

Stephen Fuller Austin

Per Texas State Historical Association

AUSTIN, STEPHEN FULLER (1793–1836). Stephen Fuller Austin, founder of Anglo-American Texas, son of Moses and Maria (Brown) Austin, was born at the lead mines in southwestern Virginia on November 3, 1793. In 1798 Moses Austin moved his family to other lead mines in southeastern Missouri and established the town of Potosi in what is now Washington County. There Stephen grew to the age of eleven, when his father sent him to a school in Connecticut, from which he returned westward and spent two years at Transylvania University in Lexington, Kentucky. At Potosi, Moses Austin was engaged in the mining, smelting, and manufacturing of lead and, in addition, conducted a general store. After his return from Transylvania in the spring of 1810, Stephen Austin was employed in the store and subsequently took over the management of most of the lead business. He served the public as adjutant of a militia battalion and for several years was a member of the Missouri territorial legislature, in which he was influential in obtaining the charter for the Bank of St. Louis. After failure of the Austin business in Missouri, he investigated opportunities for a new start in Arkansas and engaged in land speculation and mercantile activities. While he was there the territorial governor appointed him circuit judge of the first judicial district of Arkansas. He took the oath of office and qualified in July 1820, but he only briefly held court, for at the end of August he was in Natchitoches, Louisiana, and in December in New Orleans, where he had made arrangements to live in the home of Joseph H. Hawkins and study law. At this time Moses Austin was on his way to San Antonio to apply for a grant of land and permission to settle 300 families in Texas.

Though not enthusiastic about the Texas venture, Austin decided to cooperate with his father. He arranged to obtain a loan from his friend Hawkins to float the enterprise and was at Natchitoches expecting to accompany his father to San Antonio when he learned of Moses Austin's death. He proceeded to San Antonio, where he arrived in August 1821. Authorized by Governor Antonio María Martínez to carry on the colonization enterprise under his father's grant, Austin came to an understanding about certain administrative procedures and was permitted by the governor to explore the coastal plain between the San Antonio and Brazos rivers for the purpose of selecting a site for the proposed colony. Among other details, he arranged with Martínez to offer land to settlers in quantities of 640 acres to the head of a family, 320 acres for his wife, 160 acres for each child, and 80 acres for each slave. For such quantity as a colonist desired, Austin might collect 12½ cents an acre in compensation for his services. Martínez warned Austin that the government was unprepared to extend administration over the colonists and that Austin must be responsible for their good conduct.

Austin returned to New Orleans, published these terms, and invited colonists, saying that settlements would be located on the Brazos and Colorado rivers. The long depression, followed by the panic of 1819 and changes in the land system of the United States, made settlers eager to take advantage of the offer, and the first colonists began to arrive in Texas by land and sea in December 1821. To his great disappointment, Austin was informed by Governor Martínez that the provisional government set up after Mexican independence refused to approve the Spanish grant to Moses Austin, preferring to regulate colonization by a general immigration law.

Austin hastened to Mexico City and, by unremitting attention, succeeded in getting Agustín de Iturbide's rump congress, the *junta instituyente*, to complete a law that the emperor signed on January 3, 1823. It offered heads of families a league and a labor of land (4,605 acres) and other inducements and provided for the employment of agents, called empresarios, to promote immigration. For his services, an empresario was to receive some 67,000 acres of land for each 200 families he introduced. Immigrants were not required to pay fees to the government, a fact that shortly led some of them to deny Austin's right to charge them for services performed at the rate of 12½ cents an acre. The law was annulled when Iturbide abdicated, but in April 1823 Austin induced congress to grant him a contract to introduce 300 families in accordance with its terms. In August 1824 a new congress passed an immigration law that vested the administration of public land in the states, with certain restrictions, and authorized them to make laws for settlement. In March 1825 the legislature of Coahuila and Texas passed a law conforming in general to the previous act approved by Iturbide. It continued the empresario system contemplated by that law and offered to each married man a league of land (4,428 acres), for which he was obligated to pay the state thirty dollars within six years. In the meantime, Austin had substantially fulfilled his contract to settle the first 300 families. Under this state law, he obtained three contracts (in 1825, 1827, and 1828) to settle a total of 900 additional families in the area of his first colony, besides a contract in partnership with his secretary, Samuel M. Williams, for the settlement of 800 families in western Texas. Unfortunately, this partnership contract led to a disagreeable controversy with Sterling C. Robertson.

Austin had complete civil and military authority over his colonists until 1828, subject to rather nominal supervision by the officials at San Antonio and Monterrey. He wisely allowed them to elect militia officers and local alcaldes, corresponding to justices of the peace in the United States; and, to assure uniformity of court procedure, he drew up forms and a simple civil and criminal code. As lieutenant colonel of militia, he planned and sometimes led campaigns against Indians.

When population increased and appeals from decisions of individual alcaldes promised to become a burden, Austin instituted an appellate court composed of all the alcaldes—ultimately seven in number. The Constitution of Coahuila and Texas went into effect in November 1827, and Austin seized the opportunity to relieve himself of responsibility for the details of local government by hastening the organization of the ayuntamiento, over which by virtue of experience he continued to exercise strong influence in relations with the superior government of the state. Aside from the primary business of inducing immigrants to come to his colonies, Austin's most absorbing labor was devoted to the establishment and maintenance of the land system. This involved surveying and allocating land to applicants, with care to avoid overlapping and to keep conflicts at a minimum. The Mexican practice of issuing titles on loose sheets without a permanent record invited confusion, and Austin asked and obtained permission to record titles in a bound volume having the validity of the original. Both copies and originals had to be attested by the land commissioner, who represented the government, but Austin and his secretary had to prepare them.

The labor of directing surveyors, checking their field notes, allocating grants, preparing titles and records, entertaining prospective colonists, corresponding with state and federal officials, punishing hostile Indians, and finding food and presents for friendly visitors to keep them from marauding was heavy and expensive. To meet current costs, Austin's only resource was to assess fees against the colonists. Though his original plan to collect 12½ cents an acre for services rendered was originally welcomed by the first settlers, some of them refused to pay after the imperial colonization law proposed to compensate empresarios by grants of land. Ignoring the facts that the empresario could not claim the grant until he had settled at least 200 families and that he could hardly sell land when every married man could obtain 4,600 acres free, the settlers appealed to the political chief at San Antonio for an opinion, and he ruled that Austin could not collect. At the same time, however, he proclaimed a fee bill, which among other details allowed the land commissioner (the Baron de Bastrop in the first colony) to charge \$127 a league for signing titles, and Austin made a private arrangement with Bastrop to split this fee. A rather veiled provision of the state law of 1825 allowed empresarios to reimburse themselves for costs and services, and under this law Austin required colonists to pay, or promise to pay, first sixty dollars and later fifty dollars a league. Nearly all such collections as he was able to make were consumed in necessary public expenses, which fell upon him because nobody else would pay them. This statement applies, in fact, to all his colonizing experience. Though his personal circumstances became somewhat easier with the growth of the colonies, he wrote shortly before his death that his wealth was prospective, consisting of the uncertain value of land acquired as compensation for his services as empresario.

Besides bringing the colonists to Texas, Austin strove to produce and maintain conditions conducive to their prosperous development. This aim coincided, in general, with that of the government. For example, by an act of September 1823, the federal government relieved the colonists of the payment of tariff duties for seven years; and the state legislature was nearly always reasonably cooperative. Mexican sentiment sometimes clashed, however, with practical needs of the colonists, and Austin had to evolve or accept a compromise. The status of slavery was always a difficult problem, and Austin's attitude from time to time seems inconsistent. With almost no free labor to be hired and expecting most of the colonists to come from the slave states, Austin prevailed on the *junta instituyente* to legalize slavery in the imperial colonization law, under which the first colony was established. Contrary to his strenuous efforts, the Constitution of Coahuila and Texas prohibited further introduction of slaves by immigration, but the legislature passed a law at his suggestion that evaded the intent of the constitution by legalizing labor contracts with nominally emancipated slaves. He appeared to concur, however, when congress prohibited immigration in 1830, and tried to convince the colonists that the long-time interest of Texas would be served by the prohibition. He vividly pictured the potential evils of slavery and was apparently sincere, but he failed to reconcile the colonists to the law and after 1833 declared consistently that Texas must be a slave state. Whatever his private convictions may have been, it is evident that they yielded to what may have seemed to be the current need of Texas. It is inferable, moreover, that his acceptance of federal and state regulations against the extension of slavery contemplated continuation of the evasive state labor law.

Another subject in which the interests of the colonists were deeply involved was their protection from efforts of creditors to collect debts incurred by debtors before they moved to Texas. In view of conditions in the United States during the 1820s, it was inevitable that many should have left debts and unpaid judgments behind them. Working through the local ayuntamiento, the political chief at San Antonio, and representatives in the congress, or legislature, Austin secured a state law that closed the courts for twelve years to plaintiffs seeking collection of such debts and permanently exempted land, tools, and implements of industry from execution if a suit was finally won. The law provided further that unsuccessful defendants could not be required to pay produce or money in a way to "affect their attention to their families, to their husbandry, or art they profess." In effect, it was a sweeping homestead exemption law. For a while, in 1832, Austin toyed with the idea of abolishing collateral security for loans and basing "the credit system upon moral character alone...avoiding unjust retroactive effects."

Aware of the importance of external trade, Austin consistently urged the establishment of ports and the temporary legalization of coasting trade in foreign ships. In lengthy arguments to various officials, he declared that the coasting trade would establish ties of mutual interest between the colonists and Mexico and enable Mexico to balance imports from England by exporting Texas cotton. Congress legalized the port of Galveston after a survey of the pass by Austin in 1825, and the government winked at the use of the Brazos and other landing places, but the coasting trade in foreign vessels was not established. As a result, external trade was confined to the United States. As early as 1829 and as late as 1835 Austin was giving thought to diversion of the Missouri–Santa Fe trade to Texas, but this was another far-sighted plan that could not be realized.

Harmony with state and federal authorities was indispensable to the success of the colonies. Austin clearly realized this fact and never allowed the settlers to forget the solid benefits that they received through the liberal colonization policy or their obligation to obey the laws and become loyal Mexican citizens. He anticipated and disarmed criticism of inconvenient laws and clumsy administration and then used the patience of the colonists as evidence of good faith in begging the government for concessions. He thwarted the efforts of Haden Edwards to drag his colonists into the Fredonian Rebellion and led the militia from the Brazos and Colorado to assist Mexican troops in putting it down. His settled policy before 1832 was to take no part in Mexican party convulsions. "Play the turtle," he urged, "head and feet within our own shells." Two factors finally defeated the policy of aloofness. By 1832 Austin's various colonies comprised 8,000 persons, and other empresarios, though less successful, had brought in a great many more. Naturally, it became more and more difficult for Austin to reconcile them to his cautious leadership. On the other hand, the rapid growth of the colonies, in addition to persistent efforts of the United States to buy Texas, increased the anxiety of Mexican leaders. Their consequent attempt to safeguard the territory by stopping immigration—with other irritations—caused an insurrection, and continued friction led to revolution and independence.

The Law of April 6, 1830, embodied the Mexican policy of stopping the further colonization of Texas by settlers from the United States. The law proposed to annul general empresario contracts uncompleted or not begun and prohibited settlement of immigrants in territory adjacent to their native countries. In effect, it applied only to Texas and the United States. By ingenious

and somewhat tortuous interpretation, Austin secured the exemption of his own colonies and the colony of Green DeWitt from the prohibition. He thereby gained a loophole for continued immigration from the United States and then turned industriously to the task of getting the law repealed. He succeeded in this in December 1833.

In the meantime, however, military measures to enforce the Law of April 6, 1830, and imprudent administration of the tariff laws, to which the Texans became subject in September 1830, produced the Anahuac Disturbances. Austin had been away from Texas for several months at Saltillo attending a session of the legislature, of which he was a member. It is probable that he could have averted the uprising, had he been at home. In fact the local authorities, including Ramón Músqiz, the political chief, had quieted and repudiated it, when irresistible circumstances compelled Austin to abandon his well-tryed policy of aloofness from national political struggles and adopt the cause of Antonio López de Santa Anna against the incumbent administration of President Anastasio Bustamante. Texas could no longer stand aside. Fortuitously Santa Anna won, and the colonists could not be diverted from claiming the reward of their valorous support.

The Convention of 1832 met in October of that year to inform the government of the needs of the Texans. They wanted repeal of the prohibition against immigration from the United States, extension of tariff exemption, separation from Coahuila, and authority to establish state government in Texas. For reasons not entirely clear these petitions were not presented to the government. Though Austin was president of the convention, he doubted the expediency of the meeting, fearing that it would stimulate suspicion of the loyalty of the colonists—all the more because the old Mexican inhabitants of San Antonio had sent no delegates to the convention. It is easy to conclude that Austin held out hope that he might persuade these local Mexicans to take the lead in asking for reforms in a later convention; at any rate, he was in San Antonio engaged on this mission when the ground was cut from under his feet by publication of a call for a second convention to meet at San Felipe on April 1, 1833. Again Austin acquiesced and served in the convention, hoping in some measure to moderate its action. This Convention of 1833 repeated the more important petitions of the previous meeting and went further in framing a constitution to accompany the request for state government. Though it was well known that Austin thought the movement ill-timed, the convention elected him to deliver the petitions and argue for their approval. Even men who distrusted him acknowledged his great influence with state and federal authorities. He left San Felipe in April, arrived in Mexico City in July, and, after unavoidable delays, persuaded the government to repeal the Law of April 6, 1830, and to promise important reforms in Texas local government. He started home in December, reasonably satisfied with his work and convinced at least that he had left nothing undone; President Santa Anna simply would not approve state government for Texas. Austin was arrested at Saltillo in January, under suspicion of trying to incite insurrection in Texas, and taken back to Mexico City. No charges were made against him, no court would accept jurisdiction of his case, and he remained a prisoner, shifting from prison to prison, until December 1834, when he was released on bond and limited to the area of the Federal District. He was freed by a general amnesty law in July 1835 and at the end of August returned to Texas by way of New Orleans.

Austin was thus absent from Texas for twenty-eight months. Upon his return, he learned that an unofficial call had been issued for a convention, or consultation, to meet in October. Probably he could have quashed this call, but in a notable speech at Brazoria on September 8 he gave it his sanction, and election of delegates proceeded. The Consultation organized on November 3. In the meantime, during September and early October, Austin had been in effect civil head of Anglo-American Texas, as chairman of a central committee at San Felipe. War began at Gonzales on October 1. Austin was elected to command the volunteers gathered there and led them against the Mexican army at San Antonio. In November the provisional government elected him to serve, with William H. Wharton and Branch T. Archer, as commissioner to the United States. He arrived in New Orleans in January 1836 and returned again to Texas in June. The business of the commissioners was to solicit loans and volunteers, arrange credits for munitions and equipment, fit out warships, and do whatever they could to commit the government of the United States to recognition and eventual annexation if Texas should declare independence. They were fairly successful in accomplishing this program, except in the effort to obtain assurances from President Andrew Jackson and Congress. Austin was convinced, however, that Congress would have voted for recognition in May, after the battle of San Jacinto, if the acting president, David G. Burnet, had cooperated with the commissioners by sending them official reports of conditions in Texas. Somewhat hesitantly, Austin consented to offer himself for the presidency after his return to Texas. He was defeated in the election of September 1836, but accepted the office of secretary of state from the successful candidate. He died in service on December 27, 1836, at the untimely age of forty-three.

Judged by historical standards, Austin did a great work. He began the Anglo-American colonization of Texas under conditions more difficult in some respects than those that confronted founders of the English colonies on the Atlantic coast. He saw the wilderness transformed into a relatively advanced and populous state, and fundamentally it was his unremitting labor, perseverance, foresight, and tactful management that brought that miracle to pass. Contemporaries who disagreed with his cautious policy of conciliating Mexican officials accused him of weakness and instability, but criticism did not cause him to abandon it. Casually discussing this subject in a letter of April 9, 1832, to his secretary, he wrote, "Some men in the world hold the doctrine that it is degrading and corrupt to use policy in anything.... There is no degradation in prudence and a well tempered and well timed moderation." Until the passage of the Law of April 6, 1830, attempting to shut out emigrants from the United States, he believed that Texas could develop into a free and prosperous Mexican state, a goal that he sincerely desired. Passage of that law and continued political turmoil in Mexico certainly shook his confidence, but prudence forbade abandonment of the policy of outward patience and conciliation before Texas seemed strong enough to demand reforms and back the demand by force. Premature action might be fatal, or so he thought. He would have prevented the conventions of 1832 and 1833 if he could have had his way, but, since he could not, he went along and tried to moderate their demands. The same considerations caused him to oppose the Texas Declaration of Independence by the provisional government in 1835, while there was hope of winning the support of the liberal party in Mexico. In short, his methods varied with circumstances, but from the abiding aim to promote and safeguard the welfare of Texas he never wavered. As he wrote in July 1836, "The prosperity of Texas has been the object of my

labors, the idol of my existence—it has assumed the character of a *religion*, for the guidance of my thoughts and actions, for fifteen years." Consciousness of heavy responsibility dictated his policy of caution and moderation and compelled him to shape his methods to shifting circumstances.

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