came to Austin's Colony and DeWitt's Colony. In the end, the consulate sided with Mier y Terán's interpretation and opened pathways for immigration to Austin's Colony and DeWitt's Colony to continue.

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track of how many families were still crossing the border. The Mexican consulate's "Notice" on March 28th indicates that families who had claimed land colonization contracts with *empresarios* in Austin's Colony or DeWitt's Colony had to submit their documentation to the Mexican government if they wanted to move to the colony.

<sup>42</sup> Morton, *Terán and Texas*, 118. Lucas Alaman was aware of and did not agree with Mier y Terán's interpretation of Article 11 and purposely tried to subvert it.

<sup>43</sup> Henry Austin to Stephen F. Austin, March 30, 1831. *Robertson's Colony Papers*, 162.

Mier y Terán was no enthusiast of Anglo-American immigration. He voided contracts awarded to other *empresarios* that had permitted them to settle Anglo-American families. He himself dissuaded Austin from settling more Anglo-American families in the Upper Colony (Robertson's Colony), which Austin had obtained secretly through an agreement with certain Mexican government officials. Mier y Terán stated that "it [would] be an insurmountable difficulty for [Austin] to establish [families from the U.S.] and only in the case [Austin] [knew] how to perform miracles [would] [Austin] be able to complete a contract under such conditions."

<sup>44</sup> Given that Mier y Terán was no enthusiast of Anglo-American immigration, and that his colleagues were of the opinion that the Law of April 6 should be interpreted as written with no exceptions, why did Mier y Terán decide to make an exception for Austin's Colony? It is possible that Mier y Terán approved of Austin's motives and knew that Austin was bringing in economic development. Since the 1828 boundary commission, Stephen F. Austin was in regular correspondence with Mier y Terán. The two exchanged letters on scientific matters like the climate conditions in Texas, which Mier y Terán preferred to converse about, and political and commercial aspects of Texas, which Austin preferred to converse about.<sup>45</sup> Mier y Terán must have noticed how preoccupied Austin was with economic development when they corresponded. At some points, Mier y Terán explicitly encouraged Austin's economic plans. In his letter to Austin on June 30th, 1831, for example, Mier y Terán wrote, "the company for manufacturing textiles will be a very useful thing, especially if placed in Texas."<sup>46</sup>

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<sup>44</sup> Manuel de Mier y Terán to Stephen F. Austin, March 21, 1831. *Robertson's Colony Papers*, 127

<sup>45</sup> Morton, *Terán and Texas*, Chapter 3: Inspection of Texas

<sup>46</sup> Mier y Terán to Stephen F. Austin, June 30, 1831. *Robertson's Colony Papers*, 288.

More likely, however, Mier y Terán was himself not in agreement with the way the Mexican government had passed the Law of April 6. Mier y Terán had been tasked with executing all eighteen stipulations of the Law of April 6 with little to no funds or manpower to support his endeavor. He believed that the publication of the law should have been delayed until after the strengthening of the Texas *presidios*, a system of military garrisons (forts) established by the Spanish.<sup>47</sup> He feared that if the Anglo-Americans rebelled because Article 11 halted the populating and building of their colonies, the Mexican forces on the frontier would not be able to put the insurrection down. Writing to Jose Antonio Facio, the Minister of War, on June 14th, 1830, Mier y Terán explained that he accepted an interpretation of the Law of April 6 that excluded Austin's Colony and DeWitt's Colony from the immigration ban because not to do so "would make rebellion [by the colonies] inevitable."<sup>48</sup>

The resources Mier y Terán needed were promised almost five years ago by the Mexican government. In 1826, the Mexican government issued legislation to continue upkeeping the *presidio* system established by the Spanish and called for the establishment of more military garrisons in the North.<sup>49</sup> Under the Spanish, the *presidio* system functioned as a dual tool of diplomacy and war with the Native Americans. The Mexican government hoped that in addition to serving this function, the *presidio* system could rally to defend the frontier if Anglo-Americans settlers rebelled against the Mexican government. Efforts at reform failed. Texas was supposed to

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<sup>47</sup> Morton, *Terán and Texas*, 120.

<sup>48</sup> Mier y Terán to minister of War and Navy, June 14, 1830, *Archivo General de Mexico, Guerra*, Frac. 1, Leg. 14, The University of Texas (Hatcher) Transcripts, quoted in Morton, *Terán and Texas*, 120.

<sup>49</sup> Weber, *The Mexican Frontier: 1821-1846*, 108.

have two garrisons with 107 soldiers each, but by 1832, only 70 armed men were split between the two garrisons.<sup>50</sup>

As Commandant General of the Eastern Interior Provinces, Mier y Terán was responsible for the overall operation of military garrisons in the frontier provinces of Coahuila y Texas, Nuevo Leon, and Nuevo Santander. Historians have indicated that this did not always mean that the men who filled the role of Commandant General always kept close watch over what was happening at these garrisons, especially when the Commandant General was often stationed somewhere closer to Mexico City.<sup>51</sup> But Mier y Terán was personally acquainted with the inadequate state of military infrastructure on the frontier, having traveled and seen the frontier with his own eyes, and having been exactly tasked with recording where the Mexican government should erect new military garrisons and how many troops which would be necessary to defend the border between U.S. and Mexico.<sup>52</sup>

Since 1776, the Commandant General had been vested with power by the Spanish to preside over civil and military matters of the frontier. He was the reigning authority over matters of the frontier, reporting not to the viceroy, the ultimate authority over New Spain, but directly to the Spanish Crown. Among his other responsibilities, under the Spanish, the Commandant General oversaw colonization of the frontier. For example, Commandant General of the Eastern Provinces Joaquín de Arredondo was the one who received Moses Austin's application to establish Austin's Colony in Texas in 1821. Arredondo referred the application to the provincial

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<sup>50</sup> Weber, *The Mexican Frontier: 1821-1846*, Chapter 6: Crumbling Presidios, Citizen-Soldiers, and the Failure of the Iron Fist.

<sup>51</sup> Weber, *The Mexican Frontier: 1821-1846*, 108.

<sup>52</sup> Morton, *Terán and Texas*, 52.

deputation, a representative body of delegates drawn from the Eastern Provinces, for final approval.<sup>53</sup> The Mexican government continued this practice by vesting Commandant General of the Eastern Interior Provinces Mier y Terán with more than military authority. When the Mexican government created the role of Commissioner of Colonization to enforce the Law of April 6, it assigned the role to Mier y Terán, continuing to place colonization under the Commandant General's domain.

As both Commandant General and Commissioner of Colonization Mier y Terán saw the frontier from two different perspectives. Mier y Terán had to negotiate between what he believed to be the colonization aims of the central government and the military reality on the frontier. On the one hand, Mier y Terán wanted to halt immigration from the U.S. according to the stipulations of the Mexican government's new Law.<sup>54</sup> On the other hand, Mier y Terán had perceived that Mexico did not have the resources to defend the frontier in the case that Anglo-Americans revolted, and he feared that if he enforced Article 11 of the Law of April 6, Anglo-Americans would revolt. When he decided to make an exception to the Law in order to appease the colonists in Austin's Colony and DeWitt's Colony, Mier y Terán was responding to the local frontier realities he had noted on his boundary-commission expedition and which he was now compelled to take into account as Commandant General. In contrast, his colleagues at Mexico City who had not noted these realities, such as Minister of Foreign Affairs Lucas Alaman, pushed for the enforcement of the Law of April 6 with no exceptions. In this way, Mier y Terán

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<sup>53</sup> Barker, "The Government of Austin's Colony."

<sup>54</sup> Some historians have argued that Mier y Terán was not in favor of total prohibition of immigration from the United States in principle, rather, he preferred admitting one American to three Mexicans and Europeans to create equal mixing of groups and establish a racial balance. E.C. Barker, *Mexico and Texas* (New York: Russell & Russell, 1965) 59, found in Morton, *Terán and Texas*, 123.

acted with the perspective of a frontiersman, not just as an agent of the government, when he interpreted the Law as he did and subverted the wishes of the Mexican government.

In the past, the land from modern-day California to modern-day Texas has been known as the land that once belonged under Mexico's jurisdiction but now belongs to the U.S.. However, with the emergence of frontier studies, historians have undertaken the task of separating out and understanding this space as its own, with people who obey rules and have objectives that might differ from how we have previously understood those rules and objectives. Historian David J. Weber is one such voice who enters the gap in the record, writing a grand synthesis of the events of Texas, New Mexico, Arizona and California to better characterize what it means to be a "frontier."

This paper begins where Weber's historiography misses the mark. Weber's historiography focuses too much on how events played out from the perspective of the Mexican central government. Specifically, he has argued that Texans grew frustrated with the Mexican government's failure to meet its promises to award Texas the autonomy of a state, leading to the Texas Revolution. Underlying this is an assumption that the Texans had the same objectives of the Mexican government. Given that historiography about the nation-state has traditionally been based on the objectives and actions of the central government, one might say that when explaining why Texans revolted, Weber's frontier study momentarily reverts from a focus on the frontier back to the nation-state. This is where I enter the gap, to adjust our lens and reorient our historiography back to exploring Texas history from the perspectives of frontiersmen.

By examining Austin's Colony in Texas, we have found that frontierspeople did not always seek the same objectives as the Mexican government. Sometimes, failed state-building efforts afforded people on the frontier leeway to fulfill their own objectives. In Austin's Colony, a judicial system had been laid with Austin as its final authority. Though Austin knew state-building efforts might dismantle this system by introducing outside accountability, he believed that it would be best for the people of the colony to keep things the way they were, with the colony insulated from outside interference by the Mexican government and with Austin himself as the absolute and only authority. When state-building efforts to standardize the judicial system on the frontier failed, Austin retained the system that he believed would best serve the colony. Other times, frontierspeople subverted the wishes of the Mexican government in light of local frontier realities. After the Mexican government passed the Law of April 6, 1830, Mier y Terán found himself negotiating between a local frontier reality, the lack of military infrastructure on the frontier, and the aims of the central government decreed in the Law of April 6. In the end, Mier y Terán made an exception in the law for Austin's Colony and another established colony, DeWitt's Colony, allowing immigration to these colonies from the U.S. to continue despite the stipulations of the Law. Vested with power by the Mexican government, Mier y Terán and Austin were both statesmen, yet they were frontiersmen too. They experienced local frontier realities that shaped how they conceived of and met their objectives, and in the instances discussed above, they departed from the objectives of the Mexican government.

In this paper, I decided to undertake a discrete, local study of the frontier. I focused on Texas, and within that, Austin's Colony. I suggest that by undertaking discrete, local studies, historians can free themselves from thinking teleologically, or assuming that the future explains

the present. For example, just because Texans revolted in 1836 and declared their independence does not necessarily mean that frontiersmen always desired that these be the events that unfolded. After all, in 1835, Anglo-American colonists in Texas voted overwhelmingly against independence.<sup>55</sup> It seems that by keeping distance from how events unfolded on a grand timeline, discrete, local studies of the frontier might be able to freeze the attitudes and objectives of people in time. In this way, discrete, local studies might offer nuances that complement sweeping, summative narratives of the frontier.

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<sup>55</sup> Alleine Howren, Causes and Origin of the Decree of April 6, 1830," *Southwestern Historical Quarterly*, XVI (1913), 395-98, found in "The Texas Revolution," *Digital History*.  
[http://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtID=3&psid=551](http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=551)

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